June 6, 2024

SEC Chairman Gary Gensler
1735 K Street NW
Washington, DC 20006

RE: The *"gradual and silent encroachments on freedom"* by the SEC.

Dear SEC Chairman Gary Gensler,

I read your comment on X February 26 you *"Did you know you can learn the background of an investment professional, their registration status, and more using the free search in investor.gov*?

Did you know you could be held personally liable for promoting false and misleading statements?

The Langham Act 15 U.S. Code § 1125 - False designations of origin, false descriptions, and dilution forbidden allows civil litigation of ***false or misleading*** description of facts and 15 U.S. Code § 1122 states "The United States, ***all agencies and instrumentalities thereof***, and all individuals, firms, corporations, other persons acting for the United States and with the authorization and consent of the United States, ***shall not be immune from suit in Federal or State court by any person***, including any governmental or nongovernmental entity, for any violation under this chapter".

The Lanham Act provides protection against some kinds of false advertising *even if they do not involve trademark infringement*. To prove false advertising under the act, plaintiffs must show they were injured by a false statement that the defendant made about their own or others' products or *services* in interstate commerce and that the statement could *deceive a substantial portion of the target audience*.

"Proof beyond a reasonable doubt" is required due process within the Fifth Amendment of the Constitution. The Federal Government's promotion of Broker-Check information in Investor.Gov limits the right to property prior to due process. All are presumed guilty of Broker-Check allegations and are burdened with proving their own innocence which may come months after the disclosure.

Within the period of time between publication in Investor.gov and a fair Trial, employment income may be limited due to an encumbrance of reputation without contemporaneous due process. Through the approval of SRO rules and regulations, the Federal Government has shifted ***its own obligation to prove all charges beyond a reasonable doubt*** to the individual who must prove his or her own innocence. Just because the SEC has the power to approve SRO rules, does not give the SEC the right to violate Constitution of the United States.

The opinions of Judge's, Attorney's, and Academics on FINRA's status of a state actor are now irrelevant. It is not a matter of opinion but a matter of fact the state itself **SHALL NOT** take away the right to property without due process of the law. The words **SHALL NOT** are written like a commandment from the Creator Himself leaving absolutely no latitude for discretionary duty.

Furthermore, every disclosure expunged reveals a violation committed under Section 15 of the Securities and Exchange Act regarding false and misleading information by the SEC which itself has the obligation to enforce. As Investor.Gov is the publisher of false and misleading information in such cases, then technically the SEC is a violator of Section 15 of SEA.

Broker-Check meets the legal definition of blacklist:

"A blacklist is any understanding or agreement that communicates a name, or list of names, or descriptions between two or more employers, supervisors, or managers in order to prevent an employee from engaging in a useful occupation. A blacklist can be spoken, written, printed, or implied."

Investor.Gov is thus a publisher of a blacklist. There are two cases where the Federal Courts have considered blacklists unconstitutional:

- In November 2006, a federal judge has ruled that a portion of a post-Sept. 11 executive order allowing President George W. Bush to create a list of specially designated global terrorist groups (SDGTs) unconstitutionally vague. The Judge found that Bush's authority to designate SDGTs is "unconstitutionally vague on its face." She also found that the provision involving those "otherwise associated with" the groups is ***vague and overbroad and could impinge on First Amendment rights of free association***.

- In April 2018 the case of Anas Elhady versus the unidentified Cross Broder Patrol Agents in Alexandria, VA, the US District Court Judge Anthony Trenga had upheld a complaint of 23 victims of US government blacklisting to which the government had designated them as "suspected terrorists" without notice or an opportunity to contest any allegedly "derogatory" did not provide those who are stigmatized, and whose stigmatized status is broadcast to tens of thousands of law enforcement and other government agencies and private entities around the world, ***with the procedural due process required by the US Constitution.*** Sounds the same as Investor.Gov.

Many states also have blacklisting statutes. As The Federal Judiciary sustains blacklisting as illegal then there is no conflict between state and federal law, and state laws take precedent.

Would SEC be able to confirm to the State Attorney Generals which have blacklisting statutes my personal disclosure in Broker Check is factually accurate as it was investigated by FINRA?

Though state blacklisting laws cannot nullify the immunity of the Federal Communications Decency Act for publishers, the Federal Court System can and has done so. In the case of Yahoo versus Barnes the Ninth District Court in the state of Oregon had nullified Section 230 immunity because the publisher Yahoo had ***obligated itself to remove specific material.*** As FINRA investigated my disclosure, then FINRA has obligated itself to corroborate the facts of the disclosure. FINRA is also obligated to enforce Section 15 of the SEA as all SRO's are obligated to enforce all SEA act rules per Section 19G of SEA.

The Securities and Exchange Commission is the Publisher of Investor.Gov and has an obligation enforce the Securities and Exchange Act Section 15. Additionally, the Securities and Exchange Commission has oversight of FINRA which is the publisher of Broker Check.

The obligations of Self-Regulatory Organization are defined in the Securities and Exchange Act 19 (g)1 *"Every self-regulatory organization shall comply with the provisions of this title, the rules, and regulations thereunder..."* As it is The Securities and Exchange Commission is to enforce the Securities and Exchange Act including Section 15 of the Securities and Exchange Act of 1934 which prescribes limitations on Broker-Dealer for registrations...

"For any statement which was at the time and in the light of the circumstances under which it was made ***false or misleading with respect to any material fact*** *or has omitted to state in any such application or* ***report*** *any material fact which is required to be stated therein".*

The term *"report"* in SEA Section 15 which SRO's such as FINRA are obligated to enforce under SEA Section 19 would refer to disclosures in Broker-Check. Regarding a disclosure made by my former employer, FINRA Investigations sent me a letter (STAR 20170559810) expressing its intent to satisfy its obligation to enforce Section 15 of the Securities and Exchange. The October 2017 letter I was to be investigated "to determine whether violations of ***federal securities laws*** or FINRA, NASD, NYSE or MSRB rules have occurred."

I complied with a FINRA investigation with expectation the Section 15 of the Securities and Exchange Commission would be enforced. Specifically, any ***false or misleading with respect to any material facts*** regarding my disclosure in Broker-Check should have been enforced by FINRA at the time of disclosure.

The moment a self-regulatory agency initiates an investigation of a disclosure, the self-regulatory agency also obligates itself to corroborate the facts of the disclosure. The failure to modify the U5 without sufficient culpable evidence to corroborate the disclosure breaches the obligation FINRA to enforce Section 15 of the Securities and Exchange Act and thus exposes FINRA to state blacklisting laws.

According to FasterCapital.com Social exclusion: Beyond Social Exclusion: Rebuilding Lives Post Blacklist:

"For individuals, being blacklisted can mean losing their livelihood, financial security, and social standing. It can also lead to feelings of ***anxiety, depression, and isolation****, as they may feel like they are being unfairly targeted or ostracized."*

Please find the various state statutes regarding ***publishing*** a blacklist:

- In Alabama "Maintaining a blacklist. **Notifying others** that an employee has been blacklisted. Using any other similar means to prevent a person from obtaining employment. Ala. Code § § 13A-11-123
- In Arizona, "A blacklist can be spoken, **written, printed, or implied**." Ariz. Rev. Stat. Ann § § 23-1361 to 23-1362
- In Arkansas "Writing, printing, **publishing**, or circulating false statements in order to get someone fired or prevent someone from obtaining employment. *Ark. Code Ann. § 11-3-202*
- In California "Preventing or attempting to prevent former employees from getting work through **misrepresentation**". Cal. Lab. Code § § 1050 to 1053
- In Colorado "**Publishing** or maintaining a blacklist. Conspiring or contriving to prevent a discharged employee from securing other employment." Colo. Rev. Stat. § § 8-2-110 to 8-2-114

- In Connecticut "Blacklisting, **publishing**, or causing to be published the name of any employee with the intent and for the purpose of preventing that person's engaging in or securing other employment" Conn. Gen. Stat. Ann. § 31-51.
- In Hawaii, "Making, circulating, or causing the **circulation of a blacklist**." Haw. Rev. Stat. § 377-6(11)
- In Idaho, "**Maintaining** a blacklist". Idaho Code § 44-201
- In Indiana, "Using **any means** to prevent a discharged employee from obtaining employment." Ind. Code Ann. § 22-5-3-1
- In Iowa, Preventing or trying to prevent, either verbally or in **writing,** a discharged employee from obtaining other employment. Iowa Code § § 730.1 to 730.3
- In Kansas, "Using words, signs, or any kind of **writing** to prevent or attempt to prevent a discharged employee from obtaining other employment." Kan. Stat. Ann. § § 44-117 to 44-119
- In Maine "**Maintaining** or being party to a blacklist, either alone or in combination with others." Me. Rev. Stat. Ann. title 17, § 401
- In Minnesota "Verbally or in **writing** attempting to prevent a former employee from obtaining employment elsewhere." Minn. Stat. Ann. § 179.60
- In Montana "Attempting, by written, verbal, or any other means, to prevent a discharged or former employee from obtaining employment elsewhere."
- In Nevada, "Blacklisting or causing any employee to be blacklisted; **publishing** any employee's name or causing it to be published with the intent to prevent that person from getting work." Nev. Rev. Stat. Ann. § 613.210
- In New Mexico, "For an employer or employer's agent: **Preventing** or attempting to prevent a former employee from obtaining other employment". N.M. Stat. Ann. § 30-13-3
- In North Carolina, "Preventing or attempting to prevent, by word or **writing of any kind**, a discharged employee from obtaining other employment." N.C. Gen. Stat. § 14-355
- In North Dakota "Maliciously interfering or in **any way hindering** a person from obtaining or continuing other employment. N.D. Cent. Code § 34-01-06.
- In Oklahoma, "**Publishing** or causing employee's name to be published with the intent to prevent the employee from getting work." Okla. Stat. Ann. tit. 40, § 172
- In Oregon, "Blacklisting or causing any discharged employee to be blacklisted; **publishing** or causing the name of any discharged employee to be published with the intent to prevent the employee from getting or keeping work. Or. Rev. Stat. § 659.805
- In Rhode Island "Making, maintaining, distributing, or **circulating** a blacklist to prevent an employee from obtaining or continuing in employment because employee exercised rights to organize, unionize, or bargain collectively. R.I. Gen. Laws § 28-7-13(2)
- In Texas, "Preventing or attempting to prevent by **word, printing, sign, list, or other means**, directly or indirectly, a former employee from obtaining other work." Tex. Civ. Stat. Ann. Art. 5196(1) *to* (4)
- In Utah, "Blacklisting or causing any former employee to be blacklisted, or **publishing** or causing the name of any former employee to be **published,** with the intent or purpose of preventing the employee from obtaining or retaining similar employment." Utah Code Ann. § § 34-24-1 *to* 34-24-2
- In Virginia, "Willfully and maliciously preventing or attempting to prevent, verbally or in **writing**, directly or indirectly, a former employee from obtaining other employment." Va. Code Ann. § 40.1-27

- In Washington State, "Willfully and maliciously sending, delivering, making, or causing to be made, any document, signed, unsigned, or signed with a fictitious name, mark, or other sign; **publishing** or causing to be **published** any statement, to prevent someone from obtaining employment in Washington or elsewhere. Wash. Rev. Code Ann. § 49.44.010
- In Wisconsin, "Any two or more employers joining together to: cause the discharge of an employee by threats, promises, **circulating blacklists**, or causing blacklists to be circulated" *Wis. Stat. Ann.* § 134.02.

As the SEC is obligated to enforce the Securities and Exchange including Section 15, then the SEC would be liable for state blacklisting statutes without Section 230 immunity.

There are five instances where false or misleading statements within the disclosure:

- The disclosure states "*Mr. Schwartz also did not follow firm procedures for effecting the correction*". **Would the SEC or FINRA be able to provide a copy of the procedures to the State Attorney Generals?** The Attorney for my former employer could not locate or produce those procedures which are to be retained on premise per the SEA 17a-4. (Exhibit A)

- The disclosure states "*Firm policies and procedures require the Lead Business Analyst to conduct daily trade comparison and reconciliation reviews*". **Would the SEC or FINRA be able to provide a copy of the procedures to the State Attorney Generals?** The procedure my form firm uploaded into Dispute Resolution Portal state this was required by the P&S Manager or designee. (Exhibit B) This was delegated to Philippine Staff.

- The disclosure states the trade was moved to a "*firm error account*". **Would the SEC or FINRA be able to provide a copy of the statement with the title Firm Error Account to the State Attorney Generals?** An email from my prior firm stating the trade was moved to the "vendor error account" was uploaded to Dispute Resolution be former employer. This is material and misleading as it removes any responsibility for the trade error from the vendor. (Exhibit C)

- There disclosure states I moved a "firm trade". Firm Trade implies the firm owned the position. ***Would the SEC or FINRA be able to provide a firm trading account statement showing a long position resulting from a customer sale?*** The company acted as agent and for a customer sale to the street. The street dk'd four times. SEA 15c3-1 prohibits ownership of proprietary positions by firms registered as agents. (Exhibit D).

- The disclosure states I did not perform "*thorough review of the break recap report*" for ex clearing breaks. This is accurate. But was not my job to thoroughly review the ex-clearing breaks as this was done in the Philippines. **Would the SEC or FINRA be able to provide sufficient culpable evidence to the State Attorney Generals?** A subpoena of the documentation by the State Attorney Generals will produce an upload document with name other than mine.

My actions to affect a loss into my personal account was consistent with NASD Rule 1022 which states Financial and Operational Principals are "fully responsible" for any "financial and operational management matter with the firm" and consistent with the role of a Fiduciary per the SEC's Lerner Letter

FINRA Notice 10-39 reminds FINOPs of their obligations to provide timely, complete and accurate information on the U5. The U5 states I did not thoroughly review a break report but omits to state my it was not my job to thoroughly review the break report. It does not state the person's whose job to "thoroughly" review the break report was in the Philippines and does not state I was not in the hierarchy to supervision the employee in the Philippines.

What the disclosure does say is "I moved a firm trade my property of the firm into my personal account" It is misleading as Rule 15c3-1 prohibits Agency Firms to take on firm position and the 15c3-3 Allocation would allocate the trade a streetside fail, a fail which was dk'd four times which by the uniform practice rules means the buying firm is no longer an owner. Yet, the disclosure implies theft, FINRA requested my request for exculpable information. **Exhibit E**. As the United State Government is publishing, "I took something from the firm, implying a crime, then I due the all information gathered in the investigation.

There is sufficient contradictory evidence attached that the Securities and Exchange Commission should formally investigate the matter itself. Please be advised FINRA did investigate the matter and found I violated no rules. I did receive a FINRA 2010 Violation "because they could not find a rule I violated."

The Federal Government's promotion of Broker-Check information on Investor.Gov validates Broker-Check, but to perpetuate a disclosure contradicted evidence is technically actual malice, and not just damage the credibility of Investor.Gov but the government itself.

President Biden acknowledged the vulnerability of our country in his State of The Union Address:

"Not since President Lincoln and the Civil War have freedom and democracy been under assault here at home as they are today."

President Biden was referring to January 6th as the greatest threat to freedom to democracy. If James Madison could come down from heaven, he would disagree:

"I believe there are more instances of the abridgement of freedom of the people by ***gradual and silent encroachments*** by those in power than by violent and sudden usurpations."

'Gradual and silent encroachments" on the United States Constitution by the SEC alone are:

- The First Amendment: The SEC 'no-deny' Gag Order policy to be revisited by Fifth Circuit Court.
- The Fourth Amendment: The Consolidated Audit Trail Violates Unlawful Search and Seizures
- The Fifth Amendment: The presumption guilt of all those listed on Investor.Gov without contemporaneous due process. It could be months if a person's reputation is ruined before he or she has the opportunity for a fair trial.
- The Fifth Amendment: The SEC Approval of FINRA Rule 2010 which the SEC itself describes as "broader and provides more flexibility than prescriptive regulations and legal requirements" is unconstitutionally vague and does not provide fair notice.

- The Seventh Amendment: A three-judge panel held that the SEC's adjudication violated Jarkesy and Patriot28's Seventh Amendment right to a jury trial.

- The Thirteenth Amendment:

> *"For the very idea one man, be compelled to hold his life, or the means for living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable cruelty where freedom prevails, as being the essence of slavery itself."*

The Supreme Court ruled in the case Yo Wick vs Hopkins in 1886. The court ruled "the administration of justice with an **"evil eye or an uneven hand"** is within prohibition of the Constitution."

Broker Check limits *"the means for a living"* and *"the enjoyment of life"* for those with a negative disclosure. In instances where disclosures were expunged, there would certainly be an *"evil eye"* in publishing the disclosure. In all instances, where the presumption of guilt was published prior to any court case in front of a judge and jury, there is an uneven hand in the administration of justice.

"The means of a living" within the financial services industry is taken from those who receive negative disclosures. Though no one is physically branded as slaves were in the 1800s, disclosures are lifelong humiliating stigmas.

The extensive list of all usurpations by the SEC bears too much semblance to the grievances listed in the Declaration of Independence: Fair Trial, illegal Search and Seizures and Pretended Crimes. Just today, the American Securities Association filed a suit against the SEC for broker fine calculation details under the Freedom of Information Act which bears semblance to the Declaration's fourth grievance "distance from public records".

Meet the old boss (the administrative state) same as the old boss (King George III): the denial of due process rights to the working class and immunity for the privileged elite.

It is perhaps Baron de Montesquieu's quote on tyranny that fits SEC the best: *"There is no greater tyranny than that which is perpetrated under the shield of the law and in the name of justice"*. George Floyd asked the shield of law of what is asked on the Gadsden Flag: "don't tread on me".

The image of law enforcement taking the life of George Floyd is an image which every state attorney general in the country would like erase from public perception. Unfortunately, when the SEC usurps constitutional rights, it makes it difficult to eradicate the image of dirty cops. As former state attorney general Gurbir Grewal may say, "in New Jersey, we say the SEC gives law enforcement a bad name."

George Washington stated, *"the spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create whatever form of government, a real despotism"*. It is then unlikely George Washington would approve of a regulatory structure of an SRO where the "investigator, prosecutor, judge, and jury" are all same entity.

As a matter a fact George Washington warned of the administrative state when he said, *"The people must remain ever vigilant against tyrants masquerading as public servants."* If George Washington were

alive today, he may you, ***"all the soldiers who died for freedom in the Revolutionary War for freedom, how is possible that the government formed now usurps such freedom?"***

Abraham Lincoln had stated *"A nation that does not honor its heroes will not long endure."* If Abraham Lincoln were alive today, *he would likely ask you,* ***"all the soldiers, both black and white, who died for free blacks in the Civil War, how is possible that the government dishonors their memory through by practicing slavery? "***

I was tailgating at an Army-Navy Rugby game last fall with a couple of cadets. One of which served five tours of duty. West Point on the Hudson River is where George Washington held his headquarters during the Revolutionary War and where General Ulysses Grant of the Civil War once studied.

In the absence of George Washington, Abraham Lincoln, and General Grant, all of whom witnessed the bloodshed who died for our freedoms, the next best thing would have you come to West Point and to meet the cadets, some families of the deceased, and some of Frank Siller's wounded warriors.

You can tell them in your own words the lives sacrificed in Fallujah and "the great crusade" Normandy for the preservation of freedom were in vain as the administrative agencies such as the SEC *"will ultimately usurp freedoms "silently and gradually" from within."*

You would not dare say that at West Point because the cadets would lock you up in the for being a domestic enemy of the Constitution.

Don't believe me? Supreme Court Justice Neal Gorsuch reminds us in the case Sessions vs Dimaya **"Vague Laws invite Arbitrary Power"**.

In a recent case, Sessions vs Dimaya, Supreme Court Justice Neal Gorsuch stated:

> *"Vague laws invite arbitrary power. Before the Revolution the crime of treason in English law was so capriciously construed that the mere expression of disfavored opinions could invite transportation or death. The founders cited the crown's abuse of "**pretended**" crimes like this as one of their reasons for revolution. Today's vague laws may not be as invidious, but they can invite the exercise of arbitrary power all the same—by leaving the people in the dark about what the law demands and allowing prosecutors and courts to make it up."*

The word "Pretended" is indeed listed twice as oppressions in the Declaration of Independence: "Pretended Legislation" and "Pretended Offences". General George Washington would have those specific words read to the Continental Army on the evening of July 9, 1776. The words "Arbitrary Power" were used by George Washington would write in 1783 *"arbitrary power is most easily established on the ruins of Liberty"*.

Three Words which will always hold great value at West Point are "Duty, Honor and Country". FINRA after my case provide me and my former employer with a cautionary letter FINRA 2010 Violation Standards of Commercial Honor and Just and Equitable principles which the attorney for my former firm used in the arbitration hearing. This is a no-no per the FINRA Ombudsmen.

I would then request a list of "standards of commercial honor and just and equitable principles of trade" from the SEC and would receive the below response:

--------- Forwarded message ---------
From: **"Help" <help@sec.gov>** <help@sec.gov>
Date: Tue, Aug 20, 2019, 4:51 PM
Subject: SEC Response HO::~00823598~::HO
To: systemicriskregulation@gmail.com <systemicriskregulation@gmail.com>

Dear Mr. Schwartz:

Thank you for contacting the U.S. Securities and Exchange Commission (SEC).

FINRA's proposing release discusses the purpose and meaning of FINRA Rule 2010. See www.sec.gov/rules/sro/finra/2008/34-58095.pdf. As noted in the release, Rule 2010 is a general ethical standard that "is broader and provides more flexibility than prescriptive regulations and legal requirements."

If you need additional information or would like to discuss your question further, please call my direct phone number, below.

Sincerely,

Steven G. Johnston
Special Counsel
Office of Investor Education and Advocacy
U.S. Securities and Exchange Commission

The SEC is prohibited to approve rules which are vague in nature. The Securities and Exchange Commission violated Fifth Amendment of The United State Constitution when the SEC approved FINRA Rule 2010.

The Agency Actions of adoption and approval of FINRA Rule 2010 by The Securities and Exchange Commission "Standards of Commercial Honor and Principles of Trade" (formerly NASD Rule 2110) are repugnant to the United States Constitution because FINRA Rule 2010 is unconstitutionally vague as....

- ...it is broader and provides more flexibility than prescriptive regulations and legal requirements" and thus "*fails to give a person of ordinary intelligence fair notice that his contemplated conduct is forbidden by the statute*". "Fair Notice" is required per the case Papachristou v. City of Jacksonville

- ....it is "broader and provides more flexibility than prescriptive regulations and legal requirements" and thus it fails to "inform as to what the State commands or forbids" which "All are entitled to be informed" per Lanzetta versus the State of New Jersey in 1939.

- ....it is "broader and provides more flexibility than prescriptive regulations and legal requirements", and thus "fails to "describe with sufficient particularity what a suspect must do in order to satisfy the statute". Sufficient Particularity is required per Kolendar versus Lawson.

- ... it is "broader and provides more flexibility than prescriptive regulations and legal requirements", and thus its "words and phrases are so vague and indefinite that any penalty prescribed for their violation constitutes a denial of due process of law" as described by Champlin Ref. Co. v. Corporation Comm'n.

- ....as it does not provide a set of standards of commercial honor nor equitable principles of trade are thus "a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process" as described in Connally v. General Construction.

As the Securities and Exchange Commission violated the specific grievance listed in the Declaration of Independence which the first American soldiers died for, I do believe the cadets at West Point who do take the deaths of their soldiers very seriously and their oath to the United States Constitution very seriously would have to lock you up as the head of a domestic enemy of the Constitution. Heck, the cadets may lock up your brigade of attorneys under your control who may have deliberately defied the Constitution in exchange for their next job on Wall Street.

But then General Ulysses S. Grant would have to come down from heaven, get of his horse and say:

"Thousands of men under my command died for freedom for this country and so I felt compelled to say this:

A Government which sends its soldiers abroad to fight and die for the ultimate purpose of preserving freedom at home, cannot simultaneously usurp such freedoms at home.

As the last American President to own slaves, I see there are absolutely no slaves in the financial services industry. I see hardly anyone with calloused hands. I see no one literally "chained to a desk".

Nevertheless, I agree with President Biden, "your job is your dignity, your place in your community" and if the Government were to limit your access to property and diminish your dignity without due process of the law, that would be indisputably tyrannical".

General Grant would then finish his Old Crow Whiskey and exhale his cigar and finally say *"You can bet your fifty-dollar bill on it."*

As it is documented middle school students should understand the United States Constitution then an MIT Professor should certainly be able to understand it. As there is no issue with ability to comprehend the Constitution, then failure to defend it would be a willful dereliction of duty. It the military this would result in dishonorable discharge. In that case you are the last person who should be promoting a website that publishes discharge information on others.

It is the appearance the SEC was protecting investors from Bernie Madoff which led to billions in losses and livelihoods. We now see what happens when those who masquerade as public servants who take the oath yet approving rules which do not serve the public interest. Only the interests of Wall Street firms by insulating those firms from financial liability.

President Biden reminded us this past Memorial Day about Freedom, "every generation has to earn it, fight for it, defend it in the battle of autocracy and democracy, between the greed of a few (Wall Street Firms) and the rights of many (financial service employees)" A week later President Trump of his trial in

New York Court was rigged. Jim Jordan is now calling for congressional hearing to review Trump's case which Jim Jordan label's a "travesty of justice" decided by a "kangaroo court".

Though President Biden has responded the use of the term "rigged trial" as reckless, the Federal Government's outsourcing of Judicial matters to a body whose consolidated structure fits George Washington's definition of a despot, gives open minded people to believe the Trump trial may have been rigged. The Judicial structure should be beyond reproach.

Consequently, I an confident the Supreme Court will keep in mind in the Jarkesy case that George Washington sustained "The Administration of Justice is the firmest pillar of good government "and will ultimately issue a decision to restore public confidence in the Judiciary as well as strict adherence to the Constitution.

I look forward to making myself available to testify at the Jarkesy trial SEC rule making in favor of Wall Street firms over the rights of employees exudes a lack of integrity, independence, and objectivity to serve justice.

I should testify as an eyewitness I saw the SEC try to pull the robe from Lady Liberty. Only it was the SEC who was exposed like Adam in the garden of Eden, deceived by a serpent which lingers in the sewers off Wall Street but never dares sliver into the sacred cemetery of Trinity Church where Alexander Hamilton lays.

It is as if an association of securities dealers have been pulling the threads from Betsy Ross' flag to use for marionette strings for making the SEC it's puppet. You were cast well for the role as you love being on stage posting incessantly on X.

You tweet about this, and you tweet about that, but you don't give a tweet or a twit for those who died for our freedom. No worries. The flags placed quietly in the Cemeteries this past Memorial Day and the banners of hometown heroes in small American towns will always speak volumes greater than your tweets.

All of this is just my humble opinion except for the truths held as self-evident such as the SEC shall not deny the right to property without due process. I believe Americans still have the right to their opinions. Unless of course, the SEC also has also usurped the right for Americans the right to opinion along with the rights of free speech, fair trial, and the presumption of innocence.

Sincerely,

Peter Augustine Schwartz

EXHIBIT A

Notwithstanding the foregoing and solely for purposes of avoiding further, protracted and costly litigation, and in a good faith effort to amicably resolve this matter without the need to proceed to Arbitration on November 13, we propose the following modification to the sentence:

"[You] further failed to follow Firm procedures for effecting the correction, first placing the trade in [your] personal account … before moving it into the firm error account…"

as follows:

"[You] further failed to follow **department protocol** for effecting the correction, first placing the trade in [your] personal account … before moving it into the firm error account…"

If, in exchange for E*TRADE agreeing to this modification (i.e. replacing "Firm procedures" with "department protocol"), you agree to dismiss the arbitration pursuant to your execution of a Stipulation of Dismissal, please let us know within the next 48 hours and we can, in turn, take all steps necessary to amicably resolve the arbitration in this manner.

Best regards,

[redacted] | Partner

[redacted]
New York, NY 10004

EXHIBIT B

The firm policies and procedures stated in the disclosure are not the responsibility of the Lead Business Analyst but the Supervisor or designee of Purchase and Sales per the written supervisory procedure below:

Firm policies and procedures require the Lead Business Analyst to conduct daily trade comparison and reconciliation reviews, including the break recap report

32 7.3.2 Description of Supervisory Procedure

Before the market close on each business day, the Supervisor of Purchase and Sales shall conduct the following reconciliations:

The Supervisor or designee of Purchase and Sales shall review a daily reconciliation of the Break Reports (BRKRCP & OCCRCC) and the Break Spreadsheet, which shall be provided by BPO by 12:00 pm. The Break Report reflects trade breaks on T 1, T 2 and T 3, along with updated research and resolution information. The Supervisor of Purchase and Sales shall monitor, among other things, that trade breaks have been resolved in a timely and accurate fashion.

EXHIBIT C

- On Friday, 08/25/2017, he journaled the trade to his personal account and executed the sale.
- He intended to cover the debit with his own funds, but decided not to cover it. Instead on the following Sunday while on vacation, he moved the trade to the vendor error account.
- He believed that there were several breakdowns that occurred such as the vendor failing to send an email on the trade breaks and the Manilla office failing to pick up the trades and upload comments on the trade breaks.

EXHIBIT D

From: Clearing, FixedIncomeClearingP&S [mailto:FixedIncomeClearingP&S@[redacted]
Sent: Friday, August 25, 2017 9:28 AM
To: [redacted] Jeffrey; Schwartz, Peter; [redacted] Anthony; [redacted], Paolo Guiseppe; [redacted] Francesca Yvonna
Cc: Clearing, FixedIncomeClearingP&S
Subject: Need valid BOS *** Urgent ***

Hi peter/Jeff,

We see that below trade is booked with Zero BOS in 64 BL.

We have sent comparison mail to BOS# 161. But they are [redacted]'ing below trade.

Please find the attached document.

Trade Date	Settlement Date	385' Buy Sell	Quantity	Price	Principal Amount	Cusip	BOS	C
8/18/2017	8/23/2017	Sell	-2,500	37.27	93175	74347W163	0	

Please advise the Valid BOS to compare below trade.

EXHIBIT E

Date: Wed, Aug 29, 2018, 4:49 PM
Subject: RE: Questions regarding the Examination related to Cautionary Action Letter
To: peterschwartz1122@gmail.com <peterschwartz1122@gmail.com>
Cc: Gerena, Michael <Michael.Gerena@finra.org>

Mr. Schwartz,

I am responding to your email to Michael Gerena dated August 28, 2018.

You received a Cautionary Action related to your termination from E*Trade Securities LLC for a violation of FINRA Rule 2010, stating that you did not comply with FINRA's Standards of Commercial Honor and Principles of Trade when you journaled a position from E*Trade's suspense account into your personal E*Trade brokerage account.

As has been previously expressed to you, **FINRA examinations are confidential and non-public. As such, no information will be provided regarding your questions below.**

Regards,

Tara