

MAY 05 2008

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK** LAWRENCE K. BAERMAN, CLERK  
ALBANY

**UNITED STATES OF AMERICA** )  
)  
)  
**Plaintiff-Appellee** )  
)  
v. )  
)  
)  
**ROBERT L. SCHULZ;** )  
**WE THE PEOPLE FOUNDATION FOR** )  
**CONSTITUTIONAL EDUCATION, INC.; and** )  
**WE THE PEOPLE CONGRESS, INC.** )  
)  
**Defendants-Appellants** )

Case No. 1:07-CV-0352  
TJM/RFT  
**DECLARATION # 15  
BY DEFENDANT SCHULZ**

RECEIVED  
2008 MAY -5 PM 3:55  
U.S. DISTRICT COURT

I, ROBERT L. SCHULZ, declare under penalty of perjury:

1. I am a Defendant in the matter captioned above and I make this Declaration in response to the Decision and Order of the Court, dated August 28, 2008.
2. I make this Declaration in my individual capacity and as Chairman of Defendant We The People Foundation for Constitutional Education, Inc. ("WTP Foundation"), and as Chairman of Defendant We The People Congress, Inc. ("WTP Congress").
3. On page 6 of the Court's Decision and Order the Court wrote, "By Order dated April 24, 2008, the Second Circuit denied [Defendant's] motion [for a stay]." For the Record, Defendant was unaware of the April 24, 2008 Order by the Second Circuit until the morning of April 29, 2008. On the morning of April 29, 2008, Defendant telephoned the Clerk's office at the Second Circuit to determine if there had been a decision on the motion for a stay. Defendant spoke to Deborah Holmes who informed Defendant that the Court had DENIED the motion on April 24, 2008. Defendant asked Ms. Holmes if she would fax a copy of the Order to Defendant. That day, April 29, 2008, Ms. Holmes faxed and mailed a copy of the Order to Defendant. The

faxed copy received on April 29, 2008, and the copy received by regular first class mail on May 1, 2008 are the only copies of the Second Circuit's Order to have been received by Defendant.


4. Defendant learned from the Albany Times Union on April 30, 2008 that this Court issued its contempt Decision and Order on Monday, April 28, 2008. On May 1, 2008, Defendant called Judge McAvoy's Chambers and spoke to "Seth" who confirmed what Defendant had learned from the Times Union. Defendant asked Seth if he would fax a copy to Defendant. That day, Defendant received a facsimile of the Decision and Order. It was not until May 2, 2008 that Defendant received a copy of the April 28 Decision and Order by regular first class mail.
5. On May 2, 2008, at about 10 am, Defendant filed an application with the Supreme Court of the United States for a stay of the enforcement of paragraph c of this Court's August 9, 2007 Injunction Order pending completion of the appeal process. The application was docketed early Friday afternoon as 07A875.
6. As of 1 pm today, May 5, 2008, Defendant has not heard from the Supreme Court. Thus, as of the moment, a stay of the enforcement of paragraph c is pending. Obviously, this puts the Defendant in a difficult position of not wanting to suffer the harm of coercive sanctions due to his failure to comply with the requirements of paragraph c, but at the same time not wanting to suffer the irreparable loss of First Amendment Freedoms by complying with the demands of paragraph c, especially if a stay is forthcoming from the Supreme Court.
7. Under the circumstances of the pending application for a stay at the Supreme Court and the delay by the District Court and the Second Circuit in notifying Defendant of the April 24 and April 28 court decisions, Defendant has attached an envelope to this Declaration. The envelope is marked "UNDER SEAL." The envelope contains as much of the information demanded by

paragraph c as Defendant is able to provide, including the names and address of each party to whom Defendant mailed a copy of the material that is the subject of the instant case – that is, the Blue Folder labeled “Legal Termination of Tax Withholding.”

8. Should the Supreme Court grant Defendants’ application for a stay, Defendant would like the envelope returned to Defendant. Should the Supreme Court deny the application, the Court if free, of course, to turn the information over to counsel for the United States.

Respectfully submitted,

May 5, 2008

  
ROBERT L. SCHULZ  
2458 Ridge Road  
Queensbury, NY 12804  
518-656-3578

9. At about 3:45 The Sup Ct. notified me that it had denied the application

10. The date was hand delivered to the US Attorney's Office in Albany before 4PM.

