

**COMMONWEALTH OF MASSACHUSETTS
DISTRICT COURT DEPARTMENT
GLOUCESTER DIVISION**

_____)	C.A. No. 0939CR000784
ESSEX, SS)	0939CR000772
)	1139CR000011
COMMONWEALTH OF)	
MASSACHUSETTS)	NOTICE OF CLAIM OF
)	UNCONSTITUTIONALITY
v.)	
)	-----
JAMES M. ATKINSON)	
)	NOTICE OF CIVIL RIGHTS
Defendant)	VIOLATION
_____)	

NOTICE OF CLAIM OF UNCONSTITUTIONALITY

and

NOTICE OF CIVIL RIGHTS VIOLATION

Plaintiff ATKINSON, represented by counsel at this time, and hereby serves notice pursuant to Federal Rules of Civil Procedure, 5.1 “Constitutional Challenge to a Statute - Notice, Certification, and Intervention.”

Comes now the Plaintiff, James M. Atkinson, who is a U.S. Citizen by birth, a civil libertarian, a disabled U.S. Veteran with Honorable Service, a recognized, and published, expert in subject matter of technical counter-intelligence, espionage defenses, spy hunting, an expert in the use and handing of arms, teaching of open handed combat, non-lethal use of force, less-lethal use of force, improvised weapons, small arms, SWAT,

HRT, and ERT teams in all forms of firearms, chemical weapons instructor and master instructor, long range sniping instructor, machine gun instructor, explosive entry specialist, covert bio-regulators use instructor, nerve toxics and poisons at both the lethal and non-lethal levels, improvised explosive devices, concealed firearms carry instructor, vehicle combat driving instructor, vehicle commandeering instructor, highly skilled factory trained and certified armorer with every major weapons platform used by major law enforcement agencies, federal agencies, the U.S. Military, Diplomatic, Special Operations forces, and the military, diplomatic, and police agencies of foreign countries. He is also a volunteer EMT in his community, a CPR and First Aid Instructor, Life Member of the National Rifle Association, Life Member of the Police Marksmen Association, and Life Member of the Law Enforcement Association, of America.

Plaintiff ATKINSON is a long-term resident of the Commonwealth of Massachusetts, and more specifically Rockport, MA; has testified multiple times before Congress as a subject matter expert in regards to technical counter-intelligence and counter-terrorism, and has been consulted in person on matters of diplomacy or technical espionage directly by sitting Presidents, and leaders of other countries, the intelligence services of a wide range of countries including the United States Government, and has provided goods, services, and advice to virtually every U.S. Intelligence Agency, and to all elements of the U.S. Military over a period spanning over three decade, including intelligence, diplomatic, and military contractors, sub-contractors, and covert cu-out companies. He is also a scientist, and a fine arts photographer.

Plaintiff ATKINSON is a law-abiding citizen, who is over the age of 21, with tremendous respect of the law, a kind, charitable, and gentle man, and has a sworn duty both as a citizen and a veteran to uphold and defend the Constitution of the United States (against all enemies foreign and domestic). He has never been convicted of any crime; has never been convicted of any felony; is not a fugitive from justice; is not under Indictment; is not an unlawful user of or addicted to any control substance; is not an alcoholic; has never been treated for any kind of drug or alcohol addiction or disorder; has not been adjudicated as a mental defective, nor has he been committed or confined to any mental institution; nor has he been discharged from the Armed Forces under dishonorable conditions. He is not now, nor has he been in the past the subject of any court order in regards to any intimate partner, or any other person. Plaintiff ATKINSON is not an alien, nor has he at any time renounced his citizenship, nor has he at anytime engaged in acts of war against the United States or America, or of any political division or subdivision.

Plaintiff served honorably, and with distinction in the Active Duty Armed Forces of the United States, and was granted an Honorable Discharge from the United States Air Force. Plaintiff has never been the subject of any court order in regards to harassing, stalking, or threatening an intimate partner. Nor has Plaintiff been convicted of any crime of domestic violence. Plaintiff has been a lawful, and safe user of projectile, edged, impact, chemical, and other arms for over 40 years, and has both kept and borne arms for his own defense, and for the defense of the nation and of the state. In short, the Plaintiff ATKINSON is in no way disqualified is exercising his Constitutional rights in regards to the keeping and, or bearing arms of his choosing.

Plaintiff ATKINSON, calls into question the constitutionality of the following Massachusetts General Laws, Statutes, Regulations, Policies, Codes, and Procedures, and asserts that both each is individually, and as a whole body of statues are in fact unlawful, that all are individually, and together a violation of Federal law and the Constitution of the United States, a violation of the Amendments to the Constitution to include the Bill of Rights and the Subsequent Amendments, 42 U.S.C. § 1983, including but not limited to the Constitution of the United States, Article IV, Section 2, and other civil rights laws, and that they represent a serious and very grave and direct infringement upon the civil rights of the Plaintiff ATKINSON, and also an infringement upon the civil rights upon all citizens of the Commonwealth of Massachusetts, and an infringement of the civil rights all Citizens of the United States of America who may travel to, from, or through the Commonwealth of Massachusetts.

Plaintiff ATKINSON, asserts that based on the decisions published by Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008), that most, if not all of the Massachusetts Firearms statutes, regulations, and policies are fundamentally flawed, a violation of Federal Law, a violation of the most basic of American civil rights, an affront to justice and due process, a corruption of government, and a grave danger to the security of a free State, of country, and Constitution of the United States by a domestic enemy and tyrant. That most of the Commonwealth of Massachusetts “Gun Control Laws” and related statues are so fundamentally flawed, vague, perverted, discriminatory, arbitrary,

biased, self serving, and unlawfully imposed or enforced that it utterly shocks the conscience.

Plaintiff ATKINSON, further asserts the Commonwealth of Massachusetts Laws, Statutes, and Regulations listed below are in violation of an infringement upon and deprivation of the guarantees, privileges, and immunities of Massachusetts Constitution Part The First, Article XVII; the U.S. Constitution as a whole; Constitution of the United States, Article IV, Section 2; the U.S. Constitution, Amendment II (also known as the Second Amendment); and the U.S. Constitution, Amendment IX (also known as the Ninth Amendment); and the U.S. Constitution, Amendment XIV (also known as the Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), including but not limited to the Constitution of the United States, Article IV, Section 2, English Bill of Rights of 1689, and other relevant laws.

Plaintiff ATKINSON, asserts the under that Fourteenth Amendment, that no State (including the Commonwealth of Massachusetts) may make any law to the “abridge the privileges and immunities of citizens,” and the rulings by the U.S. Supreme Court in *Heller* (2008) and in *McDonald* (2010) make it clear that the 2nd Amendment fully applies to the States, and that in turn no State may make, pass, or enforce any law which infringes upon the 2nd Amendment with regards to the keeping and, or of bearing arms. Further, because of this ruling by the U.S. Supreme court, the laws of the Commonwealth of Massachusetts in regards to both the keeping of arms, and the bearing of arms is thus

unconstitutional, null and void, an infringement and deprivation of civil rights of not only the Plaintiff, but also upon all of the citizens of the Commonwealth of Massachusetts.

1) **M.G.L. c. 140, § 121** in that it is deliberately vague, overly broad and ambiguous, violates the 2nd and 14th Amendments to the Constitution of the United States, in regards to firearms, pistols, revolvers, rifles, shotguns, machine guns, other arms and weapons, ammunition, chemical weapons, feeding devices, firearms licenses and the rights of Massachusetts citizens to keep and bear arms, and thus is an infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

2) **M.G.L. c. 140, § 121** definition of “Assault Weapons” in that it relies upon a now repealed federal statute (18 USC 921, Repealed. Pub. L. 103-322, title XI, Sec. 110105(2), Sept. 13, 1994, 108 Stat. 2000.) is deliberately vague, overly broad and ambiguous, violates the 2nd and 14th Amendments to the Constitution of the United States, in regards to so called “Assault Weapons”, firearms,

pistols, revolvers, rifles, shotguns, machine guns, other arms and weapons, ammunition, chemical weapons, feeding devices, firearms licenses and the rights of Massachusetts citizens to keep and bear arms, and thus is an infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

- 3) **M.G.L. c. 140, § 121** definition of “Large Capacity Feeding Device” in that it relies upon a now repealed federal statute (18 USC 921, Repealed. Pub. L. 103-322, title XI, Sec. 110105(2), Sept. 13, 1994, 108 Stat. 2000.) is deliberately vague, overly broad and ambiguous, violates the 2nd and 14th Amendments to the Constitution of the United States, in regards to so called “Assault Weapons”, firearms, pistols, revolvers, rifles, shotguns, machine guns, other arms and weapons, ammunition, chemical weapons, feeding devices, firearms licenses and the rights of Massachusetts citizens to keep and bear arms, and thus is an infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment,

including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

- 4) **M.G.L. c. 140, § 121** in regards to “licensing authority” is deliberately vague, overly broad and ambiguous, violates the 2nd and 14th Amendments to the Constitution of the United States, firearms, pistols, revolvers, rifles, shotguns, machine guns, other arms and weapons, ammunition, chemical weapons, feeding devices, firearms licenses and the rights of Massachusetts citizens to keep and bear arms, and thus is an infringement of civil rights. Federal law as interpreted by the Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008) emphatically deny and refute any and all such state schemes or mechanism, fraud, or infringements. The Supreme Court of the United States has further ruled in these cases that the only citizens who may be disqualified from keeping, possessing, or bearing are those who are convicted felons, or those citizens who have not be adjudicate as mentally defective, and confined to a mental hospital. Thus, the only “licensing authority” is outside of state or local control, and any claim to the contrary is an utter farce, and an affront to our basic and essential civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges

and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

- 5) **M.G.L. c. 140, § 121** definition of “Weapon” in that it fails to list common and generally recognized weapons such as edged weapons, impact weapons, or other timely arms or means to defend oneself including improvised weapons, the shod foot, pointed sticks, bayonets, blackjacks, batons, come-alones, staffs, handfuls of keys, knitting needles, box cutters, scissors, shoes, ice axes, ice picks, meat cleavers, sabers, swords, fencing foils, baseball bats, cricket bats, dumbbells, hand weights, golf clubs, hockey sticks, pool cues, ski poles, utility knives, disposable razors, razor cartridges, axes, hatchets, crowbars, hammers, drills, drill bits, power drills or saws, screwdrivers, wrenches, pliers, pressure washers, billy clubs, black jacks, brass knuckles, kubatons, gasoline, butane, propane, matches, torches, cigarette lighters, cuts of hot coffee, turpentine, chlorine, gas cartridges, bleach, battery acid, pain, hair spray, gell shoe inserts, snow globes, candles, keys, and other common tools or customary or historical weapons and arms of self defense. The definition as listed is deliberately vague, overly broad and ambiguous, violates the 2nd and 14th Amendments to the Constitution of the United States, firearms, pistols, revolvers, rifles, shotguns,

machine guns, other arms and weapons, ammunition, chemical weapons, feeding devices, firearms licenses and the rights of Massachusetts citizens to keep and bear arms, and thus is an infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

- 6) **M.G.L. c. 140, § 121** definition of “Large Capacity Weapon” in that it relies upon a now repealed federal statute (18 USC 921, Repealed. Pub. L. 103-322, title XI, Sec. 110105(2), Sept. 13, 1994, 108 Stat. 2000.) is deliberately vague, overly broad and ambiguous, violates the 2nd and 14th Amendments to the Constitution of the United States, in regards to so called “Assault Weapons”, firearms, pistols, revolvers, rifles, shotguns, machine guns, other arms and weapons, ammunition, chemical weapons, feeding devices, firearms licenses and the rights of Massachusetts citizens to keep and bear arms, and thus is an infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including

but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

- 7) **M.G.L. c. 140, § 121** sets an arbitrary manufacture date of 1899 for firearms, rifles, and shotguns, which are equally, if not vastly more dangerous and/or more unstable and dangerous to the user than modern firearms, and is deliberately vague, overly broad and ambiguous, violates the 2nd and 14th Amendments to the Constitution of the United States, in regards to so called “Assault Weapons”, firearms, pistols, revolvers, rifles, shotguns, machine guns, other arms and weapons, ammunition, chemical weapons, feeding devices, firearms licenses and the rights of Massachusetts citizens to keep and bear arms, and thus is an infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

8) **M.G.L. c. 140, § 123** Federal law as interpreted by the Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008) forbids any form of “Firearms Identification Card” under whatever scheme, scam, ruse, or fraud under which the Commonwealth may try to conceal the keeping and possess of any pistol, revolver, rifle, shotgun, machine gun, assault weapon, edged weapon, impact weapons, broken beer bottle, or pointed stick or any arms of ones own choosing inside a citizens own home or upon the property of a citizen. The requirement to be in possession of any kind of state issued identification card, or license to possess “Arms” is deliberately vague, overly broad and ambiguous, violates the 2nd and 14th Amendments to the Constitution of the United States. It in turn feeds and enables many other civil rights crimes and infringements of the Commonwealth on the citizens of the State including infringing upon the rights of the Plaintiff. Any requirement by the Commonwealth to possess an “Firearms Identification Card” or any scheme or substitute is thus null and void, and to be stricken from all state statutes. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff

ATKINSON.

9) **M.G.L. c. 140, § 123** requires that dealers in firearms, pistols, revolvers, rifles, shotguns, machine guns, other arms and weapons, ammunition, chemical weapons, feeding devices act as agents of the police, and agents of the state government to unlawfully seize “Firearms Identifications Cards”, “Licenses to Carry”, “Permits to Purchase” violates the 2nd and 14th Amendments to the Constitution of the United States it does not afford sufficient due process in regards to such seizures. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

10) **M.G.L. c. 140, § 123** specifies, under Clause 14, “assault weapons or large capacity feeding device that was not otherwise lawfully possessed on September 13, 1994” and relies upon the now repealed (18 USC 921, Repealed. Pub. L. 103-322, title XI, Sec. 110105(2), Sept. 13, 1994, 108 Stat. 2000.]) Federal statute. Thus, this restriction or definition violates the 2nd and 14th Amendments to the Constitution of the United States, and is a civil rights

infringement. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

- 11) **M.G.L. c. 140, § 123** specifies, under Clause 14, various scheme, fantasies, or devices to render a firearm under the control of a citizen unable and inaccessible, and which is Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in District of Columbia v. Heller, 554 U.S. 570 (2008). Thus, this restriction or definition violates the 2nd and 14th Amendments to the Constitution of the United States, and is a civil rights infringement. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON

12) **M.G.L. c. 140, § 123** specifies, under Clause 14, various scheme, fantasies, or devices to render a firearm under the control of a citizen unusable and inaccessible, and which in Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ____, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008). Thus, this restriction or definition violates the 2nd and 14th Amendments to the Constitution of the United States, and is a civil rights infringement. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON.

13) **M.G.L. c. 140, § 123** specifies, under Clauses 18-21, various technical parameters that must be met for the retail sale of certain firearms, and while the Plaintiff ATKINSON acknowledges that suitable firearms capable of assuring the administering and inflicting mortal injury against the person toward who such firearms are directed by the lawful user of said firearms or other weapons, the Commonwealth steps over the limited outlined by the U.S. Supreme Court in both McDonald and in Heller by requiring such weapons be possess or lawfully owned October 12, 1998. Thus, this restriction or definition violates the 2nd and 14th Amendments to the Constitution of the United States, and is a

civil rights infringement. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

14) **M.G.L. c. 140, § 127** in that as defined by the Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The First, Article XVII; the U.S. Constitution as a whole; the U.S. Constitution, Amendment II (also known as the Second Amendment); and the U.S. Constitution, Amendment XIV (also known as the Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other relevant laws do not grant any “officials authorized to issue a license” and power to effect such a transfer and any scheme, statute, artifice, or regulation to the contract violates the 2nd and 14th Amendments to the Constitution of the United States, including but not limited to the Constitution of the United States, Article IV, Section 2, and is a civil rights infringement. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff

ATKINSON.

15) **M.G.L. c. 140, § 128A** requires the “Firearms Identification Card” for application of section 128, but requires both buyer and seller to have possession of a “Firearms Identification Card” or a “Permit to Purchase” both of which have been outlawed by the U.S. Supreme Court under *Heller* and *McDonald* as an attempt by the Commonwealth to subvert the 2nd and 14th amendment, and to impose a revocable licensing or permitting scheme in violation of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

16) **M.G.L. c. 140, § All Sections**. The Commonwealth can no more require a permit to purchase or possess firearms as they can attempt to compel the purchaser of pen and ink to apply for a “Literary Identification Card”, or a “Permit to Purchase Ink Pens” or even any permitting scheme in order to license the ownership of a printing press, computer printer, mimeograph, or copy machine. The U.S. Supreme Court has stated strongly that firearms rights

are no different than the freedom of the press, and the government may not control or restrict either. Such a repeated requirement in the General laws of the Commonwealth for a fanciful and lofty sounding "Firearms Identification Card" is little more than prior restraint of 2nd, 4th, and 14th Amendment rights, and thus a blatant infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the "Equal Protections Clause" of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON

- 17) **M.G.L. c. 140, § 129B in its entirety** is unlawful, and a violation of the 2nd and 14th amendments as defined by the Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The First, Article XVII; the U.S. Constitution as a whole; the U.S. Constitution, Amendment II (also known as the Second Amendment); and the U.S. Constitution, Amendment XIV (also known as the Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other relevant laws, as a violation and infringement of civil rights. This statute infringes the 2nd

Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

18) **M.G.L. c. 140, § 129B, Section (9)** outlines a process by which the “Executive Director of the Criminal History Systems Board” shall notify holders of “Firearms Identifications Cards” of the expiration of such document. Notwithstanding that such a document is not required by Federal law to purchase and, or to possess firearms, yet the scheme to make such notifications has not yet actually been instituted by the Commonwealth despite extended fraudulent claims by the “Executive Director of the Criminal History Systems Board” to contrary, and this fraud by the Commonwealth is widely known and recognized. M.G.L. c. 140, § 129B, Section (9) requires that such notification be made by first class mail, yet the Commonwealth well knows that using the U.S. Mail to foist such a fraud upon holders of allegedly expiring “Firearms Identifications Cards” would involve mail fraud on a grand scale, and be a violation of the RICO statutes. This “expiration” of a “Firearms Identifications Cards”, and the utter farce which the Commonwealth uses in order not to notify holders of such documents which there is no basis in law is beyond the

boundaries of a Kafka or Orwellian state, and is a violation and infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

- 19) **M.G.L. c. 140, § 129B, Section (12)** outlines a process by which lawfully owned and possessed firearms may be unlawfully confiscated, and disposed of by police due to an expired “Firearms Identification Card”, and is a violation and infringement of civil rights as the U.S. Supreme Court in *McDonald* and *Heller* has affirmed that no such document, permit, or license is required for a citizen to keep this type of weapon, or pretty much any other weapon in their home, or on their property. Thus, this is a blatant infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is

unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

20) **M.G.L. c. 140, § 129C** in that provides a definition of “exempted persons and uses” which under clause (o) defines “any jurisdictions” in regards to military and police officers, and peace officers. This permits a “good old boy network” by which any police officer from well outside the boundaries of the Commonwealth may keep and bear arms inside the state, with no oversight of either local or State entities. This is a violation of the 14th amendment as an issue of “equal protection” as well as an “immunities and privileges issue” including but not limited to the 14th, and 2nd amendments. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

21) **M.G.L. c. 140, § 129C, Section (f), and other sections of M.G.L. c. 140, § 129C**, provides possession and “keeping and bearing of arms” by non-residents, children, not even old enough to drive, aliens, and others, yet denies this same access to regular citizens of the Commonwealth. This is a violation of the 14th

amendment as an issue of “equal protection” as well as an “immunities and privileges issue” including but not limited to the 14th, and 2nd amendments. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

22) **M.G.L. c. 140, § 129D**, requires the surrender of firearms and ammunition upon denial or revocation of any of several different varieties of Commonwealth firearms licenses, permits, schemes, and frauds. This is an infringement of civil rights including but not limited to the 14th, 4th, and 2nd amendments. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

23) **M.G.L. c. 140, § 129D**, requires the surrender of firearms and ammunition “without delay”, but this time period is not dictated anywhere in Chapter 140, and in fact the only place in entirety of Massachusetts General Law where the time period of “without delay” is even remotely approached is in Chapter 12, Section 28 where it is given as "within sixty days". Thus, any attempt by the Commonwealth or any law enforcement agency to compel the immediate surrender of firearms on the spot, or within 6 hours, 12, hours, 24, hours, 48 hours, 72 hours, or in anything amount of time of less than “within sixty days”. Further Massachusetts General law allows for a 90 day appeal period of any revocation or suspension, and even allows for a “license to carry” or “firearms identification card” to remains active for 90 days beyond the expiration date, thus “without delay” is arbitrarily defined by statute as some period of time well beyond 60 days, but less then 91 days”. The lack of the M.G.L. c. 140, § 129D to specify a number of hours, days, or weeks is a violation of the 4th, 9th, 14th, and 2nd Amendments and an infringement and deprivations of the civil rights of anybody whom the police or the state may lawfully or unlawfully revoke or suspend the right to keep or the bear arms. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a

whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

24) **M.G.L. c. 140, § 130B(b)** is a violation of 18 USC 922 and 18 USC 921, wherein felons are banned for life under Federal law from regaining access to firearms by way of “the board” including but not limited to the Secretary of Public Safety, Colonel of the State Police, the Attorney General, and others. The seven members of this “board” are violating federal law and committing misprision of a felony, and criminal conspiracy by permitting dangerous felons as well as “reformed” to obtain Commonwealth sanctioned, albeit Federally forbidden access to arms. This is an infringement of civil rights of law abiding (non-felons) including but not limited to the 14th, 9th, and 2nd amendments. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

25) **M.G.L. c. 140, § 131** in that it does not afford sufficient due process with respect to the revocation or suspension of firearms licenses and the rights of

Massachusetts citizens to keep and bear arms, and thus is an infringement and deprivation of civil rights. Further this section violates the keeping and bearing arms and is in conflict with the decisions of the Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The First, Article XVII; the U.S. Constitution as a whole; the U.S. Constitution, Amendment II (also known as the Second Amendment); and the U.S. Constitution, Amendment XIV (also known as the Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other relevant laws, as a violation and infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the "Equal Protections Clause" of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

- 26) **M.G.L. c. 140, § 131A** in that it does not afford sufficient due process with respect to the revocation or suspension of firearms licenses and the rights of Massachusetts citizens to keep and bear arms, and thus is an infringement and deprivation of civil rights. This statute infringes the 2nd Amendment right to

keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

27) **M.G.L. c. 140, § 131C(a-e)** unlawfully restricts certain weapons by model number and style, which are particularly useful for vehicle defense from being loaded while being carried by people in vehicles. Section 131C in its entirety is thus an infringement and deprivation of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

28) **M.G.L. c. 140, § 131E** violates the keeping and bearing arms and is in conflict with the decisions of the Supreme Court of the *United States in McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of*

Columbia v. Heller, 554 U.S. 570 (2008), Massachusetts Constitution Part The First, Article XVII; the U.S. Constitution as a whole; the U.S. Constitution, Amendment II (also known as the Second Amendment); and the U.S. Constitution, Amendment XIV (also known as the Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other relevant laws, as a violation and infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the "Equal Protections Clause" of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON

29) **M.G.L. c. 140, § 131K** violates the keeping and bearing arms and is in conflict with the decisions of the Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The First, Article XVII; the U.S. Constitution as a whole; the U.S. Constitution, Amendment II (also known as the Second Amendment); and the U.S. Constitution, Amendment XIV (also known as the Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also

called "section 1983"), and other relevant laws, as a violation and infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the "Equal Protections Clause" of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

30) **M.G.L. c. 140, § 131 ¾** the Commonwealth has not to date published or distributed a roster "in newspapers **of general circulation throughout** the Commonwealth" a listing of large capacity rifles, shotguns, firearms, and feeding devices, beyond perhaps burying a tiny, essentially invisible listing hidden in the pages of a section barely read by readers, of less than mainstream papers and in fact published in such limited size scope, and publications that in essence it went unpublished as defined by and required in section 131 ¾ . Even with such a publication, even if such a roster of devices was published as provided in this section, it would remain a violation of Constitutional law to restrict such ownership or keeping such arms in any way. This is a scheme to defraud the public, and to infringe upon the 2nd, 9th, and 14th amendments, and other civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S.

citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON.

31) **M.G.L. c. 140, § 131L** violates Federal laws and Constitutional Amendments regarding the keeping and bearing arms and is in open conflict with the decisions of the Supreme Court of the *United States in McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The First, Article XVII; the U.S. Constitution as a whole; the U.S. Constitution, Amendment II (also known as the Second Amendment); and the U.S. Constitution, Amendment XIV (also known as the Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other relevant laws, as a violation, deprivation and infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

32) **M.G.L. c. 140, § 131M** violates the keeping and bearing arms and is in conflict with the decisions of the Supreme Court of the *United States in McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The First, Article XVII; the U.S. Constitution as a whole; the U.S. Constitution, Amendment II (also known as the Second Amendment); and the U.S. Constitution, Amendment XIV (also known as the Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other relevant laws, as a violation, deprivation and infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the "Equal Protections Clause" of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

33) **M.G.L. c. 140, § 131M** further creates an Orwellian "more privileged, but equal" level of citizen in the form of retired law enforcement officers, which violated the equal protections of the 14th amendment. Hence, all citizens are equal in the eyes of the law, and no persons respective of their prior

occupation(s) are “more equal” by virtual of a gold watch or gold badge. This section (and other related statutes) is in conflict with the decisions of the Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ____, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The First, Article XVII; the U.S. Constitution as a whole; the U.S. Constitution, Amendment II (also known as the Second Amendment); and the U.S. Constitution, Amendment XIV (also known as the Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other relevant laws, as a violation, deprivation and infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

34) **M.G.L. c. 140, § 131N** violates the keeping and bearing covert arms and is in conflict with the decisions of the Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ____, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The First, Article XVII; the U.S. Constitution as a whole; the U.S. Constitution, Amendment II (also known as the Second Amendment); and

the U.S. Constitution, Amendment XIV (also known as the Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other relevant laws, as a violation, deprivation and infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the "Equal Protections Clause" of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

35) **M.G.L. c. 140, § 131P** is a licensing scheme with little or no bona fide reason to exist other than to harvest a record of citizens who may attend such training so that their right to keep or bear arms may be infringed upon at some future date. The statute fails to state any standard of training, duration of training, records keeping requirements, or any legitimate method of instruction, or any other outline or syllabus but which such a course or orientation would be taught. This statute, is an utter farce, overly vague, and violates the keeping and bearing covert arms and is in conflict with the decisions of the Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The

First, Article XVII; the U.S. Constitution as a whole; the U.S. Constitution, Amendment II (also known as the Second Amendment); and the U.S. Constitution, Amendment XIV (also known as the Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other relevant laws, as a violation, deprivation and infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the "Equal Protections Clause" of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

36) **M.G.L. c. 269, § 10** is overly vague, and violates the keeping and bearing various types of arms and is in conflict with the decisions of the Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The First, Article XVII; the U.S. Constitution as a whole; the U.S. Constitution, Amendment II (also known as the Second Amendment); and the U.S. Constitution, Amendment XIV (also known as the Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other relevant laws,

as a violation, deprivation and infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

37) **M.G.L. c. 269, § 10(m)** the U.S. Constitution, Amendment II (also known as the Second Amendment) is in fact a “statue” as defined in paragraph (m), the U.S. Constitution, Amendment XIV (also known as the Fourteenth Amendment) expands the 2nd Amendment and applies to all citizens of the Commonwealth, and to all Citizens of the United States as an unqualified right onto which the government can not and shall not infringe. Thusly, where **M.G.L. c. 269, § 10(m)** refers to “all people not exempted by statute”, this in reality includes all law abiding citizens of the Commonwealth, not merely the chosen few who a “licensing authority” arbitrarily decides may or may not possess firearms, or even a certain class or type of firearm or ammunition. This section violates the 14th, 9th, and 2nd Amendments, and other relevant laws, as a violation, deprivation, and infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the “Equal

Protections Clause” of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON as a deprivation of the civil rights of the Plaintiff ATKINSON.

38) **M.G.L. c. 269, § 10** bans a useful type of arm called a “silencer”, and while the Statue is flawed with its technical description of such an arm or accessory to an arm, they are nonetheless useful for lawful defense of the home, or business, so much so that SWAT teams and tactical entry teams routinely utilize this devices and related arms in order to protect their hearing in order to provide a tactical advantage. These arms or attachments to arms exists and are used as hearing protection devices both by the police, by the military, and by law abiding citizens. The Commonwealth has no legitimate reason to ban such a useful arm or attachment, when it is recognized so universally as being so useful in home or business defense situations. The statute is overly vague, and violates the keeping and bearing various types of arms and is in conflict with the decisions of the Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ____, 130 S.Ct. 3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The First, Article XVII; the U.S. Constitution as a whole; the U.S. Constitution, Amendment II (also known as the Second Amendment); and the U.S. Constitution, Amendment XIV

(also known as the Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other relevant laws, as a violation, deprivation and infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the "Equal Protections Clause" of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

39) **M.G.L c 111C** provides mechanism by which (under **105 CMR 170.750**) the Commonwealth may revoke the professional licenses and medical credentials of Emergency Medical Technicians on an arbitrary, vague, and capricious manner under a mere accusation of a act, absent any probable cause, absent any tangible proof the act actually took place, absent any form of probable cause hearing, absent any form of dangerousness hearing, absent any scientific proof, absent any examination of the evidence, absent the cross examination of witness, no ability to cross examine witnesses, nor to refute the charges, or to examine documents, or evidence which the state may hold before such a suspension is imposed. In reality, the State revokes or suspends the licenses of certain EMT's when it is politically beneficial for

them to do so, absent any actual evidence of wrong doing, and places the burden of proving innocence upon the person on whom the State is depriving of civil rights. This statute and/or regulation is an affront to 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is a violation of civil rights, and deprivation of the civil rights of the Plaintiff ATKINSON. Further, as the State is depriving patients of the services of a qualified volunteer Emergency Medical Technician in his community, the deprivation extends to the patients of Plaintiff ATKINSON (acting as an EMT) as he is not allowed to render emergency care, and in fact the State is needless prolonging the pain and suffering, and promoting the death to citizens in need of emergency medical services, thus in turn depriving them of their civil rights. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

40) **M.G.L c 30Ac § 2** provides mechanism by which (under **105 CMR 170.750**) the Commonwealth may revoke the professional licenses and medical credentials of Emergency Medical Technicians on an arbitrary, vague, and capricious manner under a mere accusation of a act, absent any probable cause, absent any tangible proof the act actually took place, absent any form of probable cause hearing, absent any form of dangerousness hearing, absent any scientific proof, absent any examination of the evidence, absent

the cross examination of witness, no ability to cross examine witnesses, nor to refute the charges, or to examine documents, or evidence which the state may hold before such a suspension is imposed. In reality, the State revokes or suspends the licenses of certain EMT's when it is politically beneficial for then to do so, absent any actual evidence of wrong doing, and places the burden of proving innocence upon the person on whom the State is depriving of civil rights. This statute and/or regulation is an affront to 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is a violation of civil rights, and deprivation of the civil rights of the Plaintiff ATKINSON. Further, as the State is depriving patients of the services of a qualified volunteer Emergency Medical Technician in his community, the deprivation extends to the patients of Plaintiff ATKINSON (acting as an EMT) as he is not allowed to render emergency care, and in fact the State is needless prolonging the pain and suffering, and promoting the death to citizens in need of emergency medical services, thus in turn depriving them of their civil rights. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

41) **105 CMR 170 (all sections)** provides mechanism by which (under **105 CMR 170.750**) the Commonwealth may revoke the professional licenses and medical credentials of Emergency Medical Technicians on an arbitrary,

vague, and capricious manner under a mere accusation of a act, absent any probable cause, absent any tangible proof the act actually took place, absent any form of probable cause hearing, absent any form of dangerousness hearing, absent any scientific proof, absent any examination of the evidence, absent the cross examination of witness, no ability to cross examine witnesses, nor to refute the charges, or to examine documents, or evidence which the state may hold before such a suspension is imposed. In reality, the State revokes or suspends the licenses of certain EMT's when it is politically beneficial for then to do so, absent any actual evidence of wrong doing, and places the burden of proving innocence upon the person on whom the State is depriving of civil rights. This statute and/or regulation is an affront to 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is a violation of civil rights, and deprivation of the civil rights of the Plaintiff ATKINSON. Further, as the State is depriving patients of the services of a qualified volunteer Emergency Medical Technician in his community, the deprivation extends to the patients of Plaintiff ATKINSON (acting as an EMT) as he is not allowed to render emergency care, and in fact the State is needless prolonging the pain and suffering, and promoting the death to citizens in need of emergency medical services, thus in turn depriving them of their civil rights. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

42) **105 CMR 171 (all sections)** provides mechanism by which (under **105 CMR 170.750**) the Commonwealth may revoke the professional licenses and medical credentials of Emergency Medical Technicians on an arbitrary, vague, and capricious manner under a mere accusation of a act, absent any probable cause, absent any tangible proof the act actually took place, absent any form of probable cause hearing, absent any form of dangerousness hearing, absent any scientific proof, absent any examination of the evidence, absent the cross examination of witness, no ability to cross examine witnesses, nor to refute the charges, or to examine documents, or evidence which the state may hold before such a suspension is imposed. In reality, the State revokes or suspends the licenses of certain EMT's when it is politically beneficial for then to do so, absent any actual evidence of wrong doing, and places the burden of proving innocence upon the person on whom the State is depriving of civil rights. This statute and/or regulation is an affront to 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is a violation of civil rights, and deprivation of the civil rights of the Plaintiff ATKINSON. Further, as the State is depriving patients of the services of a qualified volunteer Emergency Medical Technician in his community, the deprivation extends to the patients of Plaintiff ATKINSON (acting as an EMT) as he is not allowed to render emergency care, and in fact the State is needless prolonging the pain and

suffering, and promoting the death to citizens in need of emergency medical services, thus in turn depriving them of their civil rights. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

43) **Town of Rockport – Rockport Ambulance Department, Policy Manual**

provides mechanism by which **(under 105 CMR 170.750)** the Town Ambulance Department may suspend or terminate without pay and Emergency Medical Technicians or Emergency First Responder on an arbitrary, vague, and capricious manner under a mere accusation of a act, absent any probable cause, absent any tangible proof the act actually took place, absent any form of probable cause hearing, absent any form of dangerousness hearing, absent any scientific proof, absent any examination of the evidence, absent the cross examination of witness, no ability to cross examine witnesses, nor to refute the charges, or to examine documents, or evidence which the state may hold before such a suspension is imposed. In reality, the State revokes or suspends the licenses of certain EMT's when it is politically beneficial for then to do so, absent any actual evidence of wrong doing, and places the burden of proving innocence upon the person on whom the State is depriving of civil rights. This statute and/or regulation is an affront to 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is a violation of

civil rights, and deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

44) **Town of Rockport – Employment Policy Manual** provides mechanism by which Town of Rockport may suspend or terminate without pay an employee on an arbitrary, vague, and capricious manner under a mere accusation of a act, absent any probable cause, absent any tangible proof the act actually took place, absent any form of probable cause hearing, absent any form of dangerousness hearing, absent any scientific proof, absent any examination of the evidence, absent the cross examination of witness, no ability to cross examine witnesses, nor to refute the charges, or to examine documents, or evidence which the state may hold before such a suspension is imposed. In reality, the suspends or terminates of certain employees when it is politically beneficial for then to do so, absent any actual evidence of wrong doing, and places the burden of proving innocence upon the person on whom the State is depriving of civil rights. This statute and/or regulation is an affront to 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is a violation of civil rights, and deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of

Plaintiff ATKINSON.

45) **M.G.L c. 30A (all sections)** is an affront to 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is a violation of civil rights, and deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

46) **Standard Rules of Practice and Procedure, 801 CMR 1.01** is an affront to 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is a violation of civil rights, and deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

47) **501 CMR 7.00 “Approved Weapons Roster”** published by the Executive Office of Public Safety is a tool for violation, deprivation, and infringement of civil rights. The statute is overly vague, and violates the keeping and bearing of various types of arms and is in conflict with the decisions of the Supreme Court of the United States in *McDonald v. Chicago*, 561 U.S. ___, 130 S.Ct.

3020 (2010), and also in *District of Columbia v. Heller*, 554 U.S. 570 (2008), Massachusetts Constitution Part The First, Article XVII; the U.S. Constitution as a whole; the U.S. Constitution, Amendment II (also known as the Second Amendment); and the U.S. Constitution, Amendment XIV (also known as the Fourteenth Amendment); the Ku Klux Klan Act (or the Civil Rights Act of 1871); 42 U.S.C. § 1983 (also called "section 1983"), and other relevant laws, as a violation, deprivation and infringement of civil rights. This statute infringes the 2nd Amendment right to keep and bear arms, and the 14th Amendment privileges and immunities of U.S. citizenship, the "Equal Protections Clause" of the 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is thus unlawful prior restraint, as well as a deprivation of the civil rights of the Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

48) **North Shore Community College Student Conduct Code, 2008** (NSCC is a state run College, and an extension of the state in all respects); published and circulated by the "Judicial Affairs Office, Division of Student Life" is an affront to 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is a violation of civil rights, and deprivation of the civil rights of the Plaintiff ATKINSON. The Handbook Outlines methods by which the School may conduct sham trials, and

impose unlawful punishments upon students, without allowing the student to be fairly represented at, and other time not even told about the hearing, not allowed to confront witnesses or examine evidence, the Student is not permitted the ability to cross examine witnesses, there is lack of due process, and vague, and arbitrary guidelines by which the President of the College may suspend, ban, and expel any student for many reason, at any time, based even on a whim, or political convince, unproven accusation, and even to punish and to muzzle and restrain student who may choose to lawfully exercise a civil right. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

49) The college (North Shore Community College) further takes it upon itself (as a State agency) to zealously punish any student who is merely ACCUSED of a deed off campus, with no regards that such a deed in fact took place, or consider if the student is guilty, by default the college assumes the student is guilty, imposed punishment illegally, and then threatens to further punish the student should they refuse to accept the original unlawful punishment. This is a deprivation of rights provided by the 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and 14th Amendment including but not limited to the Constitution of the United States, Article IV, Section 2, and an infringement of the civil rights of Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

50) **North Shore Community College Student Conduct Code, 2008** (NSCC is a state run College, and an extension of the state in all respects); is used by the Commonwealth and by the College to more specifically to infringe on the lawfully possession of arms in the private home of the student (well away from campus), and to deprive the student of their civil rights, and to infringe upon the 2nd Amendment right to keep and to bear arms (outside of the College, and well off Campus). This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

51) **Salem State College (also called Salem State College) Student Handbook, 2008-2010** (SSC is a state run College, and an extension of the state in all respects) is an affront to 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and 14th Amendment, including but not limited to the Constitution of the United States, Article IV, Section 2, and is a violation of civil rights, and deprivation of the civil rights of the Plaintiff ATKINSON. The Handbook Outlines methods by which the School may conduct sham trials, and impose unlawful punishments upon students, without allowing the student to be fairly represented at, and other time not even told about the hearing, not allowed to confront witnesses or examine evidence, the Student is not permitted the ability to cross examine witnesses, there is lack of due process, and vague, and arbitrary guidelines by which the President of the College may suspend, ban,

and expel any student for any reason, at any time, based even on a whim, or political convince, unproven accusation, and even for student who may choose to lawfully exercise a civil right. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

52) The college (Salem State College (also called Salem State College) further takes it upon itself (as a State agency) to zealously punish any student who is merely ACCUSED if a deed off campus, with no regards that such a deed in fact took place, or consider if the student is guilty, by default the college assumes the student is guilty, imposed punishment illegally, and then threatens to further punish the student should they refuse to accept the original unlawful punishment. This is a depravation of rights provided by the 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and 14th Amendment including but not limited to the Constitution of the United States, Article IV, Section 2, and an infringement of the civil rights of Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

53) **Salem State College (also called Salem State College) Student Handbook, 2008-2010** (SSC is a state run College, and an extension of the state in all respects); is used by the Commonwealth and by the College to more specifically to infringe on the lawfully possession of arms in the private home of the student

(well away from campus), and to deprive the student of their civil rights, and to infringe upon the 2nd Amendment right to keep and to bear arms (outside of the College, and well off Campus). This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

54) **Student Conduct Code** of University of Massachusetts at Amherst, Boston, Dartmouth, Lowell and Worcester; Bridgewater State University, Fitchburg State University, Framingham State University, the Massachusetts College of Art and Design, the Massachusetts Maritime Academy, the Massachusetts College of Liberal Arts, Westfield State University and Worcester State University; Berkshire Community College, Bristol Community College, Bunker Hill Community College, Cape Cod Community College, Greenfield Community College, Holyoke Community College, Massachusetts Bay Community College, Massasoit Community College, Middlesex Community College, Mount Wachusett Community College, Northern Essex Community College, North Shore Community College, Quinsigamond Community College, Roxbury Community College and Springfield Technical Community College (all of which are state run College, and an extension of the state in all respects); published and circulated by the school is an affront to 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and 14th Amendment, including but not limited to the Constitution of the United States, Article IV,

Section 2, and is a violation of civil rights, and deprivation of the civil rights of the Plaintiff ATKINSON. The Handbook Outlines methods by which the School may conduct sham trials, and impose unlawful punishments upon students, without allowing the student to be fairly represented at, and other time not even told about the hearing, not allowed to confront witnesses or examine evidence, the Student is not permitted the ability to cross examine witnesses, there is lack of due process, and vague, and arbitrary guidelines by which the President of the College may suspend, ban, and expel any student for many reason, at any time, based even on a whim, or political convince, unproven accusation, and even to punish and to muzzle and restrain student who may choose to lawfully exercise a civil right. This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON. These additional state run college further takes it upon itself (as a State agency) to zealously punish any student who is merely ACCUSED of a deed off campus, with no regards that such a deed in fact took place, or consider if the student is guilty, by default the college assumes the student is guilty, imposed punishment illegally, and then threatens to further punish the student should they refuse to accept the original unlawful punishment. This is a depravation of rights provided by the 5th Amendment, 6th Amendment, 8th Amendment, 9th Amendment, and 14th Amendment including but not limited to the Constitution of the United States, Article IV, Section 2, and an infringement of the civil rights of Plaintiff ATKINSON. This statute as a whole, and also in sections or parts is unconstitutional, an

infringement, and a deprivation of civil rights of Plaintiff ATKINSON. The is used by the Commonwealth and by the College to more specifically to infringe on the lawfully possession of arms in the private home of the student (well away from campus), and to deprive the student of their civil rights, and to infringe upon the 2nd Amendment right to keep and to bear arms (outside of the College, and well off Campus). This statute as a whole, and also in sections or parts is unconstitutional, an infringement, and a deprivation of civil rights of Plaintiff ATKINSON.

Plaintiff ATKINSON further brings to the courts attention the U.S. Supreme Court cases and other authorities of: *United States v. Cruikshank*, 92 U.S. 542 (1875); *Miller v. Texas*, 153 U.S. 535 (1894); *United States v. Rene E.*, 583 F.3d 8 (1st Cir. 2009); *Maloney v. Cuomo*, 554 F.3d 56 (2d Cir. 2009); *United States v. Dorosan*, 350 Fed. Appx. 874 (5th Cir. 2009); *United States v. Scroggins*, 551 F.3d 257 (5th Cir. 2010); *United States v. Heredia-Mendoza* (9th Cir. 2008); *United States v. Artez*, 290 Fed. Appx. 203 (10th Cir. 2008); *United States v. Boffil-Rivera* (11th Cir. 2008).; *Bach v. Pataki*, 408 F.3d 75 (2nd Cir. 2005); *Charette v. Town of Oyster Bay*, 159 F.3d 749 (2d Cir. 1998); *Chicago B. & Q. R. Co. v. Chicago*, 166 U.S. 226 (1897); *City of Lakewood v. Plain Dealer Publishing Co.*, 486 U.S. 750 (1988); *Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264 (1821); *Commonwealth v. Seay*, 376 Mass. 735, 383 N.E.2d 828 (1978); *Crowe v. Bolduc*, 365 F.3d 86 (1st Cir. 2004); *Dearth v. Holder*, 2011 U.S. App. LEXIS 7737 (D.C. Cir. Apr. 15, 2011); *Houghton v. Shafer*, 392 U.S. 639 (1968); *Jones v. Opelika*, 316 U.S. 584 (1942); *Kaplan v. Bd. of Registration in Pub. Accountancy*, 452

Mass. 1026, 897 N.E.2d 67 (2008); *Lovell v. Griffin*, 303 U.S. 444 (1938); *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992); *Sarah C. Roberts vs. the city of Boston*, December 4, 1849 (1870); *Muscarello v. United States*, 524 U.S. 125 (1998); *Newman v. Piggie Park Enterprises, Inc.*, 390 US 400 - Supreme Court 1968; *New Hampshire Hemp Council, Inc. v. Marshall*, 203 F.3d 1 (1st Cir. 2000); *Nordyke v. King*, 563 F.3d 439 (9th Cir. 2009); *Number Three Lounge, Inc. v. Alcoholic Beverages Control Commission*, 7 Mass. App. Ct. 301, 387 N.E.2d 181 (1979); *Ord v. District of Columbia*, 587 F.3d 1136 (D.C. Cir. 2009); *Parker v. District of Columbia*, 478 F.3d 370 (D.C. Cir. 2007); *Peruta v. County of San Diego*, 2010 U.S. Dist. LEXIS 130878 (S.D. Cal. Dec. 10, 2010); *Peruta v. County of San Diego*, 678 F. Supp. 2d 1046 (S.D. Cal. 2010)); *Plummer v. United States*, 983 A.2d 323 (D.C. 2009); *Seegars v. Gonzales*, 413 F.3d 1 (D.C. Cir. 2005); *Shuttlesworth v. City of Birmingham*, 394 U.S. 147 (1969); *The Slaughter-House Cases*, 83 U.S. (16 Wall.) 36 (1873); *United States v. Baugh*, 187 F.3d 1037 (9th Cir. 1999); *United States v. Masciandaro*, 2011 U.S. App. LEXIS 5964 (4th Cir. March 24, 2011); *United States v. Miller*, 307 U.S. 174 (1939); *United States v. Skoien*, 614 F.3d 638 (7th Cir. 2010); *Williams v. State*, 417 Md. 479, 10 A.3d 1167 (2011); *Woollard v. Sheridan*, 2010 U.S. Dist. LEXIS 137031 (D. Md. Dec. 30, 2010).

“[T]he concept of due process is equivalent to ‘fundamental fairness.’” *Newman v. Massachusetts*, 884 F. 2d 19, 23 (1st Cir. 1989) (citation omitted). Due process requires that impacted individuals be “entitled to the Constitutional minimum of ‘some kind of hearing’ and ‘some pre termination opportunity to respond.’” *O’Neil v. Baker*, 210 F. 3d 41, 47-78 (1st Cir. 2000) (quoting *Cleveland Bd. Of Educ. v.*

Loudermill, 470 U.S. 532, 542 (1985) (footnote omitted). “The ubiquity of the ‘notice and opportunity to be heard’ principle as a matter of fundamental fairness is deeply engrained in our jurisprudence.” *Oakes v. United States*, 400 F. 3d 92, 98 (1st Cir. 2005) citations omitted.

In *Snyder v. Massachusetts*, 291 U. S. 97, 105 (1934), the Court spoke of rights that are “so rooted in the traditions and conscience of our people as to be ranked as fundamental.” As the Supreme Court has found in the *McDonald*, and *Heller* decisions, the right to keep and bear arms, particularly within the sanctity of one’s home, is an ordered liberty of United States citizenship fundamental and beyond the pale of discretionary, subjective regulations by the States.

Plaintiff ATKINSON, respectfully submitted that any statutory scheme which invades the fundamental liberty right of self defense within the home by enacting any scheme which attempts to regulate the possession and/or storage of any firearm(s) providing a basis to interfere in any way or attempt to revoke or impinge upon such a right without the barest of fundamental fairness and due process such as a *Loudermill* type hearing, is fatally flawed and wholly prohibited under the application of the Second Amendment to all of the States in light of the newly decided authority contained herein. Under the present status of jurisprudence, in light of newly decided authorities, it is respectfully submitted that without a prior showing cloaked with the fairness of a *Loudermill* type hearing that an individual is either a convicted felon or legally and previously adjudged insane, any interfere

with a Massachusetts citizen's unqualified right to keep arms within the sanctity of the citizen's home is *per se* unreasonable and prohibited.

Although McDonald's five Justice majority reached the conclusion that the right to keep and bear arms is a protected liberty interest under the Second Amendment in different ways, under either the Due Process Clause or Privileges or Immunities Clause, a majority confirmed that "the Second Amendment right is fully applicable to the States." *McDonald* at 3026. Where a "fourteenth amendment liberty interest is implicated...the state therefore must adhere to rigorous procedural safeguards." *Valdivieso Ortiz v. Burgos*, 807 F. 2d 6, 8 (1st Cir. 1986); see also *Kuck v. Danaher*, 600 F. 3d 159, 165 (2d Cir. 2010) (same).

"[T]he concept of due process is equivalent to 'fundamental fairness.'" *Newman v. Massachusetts*, 884 F. 2d 19, 23 (1st Cir. 1989) (citation omitted). Due process requires that impacted individuals are "entitled to the Constitutional minimum of 'some kind of hearing' and 'some pre termination opportunity to respond.'" *O'Neil v. Baker*, 210 F. 3d 41, 47-78 (1st Cir. 2000) (quoting *Cleveland Bd. Of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985) (footnote omitted). "The ubiquity of the 'notice and opportunity to be heard' principle as a matter of fundamental fairness is deeply engrained in our jurisprudence." *Oakes v. United States*, 400 F. 3d 92, 98 (1st Cir. 2005) citations omitted.

In *Snyder v. Massachusetts*, 291 U. S. 97, 105 (1934), the Court spoke of rights that are “so rooted in the traditions and conscience of our people as to be ranked as fundamental.” As the Supreme Court has found in the McDonald, Heller decisions, the right to keep and bear arms, particularly within the sanctity of one’s home, is an ordered liberty of United States citizenship fundamental and beyond the pale of discretionary, subjective regulations by the States.

The Supreme Court’s prior restraint doctrine mandates higher standards:

It is settled by a long line of recent decisions of this Court that an ordinance which... makes the peaceful enjoyment of freedoms which the Constitution guarantees contingent upon the uncontrolled will of an official – as by requiring a permit or license which may be granted or withheld in the discretion of such official – is an unconstitutional censorship or prior restraint upon the enjoyment of those freedoms.

Staub v. City of Baxley, 355 U.S. 313, 322 (1958) (citations omitted); see also *FW/PBS v. City of Dallas*, 493 U.S. 215, 226 (1990) (plurality opinion); *Shuttlesworth v. Birmingham*, 394 U.S. 147, 151 (1969); *Strasser v. Doorley*, 432 F. 2d 567, 569 (1st Cir. 1970); *Berger v. Rhode Island Bd. Of Governors*, 832 F. Supp. 515, 519 (D.R.I. 1993)

This notice are being served upon the Attorney General of Massachusetts per Fed. R. Civ.

Proc. 5.1(a)(2), by way of Certified U.S. Mail.

Respectfully submitted,

Dated: June 13, 2011

James M. Atkinson, Defendant
31R Broadway
Rockport, MA 01966
(978) 546-3803

PROOF OF SERVICE

On this, the 13 day of June, 2011, I served a copy of the foregoing Notice of Unconstitutionality via Certified U.S. Mail (receipt # 7010 1870 0002 3742 5465) pursuant to Fed. R. Civ. P. 5.1 on the following:

Attorney General's Office
One Ashburton Place
Boston, MA 02108

I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 13th day of June, 2011.

By: _____
James M. Atkinson