



Major General Raymond F. Shields, Jr.
New York Army National Guard Joint Force Headquarters
330 Old Niskayuna Road
Latham, NY 12110

April 4, 2020

Dear Major General Shields,

My name is Steve Felano. I am the founder of 2ANYS, New York State's premier civilian rearmament enterprise securing maximal Second Amendment civil rights by, with, and through The People. I am writing with urgent concern regarding a public comment made by Governor Andrew Cuomo on Friday, April 3, 2020 in which he stated:

"I'm going to sign an executive order that says the state can take ventilators and PPE from institutions that don't need them now and redeploy them to other parts of the state and other hospitals that do need them. Those institutions will either get their ventilator back, or they will be reimbursed and paid for their ventilator so they can buy a new ventilator."

According to a news report by *The Buffalo News* on Friday, April 3, 2020:

"National Guard troops will be dispatched to upstate hospitals and other health care facilities to pick up ventilators, masks and gowns from areas not yet hard-hit by the spread of the coronavirus."

Before you participate in carrying out the executive order described by Mr. Cuomo, I'd like to articulate that said order, as described by the governor, is **at least** violative of upstate New Yorkers' Fourteenth Amendment right to equal protection under the law, and Fifth and Fourteenth Amendment right to due process of law. The unilateral edict described by Mr. Cuomo clearly, under color of state law, allocates substantially more legal protection to New York City residents by mandating the forceful theft of critical health care equipment from upstate New Yorkers for the redistributive benefit of New York City residents amid a deadly pandemic. Upstate New Yorkers have no due process available to challenge such theft because Mr. Cuomo has unilaterally and effectively shut down the state court system via executive order.

The fact that Mr. Cuomo has pledged to return the ventilators he intends to steal from upstate health care institutions or reimburse said institutions for the cost of such theft is of little consequence given that such state-mandated kleptomania amounts to COVID-19 induced euthanasia of upstate residents by order of the governor. Therefore, Mr. Cuomo's pledge fails to satisfy the following Fifth Amendment requirement:

"nor shall private property be taken for public use, without just compensation."

Return of or reimbursement for critical medical equipment surely **does not** represent just compensation when upstate residents have already lost their lives – their most valuable possession – to COVID-19 because the government has stolen the ventilators and PPE held by their area health care institutions.

I'd like to remind you that, at some point during your Army career, you swore an oath stating the following:

"I, Raymond Shields, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God."

If you allow New York Army National Guard soldiers to carry out Mr. Cuomo's executive order to steal critically needed ventilators and PPE from upstate hospitals so they can be redistributed to New York City residents, you will be directly contravening *at least* the Fifth and Fourteenth Amendments to the United States Constitution, and thus the oath you swore to support and defend said Constitution. Additionally, should you allow such government-sanctioned theft from a hospital that is a religious health care institution, you will be violating First Amendment protections of the free exercise of religion, as the practice of many religions includes caring for the sick as the religious institution sees fit, *not the state*.

Undoubtedly, New York City is in a terribly difficult situation. However, that situation was created by progressive big government support of unfettered 'diversity,' a complex globalized economy, and people living on top of each other in dense urban settings. Government agents like Mr. Cuomo and New York City Mayor Bill de Blasio have supported and expanded this societal arrangement for decades, even before taking their current official posts, maintaining all the while that there could be no negative outcomes associated with such an arrangement.

As it turns out and is often the case, government agents are incapable of adequately considering the unintended consequences of the ideology and policies they force on society. The growing severity of the COVID-19 pandemic in New York City has conclusively shown that *Cuomo and de Blasio were wrong*. The same far-left progressive societal, political, and ideological lifestyle they have spent their lives expanding and defending has presented the ideal conditions for COVID-19 to fully ravage the entirety of New York City.

Tragically, New York City residents are now clamoring for big government to solve a problem that big government itself created. Because the cause of a problem is never the appropriate solution, progressive big government has made the COVID-19 pandemic worse and is on track to make the situation worse still with the latest executive order described by Governor Cuomo. At this point, unfortunately, thousands more deaths are inevitable, and Cuomo, de Blasio, and those that think like them are to blame. New York State's government-imposed left-progressive ideology mandates unmitigated 'diversity,' complex economic globalization, and extreme population density – the ideal ingredients for COVID-19's relentless spread. Only when centralized government's grip on New York State recedes and allows individuals to voluntarily resist the aforementioned viral accelerants will catastrophes like the current pandemic be avoided or at least moderated.

Conversely, upstate New York residents have largely taken a far different approach to societal organization when compared to New York City. Living a far less 'diverse,' more rural existence, upstate has endured anemic economic growth but enjoyed a substantially lower level of COVID-19 infection when compared to New York City. After decades of upstate residents being told their lifestyle is inferior to that of their densely urban counterparts, it turns out that rural life is vastly superior in the era of COVID-19. Apparently furious at this unexpected turn of events, Mr. Cuomo, a native of Queens, has now decided to ensure that upstate endures the same viral fate as New York City by stealing the ventilators and PPE held by the former in order to pacify the latter.

To be clear, upstate residents *are* interested in assisting New York City residents in their time of critical need, but such assistance must occur *by choice, not by force*. *This is not a Communist country* – perhaps that truth needs to be placed in writing for the benefit of Mr. Cuomo. We saw the outcomes of forced centralized government planning in the Union of Soviet Socialist Republics (USSR), which is precisely what the governor's described executive order amounts to. It was a massive failure that made things worse, not better. It is up to the governor to *convince* upstate hospitals to *voluntarily* send critical health care supplies to New York City, not send armed New York Army National Guard soldiers to *seize and redistribute materials by force*.

I realize you may justify participation in Governor Cuomo's described executive order mandating COVID-19 induced euthanasia for upstate residents via state-sponsored theft of their critically needed ventilators and PPE by arguing you were "just following orders." Anticipating this, I'll remind you that a U.S. infantry platoon commanded by 2nd Lt. William Calley executed a raid of My Lai in South Vietnam in March of 1968. As part of this action, Calley ordered his men to collect and gun down somewhere between 350 and 500 civilians, which they did. As a result, Calley was court-martialed and charged with 22 counts of murder. He defended himself by saying he was "just following orders" from his superiors, and that Capt. Ernest Medina, his company commander, ordered him to kill "every living thing" in My Lai.

Calley did not prevail under his “just following orders” defense. He was found guilty of personally murdering 22 civilians and sentenced to life imprisonment, although his sentence was later shortened to 10 years by the Secretary of the Army. As you well know, every military officer, including yourself, swears an oath upon commissioning. That oath is *not* to obey *all* orders. That oath mandates that the military officer “preserve, protect, and defend the Constitution of the United States against all enemies, foreign and domestic.” It is indisputably false to claim that Calley had an obligation to carry out *any* order *no matter what*. His primary obligation was to respect the law, and the law forbids the intentional killing of unarmed civilians.

In carrying out Governor Cuomo’s described executive order mandating COVID-19 induced euthanasia for upstate residents via state-sponsored theft of their critically needed ventilators and PPE, *you will likewise be intentionally killing civilians all across upstate New York, and thus violating the law*. The only difference is, unlike the unarmed casualties of My Lai, many upstate residents remain armed with non-compliant AR pattern rifles and standard capacity (15 + 1 and 17 + 1 round) Glock 19 and 17 pistols, despite the Governor’s unconstitutional and dictatorial SAFE Act. They have remained defiantly armed, disregarding imaginary state laws effectively banning the practice, because they knew a day would arrive when Governor Cuomo would, rather than honestly concede that a crisis is beyond his control, turn to massively tyrannical edicts to project the illusion of control. That day is today. It has arrived just as Second Amendment civil rights advocates across the state have predicted for years.

Mr. Cuomo was *wrong* when he said, “you don’t need an AR-15.” Upstate New York residents most certainly *do need an AR-15* to protect themselves from the governor’s myopic mission to transform upstate into soylent green for New York City by executive fiat.

Don’t make the path to oppression a smooth one. Respect your oath to remain faithful to the Constitution, not the ramblings of a tyrant grasping at straws amid events beyond his control.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Felano", with a long horizontal flourish extending to the right.

Steve Felano
Founder, 2ANYS