OFFICER OF THE U.S. COURTS AFFIDAVIT

Certified Pursuant to the Oath of Admission to the Florida Bar and Rule 11 of the Federal Rules of Civil Procedure

FOR CHRISTIAN CHURCHES, JEWISH SYNAGOGUES, AND RELATED NON-GOVERNMENTAL ORGANIZATIONS IN THE UNITED STATES OF AMERICA

NOW COMES the Affiant, Rev. Roderick Andrew Lee Ford, LL.D., Esq., pursuant to the Oath of Admission to the Florida Bar and Rule 11 of the Federal Rules of Civil Procedure, and otherwise under Oath under the Penalty of Perjury, and hereby states that I have (a) personal knowledge of the facts asserted herein; (b) that the material assertions are true and correct; and (c) that references to case law, statutory law, and published works are verifiable as asserting the statements made therein and are verifiable in public records, or otherwise accessible to third parties via direct purchase on online research. THIS AFFIDAVIT supports the general contention that the present structure of federal judiciary racially discriminates against African American civil rights litigants, advocates, and attorneys, in violation of *Jus Cogens*, international treaty law, and the Thirteenth Amendment, U.S. Constitution (the 1866 Civil Rights Act).

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Exhibit A. NAACP Chairman Julian Bond Card/ Leadership Certificate to Attorney Roderick Ford, 1/08/1999**.**

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PREAMBLE

1. The Methodist Law Centre exists, in part, to provide a platform whereby race relations between lawyers and judges within the federal court system can be addressed. Race relations within the federal court system are in grave crisis.

2. This Affidavit points out that the source of that race relations crisis is twofold: *first*, there is a sustained effort to root out the Judea-Christian foundations of equity jurisprudence from American law; and, *second*, the transatlantic slave trade from the western coasts of Africa to North America[1] and chattel slavery,[2] which were tragic violations of *Jus Cogens*, or customary international law of human rights.[3]

3. The perpetuation of that race relations crisis is caused by the failure of lawyers and judges to come to terms with *the chief effects* of the collapse in Judea-Christian values within the American legal system, as well as the divergent worldviews, aspirations, and goals of various races of legal professionals who are members of the bar and the bench.[4]

4. Some preeminent legal scholars concluded that black and white members of the bar and bench have cultural views and economic interests that are *so divergent* that

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[1] See, e.g., W.E.B. Du Bois, "The Suppression of the African Slave Trade," *Writings* (New York, N.Y.: The Library of America, 1986).

[2] See, e.g., *United States v. Bellaizac-Hurtado*, 700 F.3d 1245 (11th Cir. 2012)(defining "*Jus Cogens*" as "'piracy, **slavery** and **slave-related practices**, war crimes, crimes against humanity, genocide, apartheid, and torture'" and concluded that these crimes "have thus far been identified as supporting universal jurisdiction" among all nations.")

[3] "*Jus cogens* norms are a subset of 'customary international law,' are binding on all nations, and cannot be preempted by treaty." 48 C.J.S. 2d, § 1 [Citing *U. S. v. Struckman*, 611 F.3d 560 (9th Cir. 2010).] "A *'jus cogens norm,'* also known as a 'peremptory norm' of international law, is a norm accepted and recognized by the international community of states as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character." 48 C.J.S. 2d, § 1 [citing *Yousuf v. Samantar*, 699 F.3d 763 (4th Cir. 2012)]. "A *jus cogens* norm is a norm accepted and recognized by the international community of states as a whole as a norm from which no derogation is permitted, and which can be modified only by a subsequent norm of general international law having the same character." 44B Am Jur 2d, § 3 [citing *Carpenter v. Republic of Chile*, 610 F.3d 776 (2d Cir. 2000); *Yousuf v. Samantar*, 699 F.3d 763 (4th Cir. 2012); *Saleh v. Bush*, 848 F.3d 880 (9th Cir. 2017)].

[4] See, e.g., W.E.B. Du Bois, *The World and Africa* (New York, N.Y.: International Publishers, 2015), pp. vii - 2, 18-20, stating: "Since the rise of the sugar empire and the resultant cotton kingdom, there has been consistent effort to rationalize Negro slavery by omitting Africa from world history.... We have long believed without argument or reflection that the cultural status of the people of Europe and of North America represented not only the best civilization which the world had ever known, but also a goal of human effort destined to go n from triumph to triumph until perfect accomplishment was reached.... We realize that history is too often what we want it to be.... More particularly... the habit, long fostered, of forgetting and detracting from the thought and acts of the people of Africa, is not only a direct cause of out present plight, but will continue to cause trouble until we fact the facts.... The result of the African slave trade and slavery on the European mind and culture was to degrade the position of labor and the respect for humanity as such.... "

there is an inherent "conflict of interest" between them.[5] The one notable difference, however, has been those white lawyers and judges who are Jewish, and who have helped to revitalize the Judea-Christian tradition through greatly assisting the plight of the African American community in cooperation with their black counterparts within the legal profession in organizations such as the NAACP.[6]

5. Added to this tragedy is the plain fact that white lawyers and judges seldom, if ever, hear what black lawyers really experience and observe and know to be blatant racial discrimination; and, thereby, such white legal professionals are only able to attain a *superficial understanding* of the gravity of the crisis of racism and the judicial bias within the American legal profession.

6. This Affidavit is designed to educate the American bar and bench; to dispel false notions about the integrity and genius of African American civil rights lawyers; and to advocate on behalf of those lawyers. To that end, I must acknowledge my debt of gratitude to the research and studies performed by Professor J. Clay Smith of Howard University.[7]

7. Since the end of slavery, the U. S. Supreme Court and lower federal courts have long acknowledged that the "transatlantic slave trade" and (or) "chattel slavery" has had negative effects upon the African American people in the United States. See, generally, the concurring opinion of Justice William Douglass in the case of *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968)(describing the myriad forms of "badges of slavery" being perpetuated against the black race up to 1968) and the dissenting opinion of Justice Thurgood Marshall in the case of *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265 (1978)(recounting the entire history of the black race in America from 1619 up to 1978).

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[5] See, generally, Charles Hamilton Houston, "The Need for Negro Lawyers," *Journal of Negro Education* Vol. 4, No. 1 (Jan., 1935), pp. 49-52, stating:

> The social justification for the Negro lawyer as such in the United States today is the service he can render the race as an interpreter and proponent of its rights and aspiration. There are enough white lawyers to care for the ordinary legal business of the country if that were all that was involved. But experience has proved that the average white lawyer, especially in the South, cannot be relied upon to wage an uncompromising fight for equal rights for Negroes. He has too many conflicting interests, and usually himself profits as an individual by that very exploitation of the Negro which, as a lawyer, he would be called upon to attack and destroy.

[6] See, generally, Linda Ann Albin, "Jewish Lawyers and the Long Civil Rights Movement 1933-1965: Race, Rights and Representation," Master of Arts Thesis: University of East Anglia, 2018). https://ueaeprints.uea.ac.uk/id/eprint/71885/1/FINAL_THESIS_TEXT_24.04.19_rev.pdf

[7] See, e.g., J. Clay Smith, Jr., "Rule 11 and Civil Rights Lawyers Comments of National Bar Association In response to the Call for Comments Issued by the Advisory Committee on the Civil Rules Judicial Conference of the United States" (1990). Selected Speeches. 137. https://dh.howard.edu/jcs_speeches/137 Exhibit 1. (citing the case of *NAACP v. Button*, supra). And J. Clay Smith, Jr., *Emancipation: The Making of the Black Lawyer `1844 – 1944* (Philadelphia, PA: Univ. of Penn. P., 1993).

8. While that history of the negative effects of the "transatlantic slave trade" and "chattel slavery" upon the black race in North America is generally discussed and acknowledged in the abstract, the unique and specific negatives effects upon black attorneys in the United States is not readily admitted, acknowledged, or discussed—because often the perpetrators of such violate human rights violations are federal trial judges who preside over cases within our U. S. District Courts.

9. The negative effects of the "transatlantic slave trade" and "chattel slavery" upon black lawyers, which are perpetrated by federal trial judges, are directly related, and expressly contained in, the American Slave Codes,[8] (and, subsequently, the Black Codes),[9] where it is evidenced that white judges or justices could be relied upon to protect the viewpoints, class interests, and economic interests of prejudiced white persons.[10]

10. Specifically, what the federal judiciary does to black civil rights lawyers that constitute the negative effects of the "transatlantic slave trade" and "chattel slavery" is as follows:

A. First, the federal judiciary fossilizes the "institutional racially-discriminatory effects" of law school curriculum,[11] ostensibly at most ABA-accredited law schools, that systematically exclude human rights or civil rights jurisprudence that is unique to the history and plight of the African American people from slavery, thereby prohibiting African American law students or young attorneys and, indeed, most members of the bar and bench, from thinking that "African American-oriented" jurisprudence even exists; and, if it does exist, from thinking it to be either important or

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[8] See, e.g., William Goodell, The American Slave Code (1853), Part I., Chapter XIX ("The Slave Cannot Sue His Master"); and Part II. Chapter II ("No Access to the Judiciary, and No Honest Provision For Testing the Claims of the Enslaved to Freedom").

[9] See, e.g., Justice Thurgood Marshall's dissenting opinion in the case of *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 390-391 (1978), stating:

> Southern States took the first steps to reenslave the Negroes. Immediately following the end of the Civil War, many of the provisional legislatures passed Black Codes, similar to the Slave Codes, which, among other things, limited the rights of Negroes to own or rent property and permitted imprisonment for breach of employment contracts. Over the next several decades, the South managed to disenfranchise the Negroes in spite of the Fifteenth Amendment by various techniques, including poll taxes, deliberately complicated balloting processes, property and literacy qualifications, and, finally, the white primary. Congress responded to the legal disabilities being imposed in the Southern States by passing the Reconstruction Acts and the Civil Rights Acts.

[10] See, also, Donald G. Nieman, ed. *African American Life in the Post-Emancipation South, 1861-1900*, Vol. 12 (New York: Garland Pub., 1994), p. 463 ("A worker under the best of circumstances usually lacked the resources to hire a lawyer and sue his employer, and a black worker faced the added problems of racist lawyers, judges, and juries and the danger that his complaints would lead to physical violence.")

[11] Here, the contention is that the federal judiciary operates within the context of corporate climate that is shared and reinforced in law schools, bar associations, and preeminent law firms.

legitimate.[12]

B. Second, the federal judiciary prevents—through the unjustified threat or actual rendition of court sanctions—black civil rights lawyers from thinking about local, national, and international customary or statutory law (or constitutional law) in a manner that is narrowly tailored toward remedying the negative effects of the transatlantic slave trade and (or) chattel slavery upon the African American people.

C. Third, the federal judiciary sabotages—through the unjustified threat or actual rendition of court sanctions—black civil rights lawyers' efforts in availing themselves of their own, as well as their clients,' rights to utilize the federal rules of court in order to further the ends of justice, to change, clarify, or establish new law, in a manner that is narrowly tailored toward remedying the negative effects of the transatlantic slave trade and (or) chattel slavery upon the African American people.

11. When the federal judiciary perpetuates such judicial bias and prejudices in the manner in which it does, it violates *Jus Cogens*, as well as other international treaty laws and federal statutory law, because it divests the African American community of indispensable local and community legal assistance leadership[13] which only its own

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[12] See, generally, Bruce Wright, *Black Robes, White Justice* (Secaucus, N.J.: Lyle Stuart, Inc., 1987), p. 74; pp. 39-40, stating:

> Few law schools teach the substance of law for the poor. Those that decided that such innovation is proper find themselves unaccredited and intellectually scorned by organizations that grade by academic standing….
>
> The entire law school experience was something of a failure from my idealistic perspective. If I were to be a legal savior for the black race, it seemed to me that there was a vast area of the law I would have to study which was being wholly ignored by my school. Racial restrictive covenants, for example, which served to imprison blacks in ghetto neighborhoods, promised some intellectual heat and excitement. However, my professor said, in a terse dismissal of their importance as a subject, 'All you need to know is that the courts generally uphold such covenants.' Similarly, voting rights cases were given no analysis. In criminal law, there was no discussion of the famous Scottsboro case, which had had such a bitter effect on black minds throughout the country. This was either intellectual or emotional racism, or perhaps a mixture of both.
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> The more I researched such cases on my own, the angrier I became with American society and the more I wondered how Supreme Court justices could be referred to as great jurists…. On one hand I had the white studies of the regular curriculum; on the other, the private melancholia of reading the civil rights cases. It was then, as I regarded my white fellow-students, that I decided they could never really be my friends unless they came to feel, and expressed, some of the same outrage that had come over me. That this was an impossible condition to impose for friendship, I knew. Nevertheless, to this day, I have refused to attend reunions of my law school class. There are distances that can never be bridged.

Bruce Wright is an African American who was a former member of the New York Supreme Court. Note: Justice Wright's experiences in law school directly reflects the undersigned's own experience.

[13] See, e.g., W.E.B. Du Bois, "The Talented Tenth" (1903), https://teachingamericanhistory.org/document/the-talented-

internal leadership can provide, thus perpetuating a form of ***genocide*** in violation of the Universal Declaration of Human Rights.

12. Moreover, the federal judiciary's long history of evading and suppressing "African American-oriented" jurisprudence—one that is substantive, meaningful, and narrowly-tailored toward remedying the negative effects of the transatlantic slave trade and (or) chattel slavery upon the African American people—is long, notorious, and well documented. See, e.g., Justice Lewis F. Powell's majority opinion in the case of *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 390-391 (1978), stating:

> The Court's initial view of the Fourteenth Amendment was that its 'one pervading purpose' was 'the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly-made freeman and citizen from the oppressions of those who had formerly exercised dominion over him.' *Slaughter-House Cases*, 16 Wall. 36, 83 U. S. 71 (1873). **The Equal Protection Clause, however, was '[v]irtually strangled in infancy by post-civil-war judicial reactionism.'** It was relegated to decades of relative desuetude while the Due Process Clause of the Fourteenth Amendment, after a short germinal period, flourished as a cornerstone in the Court's defense of property and liberty of contract. See, e.g., *Mugler v. Kansas*, 123 U. S. 623, 123 U. S. 661 (1887); *Allgeyer v. Louisiana*, 165 U. S. 578 (1897); *Lochner v. New York*, 198 U. S. 45 (1905). In that cause, the Fourteenth Amendment's "one pervading purpose" was displaced. See, e.g., *Plessy v. Ferguson*, 163 U. S. 537 (1896).

See, also, U. N. Committee on the Elimination of Racial Discrimination, "Report Submitted by State Parties Under Article 9 of the Convention" (Third Periodic Reports of States Parties Due 1999)(Addendum, United States of America)(September 21, 2000), ¶ 79.[14]

13. This Affidavit is in support of the undersigned's right—as well as the rights of all similarly-situated black civil rights attorneys (or other attorneys who are similarly-situated)—to an **effective remedy** for international human rights violations, as explained

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tenth/, stating:

> You misjudge us because you do not know us. From the very first it has been the educated and intelligent of the Negro people that have led and elevated the mass, and **the sole obstacles that nullified and retarded their efforts were slavery and race prejudice; for what is slavery but the legalized survival of the unfit and the nullification of the work of natural internal leadership**? Negro leadership, therefore, sought from the first to rid the race of this awful incubus that it might make way for natural selection and the survival of the fittest.

[14] This document states: "[F]or almost 100 years after the enactment of the Fourteenth Amendment, **the federal courts refused to apply its principles** to state-sponsored racial discrimination and de jure segregation. Thus, this kind of unequal treatment was the rule, rather than the exception, all over the United States until the middle of the twentieth century. In 1954, the U.S. Supreme Court, for the first time, applied the Fourteenth Amendment's requirements of "equal protection under the law" against the states and ushered into U.S. law the idea that state-sponsored segregation was antithetical to the country's fundamental principles. See *Brown v. Board of Education*, 347 U.S. 483 (1954)."

and demonstrated herein, as per both customary international law and treaty law.[15]

Professional Biography of the Undersigned Attorney

15. The undersigned affiant, Attorney Roderick Ford, is an Ordained Christian Minister whose The Methodist Law Centre is organized around preserving the "Jewish-African American" *covenant* of practicing social justice law upon the biblical foundation set forth in Deuteronomy 16:20 ("*Justice, justice shall you pursue*").

16. Notably, the undersigned affiant, Attorney Roderick Ford, began his legal career as an attorney for the U. S. Army Judge Advocate General's Corp in 1995.

17. Attorney Ford commenced private practice in Tampa, Florida and became a member of the bar of the U. S. District Court of the Middle District of Florida in 2001, while volunteering with the local Hillsborough County NAACP in Tampa, Florida, acting as the chairperson of its Labor and Industry Committee; while also having been designated a member of the Chairman's Leadership Group of the NAACP, where he communicated frequently with the storied civil rights leader the honorable Julian Bond (1940 - 2015).[16] Significantly, both the history and function of the NAACP—particularly that of Jewish and Black cooperation-- are very relevant to Attorney Ford's on-going civil rights law practice.

18. Attorney Ford is also a constitutional historian and legal scholar, having published several books that touch directly upon the subject matter discussed in this Affidavit, including (a) *The Evasion of African American Workers* (2008) and (b) *Labor Matter: The American Labor Crisis, 1861 – Present* (2015).

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[15] U. N. Basic Principles on the Right to a Remedy, Principles I.1(b) and 2; *Prosecutor v. Andre Rwamakuba*, Case No. ICTR-98-44C, Decision on Appropriate Remedy, ¶¶ 23-25 (Sept. 13, 2007); *Cantoral-Benavides v. Peru*, 2001 Inter-Am. Ct. H.R. (ser. C) No. 88, ¶ 40 (Dec. 3, 2001); *Customary International Humanitarian Law*, Vol., 1: Rules 537-50 (Jean-Marie Henckaerts & Louise Doswald-Beck, eds. 2005).

[16] **EXHIBIT A:** NAACP Chairman's Leadership certificate; Postcard from Julian Bond. See, also, "Julian Bond," Wikipedia, https://en.wikipedia.org/wiki/Julian_Bond

OFFICER OF THE COURT AFFIDAVIT
PART ONE

I.

The Declaration of Independence (1776)

1. Attorney Ford is (a) a Christian lawyer and a Christian civil rights advocate who is also (b) an ordained African American minister.[17] As such, his law practice is a Christian ministry called, The Methodist Law Centre, which appeals to the "civil religion" of the United States.[18]

2. As both Christian lawyer and minister, Roderick Ford operates "The Methodist Law Centre" in manner that conceptualizes the American Declaration of Independence as a constitutionally-sanctioned *religious* document.[19]

3. As an expression of "constitutional religion" of the United States, the "**God,**" the "**divine Providence**," and (or) the "**Supreme Judge of the World**," who is expressly named in the American Declaration of Independence, is the primary source of the substantive due process of law in the United States (i.e., the theology of Higher Law),[20]

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[17] **EXHIBIT B: Document Omitted.**
[xxxxx] balance of document omitted.
[xxxxx] balance of document omitted.

[18] See, e.g., Leslie C. Griffin, *Law and Religion: Cases and Materials* (New York, N.Y.: Foundation Press/Thomson-West, 2007), 502 ("Constitutional Faith.... See Sanford Levinson, Constitutional Faith 11 (1988)(' "The Flag, the Declaration [of Independence], the Constitution"—these, according to [Irving] Kristol, "constitute the holy trinity of what Tocqueville called the American "civil religion."').")

[19] **EXHIBIT B: Document Omitted.**
[xxxxx] balance of document omitted.
[xxxxx] balance of document omitted.

[20] See, e.g., William Blackstone, "Of the Nature of Laws in General," *Commentaries on The Laws of England* (New York, N.Y.: W.E. Dean Pub., 1840), pp. 25-28, to wit:

> Law, in its most general and comprehensive sense, signifies a rule of action; and is applied indiscriminately to all kinds of action, whether animate or inanimate, rational or irrational. Thus we say, the laws of motion, of gravitation, of optics, or mechanics, as well as the laws of nature and of nations. And it is that rule of action which is prescribed by some superior, and which the inferior is bound to obey.
>
> Thus, when the Supreme Being formed the universe, and created matter out of nothing, he impressed certain principles upon that matter, from which it can never depart, and without which it would cease to be. When he put that matter into motion, he established certain laws of motion, to which all moveable bodies must conform. And, to descend from the greatest operations to the smallest, when a workman forms a clock, or other piece of mechanism, he establishes, at his own pleasure, certain arbitrary laws for its direction,-- as that the hand shall describe a given space in a given time, to which law as long as the work conforms, so long it continues in perfection, and

which that constitutional document summarizes as follows, "*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness*."

4. Wherefore, the American Declaration of Independence is genetically comprised of the sacred "Higher Law" doctrine[21] that was inherited directly from the Church of England and the Common Law of England and Great Britian.[22]

> answers the end of its formation....
>
> The whole progress of plants, from the seed to the root, and from thence to the seed again; the method of animal nutrition, digestion, secretion, and all other branches of vital economy; are not left to chance, or the will of the creature itself, but are performed in a wondrous involuntary manner, and guided by unerring rules laid down by the great Creator. This, then is the general signification of law, a rule of action dictated by some superior being....
>
> Man, considered as a creature, must necessarily be subject to the laws of his Creator, for he is entirely a dependent being....
>
> This will of his Maker is called the law of nature. For as God, when he created matter, and endued it with a principle of mobility, established certain rues for the perpetual direction of that motion, so, when he created man, and endued him with freewill to conduct himself in all parts of life, he laid down certain immutable laws of human nature, whereby that freewill is in some degree regulated and restrained, and gave him also he faculty of reason to discovery the purport of those laws.
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> Considering the Creator only as a being of infinite power, he was able unquestionably to have prescribed whatever laws he pleased to his creature, man, however unjust or severe. But, as he it also a being of infinite wisdom, he has laid down only such laws as were founded in those relations of justice that existed in the nature of things antecedent to any positive precept. These are the eternal immutable laws of good and evil, to which the Creator himself, in all his dispensations, conforms; and which he has enabled human reason to discover, so far as they are necessary for the conduct of human actions. Such, among others, are these principles: that we should live honestly (2), should hurt nobody, and should render to every one his due; to which three general precepts Justinian (a) has reduced the whole doctrine of law....
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> The law of nature, being coeval with mankind, and dictated by God himself, is of course superior to obligation to any other. It is binding over all the globe, in all countries, and at all times: no human laws are of any validity, if contrary to this (3); and such of them as are valid derive all their force, and all their authority, mediately or immediately, from this original. But, in order to apply this to the particular exigencies of each individual, it is still necessary to have recourse to reason, whose office it is to discover, as was before observed, what the law of nature directs in every circumstance of life.

[21] Id.

[22] **EXHIBIT B:** See **Pages xx-xx** of **Exhibit B** (**Document Omitted**.)(citing, inter alia, (a) St. Paul; (b) Henry de Bracton; (c) Edward Coke; and (d) Thomas Jefferson, as referenced in William Goodell, ***The Democracy of Christianity, or; An Analysis of the Bible and its Doctrines in Their Relation to the Principles of Democracy*** (New York, N.Y.: Cady and Burgess, 1852), pp. 376-377 (stating that the great English jurist and cleric Henry de Bracton, "in his exposition of **Romans xiii**., had said: '**He is called a king for ruling righteously, and not because he reigns**. **Wherefore he is a king when he governs with justice**, but **a tyrant when he oppresses the people** committed to his charge.'" This principle was adopted in the American Declaration of Independence and was utilized against the oppressions of King George III during the American Revolution, 1775 - 1783)

Thomas Wood in *Institutes of the Laws of England* (1720)

"As Law in General is an Art directing to the Knowledge of Justice, and to the well ordering of civil Society, so the Law of England, in particular, is an Art to know what is Justice in England, and to preserve Order in that Kingdom: And this Law is raised upon … principal Foundations.

1. Upon the Law of Nature, though we seldom make Use of the Terms, The Law of Nature. But we say, that such a Thing is reasonable, or unreasonable, or against the….

2. Upon the revealed Law of God, Hence it is that our Law punishes Blasphemies, Perjuries, & etc. and receives the Canons of the Church [of England] duly made, and supported a spiritual Jurisdiction and Authority in the Church [of England].

3. The third Ground are several general Customs, these Customs are properly called the Common Law. Wherefore when we say, it is so by Common Law, it is as much as to say, by common Right, or of common Justice. Indeed it is many Times very difficult to know what Cases are grounded on the Law of Reason, and what upon the Custom of the Kingdom, yet we must endeavor to understand this, to know the perfect Reason of the Law. Rules concerning Law The Common Law is the absolute Perfection of Reason. For nothing that is contrary to Reason is consonant to Law Common Law is common Right. The Law is the Subject's best Birth-right. The Law respects the Order of Nature…."

Source: Thomas Wood, LL.D., *An Institute of the laws of England: or, the Laws of England in their Natural Order* (London, England: Strahan and Woodall, 1720), pp. 4-5.

5. Accordingly, the U. S. Supreme Court has deemed citizens of the United States in general to be a "Christian people" and (or) a "Christian nation";[23] and it has construed

[23] Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution* (New Orleans, La.: Quid Pro, LLC, 2010), p. 11 ("[T]he First Amendment to the U. S. Constitution "did not repudiate the principle of a Christian state; rather, it provided an alternative means toward securing it"). The U. S. Supreme Court has endorsed this viewpoint in the cases of *Terrett v. Taylor*, 13 U.S. 43, 52, 9 Cranch 43 (1815)(referencing "the principles of natural justice, upon the fundamental laws of every free government"); Vidal v. Girard's Executors, 2 How. 127 (1843)(the United States is "a Christian country"); Holy Trinity v. United States, 143 U.S. 457 (1892)(providing an extensive history of the influence of Christianity upon state and federal constitutional documents and traditions, and concluding that the United States is "a Christian nation"); and *United States v. Macintosh*, 283 U.S. 605, 625 (1931) (stating that [w]e are a Christian people (*Holy Trinity Church v. United States*, 143 U. S. 457, 143 U. S. 470- 471), according to one another the equal

the American Declaration of Independence to be a foundational source of constitutional rights. See, e.g., *Butchers' Union Co. v. Crescent City Co.*, 111 U.S. 746, 755-757, 764 (1884)(citing the Declaration of Independence as the source of the "liberty of occupational pursuit).

II.

Torah: Ancient Hebrew Constitutional Foundations

6. The Florida Bar's Oath of Attorney contains the same constitutionally-religious mandate that is expressed in the American Declaration of Independence, namely: "*I do solemnly swear…. I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice.* ***So help me God.***" [24]

7. This Florida Bar Oath of Attorney evokes the ancient Hebrew constitutional foundations of the American Declaration of Independence, the United States Constitution, and the Constitution of the State of Florida.[25]

8. The solemn oaths and duties of ancient Hebrew Judges (and Jewish Lawyers) were expressly set forth in the Torah.[26]

9. Today, our nation's Jewish-American legal heritage has preserved this solemn ancient Hebrew heritage (e.g., "*Justice, justice alone shall you pursue*" [27]

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right of religious freedom and acknowledging with reverence the duty of obedience to the will of God"). The Supreme Court of Pennsylvania has upheld the doctrine of "General Christianity" in *Updegraph v. Commonwealth*, 11 Serg. & Rawl, 394 P. (1824)("Christianity, general Christianity, is, and always has been, a part of the common law of Pennsylvania; Christianity, without the spiritual artillery of European countries....")

[24] "Oath of Admission to the Florida Bar," https://www-media.floridabar.org/uploads/2017/04/oath-of-admission-to-the-florida-bar-ada.pdf (Emphasis added).

[25] See, e.g., **Jewish Virtual Library**, "Israel Judicial Branch: Beit Din & Judges From Bible to Modern Times" https://www.jewishvirtuallibrary.org/beit-din-and-judges-in-israel-from-bible-to-modern-times

See, e.g., **Exodus 18: 25-26** ("And Moses chose able men out of all Israel, and made them heads over the people, rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens. And they judged the people at all seasons: the hard causes they brought unto Moses, but every small matter they judged themselves.")

See, e.g., **Deuteronomy 16: 18-20** ("Judges and officers shalt thou make thee in all thy gates, which the Lord thy God giveth thee, throughout thy tribes: and they shall judge the people with just judgment. Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift: for a gift doth blind the eyes of the wise, and pervert the words of the righteous. That which is altogether just shalt thou follow, that thou mayest live, and inherit the land which the Lord thy God giveth thee.")

[26] Id.

[27] New American Bible Version.

Deuteronomy 16: 20).[28]

10. The office of the judge and the office of attorneys-at-law are religious-oriented ministries within the ancient Hebrew (i.e., Judea-Christian) legal heritage traditions.[29]

III.

Equity Jurisprudence: Cornerstone of the Federal Rules of Court

11. Equity in Medieval and early modern England was placed under the auspices of the King of England's Lord Chancellor, ostensibly the senior-most bishop in the land and "*a keeper of the king's conscience*."[30]

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[28] **EXHIBIT C:** See **Footnote 8** on **Pages x-x** of **Exhibit C** (Document Omitted), citing Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution* (New Orleans, LA: Quid Pro Books, 2010), p. 23 and Alan M. Dershowitz, *Abraham: The World's First (But Certainly Not Last) Jewish Lawyer* (New York, N.Y.: Schocken Books, 2015), p. 89.

[29] See, e.g., Martin Luther, *Temporal Authority: To What Extent it should be Obeyed* (1523), stating:

> Here you inquire further, whether constables, hangmen, **jurists**, **lawyers**, and others of similar function can also be Christians and in a state of salvation. Answer: If the governing authority and its sword are a divine service, as was proved above, then everything that is essential for the authority's **bearing of the sword** must also be **divine service**.

And see, also, Martin Luther's *Open Letter to the Christian Nobility of the German Nation Concerning the Reform of the Christian Estate* (1520), stating:

> [T]he **temporal authorities** are baptized with the same baptism and have the same faith and Gospel as we, we must grant that **they are priests** and **bishops**, and count their office one which has a proper and a useful place in the Christian community.

[30] See, e.g., Goldwin Smith, *A Constitutional and Legal History of England* (New York, N.Y.: Dorset Press, 1990), pp. 208-209:

> What is equity? In its beginnings in England it was the extraordinary justice administered by the king's Chancellor to enlarge, supplant, or override the common law system where that system had become too narrow and rigid in its scope....
>
> The basic idea of equity was, and remains, the application of a moral governing principle to a body of circumstances in order to reach a judgment that was in accord with Christian conscience and Roman natural law, a settlement that showed the common denominations of humanity, justice, and mercy.
>
> In the sixteenth century Christopher St. Germain denounced what F.W. Maitland once called 'the excessive veneration for prescriptive formulae of the common law courts.' He wrote in his famous dialogue Doctor and Student (1523): 'Conscience never resisteth the law nor addeth to it, but only when the law is directly in itself against the law of God or the law of reason.' The snares of formalism, that eighth deadly sin, must sometimes be cut in the interests of the laws of God and of reason, which together mean equity. This is the corrective function of equity. This is the moderating, moral ideal and power that the Anglo-Saxons called 'mildening law.' If a student looks at W.P.

12. The *ancient foundations*[31] of English and American equity jurisprudence are deeply rooted in the canon law of the Roman Catholic Church and of the Church of England.[32]

> Baildon's edition of Select Cases in Chancery 1364-1471 he will see how frequently his eyes encounter the words "**good faith**," "**reason**," "**conscience and law**," "**law and right**," "**reason and good faith**." The common law demanded certainty throughout its broad kingdom. **Equity, on the other hand, demanded justice in individual cases**.

[31] See, generally, John Norton Pomeroy, LL.D., *A Treatise of Equity Jurisprudence: As Administered in the United States of America* (San Francisco, CA: A.L. Bancroft and Co., 1881), pp. 2-10, 53 discussing "Aequitas in the Roman Law," stating:

> The growth and functions of equity as a part of the English law, were anticipated by a similar development of the same notions in the Roman jurisprudence. In fact, the equity administered by the early English chancellors, and the jurisdiction of their court, were confessedly borrowed from the *aequitas* and judicial powers of the Roman magistrates….
>
> The particular rules of the Roman jurisprudence derived from this morality, called the law of nature, were termed 'aequitas,' from *aequum*, because they were supposed to be impartial in their operation, applying to all persons alike. The lex naturae [law of nature] was assumed to be the governing force of the world, and was regarded by the magistrates and jurists as having an absolute authority.
>
> They felt themselves, therefore, under an imperative obligation to bring the jurisprudence into harmony with this all-pervading morality, and to allow such actions and make such decisions that no moral rule should be violated. Whenever an adherence to the old jus civile would do a moral wrong, and produce a result inequitable (*inaequum*), the praetor, conforming his edict or his decision to the law of nature, provided a remedy by means of an appropriate action or defense. Gradually, the cases, as well as the modes in which he would thus interfere, grew more and more common and certain, and thus a body of moral principles was introduced into the Roman law, which constituted equity (*aequitas*)….
>
> The moral law, as such, is not an element of the human law. Whatever be the name under which it is described—the moral law, the natural law, the law of nature, the principles of right and justice—this code, which is of divine origin, and which is undoubtedly compulsory upon all mankind in their personal relations, is not per se or ex proprio vigore a part of the positive jurisprudence which, under the name of the municipal law, each independent state has set for the government of its own body politic….
>
> It is also true that human legislation ought to conform itself to and embody these jural precepts of the moral code; every legislator, whether he legislate in a Parliament or on the judicial Bench, ought to find the source and material of the rules he lays down in these principles of morality; and it is certain that the progress towards a perfection of development in every municipal law, consists in its gradually throwing off what is arbitrary, formal, and unjust, and its adopting instead those rules and doctrines which are in agreement with the eternal principles of right and morality.

[32] See, e.g., John Witte, Jr. and Frank S. Alexander, *Christianity and Law: An Introduction* (Cambridge, UK: Cambridge University Press, 2008), p. 71, stating:

> The law of the church is called the canon law. The term itself comes from a Greek word that means a measuring rod, taken figuratively in the West to be a measure of right conduct. In the broadest sense, canons are intended to lead men and women to act justly in the world so that they may ultimately stand before God unashamed…. The canon law has thus always been connected with the 'internal forum' of conscience…. By design, the canons create conditions that promote harmony within the church and freedom from interference from without. But this has never been their sole

13. Conceptually, Christ, as the *Logos* of God,[33] was understood to be the very manifestation of "Equity" itself.[34] (Notably, at least one renowned Jewish legal expert has accepted this theological conception of English-American equity jurisprudence).[35]

14. The objective of equity jurisprudence is to correct injustices ostensibly resulting, from time to time, from the application of rigid common law and (or) rules of procedure, thus resulting in manifest injustices.[36]

15. The United States Congress has, as a matter of law, ***merged*** "equity jurisprudence" into "common law, statutory law, and procedural law" within the Federal Rules of Civil Procedure—via Rules 1 and 2 of the said rules.[37]

> aim. The canon law has also aimed higher, assuming to provide salutary rules for the lives of ordinary Christians and to exert an influence on the content of temporal law.... Nothing less than leading men and women toward God and establishing a Christian social order."

[33] Indeed, Christ is the Logos (i.e., "reason") of God. See, e.g., Bertrand Russell, *A History of Western Philosophy* (New York, NY: Touchstone, 2007), p. 309 ("For Christians, the Messiah was the historical Jesus, who was also identified with the Logos of Greek philosophy...."); and p. 289 ("It was this intellectual element in Plato's religion that led Christians—notably the author of Saint John's Gospel—to identify Christ with the Logos. Logos should be translated 'reason' in this connection.").

[34] In juridical terms, this means that Christ (i.e., Logos or "reason") is the manifestation of general equity, and vice versa. See, e.g., Goldwin Smith, *A Constitutional and Legal History of England* (New York, N.Y.: Dorset Press, 1990), pp. 208-209:

> What is equity? .... The basic **idea of equity** was, and remains, the application of a moral governing principle to a body of circumstances in order to reach a judgment that was in accord with Christian conscience and Roman natural law, a settlement that showed the common denominations of humanity, justice, and mercy.... '**Equity had come not to destroy the law but to fulfill it**.'

[35] See Alan M. Dershowitz, *Abraham: The World's First (But Certainly Not Last) Jewish Lawyer* (New York, N.Y.: Schocken Books, 2015), p. 89, stating:

> The legal advocate is different from the illegal idol shatterer. The advocate is committed to the rule of law. He or she would never knowingly violate the law or the Code of Professional Responsibility, though legal advocates might stretch the facts and the law in the interests of zealous advocacy and the rights of their clients, as Abraham did when he argued with God over the sinner of Sodom. But in doing so, the advocate remains respectful of the judge and the law, seeking to have the law applied in the interest of his client. The advocate has a stake in the law and is willing to preserve and improve it but not to denounce or destroy it. **As Jesus put it, 'Think not that I am come to destroy the law, or the prophets: I am not come to destroy, but to fulfil.'**

[36] See, e.g., George L. Clark, *Equity: An Analysis and Discussion of Modern Equity Problems* (Columbia, Missouri: E.W. Stephens Pub., 1919), § 3. The English Courts before Equity.

[37] See, e.g., *Petrella v. Metro-Goldwyn-Mayer*, 572 U.S. 663, 188 L.Ed. 2d 979 (2014); *Federal Reserve Bank of Atlanta v. Thomas*, 220 F.3d 1235, 1242 n.5 (11th Cir.2000).

> Rule 1 of the Fed. R. Civ. P. states: "These rules govern the procedure in all civil actions and

16. Today, this "**merger**" of "equity" into "law" has resulted in the *mortal danger and threat to equity jurisprudence itself*[38] — ostensibly, through a process known as

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proceedings in the United States district courts, except as stated in Rule 81 . They should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding."

Rule 2 of the Fed. R. Civ. P. states: "There is one form of action—the civil action." [Advisory Committee Note - 1937 stating "2. Reference to actions at law or suits in equity in all statutes should now be treated as referring to the civil action prescribed in these rules."

Rule 102 of the Fed. R. Ev. States: "These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination."

[38] In the preface to his 1881 treatise, *A Treatise of Equity Jurisprudence: As Administered in the United States of America* (San Francisco, CA: A.L. Bancroft and Co., 1881), Professor John Norton Pomeroy writes:

> The author herewith submits to the legal profession a textbook which treats, in a somewhat comprehensive manner, of the equitable jurisdiction as it is now held by the national and state tribunals....
>
> It is proper that he should, in a few words, explain the motives which led to the preparation of such a work....
>
> While the 'Supreme Court of Judicature Act' was pending before the British Parliament, there appeared in the Saturday Review a series of articles written by one of the ablest lawyers and most profound thinkers of the English bar, **which pointed out a grave danger threatening the jurisprudence of England** in the plan, as then proposed, **for combining legal and equitable rights and remedies in the same action**, and administering them by the same tribunal.
>
> The writer showed, as **the inevitable result of the system**, that **equitable principles and doctrines would gradually be suppressed and disappear** in the administration of justice; that they would gradually be **displaced and supplanted by the more inflexible and arbitrary rules of la**w; until **in time equity would practically cease** to be a distinctive branch of national jurisprudence.
>
> The reasoning of these remarkable articles was so cogent and convincing that it produced a deep impression, not only upon the English bench and bar, but even upon Parliament, and it ultimately led to an amendment of the act by the addition of the following clause, which has undoubtedly averted the anticipated danger: **'Generally in all matters in which there is any conflict or variance between the rules of equity and the rules of the common law, with reference to the same matter, the rules of equity shall prevail.'**
>
> I have referred to this incident simply for the purpose of indicating its application, under like circumstances, to the law of our own country. The arguments of the English essayist were purely a priori, and were confined to the judicial system of England. **They would apply with equal force to a large portion of the American States**; and the correctness of his conclusions is established by the judicial experience of those commonwealths during the past thirty years.
>
> Since the first New York Code of Practice in 1848, about one half of the States and territories have adopted the Reformed Procedure. As the central conception of this system is the abolition of all external distinctions between actions at law and suits in equity, the union of legal an equitable rights and remedies in one proceeding, and the substitution of many important equitable in place of legal methods, it was confidently supposed that, in progress of time, the doctrines of equity would obtain a

"**crystallization**" – within the American system of jurisprudence; and "[i]t is against this **over-crystallization** of equity that every lawyer and jurist should fight."[39]

IV.

The Lawyer's Petitions in Equity While Vindicating the Cause of the Oppressed

17. Equity jurisprudence ostensibly aids the poor and the oppressed.[40]

> supremacy over those of the law in the administration of justice, and that the entire jurisprudence of a State would gradually become more equitable, more informed with equitable notions.
>
> It must be confessed, I think, that **the experiences of the past thirty years** in these States points to a directly **contrary result**. Every careful observer must admit that in all the States which have adopted the Reformed Procedure, there has been, to a greater or less degree, a **weakening, decrease, or disregard of equitable principles in the administration of justice**.
>
> I would not be misunderstood. There has not, of course, been any conscious intentional abrogation or rejection of equity on the part of the courts. The tendency, however, has plainly and steadily been towards the giving an undue prominence and superiority to purely legal rules, and the ignoring, forgetting, and suppression of equitable notions.
>
> The correctness of this conclusion can not be questioned nor doubted; the **consenting testimony of able lawyers who have practiced under both systems, corroborates it**; and no one can study the current series of state reports without perceiving and acknowledging its truth....
>
> I would not be understood as condemning the Reformed Procedure on this account....
>
> A brief legislative enactment, substantially the same as that added to the English Judicature Act, would render the system perfect in theory, and would secure to equity the life and prominence which properly belong to it, and which should be preserved....
>
> I need not dwell upon the disastrous consequences of the tendency above described, if it should go on to its final stage. **Even a partial loss of equity would be a fatal injury to the jurisprudence of a State**. So far as equitable rules differ from those of the law, they are confessedly more just and righteous, and their disappearance would be a long step backward in the progress of civilization.
>
> It is of vital importance, therefore, that **a treatise on equity for the use of the American bar**, should be adapted to the existing condition of jurisprudence throughout so large a part of the United States.

John Norton Pomeroy, LL.D., *A Treatise of Equity Jurisprudence: As Administered in the United States of America* (San Francisco, CA: A.L. Bancroft and Co., 1881), pp. v – vii.

[39] George L. Clark, *Equity: An Analysis and Discussion of Modern Equity Problems* (Columbia, Missouri: E.W. Stephens Pub., 1919), § 15. Rule and discretion. Importance of Discretion in Equity.

[40] See, e.g., Deuteronomy 16: 18-20, stating "("Judges and officers shalt thou make thee in all thy gates, which the Lord thy God giveth thee, throughout thy tribes: and they shall judge the people with just judgment. Thou shalt not wrest judgment; thou shalt not respect persons, neither take a gift: for a gift doth blind the eyes of the wise, and pervert the words of the righteous. That which is altogether just shalt thou follow, that thou mayest live, and inherit the land which the Lord thy God giveth thee.") See, e.g., Richard M.

18. Richard M. Re has written in "Equal Right to the Poor," *University of Chicago Law Review* that the doctrine of equity has historically been utilized to defend the Poor, to wit:

> **Equity 'is the refuge of the poor and afflicted**; It is **the Altar and sanctuary for such as against the might of rich men, and the countenance of great men cannot maintaine the goodnesse of their cause**.' Because a poor person's 'adversary could be so rich and powerful that it would be hopeless to proceed in the law.

19 For this reason, "[i]t is against this over-crystallization of equity" [41] that all United States Judges within the federal system, under a divine Oath "*So Help Me God*," must resist.[42]

20. Similarly, "[i]t is against this over-crystallization of equity,"[43] that Christian jurisprudence;[44] Christian lawyers;[45] and Jewish lawyers[46] have traditionally resisted.

Re, Equal Right to the Poor, 84 *University of Chicago Law Review*, 1149–1216 (2017)(" To wit, **the British Lord Chancellor swore that he 'shall doe right to all manner of people, poore and rich, after the lawes and usages of the Realm'**....")

[41] Id.

[42] See, e.g., 28 U.S.C. § 453, "Oaths of Judges and Justices," stating:

> Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, ____ ____, do solemnly swear (or affirm) that I will administer justice **without respect to persons**, and **do equal right to the poor and to the rich**, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ____ under the Constitution and laws of the United States. **So help me God**."

[43] Id.

[44] See, generally, John Witte, Jr. and Frank S. Alexander, *Christianity and Law: An Introduction* (Cambridge, UK: Cambridge University Press, 2008)(citing John 7: 24, "Do not judge by appearances, but judge with righteous judgment")

[45] See, e.g., Rev. Richard Baxter (1615 – 1691), "Directions To Lawyers About Their Duty to God," Chapter IV, *Christian Directory* (Part 4)(1665), stating:

> Direction IV. 'Take-Up the Cause of the Oppressed and the Innocent'
>
> Make the cause of the innocent as it were your own; and suffer it not to miscarry through your slothfulness and neglect. He is a lover of money more than justice, that will sweat in the cause of the rich that pay him well, and will slubber over and starve the cause of the poor, because he getteth little by them. Whatever your place obligeth you to do, let it be done diligently and with your might; both in your getting abilities, and in using them.

[46] See, generally, Jerold S. Auerbach, *Rabbis and Lawyers: The Journey from Torah to Constitution* (New Orleans, LA: Quid Pro Books, 2010), p. 23, stating:

> The euphoric celebration of the rule of American constitutional law... should not obliterate the fact that it was never law alone, but law as an instrument of justice, that ostensibly bound the

21. Notably, Christian or Jewish legal advocates' substantive "fundamental" rights,[47] to interpret and avail themselves of *natural rights* set forth in the American Declaration of Independence,[48] and that are contained under the First Amendment, U.S. Constitution, *merges* at all times, and are *coterminous with*, the with procedural safeguards that are expressly contained in (a) Rule 11(b) of the Federal Rules of Civil Procedure;[49] (b) Rule 102 of the Federal Rules of Evidence;[50] and (c) Rule 4-3.1 of the Rules Regulating the Florida Bar.[51]

> Jewish and American traditions. Justice was a recurrent theme in the American Jewish discourse of compatibility. It was a necessary insertion, for it enabled Jews to submerge 'arid' legalism, the part of their tradition with which modern Jews felt least comfortable, in the resounding call of the ancient Hebrew prophets for social justice and moral righteousness.

[47] For example, the First Amendment right of petition is a "fundamental" right. See, e.g., *NAACP v. Button*….

[48] I.e., "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

[49] FRCP Rule 11(b)(2) states: " Representations to the Court. By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances…. the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law…."

[50] FRE 102 states: "These rules should be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and promote the development of evidence law, to the end of ascertaining the truth and securing a just determination."

[51] Rule 4.3.1 of The Florida Bar Rules states: "A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of existing law…. Comment: The advocate has a duty to use legal procedure for the fullest benefit of the client's cause, but also a duty not to abuse legal procedure. The law, both procedural and substantive, establishes the limits within which an advocate may proceed. However, the law is not always clear and never is static. Accordingly, in determining the proper scope of advocacy, account must be taken of the law's ambiguities and potential for change."

OFFICER OF THE COURT AFFIDAVIT
PART TWO

V.
The Declaration of Independence and Black Attorneys

22. The American Declaration of Independence (1776).[52] is the principle natural law source of the constitutional mandate that became the Thirteenth Amendment, U. S. Constitution and its implementing statutes (e.g., the 1866 Civil Rights Act) manumitting African slaves in the United States.[53]

23. Prior to beginning of the U. S. Civil War, Frederick Douglass (1871 – 1895) became the chief advocate for the manumission of African slaves, on the basis of the natural law principles enunciated in the American Declaration of Independence (1776).[54]

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[52] E.g., the Declaration of Independence (1776) states: "When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

[53] See, also, *U.S. v. Morris*, 125 Fed. Rep. 322, 325 (E.D. Ark. 1903), construing both the 13th Amendment, U.S. Constitution and Section 1 of the Civil Rights Act of 1866, stating:

> Every citizen and **freeman** is endowed with **certain rights and privileges**, to enjoy which no written law or statute is required. These are **fundamental or natural rights**, recognized among all free people. In our **Declaration of Independence, the Magna Carta of our republican institutions**, it is declared: 'We hold these rights to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness....

[54] See, e.g., *Stanford Encyclopedia of Philosophy*, "Frederick Douglass," https://plato.stanford.edu/entries/frederick-douglass/ stating:

> Douglass was not looking behind him; he was fully engaged at every moment since his emancipation working to bring and end to slavery. Moreover, his view of natural law led to his critique of American slavery, and undergirded his arguments for active resistance to slavery and his interpretation of the U.S. Constitution. It is also worth noting, that natural law theorists have not ceded the field; thus Douglass is an important American historical figure in the intellectual history of natural law.
>
> Although he initially acknowledges that the intentions of the framers was to allow slavery to continue in the states where it was established, he reported that he was convinced by Smith's argument that the meaning of the document was not set by the intention of the framers but by rules of legal interpretation that focused on natural law. By the following year he even altered his position on the framers' intentions: they meant the U.S. Constitution to be an anti-slavery document….

24. Prior to beginning of the U. S. Civil War, the U. S. Supreme Court's holding in *Dred Scott v. Sanford* (1857) formally and officially rejected Frederick Douglass', Abraham Lincoln's, and anti-slavery advocates' views on the application of Declaration of Independence to African Americans.[55]

25. In response to the holding in *Dred Scott*, Abraham Lincoln set forth the Declaration of Independence and its natural law principles as the foundational basis for the manumission and liberty of all Americans, including African Americans.[56]

> Douglass depended heavily on the **U.S. Declaration of Independence**, as well as the documented disagreements and cross-purposes, of the founders. He was guided by his view of natural law, and argued that the general ideas of America's founding documents, as part of the history of Western democracy and republicanism, pointed toward an interpretation of the U.S. Constitution as an evolving document that could potentially be in tune with civilizational development.

See, also, Frederick Douglass, *Autobiographies* (New York, N.Y.: The Library of America, 1995), p. 429, stating:

> 'I would invoke the spirit of patriotism,' wrote Douglass, 'in the name of the law of the living God, natural and revealed.... I warn the American people... I warn them that, strong, proud, and prosperous though we be, there is a power above us that can 'bring down high looks...' I would are the American people, and the American government, to be wise in their own day... that prouder and stronger governments than this have been shattered by the bolts of a just God....'

[55] *Dred Scott v. Sanford*, 60 U.S. 393, 403, 407 (1857), Chief Justice Taney, stating:

> The question is simply this: can a negro whose ancestors were imported into this country and sold as slaves become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guaranteed by that instrument to the citizen, one of which rights is the privilege of suing in a court of the United States in the cases specified in the Constitution? ...
>
> In the opinion of the court, the legislation and histories of the times, and the language used in the Declaration of Independence, show that neither the class of persons who had been imported as slaves nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general word used in that memorable instrument.

[56] See, e.g., Abraham Lincoln, *Dred Scott Speech* (June 26, 1857), stating:

> Chief Justice Taney, in delivering the opinion of the majority of the Court, insists at great length that Negroes were no part of the people who made, or for whom was made, the Declaration of Independence, or the Constitution of the United States....
>
> And this is the staple argument of both the Chief Justice and the Senator, for doing this obvious violence to the plain unmistakable language of the Declaration. I think the authors of that notable instrument intended to include all men, but they did not intend to declare all men equal in all respects. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness, in what respects they did consider all men created equal—equal in "certain inalienable rights, among which are life, liberty, and the pursuit of happiness." This they said, and this meant. They did not mean to assert the obvious untruth, that all were then actually enjoying that equality, nor yet, that they were about to confer it immediately upon them. In fact they had no power to confer such a boon. They meant simply to declare the right, so

26. The "civil religion"[57] that is represented in the Thomas Wood's *Institutes of the Laws of England* (1720); William Blackstone's *Commentaries on the Laws of England* (1765); and the American Declaration of Independence was **early and largely adopted by the Black Church** in the United States.[58]

27. Historically, the Black Church was the first and only institution accessible to African Americans that could—pursuant to the American Declaration of Independence and the First Amendment, U. S. Constitution— attempt to redress, or petition the Government for the redress, of Grievances.[59]

> that the enforcement of it might follow as fast as circumstances should permit. They meant to set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people of all colors everywhere. The assertion that "all men are created equal" was of no practical use in effecting our separation from Great Britain; and it was placed in the Declaration, not for that, but for future use. Its authors meant it to be, thank God, it is now proving itself, a stumbling block to those who in after times might seek to turn a free people back into the hateful paths of despotism. They knew the proneness of prosperity to breed tyrants, and they meant when such should re-appear in this fair land and commence their vocation they should find left for them at least one hard nut to crack.

See, also, Abraham Lincoln, *First Lincoln-Douglas Debate* (August 21, 1858), stating, "there is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right to life, liberty, and the pursuit of happiness."

[57] Civil religion of the United States. See, e.g., Leslie C. Griffin, *Law and Religion: Cases and Materials* (New York, N.Y.: Foundation Press/Thomson-West, 2007), 502 ("Constitutional Faith…. See Sanford Levinson, Constitutional Faith 11 (1988)(' "The Flag, the Declaration [of Independence], the Constitution"—these, according to [Irving] Kristol, "constitute the holy trinity of what Tocqueville called the American "civil religion."').")

[58] Id, pp. 489 – 490, stating:

> The Black Churches served as the first independent institutions for African-Americans in the United States. Because these churches were political as well as religious institutions, they did not emphasize separation of church and state, but instead have 'always perceived the ineluctable relationship between religious belief and political action.' See Robert Michael Franklin, "Religious Belief and Political Activism in Black America: An Essay," 43 *J. Rel. Thought* 63 91986-87); see also Peter J. Paris, *Black Religious Leaders: Conflict in Unity* (1991); Peter J. Paris, *The Social Teaching of Black Churches* (1985); LeslieGriffin, "Catholics, Blacks, Evangelicals: Three Versions of the Public Church," 1 *New Theology Rev*. 20-42 (1988).

[59] See, e.g., Carter G. Woodson, *The History of the Negro Church* (Washington, D.C.: The Associated Publishers, 1921), p. 282 ("The [Negro] church serves as a moral force, a power acting as a restraint upon the bad and stimulating the good to further moral achievement. Among the Negroes its valuable service is readily apparent…."); W.E.B. Du Bois, "The Souls of Black Folk," *Writings* (New York, N.Y.: The Library of America, 1986), p. 496 ("[T]he [Negro] Church often stands as a real conserver of morals, a strengthener of family life, and the final authority on what is Good and Right"); and James H. Cone and Gayraud S. Wilmore, *Black Theology: A Documentary History*, Vol. One: 1966- 1979 (Maryknoll, N.Y.: Orbis Books, 2003), p. 218 ("[T]he Black Church of the nineteenth century… thought of itself as God's judgment upon racism… converted thousands, stabilized the Black family… founded schools and colleges…. And provided the social, cultural, economic, and political base of the entire African American community in the United States.")

VI.
The Jewish Legal Tradition and Black Attorneys

28. The European Jewish experience was in many ways analogous with the new rise of the Jim Crow South which African Americans experienced following the fall of Reconstruction in 1877.

29. When the Jewish Holocaust occurred in Nazi Germany during the 1930s and 40s, African American leader W.E.B. Du Bois (1868 – 1963) acknowledged the eerily-similar predicament of African Americans in the United States, stating:

> As the Negro develops from an easily exploitable, profit-furnishing laborer to an intelligent independent self-supporting citizen, the possibility of his being pushed out of this American fatherland may easily be increased rather than diminished. We may be expelled from the United States as the Jew is being expelled from Germany.[60]

Table 1. A Summary of Jewish History from 70 AD to 1800

Jewish Life from 70 AD until Jewish Emancipation during the 1700s

"Following the destruction of the Second Temple in Jerusalem in 70 AD, Jews were dispersed across the Roman Empire, known as the Diaspora, primarily settling in regions around the Mediterranean, including North Africa, the Middle East, and Europe, where they generally lived in distinct communities, often facing legal restrictions and social discrimination, primarily engaging in trade and scholarship while maintaining their religious practices, until the gradual process of emancipation began in the late 18th century with the Enlightenment era in Europe, allowing them greater integration into society.

"Key points about Jewish life between 70 AD and emancipation:

- **Diaspora dispersal:**

"After the destruction of the Temple, most Jews were forced to leave their homeland and settled in various regions across the Roman Empire, with significant populations in areas like Egypt, Mesopotamia, and later, Western and Eastern Europe.

[60] W.E.B. Du Bois, "The Dusk of Dawn," *Writings* (New York, N.Y.: The Library of America, 1986), p. 778.

- **Community life:**

"Jewish communities established their own leadership, religious courts, and educational systems, often centered around synagogues.

- **Occupational restrictions:**

"Due to societal constraints, Jews were often limited to certain professions like trade, money lending, and crafts, which could sometimes lead to negative stereotypes.

- **Ghettos:**

"In many European cities, Jews were forced to live in designated areas called ghettos, which were often overcrowded and had restricted access.

- **Religious scholarship:**

"Despite limitations, Jewish intellectual life flourished during this period, with significant developments in the study of the Torah, Talmud, and Jewish law.

- **Persecution and Pogroms:**

"Jews frequently faced periods of persecution and violence, including pogroms (organized attacks) which often led to displacement and migration.

- **The Haskalah (Jewish Enlightenment):**

"During the 18th century, the Jewish Enlightenment movement encouraged greater integration of Jewish culture with the broader European society, advocating for education and civil rights.

- **Emancipation process:**

"With the rise of Enlightenment ideals and revolutions like the French Revolution, many European countries began to grant Jews legal equality and citizenship rights, marking the era of Jewish emancipation."[61]

- **Messianic Judaism as A Result of Emancipation:**

"Enlightenment ideals have since contributed to 'modernization and even to messianism within Judaism, including the rise of Progressive-Reformed Judaism, and Messianic Judaism. At the same time, in North America, both Judaism and conservative Christianity have converged."

30. When European Jews migrated to the United States in large numbers during the late 19th- and early 20th centuries, their "Jewish" legal heritage had already become rich. "Our Torah commands us to pursue justice ('Justice, justice shall thou *pursue*')…. Our

[61] This material in was taken from various on-line sources. Professor Feldman does not mention or address this history in any detail. His concern, rather, is the condition and plight of Jews during "the two hundred-plus years since Jewish emancipation…. Before that, the history of the Jewish contributions to Western thought and civilization, from ancient Greece and Rome up through the Enlightenment, is not especially remarkable." Feldman, *To Be A Jew Today*, p. 302.

rabbis have served as advocates, judges, and lawmakers, resolving disputes among quarreling Jews for centuries."[62]

31. From 1619, or the time when Africans first appeared in North America as indentured servants and slaves, up to the present, African American clergymen have not, as a general rule, conceptualized their religion as "Law," or their clergy function to be that of "judges" in internal practical matters, in the same manner in which Jewish rabbis and lawyers have conceptualized their rabbinical or judicial functions within Judaism.

32. During the 18th, 19th, and early 20th centuries, although the Black Church retained access to Hebrew Bible, *unlike* the Jews of Europe who immigrated to the United States during the same period, the Black Church was unable to carry out the Torah's mandate—i.e., "*Justice, justice shall you pursue*" (Deuteronomy 16: 20) — through development of a religious legal tradition, a sophisticated system of internal courts, judges, and trained law advocates.

33. Under these conditions, during the early 20th century, African Americans, and especially those who lived in the South, turned to, and received technical assistance from, white American Jews in a variety of business-transactional and legal matters. [63]

VII.
The Jewish and African American Alliance: Social Engineering Inspired by Deuteronomy 16:20 ("*Justice, justice shall you pursue*")

34. During early 20th century and throughout the Civil Rights Movement, Jewish lawyers early and largely filled the void from there being a *dearth* of black lawyers[64]

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[62] Alan Dershowitz, *Abraham: The World's First (But Certainly Not Last) Jewish Lawyer* (New York, N.Y.: Schocken Books, 2015), pp. 122-123.

[63] See, also, "African American–Jewish relations," *Wikipedia*, https://en.wikipedia.org/wiki/African_American-Jewish_relations, stating:

> Following the Civil War, Jewish shop-owners and landlords engaged in business with Black customers and tenants, often filling a need where non-Jewish, White business owners would not venture. This was true in most regions of the South, where Jews were often merchants in its small cities, as well as northern urban cities such as New York, where they settled in high numbers. Jewish shop-owners tended to be more civil than other Whites to Black customers, treating them with more dignity. Black people often had more immediate contact with Jewish people compared to White Christians….

[64] See, generally, Charles Hamilton Houston, "The Need for Negro Lawyers," *Journal of Negro Education* Vol. 4, No. 1 (Jan., 1935), pp. 49-52, stating:

> The census reports 4 Negro lawyers to the 944,834 Negroes in Alabama; 1 Negro lawyer to every 236,208 Alabama Negroes. The State of Alabama has an area of 51,998 square miles. If the 4 Negro lawyers were given cars and told to patrol the state like policemen, each lawyer would have a beat of 12,999 square miles. As a matter of fact the 4 Negro lawyers in 1930 were located 1 in Mobile, 2 in

within the African American community.[65]

> Birmingham, and 1 in Huntsville. The rest of the state was completely unprotected. The situation in Georgia, Mississippi and Louisiana is almost as bad. Georgia has 14 Negro lawyers to her 1,071,125 Negro population; Mississippi 6 to her 1,009,718 Negroes; and Louisiana 8 to her 776,326 Negro population.

And see, generally, Linda Ann Albin, "Jewish Lawyers and the Long Civil Rights Movement 1933-1965: Race, Rights and Representation," Master of Arts Thesis: University of East Anglia, 2018), pp. 68-70. https://ueaeprints.uea.ac.uk/id/eprint/71885/1/FINAL_THESIS_TEXT_24.04.19_rev.pdf, stating:

> There were three, perhaps four at most, Black lawyers in Mississippi and the white Mississippi bar either had no interest in representing those activists seeking to disrupt or even dismantle a system and a way of life they themselves supported, or at best, were fearful of the consequences of representation.
>
> Just as they had done previously, veteran Jewish lawyers responded to the need, joined by a younger generation of similarly motivated Jewish lawyers and law students. They would face challenges, in terms of the temperament and culture of the Southern state court system as well as to their own physical safety. New strategies were needed to both respond to the requirements of the movement and address a culture of obstruction that extended through the entire state apparatus from law enforcement to the courts....
>
> All of these lawyers would face intimidation, both verbal and physical in nature. And the abuse wasn't limited to African Americans. Jewish lawyers were also targeted. In the South anti-Semitism was just another form of racism and from this negativism reinforced an empathy of identification from an earlier era.... Another of the obstacles confronting the lawyers who went South from the North was the need to affiliate with local counsel. It was to have potentially serious consequences for LCDC's ability to provide adequate legal representation to its client base, which was African American....

[65] See, generally, Linda Ann Albin, "Jewish Lawyers and the Long Civil Rights Movement 1933-1965: Race, Rights and Representation," Master of Arts Thesis: University of East Anglia, 2018), p. 60. https://ueaeprints.uea.ac.uk/id/eprint/71885/1/FINAL_THESIS_TEXT_24.04.19_rev.pdf

> Approximately 150 volunteer lawyers went South in support of civil rights activists beginning in 1964 and of those who were white, more than half were Jewish.200 While those Jewish lawyers who volunteered did not necessarily become civil rights lawyers, their narratives attest to the fact that their liberal Jewish culture was a factor. The contribution of these lawyers, including George Cooper, Al Bronstein, Armand Derfner, Henry Aronson, Richard Sobol, Jeremiah Gutman, and many others, was representative of a larger continuing and evolving collective contribution to civil rights in America. As Michael Meltsner, Jack Greenberg's deputy at LDF stated in his memoir, The Making of a Civil Rights Lawyer, "There was something appealing to Jewish lawyers, however, in the logic behind my father's basic teaching that social and legal action to end mistreatment of any minority helped all minorities; at least it helped the Jews....
>
> These were the ideals around which Alexander Pekelis charted a course for legal and social action, not just for Jews but for all Americans. In part, because of the obstacles that had been put in their way, Jewish organizations and lawyers acted on behalf of those even more marginalized than themselves.
>
> By the 1960s, even when most of the obstacles in the way of Jews had been removed or overcome, the foundations for and a commitment to social action had been laid. If "every act of discrimination is to be seen as an imperfection of the democratic system, as a violation of the civil rights of Americans," as a CLSA publication asserted, there was still much more to be overcome. 203 And so, when the call for lawyers came in the 1960s, as it had in the 1930s and 1950s, **Jewish lawyers**

35. Many Jewish lawyers were involved in the civil rights movement, including Alexander Pelakis;[66] Jack Greenberg;[67] and Herbert Hill.[68] Jews were prominent among the founding members of the NAACP in 1909.[69]

36. The Jewish lawyer Alexander Pekelis, who was the first foreign-born editor-in-chief of the Columbia Law Review, promoted social justice and change in the law through the utilization of sociology, economic, history, political science, and related disciplines.[70]

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rushed to answer it, continuing in the tradition of pursuing justice.

[66] See, e.g., "Alexander Pekelis," *Wikipedia*, https://en.wikipedia.org/wiki/Alexander_Haim_Pekelis

> Alexander Haim Pekelis (April 1902 – December 28, 1946) was a jurist, scholar and activist. He lived and was educated throughout Europe in his early life, and was a jurist in pre-fascist Italy before moving to France in 1938 and to the United States in 1941. He became the first foreign-born Editor-in-Chief of the Columbia Law Review. Despite his short time in the United States before his untimely death in 1946 at the age of 44, he left his mark on modern United States jurisprudence, his work advocating and foretelling the **role social sciences** would come to play in **deciding legal issues**.

[67] Jack Greenberg (1924 – 2016) was an American attorney and legal scholar. He was the Director-Counsel of the NAACP Legal Defense Fund from 1961 to 1984, succeeding Thurgood Marshall. See, generally, Jack Greenberg, *Crusaders in the Courts: How a Dedicated Band of Lawyers Fought for the Civil Rights Revolution* (New York: Basic Books, 1994).

[68] Herbert Hill (1924 – 2004) was the labor director of the National Association for the Advancement of Colored People for decades and was a frequent contributor to New Politics as well as the author of several books. He was later Evjue-Bascom Professor of Afro-American Studies and Industrial Relations at the University of Wisconsin–Madison and eventually emeritus professor

[69] Several Jewish people were founding members of the National Association for the Advancement of Colored People (NAACP) in 1909. This included:

> Henry Moskowitz: A Romanian Jewish émigré and social worker who was active in the Ethical Culture Society
>
> Rabbi Emil Hirsch: A German-born rabbi of Chicago
>
> Rabbi Stephen Samuel Wise: The head of the Reform movement in the U.S.
>
> Lillian Wald: A suffragist and founder of the Henry Street Settlement
>
> Julius Rosenwald: The CEO of Sears Roebuck
>
> Jacob Schiff: A leading Jewish philanthropist of the Progressive Era

[70] Linda Ann Albin, "Jewish Lawyers and the Long Civil Rights Movement 1933-1965: Race, Rights and Representation," Master of Arts Thesis: University of East Anglia, 2018), pp. 39-44 (citing and quoting from Alexander, H. Pekelis, "Full Equality in a Free Society: A Program for Jewish Action," in Law and Social Action, ed. Milton R. Konvitz (New York: De Capo Press, 1970))

37. Similarly, the Harvard-trained African American lawyer Charles Hamilton Houston, who was the first black editor-in-chief of the Harvard Law Review, and the first black head of the NAACP's Legal Defense Department, also had developed a legal philosophy of social engineering whereby he also utilized sociology, economic, history, political science, and related disciplines in order to advocate for change in the law.[71]

38. The legacy of Alexander Pekelis (Jewish) and Charles Houston (African American) was the result of a Black-Jewish covenant that was based upon "religious faith" and a shared history of oppression and that produced "social engineering" as a method of civil rights law practice.

> **Linda Ann Albin, "Jewish Lawyers and the Long Civil Rights Movement 1933-1965: Race, Rights and Representation"**
>
> ———
>
> **Alexander Pekelis and Group Action in the Post War Period**
>
> "Jewish lawyers, in cooperation with others, sought redress in the courts to secure equality in housing, employment and education.
>
> "In doing so they recast the institutions of American society in their most democratic forms.
>
> "It is the perception of a shared experience of oppression and a diasporic history that served to underpin **the Black-Jewish alliance**.
>
> "**Julian Bond**[72] described the coalition as 'a relationship of

[71] See, e.g., Charles Hamilton Houston, "The Need for Negro Lawyers," Journal of Negro Education Vol. 4, No. 1 (Jan., 1935), pp. 49-52; and see Gena Rae McNeil, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights* (Philadelphia, PA: Univ. of Penn. Press, 1984), with the following book summary:

> "A classic. . . . [It] will make an extraordinary contribution to the improvement of race relations and the understanding of race and the American legal process."—Judge A. Leon Higginbotham, Jr., from the Foreword
>
> Charles Hamilton Houston (1895-1950) left an indelible mark on American law and society. A brilliant lawyer and educator, he laid much of the legal foundation for the landmark civil rights decisions of the 1950s and 1960s. Many of the lawyers who won the greatest advances for civil rights in the courts, Justice Thurgood Marshall among them, were trained by Houston in his capacity as dean of the Howard University Law School. Politically Houston realized that blacks needed to develop their racial identity and also to recognize the class dimension inherent in their struggle for full civil rights as Americans.
>
> Genna Rae McNeil is thorough and passionate in her treatment of Houston, evoking a rich family tradition as well as the courage, genius, and tenacity of a man largely responsible for the acts of "simple justice" that changed the course of American life.

[72] **EXHIBIT A:** NAACP Chairman's Leadership certificate; Postcard from Julian Bond. See, also, "Julian Bond," Wikipedia, https://en.wikipedia.org/wiki/Julian_Bond

intersecting agendas based on **religious faith** and **a common heritage of oppression.'** …

"[Alexander H.] Pekelis contended that it is a diasporic history that shapes the destiny of Jews in America. '…Simple historical facts that have imposed a common group destiny upon us," he wrote, "call for an affirmative recognition and active expression of the full extent of our group existence.'

"Pekelis was, first of all, referring to events which resulted in the fleeing or expulsion of Jews from countries or jurisdictions which left them stateless.

"But he was also suggesting a kind of internal diaspora that deposited Jews on the margins of the majority society in which they found themselves, including in America.

"By extension, that argument can be applied to African Americans, and as suggested by Julian Bond, points to a history that binds, rather than divides these peoples with their distinct experiences and cultures.

"It was ultimately a battle for equality that required both Blacks and Jews to enter into a contract or covenant, in which social action and the law would become their double-edged sword.

"Writing about such diverse people, Eric Sundquist, in his exploration of Blacks and Jews in post-Holocaust America posited, 'their primary identities derived from belonging not to a particular nation-state but instead to a **religio-cultural diasporic "nation"** and …in some instances have elected to define themselves, **negatively - by anti-Semitism or racism.'…**

"The relationship of the law to society and the use of the law in securing those rights as set out in the Constitution were key to Pekelis's model for law and social action. '**Law without a knowledge of society is blind**;' wrote Pekelis, '**sociology without a knowledge of law, powerless**.'

"As Milton Konvitz remarked in the introduction to a collection of Pekelis's essays, **'he made a conscious effort to bridge the gap between, on the one hand, the law and, on the other hand, economics, politics, and sociology.**' This then is the stuff of legal realism, or in Pekelis's own words, 'a feeling for the dissonance between the abstractness of general rules and the individuality of concrete cases; and an awareness of the creative nature of the judicial function.'

"This perspective depends heavily on **a creative use of the law and judicial interpretation within a sociological context**. In stressing the importance of the group over individual rights and action, Pekelis asserted that the U.S.A. had 'reached a stage of evolution in which group responsibility, social discrimination, and private injustice have become crucial political and legal and, in some senses, even

constitutional problems.'...

"The distinction Pekelis made, and it is an important one, was that patterns of behavior in society were as dangerous as those behaviors exhibited by those in authority. Specifically he was referring to institutions that used the pretext of the private in order to legitimize their exclusionary practices.

"It must be noted however, that in the experience of African Americans, the threat came from both the state bureaucracy as well as from the "forces of society."

"In the post-war years, Jews in America were feeling more American and yet less secure. The Holocaust was a reality. And while it happened somewhere else, it could happen anywhere. For Pekelis, Jewish security would be assured only when equality was extended to all citizens within the private and public sectors."[73]

39. The Jewish religious legacy of utilizing the law to pursue justice (i.e., Deuteronomy 16:20), manifested as "**social engineering**,"[74] became a cornerstone of civil rights advocacy in the courts on behalf of African Americans.[75]

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[73] Linda Ann Albin, "Jewish Lawyers and the Long Civil Rights Movement 1933-1965: Race, Rights and Representation," Master of Arts Thesis: University of East Anglia, 2018), pp. 40-43. https://ueaeprints.uea.ac.uk/id/eprint/71885/1/FINAL_THESIS_TEXT_24.04.19_rev.pdf

[74] According to Charles Hamilton Houston,

> A lawyer's either a social engineer or ... a parasite on society ... A social engineer [is] a highly skilled, perceptive, sensitive lawyer who [understands] the Constitution of the United States and [knows] how to explore its uses in the solving of problems of local communities and in bettering conditions of the underprivileged citizens.

Source: "Social Justice Guide," Howard University Law School, https://library.law.howard.edu/socialjustice#.

[75] A few of Charles Hamilton Houston's landmark cases resulting in from social engineering included:

(1). *Hollins v. State of Oklahoma*, 295 U.S. 394 (1935)(**criminal trial; all-white jury**).
(2). *Hale v. Kentucky*, 303 U.S. 613 (1938)(**criminal trial; all-white jury**).
(3). *Missouri ex rel Gaines v. Canada*, 305 U.S. 337 (1938)(**racial discrimination; college admissions**)
(4). *Smith v. Allwright*, 321 U.S. 649 (1944)(elections; all-white primaries)
(5). *Steele v Louisville & Nashville R.R.*, 323 U.S. 192 (1944); *Tunstall v. Brotherhood of Locomotive Firemen & Enginemen*, 323 U.S. 210 (1944)(**labor union; racial discrimination; duty of fair representation**).
(6). *Shelly v. Kraemer*, 334 U.S. 1 (1948); *Hurd v. Dodge*, 334 U.S. 24 (1948) (**real estate sales; racially-restrictive covenants**)

Charles Houston's social-engineering legacy in the NAACP was based to Thurgood Marshall (African American) and Jack Greenburg (Jewish). Both Marshall and Greenburg was lead attorneys in the landmark racial-desegregation case of *Brown v. Board of Education*, 347 U.S. 483 (1954).

40. Today, "s**ocial engineering"** as a type of law practice is safe-guarded under the **international treaty law** of the United States. See, e.g., Article 2(2) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), stating:

> States Parties shall, when the circumstances so warrant, take, in the **social**, **economic**, **cultural** and **other fields**, special and concrete measures **to ensure the adequate development** and **protection of certain racial groups** or **individuals belonging to them**, for the **purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms**. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups **after the objectives** for which they were taken have been achieved.

41. Black and Jewish coalition is still useful and necessary. [76]

VIII.
The Methodist Law Centre: Social Engineering in the Jewish-African American Civil Rights and Human Rights Traditions

42. The American "civil religion" of the Law of Nature that is contained in the American Declaration of Independence (1776) and coterminous with the ancient Hebrew religion (i.e., Torah; Deuteronomy 16: 20 "*Justice, justice shall you pursue*") and equity jurisprudence (i.e., Judea-Christian values) have become part and parcel of the tradition of civil rights advocacy among Jewish and African American lawyers—which is characterized as social engineering. See, e.g., J. Clay Smith's *Emancipation: The Making of the Black Lawyer 1844 – 1944, where Justice Thurgood Marshall writes:*

> 'Long before the Civil Rights Movement ever crystallized the plight of African Americans, Negro lawyers had identified the inequities in the legal order and begun to lay the foundation for social change…. [T]hese lawyers worked diligently to protect and expand the rights of African Americans and to ensure, case by case, that justice would not forever be delayed.'[77]

43. To that end, the Affiant, Attorney Roderick Andrew Lee Ford, operates The Methodist Law Centre, which is named in honor of the Reverend John Wesley (1703 - 1791) and the stated aims and objectives of the original Methodist Movement,[78] and of the

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[76] See, e.g., Bruce Wright, *Black Robes, White Justice* (Secaucus, N.J.: Lyle Stuart, Inc., 1987), pp. 15, stating: "If blacks remain isolated from their natural Jewish allies, I believe that both will be at the mercy of an irremedial peril."

[77] J. Clay Smith, *Emancipation: The Making of the Black Lawyer 1844 – 1944* (Philadelphia, PA: Univ. of Penn, 1993), p. xi.

[78] **EXHIBIT B:** See **Pages xx-xx** (a brief summary of the Methodist Movement) and **Footnote 58** on page

"Jewish-Black" Alliance from the 1960s as reflected in the NAACP.[79]

44. As such, the legal or constitutional approach to the Affiant's law practice is "**Oxford Methodism**,"[80] which is designed to assist, inter alia, the poor or vulnerable of all races, African American Christians, churches, and pastors with vindicating the natural rights found in the American Declaration of Independence (1776), equity jurisprudence, and the federal rules of court.

45. "**Oxford Methodism**," as a Judea-Christian legal philosophy of law practice. It is deeply-rooted in Modern Orthodox and Reformed Judaism's conceptualization of "Higher Law" (i.e., unwritten Torah; Deuteronomy 16:20 "*Justice, justice shall you pursue*"),[81] as well as the "Jewish-Black" social-engineering approach to the practice of international human rights law and civil rights law.

A. The Methodist Law Centre's First-Amendment legal services ministry is conceptualized as "**Oxford Methodism**,"[82] because it grew out from the "African

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30 (a brief summary of the Social Justice objectives of historic Methodism) within **Exhibit B** (Document Omitted).

[79] See, e.g., *NAACP. v. Button*, 371 U.S. 415, 431-436 (1963), stating:

> The NAACP is not a conventional political party, but the litigation it assists, while serving to vindicate the legal rights of members of the American Negro community, at the same time and perhaps more importantly, makes possible the distinctive contribution of a minority group to the ideas and beliefs of our society. For such a group, association for litigation may be the most effective form of political association….
>
> We cannot close our eyes to the fact that the militant Negro civil rights movement has engendered the intense resentment and opposition of the politically dominant white community of Virginia; litigation assisted by the NAACP has been bitterly fought. In such circumstances, broadly curtailing group activity leading to litigation may easily become a weapon of oppression, however evenhanded its terms appear. Its mere existence could well freeze out of existence all such activity on behalf of the civil rights of Negro citizens….
>
> We conclude that... the petitioner has amply shown that its activities fall within the First Amendment's protections....

[80] "Oxford Methodism," https://methodistlawcentre.com/oxford-methodism

[81] Id. ("Like Judaism, Oxford Methodism emphasizes the admonition given in Deuteronomy 16:20, "Justice, justice shall you pursue....")

[82] "Oxford Methodism," https://methodistlawcentre.com/oxford-methodism

Methodism"[83] of the African Methodist Episcopal (AME) Church;[84] and, as such, it is a part of "Black Church" religion and the "Black Church" tradition, custom, and self-conceptualization as being a counterweight against slavery, oppression, and injustice.[85]

B. "**Oxford Methodism**" contemplates the inadequate provision of basic legal services to the African American poor— resulting in the reaffirmation of the negative effects of African slavery and leading to the perpetuation of oppression and injustice.[86]

C. "**Oxford Methodism**" contemplates that the founding principles in the American Declaration of Independence conceptualized a "radical" universal vision of the racial equality of all mankind[87]— one which was both prophetic and ahead of its times, but nevertheless set forth a universal principle[88]— whereby future generations of

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[83] African Methodism was birthed as the "Free African Society" in 1787 in Philadelphia, the same year and city in which the U. S. Constitutional Convention was held. https://www.zinnedproject.org/news/tdih/free-african-society-founded/

[84] **EXHIBIT B:** See **Pages xx-xx** (describing consecration of The Methodist Law Centre at the Mount Olive A.M.E. Church in Tampa) in the case of DOCUMENT OMITTED).

[85] See, e.g., Carter G. Woodson, *The History of the Negro Church* (Washington, D.C.: The Associated Publishers, 1921), p. 282 ("The [Negro] church serves as a moral force, a power acting as a restraint upon the bad and stimulating the good to further moral achievement. Among the Negroes its valuable service is readily apparent...."); W.E.B. Du Bois, "The Souls of Black Folk," *Writings* (New York, N.Y.: The Library of America, 1986), p. 496 ("[T]he [Negro] Church often stands as a real conserver of morals, a strengthener of family life, and the final authority on what is Good and Right"); and James H. Cone and Gayraud S. Wilmore, *Black Theology: A Documentary History*, Vol. One: 1966- 1979 (Maryknoll, N.Y.: Orbis Books, 2003), p. 218 ("[T]he Black Church of the nineteenth century... thought of itself as God's judgment upon racism... converted thousands, stabilized the Black family... founded schools and colleges.... And provided the social, cultural, economic, and political base of the entire African American community in the United States.")

[86] **EXHIBIT B:** See **Footnote 43** on **Pages 23** within **Exhibit B** (Documented Omitted), citing *NAACP v. Button*, 371 U.S. 415, 443-444 (1963)
[xxxxxx] balance of citation omitted.

> Resort to the courts to seek vindication of constitutional rights is a different matter from the oppressive, malicious, or avaricious use of the legal process for purely private gain. Lawsuits attacking racial discrimination, at least in Virginia, are neither very profitable nor very popular. They are not an object of general competition among Virginia lawyers; the problem is rather one of an apparent dearth of lawyers who are willing to undertake such litigation.
>
> There has been neither claim nor proof that any assisted Negro litigants have desired, but have been prevented from retaining, the services of other counsel. We realize that an NAACP lawyer must derive personal satisfaction from participation in litigation on behalf of Negro rights, else he would hardly be inclined to participate at the risk of financial sacrifice.

[87] See, e.g., W.E.B. Du Bois, *The World and Africa: An Inquiry Into the Part Which Africa Has Played in World History* (New York, N.Y.: International Pub., 2015), stating:

> The next event that opposed the slave trade and slavery was **the American Revolution**. Not only did the colonists achieve their independence through **the help of slaves** and **the promise of their freedom**, and with the co-operation in money and men from **Haiti**, but they represented actual **working classes** rather than exploiters of labor.

[88] E.g., the Declaration of Independence (1776) states: "We hold these truths to be self-evident, that all men

Americans would constantly refer to in their complaints and petitions to the Government of general relief and strive to accomplish[89] — but also one that could be perverted and subjugated.[90]

D. "**Oxford Methodism**" contemplates and remediates Section 1 of the Thirteenth Amendments nullified, voided, and abrogated both "slavery" and "involuntary servitude," which include the ***social***, ***economic***, ***cultural***, and ***political*** factors which are also called "badges and incidents of slavery or involuntary servitude" that are unique to the black race.[91]

E. "**Oxford Methodism**" contemplates and remediates Section 1 of 1866 Civil Rights Act, which implements Section 2 of the Thirteenth Amendments, authorizes Citizens of the United States to petition the U. S. District Courts, ostensibly to remediate *social*, *economic*, *cultural*, and *political* factors which are also called "badges and incidents of slavery or involuntary servitude" that are unique to the black race.[92]

F. "**Oxford Methodism**" contemplates and remediates the social and economic conflicts of interests have, as a general rule, inhibited many white judges and white lawyers from vindicating the human rights or civil rights afforded to African American citizens under Section 1 of the Thirteenth Amendment and Section 1 of the 1866 Civil Rights Act.[93]

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are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

[89] See, e.g., Abraham Lincoln, *Dred Scott Speech* (June 26, 1857)[see full quote above. See, also, Abraham Lincoln, *First Lincoln-Douglas Debate* (August 21, 1858)[see full quote above].

[90] *Dred Scott v. Sanford*, 60 U.S. 393, 403, 407 (1857)[see full quote above].

[91] See, e.g., *The Slaughterhouse Cases*, 83 U.S. 36, 69 - 70 (1872)(describing "involuntary servitude" as the general social, economic, and occupational subordination of the black race following the formal end to slavery).

[92] See, e.g., *The Civil Rights Cases*, 109 U.S. 3, 20-22 (1883)("...African slavery... its necessary incidents...."); *Jones v. Alfred H. Mayer*, 392 U.S. 409, 445 (1968)("[t]he true curse of slavery... badges of slavery remain today....")

[93] **EXHIBIT C:** See **Pages 18** within of **Exhibit C** (Documented Omitted), citing Charles Hamilton Houston, "The Need for Negro Lawyers," The Journal of Negro Education, Vol. 4, No. 1 (Jan., 1935), pp. 49-52.
[xxxxx] balance of citation omitted.

See, also, Kermit L. Hall, "The Civil War as a Crucible for Nationalizing the Lower Federal Courts," *Prologue Magazine*, Vol. 7, No. 3 (Fall 1975), to wit:

> **U.S. District Courts Give in to Local Prejudice**
>
> "[T]he traditional concept of embedding federal district courts in the local

G. "**Oxford Methodism**" contemplates and remediates the failure or refusal of Federal Judges or Justices, and particularly the failure or refusal of the U. S. District Courts, to vindicate the human rights or civil rights afforded to African American citizens under Section 1 of the Thirteenth Amendment and Section 1 of the 1866 Civil Rights Act, during the period of the Fall of Reconstruction up through the 1970s.[94]

> constituencies they served made them as potentially responsive to local interests as to the dictates of national authority promulgating a program of reconstruction. The federal courts could as readily serve the interests of ex-Confederates seeking to return to pre-war conditions as they could Republicans concerned with building partisan strength and sustaining Unionists and freedmen….
>
> The changes made in 1862 and 1869, and those proposed in 1866, were more cosmetic than substantial. At least in their institutional structure the federal courts proved resistant to the impact of the Civil War and the first years of Reconstruction. For their part, the Republicans emerged as at best reluctant nationalizers, willing to extend the jurisdiction of the courts but unwilling to break from more traditional notions of parsimonious government and judicial representation that emphasized local and regional diversity over the assertion of national or central authority."

[94] See, e.g., Justice Lewis F. Powell's majority opinion in the case of *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 390-391 (1978), stating:

> The Court's initial view of the Fourteenth Amendment was that its **'one pervading purpose' was 'the freedom of the slave race**, the security and firm establishment of that freedom, and the protection of the newly-made freeman and citizen from the oppressions of those who had formerly exercised dominion over him.' *Slaughter-House Cases*, 16 Wall. 36, 83 U. S. 71 (1873). The **Equal Protection Clause, however, was '[v]irtually strangled in infancy by post-civil-war judicial reactionism.'** It was **relegated to decades of relative desuetude** while the Due Process Clause of the Fourteenth Amendment, after a short germinal period, flourished as a cornerstone in the Court's defense of property and liberty of contract. See, e.g., *Mugler v. Kansas*, 123 U. S. 623, 123 U. S. 661 (1887); *Allgeyer v. Louisiana*, 165 U. S. 578 (1897); *Lochner v. New York*, 198 U. S. 45 (1905). In that cause, the Fourteenth Amendment's "one pervading purpose" was displaced. See, e.g., *Plessy v. Ferguson*, 163 U. S. 537 (1896).

U. N. Committee on the Elimination of Racial Discrimination, "Report Submitted by State Parties Under Article 9 of the Convention" (Third Periodic Reports of States Parties Due 1999)(Addendum, United States of America)(September 21, 2000), ¶ 79, stating:

> "However, for **almost 100** years after the enactment of the Fourteenth Amendment, the **federal courts refused to apply its principles to state-sponsored racial discrimination and de jure segregation**. Thus, this kind of unequal treatment was the rule, rather than the exception, all over the United States until the middle of the twentieth century. In 1954, the U.S. Supreme Court, for the first time, applied the Fourteenth Amendment's requirements of "equal protection under the law" against the states and ushered into U.S. law the idea that state-sponsored

H. "**Oxford Methodism**" contemplates and remediates the general failure of ABA-accredited law schools and State Bar Associations:

(1). To alert both law school faculty and law students about the *present-day, negative* social, economic, cultural, and political effects of chattel slavery upon American society and upon the black race in particular;

(2). To elevate the practice of civil rights and human rights law that will ameliorate the *present-day, negative* effects of chattel slavery upon American society and upon the black race to a highly-regarded and highly-respected type of law practice; and, finally,

(3). To elevate the Jewish-Black type of "social-engineering"[95] law practice to a recognized, established, and unique the of law practice that requires specialized training in law schools and among bar certification programs, as well as recognition from state and federal judges.

The results of this general failure of ABA-accredited law schools and State Bar Associations include, inter alia, the following:

(4). The systematic and serial alienation of black American law students who go to law school desiring to utilize the law to ameliorate the plight of African American and other vulnerable groups. See, e.g., comments from former N.Y. State Supreme Court Justice Bruce Wright; [96]

> segregation was antithetical to the country's fundamental principles. See *Brown v. Board of Education*, 347 U.S. 483 (1954)."

[95] **Social Justice Engineering**: (i.e., FRCP, Rule 11(b)(2) by "a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.")

[96] See, generally, Bruce Wright, *Black Robes, White Justice* (Secaucus, N.J.: Lyle Stuart, Inc., 1987), p. 74; pp. 39-40, stating:

> Few law schools teach the substance of law for the poor. Those that decided that such innovation is proper find themselves unaccredited and intellectually scorned by organizations that grade by academic standing….
>
> The entire law school experience was something of a failure from my idealistic perspective. If I were to be a legal savior for the black race, it seemed to me that there was a vast area of the law I would have to study which was being wholly ignored by my school. Racial restrictive covenants, for example, which served to imprison blacks in ghetto neighborhoods, promised some intellectual heat and excitement. However, my professor said, in a terse dismissal of their importance as a subject, 'All you need to know is that the courts generally uphold such covenants.' Similarly, voting rights

(5). A "bar culture" and "bar climate" of sustained antipathy towards so-called "black jurisprudence" that arise naturally from daily exigencies within black life requiring enforcement of The Civil War Amendments and related statutes, such as the 1866 and 1871 Civil Rights Acts.

(6). The systematic and serial deprecation of African civil rights attorneys, who actually litigate bona fide civil rights cases, among the local bar and bench—state and federal; and who are serially subjected to unjust ridicule and unjustified, baseless court sanctions.

IX.
The Case for Criminal Sanctions Against U. S. District Court Judges Pursuant to 18 U.S.C. § 242

46. Finally, "**Oxford Methodism**" contemplates and remediates, pursuant to Sections 1 and 2 of the 1866 Civil Rights Act,[97] the problem of unjustified court sanctions that racially-biased state or federal judges[98] serially and perennially levy against African

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cases were given no analysis. In criminal law, there was no discussion of the famous Scottsboro case, which had had such a bitter effect on black minds throughout the country. This was either intellectual or emotional racism, or perhaps a mixture of both.

The more I researched such cases on my own, the angrier I became with American society and the more I wondered how Supreme Court justices could be referred to as great jurists…. On one hand I had the white studies of the regular curriculum; on the other, the private melancholia of reading the civil rights cases. It was then, as I regarded my white fellow-students, that I decided they could never really be my friends unless they came to feel, and expressed, some of the same outrage that had come over me. That this was an impossible condition to impose for friendship, I knew. Nevertheless, to this day, I have refused to attend reunions of my law school class. There are distances that can never be bridged.

[97] See, also, *Jones v. Alfred H. Mayer Co*., 392 U.S. 409, 426 (1968) stating:

Hence, the structure of the 1866 Act, as well as its language, points to the conclusion urged by the petitioners in this case -- that § 1 was meant to prohibit all racially motivated deprivations of the rights enumerated in the statute, although only those deprivations perpetrated "under color of law" were to be criminally punishable under § 2.

[98] See, e.g., Bruce Wright, *Black Robes, White Justice*, supra, pp. 11-12, stating:

The quest for that moral force which is justice takes time. In trials and hearings, one must explore more than the meaning of enacted laws and the fact that they are said to have been breached. All kinds of complicated factors come into play. All too often, psychological questions arise to confront and vex our system of laws. Those of us called upon to sit in judgment of both laws and lawbreakers are not always qualified for such an onerous task. Most of the judges of America are male, white, middle-class, aloof and conservative....

Do white judges ever bring to bear a sober reflection on why there are so many black defendants in criminal cases? Do white judges ever wonder about why there are so few black lawyers appearing before them? Do they ever inquire about the history of bar associations

American civil rights lawyers who seek to vindicate the American Declaration of Independence (1776) and other related constitutional laws, principles, statutes, while utilizing the federal rules of court to vindicate the civil and human rights of their clients.

Sanctions and Racial Stereotypes of Black Civil Rights Attorneys

(1). Such court sanctions are historic, because they are often a part of a historic pattern following the fall of Reconstruction in 1877, when black lawyers, lawmakers or other black Americans who held any type of official status or positions were unjustifiably criticized.[99] Black lawyers entered the American legal profession under these impediments, to wit:

> As the Reconstruction era began, the need for black lawyers who were 'to serve the newly freed black population' was recognized in the South, but 'Negrophobia [remained] prevalent,' thwarting the progress of the black lawyer….[100]
>
> "Claims of black lawyers' incompetence were leveled from almost the time blacks first entered the legal profession, but these claims intensified during the Post-Reconstruction era. [footnote 111, citing "T. C. Walker, The Honey-pod Tree 71 (1958). Thomas C. Walker, who practiced law in Gloucester County, Virginia, in 1890, states, 'Generally speaking, I found the southern white man very skeptical as t the Negro's legal ability.'")]
>
> No matter how many court victories black lawyers won in American courts, they were often the object of 'unjust criticism.' The charge of incompetence slowed the progress of black lawyers, and fed racial stereotypes in the white legal community. 'Incompetence' in the eyes of the black community, meanwhile, did not necessarily imply that the black layer lacked the technical skills required to conduct a case in a court of law. Black people sometimes understood incompetence in a material way. The black lawyer was supposed to make more money than a bootblack. If he did not, the

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> that used to exclude Jews and blacks? Do they ever ponder aloud or in silence the reasons that there are so few black judges? Whenever I have raised the subject of bar association discrimination against blacks, my white colleagues profess never to have noticed any such thing.

[99] **EXHIBIT C:** See, e.g., **Exhibit C**, Documented Omitted., citing W.E.B. Du Bois, *Black Reconstruction in America*, (New York, N.Y.: Harcourt, Brace and Co.,1935), pp. 583 and 711 – 730 (Chapter XVII, "The Propaganda of History").
[xxxxx] balance of citation omitted.

[100] J. Clay Smith, *Emancipation: The Making of the Black Lawyer 1844 – 1944* (Philadelphia, P.A.: Univ. of Penn. Press, 1993), p. 3.

> black community presumed that his lack of material success was due to incompetence. This stigma, often exploited by white lawyers for representing people they did not respect. Blacks were urged 'not to employ them.'[101]

(2). Such court sanctions often unjustly assume that African American civil rights lawyers stay only within the "four corners" of standard law school or bar curriculum (i.e., the "white law school or bar curriculum")[102] and do not *vigorously read and research other relevant laws* that is more specialized and unique to the African and African American experience (i.e., the unofficial "black law school or bar curriculum").[103]

(3). Such court sanctions have a significant First Amendment *chilling effect*[104] upon African American civil rights lawyers (i.e., small or solo firms), and perennially such sanctions threaten their law practices with the stress of potential *bankruptcy*[105] upon the imposition of monetary sanctions.

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[101] Id., pp. 12 – 13.

[102] Bruce Wright, *Black Robes, White Justice*, supra, pp. 39-40.

[103] Id.

[104] See, e.g., *NAACP v. Button*, 371 U.S. 415, 443-444 (1963), stating:

> Resort to the courts to seek vindication of constitutional rights is a different matter from the oppressive, malicious, or avaricious use of the legal process for purely private gain. Lawsuits attacking racial discrimination, at least in Virginia, are neither very profitable nor very popular. They are not an object of general competition among Virginia lawyers; the problem is rather one of an apparent dearth of lawyers who are willing to undertake such litigation.
>
> There has been neither claim nor proof that any assisted Negro litigants have desired, but have been prevented from retaining, the services of other counsel. We realize that an NAACP lawyer must derive personal satisfaction from participation in litigation on behalf of Negro rights, else he would hardly be inclined to participate at the risk of financial sacrifice....
>
> We conclude that... the petitioner has amply shown that its activities fall within the First Amendment's protections....

[105] See, e.g., J. Clay Smith, Jr., "Rule 11 and Civil Rights Lawyers Comments of National Bar Association In response to the Call for Comments Issued by the Advisory Committee on the Civil Rules Judicial Conference of the United States" (1990). Selected Speeches. 137. https://dh.howard.edu/jcs_speeches/137 Exhibit 1. (citing the case of *NAACP v. Button*, supra).

Federal Court Sanctions Can Perpetuate "Badges and Incidents" of Slavery[106]

(4). Such court sanctions penalize African American civil rights lawyers for availing themselves of their clients' natural rights under the American Declaration of Independence (1776);[107] First Amendment, U.S. Constitution (1787)[including the right to religion and to petition]; equitable principles contained in the Federal Rules of Court; and the right to social justice engineering that is expressly contained in Rule 11(b)(2) of the Federal Rules of Civil Procedure.[108]

(5). "Slavery cannot exist without law."[109]

(6). Hence, United States District Court judges, while acting *under color of federal law*, and the federal courts— where *civil rights laws* are impeded, and where the *law of slavery* is instead substituted and enforced— may implement the "badges and

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[106] See, e.g., William Goodell, The American Slave Code (1853), Part I., Chapter XIX ("The Slave Cannot Sue His Master"); and Part II. Chapter II ("No Access to the Judiciary, and No Honest Provision For Testing the Claims of the Enslaved to Freedom").

[107] See, also, *U.S. v. Morris*, 125 Fed. Rep. 322, 325 (E.D. Ark. 1903), construing both the 13th Amendment, U.S. Constitution and Section 1 of the Civil Rights Act of 1866, stating:

> Every citizen and freeman is endowed with certain rights and privileges, to enjoy which no written law or statute is required. These are fundamental or natural rights, recognized among all free people. In our Declaration of Independence, the Magna Carta of our republican institutions, it is declared: 'We hold these rights to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness....

[108] **Social Justice Engineering**: (i.e., FRCP, Rule 11(b)(2) by "a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.")

[109] *Civil Rights Cases*, 109 U.S. 3, 20 (1883)("It is true that slavery cannot exist without law, any more than property in lands and goods can exist without law, and, therefore, the Thirteenth Amendment may be regarded as nullifying all State laws which establish or uphold slavery.")

incidents of *African slavery*,"[110] and indeed slavery itself, through *custom*.[111]

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[110] *The Slaughterhouse Cases*, 83 U.S. 36, 68 - 70 (1872), stating:

> The institution of African slavery, as it existed in about half the States of the Union, and the contests pervading the public mind for many years between those who desired its curtailment and ultimate extinction and those who desired additional safeguards for its security and perpetuation, culminated in the effort, on the part of most of the States in which slavery existed, to separate from the Federal government and to resist its authority. This constituted the war of the rebellion, and whatever auxiliary causes may have contributed to bring about this war, undoubtedly the overshadowing and efficient cause was African slavery.
>
> In that struggle, slavery, as a, legalized social relation, perished. It perished as a necessity of the bitterness and force of the conflict. When the armies of freedom found themselves upon the soil of slavery, they could do nothing less than free the poor victims whose enforced servitude was the foundation of the quarrel. And when hard-pressed in the contest, these men (for they proved themselves men in that terrible crisis) offered their services and were accepted by thousands to aid in suppressing the unlawful rebellion, slavery was at an end wherever the Federal government succeeded in that purpose. The proclamation of President Lincoln expressed an accomplished fact as to a large portion of the insurrectionary districts when he declared slavery abolished in them all. But the war being over, those who had succeeded in reestablishing the authority of the Federal government were not content to permit this great act of emancipation to rest on the actual results of the contest or the proclamation of the Executive, both of which might have been questioned in after times, and they determined to place this main and most valuable result in the Constitution of the restored Union as one of its fundamental articles. Hence, the thirteenth article of amendment of that instrument.
>
> Its two short sections seem hardly to admit of construction, so vigorous is their expression and so appropriate to the purpose we have indicated.
>
> > "1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."
> >
> > "2. Congress shall have power to enforce this article by appropriate legislation."
> > To withdraw the mind from the contemplation of this grand yet simple declaration of the personal freedom of all the human race within the jurisdiction of this government -- a declaration designed to establish the freedom of four millions of slaves -- and with a microscopic search endeavor to find in it a reference to servitudes which may have been attached to property in certain localities requires an effort, to say the least of it.
>
> That a personal servitude was meant is proved by the use of the word "involuntary," which can only apply to human beings. The exception of servitude as a punishment for crime gives an idea of the class of servitude that is meant. The word servitude is of larger meaning than slavery, as the latter is popularly understood in this country, and the obvious purpose was to forbid all shades and conditions of African slavery. It was very well understood that, in the form of apprenticeship for long terms, as it had been practiced in the West India Islands, on the abolition of slavery by the English government, or by reducing the slaves to the condition of serfs attached to the plantation, the purpose of the article might have been evaded if only the word slavery had been used....
>
> The process of restoring to their proper relations with the Federal government and with the other States those which had sided with the rebellion, undertaken under the proclamation of President Johnson in 1865 and before the assembling of Congress, developed the fact that, notwithstanding the formal recognition by those States of the abolition of slavery, the condition of the slave race would, without further protection of the Federal government, be almost as bad as it was before. Among the first acts of legislation adopted by several of the States in the legislative bodies which claimed to be in their normal relations with the Federal government were laws which imposed upon the colored

race onerous disabilities and burdens and curtailed their rights in the pursuit of life, liberty, and property to such an extent that their freedom was of little value, while they had lost the protection which they had received from their former owners from motives both of interest and humanity. They were in some States forbidden to appear in the towns in any other character than menial servants. They were required to reside on and cultivate the soil without the right to purchase or own it. **They were excluded from many occupations of gain, and were not permitted to give testimony in the courts in any case where a white man was a party**. It was said that their lives were at the mercy of bad men, either because the laws for their protection were insufficient or were not enforced. These circumstances, whatever of falsehood or misconception may have been mingled with their presentation, forced upon the statesmen who had conducted the Federal government in safety through the crisis of the rebellion, and who supposed that, by the thirteenth article of amendment, they had secured the result of their labors, the conviction that something more was necessary in the way of constitutional protection to the unfortunate race who had suffered so much. They accordingly passed through Congress the proposition for the fourteenth amendment....

We repeat, then, in the light of this recapitulation of events, almost too recent to be called history, but which are familiar to us all, and on the most casual examination of the language of these amendments, no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without which none of them would have been even suggested; we mean the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly made freeman and citizen from the oppressions of those who had formerly exercised unlimited dominion over him. It is true that only the fifteenth amendment, in terms, mentions the negro by speaking of his color and his slavery. But it is just as true that each of the other articles was addressed to the grievances of that race, and designed to remedy them as the fifteenth.

See, also, *Civil Rights Cases*, 109 U.S. 3, 22 (1883), stating:

The long existence of African slavery in this country gave us very distinct notions of what it was and what were its necessary incidents. Compulsory service of the slave for the benefit of the master, restraint of his movements except by the master's will, disability to hold property, to make contracts, **to have a standing in court**, **to be a witness against a white person**, and such like burdens and incapacities were the **inseparable incidents of the institution**. Severer punishments for crimes were imposed on the slave than on free persons guilty of the same offences. Congress, as we have seen, by the Civil Rights Bill of 1866, passed in view of the Thirteenth Amendment before the Fourteenth was adopted, undertook to wipe out these burdens and disabilities, the necessary incidents of slavery constituting its substance and visible form, and to secure to all citizens of every race and color, and without regard to previous servitude, those fundamental rights which are the essence of civil freedom, namely, the same right to make and enforce contracts, **to sue, be parties, give evidence**, and to inherit, purchase, lease, sell and convey property **as is enjoyed by white citizens**.

See, also, *Jones v. Alfred H. Mayer Co*., 392 U.S. 409, 423, 431-432 (1968) stating:

To the Congress that passed the Civil Rights Act of 1866, it was clear that the right to do these things might be infringed not only by "State or local law", but also by "**custom, or prejudice**."
On January 5, 1866, Senator Trumbull introduced the bill he had in mind -- the bill which later became the Civil Rights Act of 1866. He described its objectives in terms that belie any attempt to read it narrowly:

‘Mr. President, I regard the bill to which the attention of the Senate is now called as the most important measure that has been under its consideration since the adoption of the constitutional amendment abolishing slavery. That amendment declared that all persons in the United States should be free. This measure is intended to give effect to that declaration and secure to all persons within the United States practical freedom. There is very little importance in the general declaration of abstract truths and principles unless they can be

(5). African slavery—as juxtaposed to any other form or type of slavery that has existed in human history—is the only form of slavery that has existed in the United States: it has definite *features*, *forms*, *customs*, and *usages* which are well documented in the legislative and Congressional histories of the several states and of the United States.

(6). Juridical interposition of court sanctions against African American attorneys (and civil rights attorneys of all races) in the U. S. District Courts can have a chilling effect[112] upon the enforcement of the Thirteenth Amendment and its implementing statutory legislation, the Civil Rights Act of 1866.[113]

> carried into effect, unless the persons who are to be affected by them have some means of availing themselves of their benefits.'
>
> Of course, Senator Trumbull's bill would, as he pointed out, "destroy all [the] discriminations" embodied in the Black Codes, but it would do more: it would affirmatively secure for all men, whatever their race or color, what the Senator called the "**great fundamental rights**": "the right to acquire property, the right to go and come at pleasure, **the right to enforce rights in the courts**, **to make contracts**, and to inherit and dispose of property.
>
> As to those basic civil rights, the Senator said, the bill would "break down all discrimination between black men and white men."

[111] Section 1 of the 1866 Civil Rights Act strikes against any "custom" which violates (a) either its express provision—namely, "to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other" — and (or) (b) Section 1 of the Thirteenth Amendment—namely, "[n]either slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

[112] See, e.g., *NAACP v. Button*, 371 U.S. 415, 443-444 (1963), stating:

> Resort to the courts to seek vindication of constitutional rights is a different matter from the oppressive, malicious, or avaricious use of the legal process for purely private gain. Lawsuits attacking racial discrimination, at least in Virginia, are neither very profitable nor very popular. They are not an object of general competition among Virginia lawyers; the problem is rather one of an apparent dearth of lawyers who are willing to undertake such litigation.
>
> There has been neither claim nor proof that any assisted Negro litigants have desired, but have been prevented from retaining, the services of other counsel. We realize that an NAACP lawyer must derive personal satisfaction from participation in litigation on behalf of Negro rights, else he would hardly be inclined to participate at the risk of financial sacrifice....
>
> We conclude that... the petitioner has amply shown that its activities fall within the First Amendment's protections....

[113] See, e.g., J. Clay Smith, Jr., "Rule 11 and Civil Rights Lawyers Comments of National Bar Association In response to the Call for Comments Issued by the Advisory Committee on the Civil Rules Judicial Conference of the United States" (1990). Selected Speeches. 137. https://dh.howard.edu/jcs_speeches/137 Exhibit 1 (citing and discussing *NAACP v. Button*, supra.)

(7). The unjustified and willful juridical interposition of court sanctions against black attorneys, especially, can also violate federal criminal statutory law; namely, 18 U.S.C. § 242 ("Deprivation of Rights Under Color of Law"), for which there is *no judicial immunity*.[114]

(8). The unjustified and willful juridical interposition of court sanctions against African American attorneys must be taken seriously, because it not only demeans, humiliates, debauches the professional character and standing of African American attorneys, but it also constitutes badges and incidents of "African slavery" through every measure, standard, and enunciation of federal jurisprudence.[115]

(9). "*Badges and incidents" of African slavery* is taken from the "involuntary servitude" provision in Section 1 of the Thirteenth Amendment,[116] and it has broad social implications that implicate the domination of abusive white-controlled governmental or judicial power perpetuated "under color of law" in a manner that flagrantly divests African American attorneys of fundamental right—i.e., the "*liberty of occupational pursuit*"[117] — that is enumerated in the American Declaration of

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[114] See, e.g., *Dennis v. Sparks*, 449 U.S. 24, 31 (1980); *Imbler v. Pachtman*, 424 U.S. 409, 429 (1976); and *O'Shea v. Littleton*, 414 U.S. 488, 503 (1974).

[115] See, e.g., *Civil Rights Cases*, 109 U.S. 3, 22 (1883).

[116] See, e.g., *Civil Rights Cases*, supra, at 20-22; *Jones v. Alfred H. Mayer Co*., supra, 444-445 (1968).

[117] See, e.g., *Butchers' Union Co. v. Crescent City Co*., 111 U.S. 746, 755-757 (1884)(Justice Field's concurring opinion, stating:

> A monopoly [is] … void at common law, because they destroy the freedom of trade, discourage labor and industry, restrain persons from getting an honest livelihood and put it in the power of the grantees to enhance the price of commodities. They are void because they interfere with the liberty of the individual to pursue a lawful trade or employment….
>
> As in our intercourse with our fellow men, certain principles of morality are assumed to exist without which society would be impossible, so certain inherent rights lie at the foundation of all action and upon a recognition of them alone can free institutions be maintained. These inherent rights have never been more happily expressed than in the **declaration of independence**, that new evangel of liberty to the people: "We hold these truths to be self-evident" -- that is, so plain that their truth is recognized upon their mere statement -- "that all men are endowed" -- not by edicts of emperors, or decrees of Parliament, or acts of Congress, but "by their Creator with certain inalienable rights" -- that is, rights which cannot be bartered away, or given away, or taken away, except in punishment of crime -- "and that among these are life, liberty, and the pursuit of happiness, and to secure these" -- not grant them, but secure them -- "governments are instituted among men, deriving their just powers from the consent of the governed."
>
> Among these **inalienable rights, as proclaimed in that great document, is the right of men to pursue their happiness, by which is meant the right to pursue any lawful business or vocation**, in any manner not inconsistent with the equal rights of others, which may increase their prosperity or develop their faculties, so as to give to them their highest enjoyment.

Independence, namely,

> "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

(10). *"Badges and incidents" of African slavery* is taken from the "involuntary servitude" provision in Section 1 of the Thirteenth Amendment,[118] and it has broad social implications that implicate the domination of abusive white-controlled governmental or judicial power perpetuated "under color of law" in a manner that flagrantly divests African American attorneys of fundamental rights that are enumerated in Section 1 of the 1866 Civil Rights Act, namely,

A. "To make and enforce contracts";

B. "To… sue";

C. "To… be parties….";

D. "To… give evidence…"

E. "To the full and equal benefit of all laws and proceedings… be subject to subject to like punishment, pains, and penalties, and to none other…"

F. "… as is enjoyed by white citizens…."

Hence, "**Oxford Methodism**" holds generally that Federal judges may violate Section 1 of

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> The common business and callings of life, the ordinary trades and pursuits, which are innocuous in themselves, and have been followed in all communities from time immemorial, must therefore be free in this country to all alike upon the same conditions. The right to pursue them, without let or hindrance, except that which is applied to all persons of the same age, sex, and condition, is **a distinguishing privilege of citizens of the United States**, and **an essential element of that freedom which they claim as their birthright**.

And see, also, Justice Bradley's concurring opinion at, Id at 764, stating:

> I hold that *the liberty of pursuit* -- the right to follow any of the ordinary callings of life -- is one of the privileges of a citizen of the United States. It was held by a majority of the court in the former decision of the *Slaughterhouse Cases*, 16 Wall. 36, 83 U. S. 57, that the "privileges and immunities of citizens of the United States," mentioned and referred to in the Fourteenth Amendment, are only those privileges and immunities which were created by the Constitution of the United States, and grew out of it, or out of laws passed in pursuance of it.

[118] Id.

the Thirteenth Amendment, and Sections 1 and 2, of the 1866 Civil Rights Act [including 18 U.S.C. § 242], by unjustifiably harassing, unjustifiably threatening to sanction, and unjustifiably sanctioning African American civil rights attorneys.

CONCLUSION

This Officer of the Court Affidavit has focused much upon salient and cherished legal principles, such as the American Declaration of Independence, and the Judea-Christian foundations of equity, while utilizing the church (i.e., The Methodist Law Centre) as a platform upon which to address very a sensitive topic such as judicial bias—particularly the historic bias that has been levied by white judges against black court litigants and black civil rights attorneys.

Time does not permit a general discussion of an equally salient and important topic that is in the nature of economics and class conflict. One form of "black" oppression has been the "**disunity**" which an oppressive capitalistic and elitist system has relied upon to prevent *poor whites* and *poor blacks* from unifying their economic interests and cooperating politically, economically, and in the prosecution of civil rights litigation for the vindication of human and civil rights.[119]

Notably, the case of xxxxxxxxxxxxx v. xxxxxxxxxxxx, 6:xx-cv-00xxx [xxxxxx District of North Carolina; xxxxxxxx Division] fits within that genre of legal action; because here, the attorney, who is a black civil rights attorney, has decided to provide humanitarian-like legal assistance to Plaintiff xxxxxx, who is a relatively-indigent white civil rights litigant.[120] Sanctioning African American civil rights attorneys who assist poor white persons seeking to vindicate their rights under the federal civil rights statutes—xxxxxxxxxx v xxxxxxxx, supra.— should be construed to be a special kind of racial oppression that operates through *disunifying* the black and white poor, and thus making the amelioration of the American underclass next to impossible.[121]

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[119] **EXHIBIT C:** See Pages 15-17 within of **Exhibit C** (Document Omitted), citing W.E.B. Du Bois, *Black Reconstruction in America* (New York, N.Y.: Harcourt, Brace and Co.,1935).
[xxxxx] balance of citation omitted.

[120] The Methodist Law Centre notes that the inadequate provision of basic civil rights legal services to poor whites as well as to poor blacks, results "racial animosity" in poor whites and perpetuates the negative effects of slavery upon both groups. See, e.g., J. Clay Smith, *Emancipation: The Making of the Black Lawyer: 1844 – 1944*, supra, p. xiv. ("This approach required an investigation of the origins of the black lawyer that followed them from the states of their emancipation to the states in which they, as lawyers, emancipated their people. (Little know is the fact that some of the people these lawyers emancipated were **white**)." See, also, *The Slaughterhouse Cases*, 83 U.S. 36, 72 (1872), stating, "We do not say that no one else but the negro can share in this protection. Both the language and spirit of these articles are to have their fair and just weight in any question of construction. Undoubtedly while negro slavery alone was in the mind of the Congress which proposed the thirteenth article, it forbids any other kind of slavery, now or hereafter."

[121] **EXHIBIT C** See Pages 15-17 within of **Exhibit C** (Documented Omitted), citing W.E.B. Du Bois, *Black*

ATTORNEY'S CERTIFICATION
PURSUANT TO FLORIDA BAR OATH OF ATTORNEY

I HEREBY CERTIFY that this Affidavit has been made in the furtherance of international human rights and federal civil rights on behalf of both the Affiant as well as similarly-situated black American civil rights attorneys, and, as such, that this Affidavit is fully compliant with the letter and spirt of the "Oath of Attorney for the State of Florida," to wit:

Florida Bar Oath of Attorney

"I do solemnly swear:

"I will support the Constitution of the United States and the Constitution of the State of Florida;

"I will maintain the respect due to courts of justice and judicial officers;

"I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

"I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

"I will maintain the confidence and preserve inviolate the secrets of my clients, and will accept no compensation in connection with their business except from them or with their knowledge and approval;

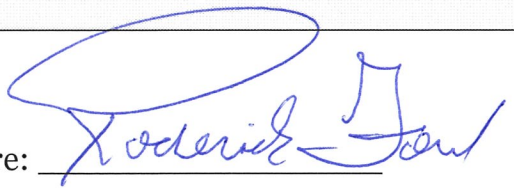
"To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications;

Reconstruction in America (New York, N.Y.: Harcourt, Brace and Co.,1935).
[xxxxx] balance of citation omitted.

in court, but also in all written and oral communications;

"I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

"I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God."

Signature: 

Print Name: Roderick Andrew Lee Ford

Fla. Bar No.: 0072620

Date: 3 March 2025

ATTORNEY'S CERTIFICATION
PURSUANT TO RULE 11(b) OF FRCP

I HEREBY CERTIFY pursuant to Rule 11(b) of the Federal Rules of Civil Procedure that the matters contained in this Officer of the Court Affidavit is True and Correct to "the best of the Affiant's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

"(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

"(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

"(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

"(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information."

Signature: Roderick Ford

Print Name: Roderick Andrew Lee Ford

Fla. Bar No.: 0072620

Date: 3 March 2025

Sworn Statement Before Notary Public

BEFORE me, Roderick Andrew Lee Ford, appeared and presented his valid Florida Driver's license; or other proper identification; or he is personally known to me; and that he attests that the information contained in this Affidavit is true and correct, the said having been attested to on this 4th day of March 2025.

Witness My Hand and Official Seal:

Notary Public

Stamp:

NOTARY PUBLIC

HUIMING LU
Notary Public, State of Florida
Commission# HH 310309
My comm. expires Oct. 14, 2026

EXHIBIT A

NAACP

11/8/99

Dear Mr. Ford:

Thank you so much for your kind contribution to the NAACP.

It is deeply appreciated.

Best wishes,

Julian Bond

JULIAN BOND
CHAIRMAN, NATIONAL BOARD OF DIRECTORS

4805 MT. HOPE DRIVE
BALTIMORE, MARYLAND 21215

In Recognition...

...of your extraordinary commitment, caring and generosity to the National Association for the Advancement of Colored People, and in helping them achieve their goal of advancing equality and protecting civil rights and civil liberties for all people, we do hereby nominate and confirm

Roderick O. Ford

as a founding member of the

Chairman's Leadership Group
of the
NAACP

Kweisi Mfume
President, NAACP

Julian Bond
Chairman, NAACP