

# MEMO

NYS SENATORS AND MEMBERS OF THE ASSEMBLY

August 3, 2020

## RE: CLASS E FELONY CHARGES OF CRIMINALLY NEGLIGENT HOMICIDE VERSUS ANDREW CUOMO

**Probable cause** against Andrew Cuomo, for **criminally negligent homicide**, can be had through admissible hearsay government documents:

- 1) The March 25, 2020 NYS Health Dept. order **required** nursing homes to receive hospital patients that carried COVID-19; and **prevented** nursing homes from COVID-TESTING to properly manage and **isolate** such patients. This amounts to **negligence**.
- 2) The July 6, 2020 NYS Health Dept. report reported 6326 fatalities some, of which, are **admittedly** COVID-19 **FATALITIES**.

If there were no fatalities, there would be no basis for probable cause. That there WERE fatalities creates probable cause FOR **criminally negligent homicide (New York Penal Law § 125.10)**

I wish to make you and the rest of the NYS Legislature aware of this possibility. Eliot Spitzer had to leave office over prostitution. By comparison, Andrew Cuomo's political situation is fatal with the first mention of criminally negligent homicide in the media.

I encourage the Senate and Assembly to distance themselves from Andrew Cuomo to avoid the perception of being **accessories after fact**, or of being parties to a coverup.

One way to solve this crisis is let the **New York State Board of Trustees (NYBOT)** handle the issue, since it is not being handled, adequately, by anyone else. In recent times, every key NYS political post has been hit with forced resignations: Sol Wachtler, Anthony Weiner, Eliot Spitzer, Sheldon Silver, Eric Schneiderman, Joe Bruno. It is time to recognize the need for a NYS Board of Trustees. Fortunately, we do have a NYS Board of Trustees.

Enclosed is a [WRIT OF REGIME CHANGE](#) that I submitted to the **NYS Police** on June 3, 2020 creating the New York State Board of Trustees under my Tenth Amendment rights.

NYBOT exists. It exists **unless specifically outlawed** by the Legislature.

I urge Legislative cooperation with the New York State Board of Trustees by resolution.

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LORENZ KRAUS CHAIRMAN NYS BOARD OF TRUSTEES

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## **SAMPLE RESOLUTION TO COOPERATE WITH THE NEW YORK STATE BOARD OF TRUSTEES AS A CO-EQUAL BRANCH OF GOVERNMENT**

The New York State Legislature recognizes the need for a permanent institution to assure self-government.

The New York State Legislature acknowledges that:

- a. The New York Board of Trustees is effective as a co-equal branch of New York State government through its WRIT OF REGIME CHANGE.
- b. The New York State Board of Trustees shall stand as a co-equal branch of New York State government unless specifically outlawed as a co-equal branch of government by a subsequent New York State Legislature.
- c. The New York State Legislature understands that the New York State Board of Trustees is trusted to assure self-government and that it has all powers necessary to assure self-government.
- d. The Founding Chairman is Lorenz Kraus whose sole term shall expire within ten years. Additional trustees shall be added at the request of the Chairman with the approval and consent of the Legislature.

The Legislature pledges cooperation with the New York State Board of Trustees.

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**LORENZ KRAUS CHAIRMAN NYS BOARD OF TRUSTEES**

References: [WRIT OF REGIME CHANGE](#)

[http://popularpivot.com/application/files/5015/9113/1943/writ\\_of\\_regime\\_change\\_NYS\\_001.pdf](http://popularpivot.com/application/files/5015/9113/1943/writ_of_regime_change_NYS_001.pdf)

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## LEGITIMACY OF A RESOLUTION TO COOPERATE WITH THE NEW YORK STATE BOARD OF TRUSTEES AS A CO-EQUAL BRANCH OF GOVERNMENT

Thomas Jefferson established that the constitution is not a suicide pact; we can, by right, alter our form of government out of **compelling necessity**. “The laws of necessity, of self-preservation, of saving our country when in danger, [such as from British subversion] are of higher obligation,” than legality. The law is what is best for the community. What sustains the community is the law. What does not sustain the community is not sustainable. By this reasoning, we restrict change to what sustains us. Thus, faux regimes yield to the law. **Legalism yields to law.**

The NYS Board of Trustees uses the term popular pivot for unconventional regime change, accepted after the fact. Moving from the Articles of Confederation to the Constitution is a prime example of a popular pivot—after the fact popular constitutional change outside of constitutional strictures. The Confederate effort of secession was not sufficiently popular, after the fact, and failed.

Change by popular pivot exists in US history, as recently as, New York (2020):

“The emergency powers provided to the governor were always intended to be temporary... the time has come for state government to **return** to its basic principle of representative democracy,” said Assemblyman Barclay.

The public would be surprised that the Legislature **abandoned** representative democracy. Barclay supports legislation to “restore the Legislature’s authority **as a co-equal branch of government.**” Again, the public would be shocked that a branch of government did away with itself, as a co-equal branch of government, even temporarily.

If the legislature can cut off a branch of government, **it also can accede to and cooperate with, the Board of Trustees as a new co-equal branch**, out of compelling necessity. That NYBOT can be dissolved by a future Legislature provides the opportunity for the *after the fact* test of popular approval.

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LORENZ KRAUS CHAIRMAN NYS BOARD OF TRUSTEES