

March 27, 2020

VIA FACSIMILE: (717) 772-8284

The Hon. Thomas W. Wolf
Office of the Governor
225 Main Capitol Building 225
Harrisburg, PA 17120

Dear Governor Wolf:

Reference is made to your Executive Branch Order, 20200319 TWW COVID 19 Business Closure Order (the "**Order**"). Respectfully, to the extent that the Order is a cease and desist upon the unfettered practice of law, I hereby forthrightly notice you that I am defying the Order, and, further, I notice you that I hereby openly incite other attorneys to defy the Order. The Order is illegal, invalid and contrary to the moral jurisprudence of the United States of America and the Commonwealth of Pennsylvania.

The articles of defiance are set forth below:

1. Article III, Section 1, of the United States Constitution, and Article V, Section 1, of the Constitution of the Commonwealth of Pennsylvania vest exclusive judicial power in the Judiciary. The principle of "separation of powers" is long established by our Founding Fathers, as set forth in *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803) and its progeny. The Order is a cease and desist command upon the Judicial Branch of government and is thereby illegal, *per se*.
2. The power to regulate is the power to destroy. There is no provision in the respective Constitutions that concedes check-and-balance power to the Executive to regulate the Judiciary whenever the Executive, in his or her absolute discretion, decides that there is an "emergency." Any such provision makes the Executive superior to the Judicial and is thereby illegal, *per se*. Indeed, an emergency is a time when the unfettered right to obtain legal counsel is most essential.
3. What is an "emergency" is subject to Executive whims, interpretations and abuse. This year's COVID-19 is next year's annual flu. If the Executive will do it this year for this purported reason, it will do it again next year for a new reason. Each reason further supports and justifies the next. We recall that Adolf Hitler gained power by Constitutional means, then taking away rights by increments.
4. It is insidious to assert that a Judiciary closure of a court is the same as an Executive cease and desist to attorneys in the unfettered practice of law. Stopping the bees stops the honey, stopping the wood-cutter stops the building of sheltering protection, and stopping lawyers stops judicial process, at the first instance. Commanding attorneys to cease and desist the practice of law is an act of tyranny.

5. Your latest qualification of the Order to bring some alignment to the judicial orders regarding court closures is sleight of hand, the vigilant will soon discover. The issue is not the part of the Order that you have conceded, but the part of the Order that you refuse to concede. The remaining portion of the Order that regulates judicial processes, commanding a cease and desist, remains illegal, *per se*.
6. It is a flaw of practical reality conveniently to assume that all attorneys or all clients have the means to conduct themselves using virtual technologies. Some attorneys and some clients do not have that training, access or those means. Therefore, the Order forces clients to select new counsel based upon access to technology. This is a deprivation of equal protection of the laws.
7. It is a flaw of logic to assume that, because an attorney refuses to concede Judicial power to the Executive, that it follows that the attorney is practicing irresponsibly or without prudent distancing. Attorneys are highly trained professionals and are best able to determine appropriate behavior in the context that best serves their clients.
8. Even a purported noble cause is not an excuse for tyranny. King George, III, in all his high paternal presumption, also thought his cause was noble. Yet, our Founding Fathers determined that cause did not excuse the quartering of soldiers in our homes. It does not matter how kindly or innocently you present the Order, it is the *Wolf in Sheep's Clothing*; it is an experiment upon liberty as set forth in the Constitutions, and that experiment must fail, now, right now, before the new seed grows.
9. The Executive Branch controls police and the militia. Using the militia or police to enforce the illegal and invalid Order is tyranny. Nevertheless, I am practicing law in open defiance of the Order and may be arrested for doing so at the Administrative Office set forth in this communication.
10. Nothing in these articles of defiance relate to the power of the Executive other than as set forth by the Executive Order commanding attorneys to cease and desist the unfettered practice of law.

It is proper to take alarm at the first experiment on our liberties. We hold this prudent jealousy to be the first duty of citizens and one of the noblest characteristics of the late Revolution. The freemen of America did not wait till usurped power had strengthened itself by exercise and entangled the question in precedents. ... We revere this lesson too much ... to forget it. ... I believe there are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power, than by violent and sudden usurpations....This danger ought to be wisely guarded against. ~ James Madison

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By: _____
Greg R. Zegarelli

cc. Pennsylvania State Police (via email: tips@pa.gov)

If you love America and the Constitutional Republic for which it stands, with “checks and balances” by the Separation of Powers, please support the principles set forth in this letter. Help by signing the Petition, before its too late. Please click here now.

"And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."