

34 Franklin St.
Lyons, NY 14489
January 25, 2008

Honorable David Peebles
US Magistrate Judge
RE: United States v. Murtari
P.O. Box 7345
Syracuse, NY 13261-7345

Criminal Action Nos:
5:07-CR-428 (DEP) & 5:07-CR-406
(DEP)

Dear Judge Peebles:

Attached you will find a motion requesting dismissal of these pending matters. On Thursday, Jan 24th, I was again arrested for standing in front of the building quietly and attempting to write (in kid's chalk) "I LOVE DOM" and "SEN CLINTON HELP US" on the wet & snowy Plaza ground – I was charged at that time with disobeying an order to leave. I was given a copy of your order, dated Jan 21st, to read before the arrest occurred. The motion also requests that order be vacated.

In this cover letter I wish to clearly present the motivation for my actions. I hope to show this is not the usual 'criminal' matter and that perhaps some methods are ill suited as we proceed to a just resolution. *Please forgive me if this is a bit long or repeats legal concepts/principals that I know you and Mr. Reynolds are very familiar with.* Other people will read read this and I also will learn from errors I may make in reasoning it through and that I am sure you will both point out.

Recognition of a new Civil Right

In 21st Century America many believe all our Civil Rights have been recognized. To mention a few: freedom of speech and religion, personal liberty, equal treatment for women and people of color. All foundations of a healthy society. But what about the security of family, the right of parents to raise and nurture their own children?

When my son Domenic was born I'd never thought about Family Rights. I had a two-parent family. None of my friends had been in a custody battle. I assumed I'd be able to share the same love and attention on my son as my parents did with me. The painful experience of a divorce taught me that I was very wrong.

I discovered, as have many parents, that if my relationship with my child is challenged by a former spouse or even a social worker, my child and I have no right to family. A trial may occur, but there will be no jury of my peers. A lone judge will decide what's in the "best interest" of my child. This could include limited or no contact with a loving parent for an entire childhood.

I've come to believe we have a Civil Right to be presumed FIT & EQUAL parents to our children, unless you are convicted in a criminal court of being a demonstrated threat to your kids. Good, average, and poor parents are all FIT & EQUAL parents.

Why? Because one foundation of morality is the supremacy of individual conscience - what many know as "let your conscience be your guide." What more natural obligation does any parent have than to care for their own kids? To be present in their lives in the many roles that only a parent can fill.

Reference From the Vatican web site:

http://www.vatican.va/archive/ccc_css/archive/catechism/p3s1c1a6.htm

1778. Conscience is a judgment of reason whereby the human person recognizes the moral quality of a concrete act that he is going to perform, is in the process of performing, or has already completed. In all he says and does, man is obliged to follow faithfully what he knows to be just and right....

1782. Man has the right to act in conscience and in freedom so as personally to make moral decisions. "He must not be forced to act contrary to his conscience. Nor must he be prevented from acting according to his conscience...."

A second precept says any law which stops us from acting according to a "well formed" conscience is immoral. *Is it any wonder parents and children unjustly separated find it one of the most painful and disruptive experiences of their lives?*

While it is difficult to compare Civil Rights; what would you find more disturbing: being told to sit in the back of the bus, not being allowed to vote, or ordered to no longer hug the child you love? (http://www.AKidsRight.Org/civil_rights_essay.htm)

NonViolent Action – A Method for Social Change

I have been very fortunate in my life (resume attached): two loving parents, an excellent education, success in my careers, the desire to give back, good health and the great blessing of a child. But I struggled to give meaning and understanding to the tragedy of my divorce and the needless pain it caused our child. I found myself helpless against Court order after Court order that sought to restrain and define every aspect of my relationship with my son. It was easy to sink into despair and anger...

In a unique combination of USAF Academy training and also an excellent pre-seminary program I participated in later in life – I found what I thought to be an excellent method for social change, NonViolent Action.

Gandhi disliked the words and idea of "passive resistance". The term Satyagraha (NonViolent Action), is a combination of satya (truth-love) and agraha (firmness/force). *It is the "the vindication of truth not by infliction of suffering on the opponent but on one's self."* Satyagraha is peaceful, opponents must be converted by a demonstration of purity, humility, and honesty. They are to be converted -- not annihilated. Violence and anger create bitterness in the victim, and brutality in the attacker. (http://www.AKidsRight.Org/p_gandhi.htm)

"I came to see for the first time that the Christian doctrine of love, operating through the Gandhian method of nonviolence, is one of the most potent weapons available to oppressed people in their struggle for freedom." (Martin Luther King, http://www.AKidsRight.Org/p_martin.htm)

I started the group AKidsRight.Org as an opportunity to bring parents together and to share experiences and hopefully show that NonViolent Action could be used again in the 21st century. (<http://www.AKidsRight.Org/approach.htm>)

Please, I am no Gandhi or King, or even close, nor wish to be – I am just trying to duplicate the methods they used so successfully. Obviously, I am failing miserably in my ability to get more people to join the effort, but I must continue to try...participation by a few more parents and one significant news story could change everything quickly.

Motivation & Goal – Sen. Clinton to meet with parents.

Our simple goal is to get Sen. Clinton to meet locally with a small group of parents who have seen their relationship with their children destroyed by the system. We have a non-threatening agenda, <http://www.AKidsRight.Org/clinton/agenda.htm> .

Before resorting to NonViolent Action we exhausted the readily available means of achieving such a meeting by letter writing and visiting her local and Washington offices – as is common in such matters by perceived 'small groups', we have been ignored and perhaps justifiably so...

As coordinator of the group I have told people the method is historically effective and it can work in our modern times, but it also requires Faith.

The ideal that people willing to demonstrate: Faith, Love, and Personal Sacrifice can be the means of effective social change. More specifically, that Parents can promote Family Law reform by demonstrating:

- 1) Faith in a loving God,
- 2) Love for their children, former spouses, and other "brothers and sisters", and
- 3) Willingness to make Personal Sacrifice.

Motivation – my son, Domenic, and others.

They say a picture is worth a thousand words and I hope the photo of my son and I is worth a few thousand words of me just talking about motivation! He turns 15 in two weeks and I hope to fly out west to see him for my 'weekend'. We are so very, very fortunate to have a strong love for each other, in spite of both a Family Law system and former spouse that sought to separate us since the age of 5. I have been treated like a Ni\$\$er when it comes to being a parent to my own child, but I am a lucky one!

In my role as coordinator *I have heard so many stories from good mothers and fathers that have seen their relationship with their children shredded* – that will never hope to have a photo like Dom & I. Who have children who tell them, “I hate you! Stay out of my life!” Some descend into bitterness, explode in violence, or attempt to end their lives by suicide. *They have become empty shells denied the ability to fulfill that great moral imperative – raise, nurture, and love your children.*

My son is aware of my actions and motivations, we have discussed them and we understand the pain of separation that may be caused by a jail sentence. I learned honesty, morality, and other virtues from my father, not by the words he spoke, but by the life he led. I must follow through in the same way for my son. *To stop my actions because of a fear of jail or punishment is inconceivable if I hold true to these convictions.*

The Criminal Mind – 'mens rae'

I was fascinated by the concept of 'mens rae', the criminal mind. I believe one key aspect of the Criminal Mind is selfishness, a failure to obey the moral ideal that we love others ahead of ourselves. I am not a criminal and hopefully this will explain the perceived unusual nature of these Court proceedings and my actions. How could punishment act as a deterrent in a Civil Rights struggle based on NonViolent Action?

The idea of a Civil Right to Family may be new, but how would we expect a Black 'freedom rider' to act? The statutes say he is not allowed to sit in the front of the bus, but he continues to do so in violation of the law (or perhaps decides to write with chalk on the ground “I AM EQUAL”). What does Justice call for as he repeats these actions?

Is this person prosecuted for failing to obey the simple statutes – OR – do we raise the bar and add judicial orders to further restrict his behavior and increase the punishment he is already willing to accept?

CC: Mr. Ransom Reynolds, Asst. US Attorney
PO Box 7198
100 South Clinton Street
Syracuse, New York 13261-7198

Respectfully yours,

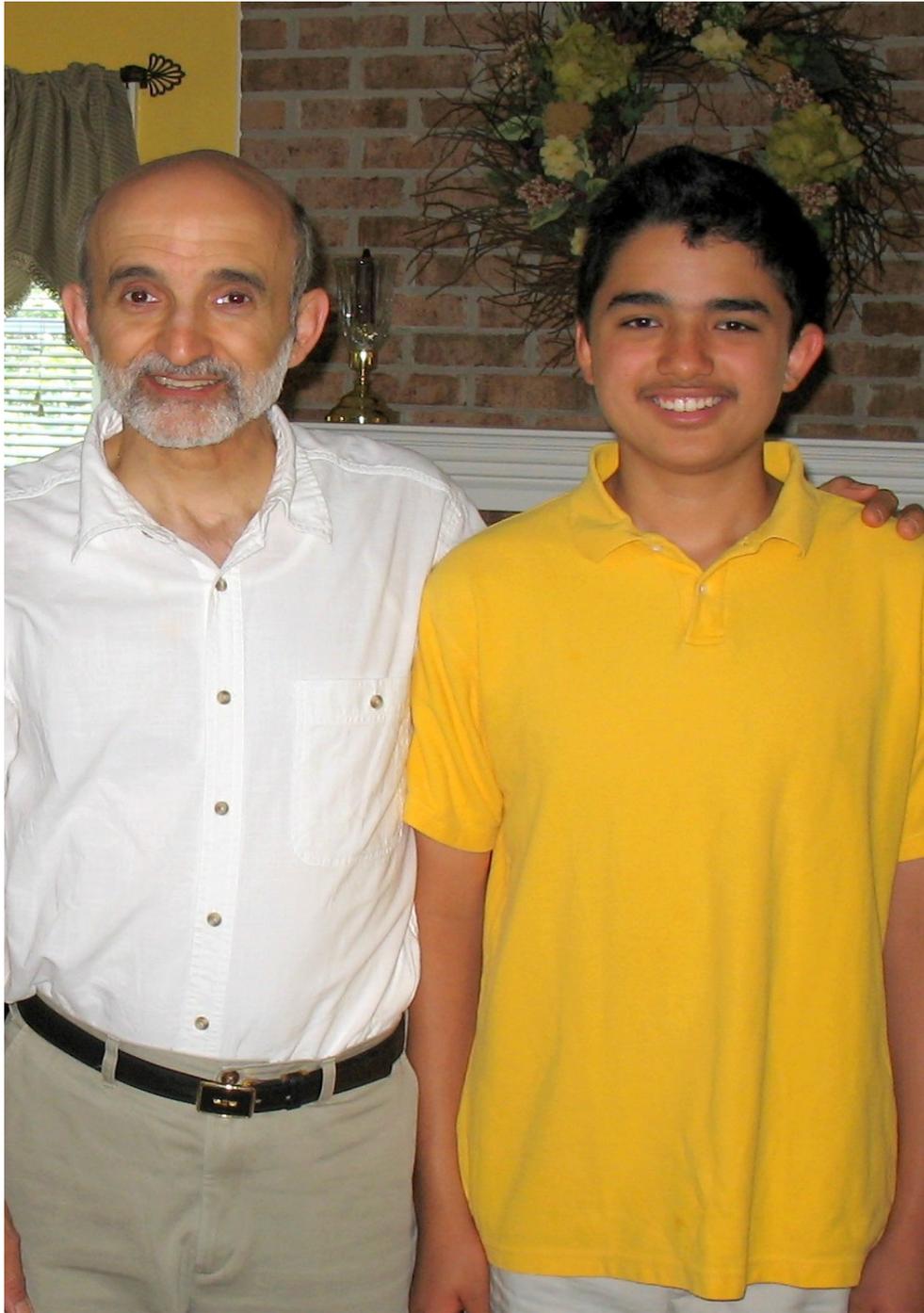
CC: Mr. Ken Moynihan's, Esq. Office

John Murtari
635-1968, x-211
<http://www.AKidsRight.Org/>

Attachments:

- **Motion, including attachments.**
- **John Murtari, resume.**
- **John & Domenic Murtari, photo.**

Attachment: – Expanded Resume and Photo – JOHN MURTARI



Attachment: – Expanded Resume and Photo – JOHN MURTARI

EDUCATION

Syracuse University, Syracuse, NY Jun 1985 - Dec 1986
M.S. Computer Science GPA 3.4

Lemoyne College/Syracuse University Jan 1985 – May 1985
Religion/Ethics/Logic (18 semester hours) GPA 3.5

U.S. Air Force Academy, Colorado Springs, CO Jul 1974 - Jun 1978
B.S. Astronautical Engineering, Cum Laude, GPA 3.5, Order of Merit 72/981

PROFESSIONAL EXPERIENCE/LIFE

Divorce Jun 1995 - Jan 1999

Papers served in Jun 95, final appeal to US Supreme Court exhausted Jan 99.

Knights of Columbus, Council #5082, Baldwinsville, NY 1997 - present

Fourth Degree member of the council

Software Workshop Incorporated, Baldwinsville, NY Feb 1995 – Present

Engineer – Private company specializing in Web Site Hosting & Design Services.
<http://www.softwareworkshop.com/>

Onondaga County Community College, Syracuse, NY Jan 1995 - Present

Computer Science Instructor - Taught classes in assembly language, C, and C++. Was able to apply extensive work experience to class room environment.

Democratic Committee, Town of Lysander, NY Jun 94 - Jun 95

Chairperson - Organized local campaign for another "reform" candidate for Town council. We lost a special election.

Congressional Candidate - Organized own campaign for party nomination to U.S. Congress -- withdrew because of family problems.

Oxford Street Shelter, Syracuse, NY Jun 85 - present

Volunteer - Made ham & cheese sandwiches and delivered them to the "Oxford" the last Sunday of every month till 1999. Son Domenic would help in making the approximately 90 sandwiches, less frequent at present.

Trident Systems Inc, Fairfax, VA

July 1993 - August 1994

Principal Systems Engineer - Perform system analysis and performance studies on the Seawolf Submarine combat system (BSY-2) at Martin-Marietta, Syracuse, NY. This is one of the largest distributed computing environments ever used on a military system. Extensive technical writing required to communicate areas of concern to upper management.

Son (Domenic) born

1993

Eclat Technologies Inc, Syracuse, NY

Sep 1991 - July 1993

Project Leader - Managed a custom software development project for Eastman Kodak. This included responsibility for the overall design effort along with the conduct of software development reviews at the customer's facility. The project was a great success and resulted in a very satisfied customer.

Senior Software Engineer - Extensive use of X windows/Motif to support a client server application in a UNIX environment. Experience with C++ developing a Microsoft Windows application for operator control of a remote sensing device.

Father (Domenic Murtari) dies at 97

Aug 89

General Electric Company, Syracuse, NY

Jan 1987 - Sep 1991

Project Leader - Responsible for the complete integration and test of a \$1,500,000+ software maintenance facility to be delivered to a radar customer. This involved creation of a detailed schedule to integrate the efforts of many different organizations within General Electric. I brought a sense of order to what had been a very fragmented effort.

Group Leader - Lead a group responsible for the communications interface for a military air defense radar. Responsible for timing and sizing estimates. Extensive experience with project management tools (Project Scheduler & Harvard Total Project Manager).

Married Adrienne Phillipson

Nov 87

We met as students at Syracuse University.

Aquinas House of Studies, Syracuse, NY

Jan 85 - Jun 85

Student - Left the Air Force with the intent of pursuing Catholic Seminary. Joined 6 older men in community home while attending classes. A VERY worthwhile experience -- left after realizing a strong desire to have a family. Along with earlier classes, completed a total of 18 hours in philosophy.

U.S. Air Force, Syracuse, NY

Nov 1982 - Dec 1984

Operations Officer, Recruiting Squadron - Responsible for the supervision of 10 staff members; as second-in-command was instrumental in assisting the commander by formulating and implementing programs to achieve recruiting goals. Extensive experience in handling personnel problems. Played a key role in making the squadron #1 in 1983 for the entire Northeastern United States -- something which had not been done in five years.

U.S. Air Force, Columbus, MS

Apr 1980 - Nov 1982

T-37 Jet Instructor Pilot - Gave students the knowledge, skill, and confidence necessary to pilot a jet aircraft through aerobatic, instrument, and formation maneuvers. Earned FAA Certificate as Commercial Pilot; accumulated over 1100 hours as pilot-in-command.

John (son of Domenico & Caterina) born , Lyons, NY

1956

Caterina & Domenic Murtari married, Calabria, Italy

1953

At the age of 61 my father left America and returned to Italy, he told family members he wanted to find a good bride and have a family (at that age I am sure they thought he was dreaming.) Having children was his great desire.

Domenico Murtari comes to America

1914

Leaves Italy right before WW I, and comes to America. Settles in Lyons, NY, and works as a laborer on the New York Central Rail Road for most of his life. Oldest of the family, he saves and pays for the voyage for the rest of his family to come to America: his mother, 2 sisters, and 4 brothers.

Caterina Murtari born of Franceso & Caterina Galluccio

July 21, 1916

San Collogero, Catanzaro, Italy

Domenic Murtari born of Franceso & Caterina Murtari

April 13, 1892

Cittanova, Reggio Calabria, Italy