

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)	
)	Case No. 1:07-CV-0352 TJM/RFT
Plaintiff)	
)	
v.)	SCHULZ DECLARATION # 5
)	
ROBERT L. SCHULZ;)	
WE THE PEOPLE FOUNDATION FOR)	Date: July 27, 2007
CONSTITUTIONAL EDUCATION, INC.;)	Time: 10:00 A.M.
WE THE PEOPLE CONGRESS, INC.)	Ctrm:
)	
Defendants)	

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 support of the motion to dismiss the complaint and in opposition to the motion for summary judgment.
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”).

Purpose

3. The purpose of this Declaration is to provide the Court with additional evidence proving the Blue Folder is not sold, much less for profit, that Schulz does not “market” or solicit “sales” of the Blue Folder, that the Blue Folder does not propose a commercial transaction, that the Blue Folder is not an advertisement of any product sold for profit, and that the Blue Folder does not relate in any way to the economic interests of Schulz or the WTP organization.

4. Exhibit A is a video recording of the April 11, 2003 meeting Schulz conducted in Albuquerque, NM, clearly showing Schulz distributed the Blue Folder for free to everyone in attendance.
5. Exhibit B is the original of a Declaration by Donald Dube testifying that he attended the meeting in New Hampshire and witnessed the Blue Folders being distributed for free to everyone in attendance.
6. Exhibit C is the original of a Declaration by David Turner testifying that he attended the meeting in Atlanta and witnessed the Blue Folders being distributed for free to everyone in attendance.
7. Exhibit D is the original of a Declaration by Christopher Maynard testifying that he attended the meeting in Nashua and witnessed the Blue Folders being distributed for free to everyone in attendance.
8. Exhibit E is the original of a Declaration by Guye Blood testifying that he attended the May 13, 2003 meeting and witnessed the Blue Folders being distributed for free to everyone in attendance.
9. Exhibit F is the original of a Declaration by James Pennington testifying that he attended the meeting in San Antonio [McQueeney] and witnessed the Blue Folders being distributed for free to everyone in attendance.
10. Exhibit G is further proof that the Blue Folders are not sold, much less for profit, that neither Schulz nor the WTP organization “marketed” or solicited “sales” of the Blue Folder, that the Blue Folder does not propose a commercial transaction, that the Blue Folder is not an advertisement of any product sold for profit, and that the Blue Folder does not relate in any way to the economic interests of Schulz or the WTP organization. Exhibit

G is a copy of a request for the Blue Folder from a person who used the organization's website and standard on-line procedure to ask the WTP organization to mail him a copy of the Blue Folder. The person requesting the Folder wrote, "I am not working right now. So I CAN NOT AFFORD THE DONATION. SORRY." The Blue Folder was copied and mailed to him on July 30, 2004.

11. Exhibit H is further proof that the Blue Folders are not sold, much less for profit. Exhibit H is a copy of an email from and a response to Gerald Post who wrote, "I would like to get a copy of the Legal Termination of Tax Withholding [the Blue Folder]. I do not have ability to make a donation at this time." The Blue Folder was sent to Mr. Post on April 27, 2007. I have not been able to do any work for several months the Folders the original of a Declaration by Donald Dube testifying that he attended the meeting in New Hampshire where the Blue Folders were distributed for free to everyone in attendance.
12. Exhibit I is a copy of a letter that gets sent with the Blue Folder to people who for some reason do not download the material from the website for free but, instead request a copy be mailed to them. The letter not only confirms the fact that the \$20 is a donation to cover the costs of copying and mailing the material, the letter also says the material should be submitted to qualified legal counsel for review and advice.
14. From time to time, Schulz and the organization cannot find the time to copy and mail the voluminous materials in the Blue Folder to people who use the on-line system to request that a copy of the Blue Folder be mailed to them and who made a \$20 donation. During those times, the \$20 donation is returned and the party is notified of the situation. Exhibit J is a copy of one such notice.

15. Exhibit K is the original of a Declaration by Toby Fost testifying that he attended the meeting in Phoenix and witnessed the Blue Folders being distributed for free to everyone in attendance.
16. Exhibit L is a copy of Defendants' website article dated April 19, 2003 showing the proposed Right to Petition Legal Defense Association was to be a not-for-profit organization and that applicants were not charged a fee.
17. Exhibit M is a video recording of the meeting Schulz conducted at the Sheraton Hotel in Nashua, NH on or about March 17, 2003 clearly showing Schulz distributed the Blue Folder for free to everyone in attendance.

Executed this 16th day of July, 2007.

ROBERT L. Schulz
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