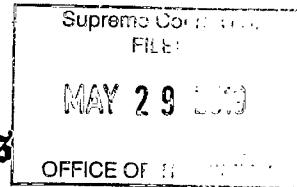


ORIGINAL

No. 18-1497

In The
Supreme Court of the United States



MINOR LEE MCNEIL,

Petitioner,

v.

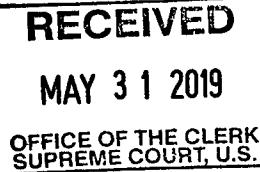
UNIVERSITY OF ARKANSAS FOR
MEDICAL SCIENCES, *et al.*,

Respondents.

**On Petition For A Writ Of Mandamus
To The Eighth Circuit Court Of Appeals**

PETITION FOR A WRIT OF MANDAMUS

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QUESTIONS PRESENTED FOR REVIEW

This is an action for Mandamus to the Eighth Circuit, to require remand of a forced labor complaint to the Court of first instance; for directing the closing of the judicial side of the Court; for establishment of an Administrative Commission to conduct the management of a jury trial. The jury having been assembled for determination of a case arising under the Constitution of the United States of America.

By the default of the government of Oklahoma in the previously docketed Case No. 18-6, ante, the Brief of Petitioner in contemplation of law, has the character of a judgment on the merits, but not a final disposition of it; *Black's Law Dictionary*, Rev. 4th Ed., p. 505.

The surreptitious Federal War against the several Union States and their People has been established in this Court, *pro confesso*, by the default of the government of a Union State.

Whether Mandamus shall issue to an Article IV Court to close its judicial side, and open an Administrative Commission to supervise a jury trial proceeding to decide an Article III judicial issue, exactly as was done in Hayburns Case?

Whether seizure of the private property of non-resident American Aliens, citizens of and resident in a Union State, by the Internal Revenue Service, constitutes a War Crime as defined by extant Treaties to which the government of the District of Columbia is signatory?

PARTIES TO THE PROCEEDING

MINOR LEE McNEIL, is an American State citizen, Petitioner, Plaintiff-Appellant below.

UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES, *et al.* Defendants-Appellees below, Respondents.

Respondents are a not-for-profit collection of charitable corporate foundations, and named individuals. Respondents allege their seizures of private property to be acts of the government of the Union State of Arkansas. Respondents are represented by Mr. David Curran, located at Suite 200, 2404 North University Avenue, Little Rock, Arkansas 72207-3608.

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INTRODUCTION

A covert, unreported purpose for the federal government's use of its War power, was to change American State citizens into alien enemies of the United States government, and subject to its belligerent rights of war; Docket 18-6, ante, Pp. 2. By operation of the Constitution, War against the several Union States was authorized by the Social Security Act, and implemented through cooperative federalism, and the Alien Registration Act; Docket 18-6, ante, App. 16-21.

Cooperative federalism, initiated to implement the federal War Power and the Social Security Act within Arkansas and the several Union States, eliminated except for superficial appearances, Union State sovereignty; Docket 18-6, ante, Pp. 21-22.

Federal use and manipulation of the municipal powers of the government of Arkansas in implementation of its War against State sovereignty, caused acts of the State government, like the actions of respondents below, to become "*aid and comfort*" to the enemies of its People; Arkansas Constitution of 1874, Article I, Section 14.

OPINIONS AND ORDERS BELOW

The Opinion of the Trial Court in error appears in the Appendix at App. 3.

For reasons that will appear *infra*, the Eighth Circuit Court of Appeals has failed or refused to issue a

settlement order. The order filing the appeal appears at App. 1.

All documents related to this Petition are available for view on Pacer.

JURISDICTION

The All Writs Act of 1940, and the present U.S. Code, at Title 28 §1651(a), give this Court jurisdiction to issue all writs in aid of its Appellate function.

Quoting this Court: "*This is the Supreme court, and by reason of its supremacy must have superintendence of the inferior tribunals and officers, whether judicial or ministerial. In this respect, there is no difference between a judicial and ministerial officer.*" Emphasis in original; *Marbury v. Madison*, 5 U.S. 137, 146 (1803).

The United States District Court judge in error, is a "*ministerial officer of the United States and liable to be compelled to perform [duties assigned by Mandamus];*" *Id.*, at 141.

"It is a settled and invariable principle, that every right, when withheld, must have a remedy, and every injury its proper redress. 3 Bl. com. 109. There are some injuries which can only be redressed by a writ of mandamus, and others by a writ of prohibition. There must

then be a jurisdiction some where competent to issue that kind of process." Id., at 147.

RULE 20 STATEMENT

Petitioner McNeil prays for an extraordinary writ addressed to the Eighth Circuit Court of Appeals. Inasmuch as all United States District Courts are Article IV Courts, Mandamus is the only course of action in law, which can accomplish the needed result.

This rare Petition will issue in aid of this Court's Appellate Jurisdiction. Article III of the Constitution of the United States of America, vest all judicial power of the United States in one Supreme Court, & etc. An extraordinary Writ, addressed to a Circuit Court of the United States can only issue from this "one Supreme Court." This Court alone superintends all inferior tribunals and their judicial and ministerial officers; *Marbury v. Madison*, 5 U.S. 137, 146 (1803).

Mandamus is a beneficial and necessary power and can never be applied where there is another *adequate, legal, specific remedy*. Id.

This Court alone has a power to direct the Circuit Court to remand a case to the Trial Court for the purpose of closing its judicial side, and acting *administratively* to manage the process of a jury trial, seated to hear testimony regarding a case or controversy arising under the Constitution in a Union State. See Brief of Petitioner, Docket No. 18-6, ante, App., Pp. 9-15.

No other course of action can provide Petitioner McNeil access to justice to consider redress of his injuries.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- A. The Federal Courts are bound to take notice of the Constitution of the United States of America; Syllabus, *Marbury v. Madison*, 5 U.S. 137, 138 (1803).
- B. The Constitution of the United States of America defines the crime of Treason at Article I, Section 3, Clause 1.
- C. The Social Security Act, and the Alien Registration Act of 1940, created a surreptitious belligerent federal War, designed and used to invade the sovereignty of Union States and their citizens by expanding federal jurisdictions without limit.
- D. The Judiciary Act of 1948, 63 Stat. 689, created and broadcast inferior tribunals in the nature of Article IV Territorial Courts.
- E. Union State citizens owe no duty for payment of taxes laid upon them directly by the Congress of the United States.
- F. Congress has an undisputed power to enact Statutes enforcing the Thirteenth Amendment.
- G. The Internal Revenue Service, hereinafter IRS, is not an agency of the government of the United

States, and was not created by the Congress. It acts in every instance involving State citizens, as a "Military Commander" authorized by a state of War and the Confiscation Acts, to seize private property.

H. Congress has not enacted a Statute which provides a power to seize the private property of non-resident aliens for collection of taxes allegedly due the United States, and has no power to do so.

I. The Arkansas Constitution contains a constitutional definition of Treason *against it*.

J. United Nations Treaty Series No. 251 defines War crimes.

K. The two Confiscation Acts, of August 6, 1861, and July 17, 1862 authorize seizures of private property during War. See 12 Stat. 589, 12 Stat. 687.

L. The Mandamus must issue, as there is no other remedy possible.

INCORPORATED MATERIAL

Brief of Petitioner, Certiorari to the Oklahoma Supreme Court, June 29, 2018, Docket of this Court No. 18-6, with appendix is hereby incorporated into this Petition for issuance of Writ of Mandamus to the Eighth Circuit Court of Appeals, as if fully replicated here in each particular.

P.L. 591, HR 8300, 68A Stat. 783, August 16, 1954
-App. 1.

STANDING

Petitioner McNeil has Article III standing as a party whose private property has been taken without due process of law, through use of or abuse of the legal system. McNeil has been placed into a condition of forced labor by named Respondents acting under color of State law to give '*aid and comfort*' to warring enemies of Arkansas.

McNeil has Article III standing to challenge federal use of the IRS as de facto Military Commanders, as provided by this Court's holding in *Ryder v. United States*, 515 U.S. 177 (1995).

CAUSES OF ACTION

Petitioner/Appellant below is continuously being held in a condition of forced labor in Arkansas by the IRS, secretly exercising federal belligerent power through use of or abuse of the legal system. See 18 U.S.C. §1595(a).

First, the named individual Respondents, then the Trial Court, provided '*aid and comfort*' to warring enemies of Arkansas in aid of the federal treason. In the face of these uncontested facts, the Eighth Circuit

Court of Appeals stands mute, refusing by its protracted silence to issue judgment.

STATEMENTS

Facts giving rise to this Petition

A. The Federal Courts are bound to take notice of the Constitution of the United States of America.

State; as defined by this Court: *In the Constitution, the term "State" most frequently expresses the combined idea, just noticed, of people, territory, and government. A State, in the ordinary sense of the Constitution, is a political community of free citizens, occupying a territory of defined boundaries and organised [sic] under a government sanctioned and limited by a written constitution, and established by the consent of the governed.* See Syllabus 2., *Texas v. White*, 74 U.S. 700 (1868). *The Constitution, in all its provisions, looks to an indestructible Union composed of indestructible States.* Id., No. 5.

Through means of the belligerent power, and agreements made with each of the several Union States, there are no governmental units in America which resemble a Union State possessed of a *distinct and individual existence, or of the right of self-government.* See Docket 18-6, ante, Pp. 21-30.

The Trial Court below dismissed a complaint of constitutional injury in aid of the federal War against Arkansas. The Eighth Circuit Court of Appeals

perfectly understands that by ratifying the dismissal by the Trial Court, the Circuit Court Judge will have also provided '*aid and comfort*' to the ongoing federal Treason.

B. The Constitution of the United States of America defines the crime of Treason at Article I, Section 3, Clause 1.

The belligerent power: The federal government's *Military Jurisdiction* was extended into the several Union States by means of the Social Security Act, and the Alien Registration Act. Each of the Union States later acceded to this surreptitious federal War by engaging with it through "cooperative federalism," unaware that the sovereignty of the United States, in Territory occupied by its Military Jurisdiction, is absolute. See Docket 18-6, *ante*, Pp.9.

Cooperative federalism was introduced into the several Union States following enactment of the Social Security Act. See *King v. Smith*, 392 U.S. 309, 316 (1968). By this means, the federal government created different governments in the several Union States, different not so much in the visible, day to day operations, but completely different in their *jurisdictions*. A change, subtle in its initiation, and tyrannical in its intention. It also invaded the sovereignty of the several Union States. Union State governments became functionaries of the federal military, by operation of the Constitution, at Article II, Section 2. See Docket 18-6, *ante*, Pp. 21-30.

Each Union State, including Arkansas, after acceding to cooperative federalism, enacted or adopted Statutes facilitating this belligerent cooperation, thereby providing '*aid and comfort*' to the federal belligerent powers of War. This channel for use of the political energy of the government of Arkansas, has been used continuously to enable seizure of private property by the IRS, in exercise of the federal belligerent power.

C. The Social Security Act, and the Alien Registration Act of 1940, created a surreptitious belligerent federal War, expressly designed and used to invade the sovereignty of Union States and their citizens, by expanding federal jurisdictions without limit. At all times relevant to this Petition, Respondents below had a perfect knowledge of the enactment of the Social Security Act, the Alien Registration Act of 1940, and of federal use of it to identify American Alien Enemies of the federal government.

It bears repeating, that The Social Security Act; and the Alien Registration Act of 1940 together, created a surreptitious belligerent federal War, designed and used to invade the sovereignty of Union States and their citizens by expanding federal jurisdictions without limit. Notwithstanding that each of the named Respondents, and the Trial Court possessed such knowledge, those individuals and the Trial Court below proceeded to provide '*aid and comfort*' to the IRS.

D. The Judiciary Act of 1948, 63 Stat. 689, created and broadcast inferior tribunals in the nature of Article IV Territorial Courts in every American State.

See Docket 18-6, ante, App. Pp. 9-15. This fact alone denies Union State citizens access to Article III judicial Courts to hear and decide "Cases in Law or Equity arising under this Constitution", & etc. The fact established here *pro confesso* by the Supreme Court of Oklahoma, [Docket 18-6, ante, Pp. 21-30] proves that the municipal and political powers of each Union State, have been surreptitiously converted to elements of the federal military. Intentional Treason by the government of Arkansas, is not attributed to it.

Territorial Courts, established subsequent to the Congressional faculty of making "*all needful Rules and Regulations respecting the Territory or other property belonging to the United States*" provided in Article IV, Section 3, Clause 2, are incapable of exercising a jurisdiction to hear and decide cases arising under Article III of the Constitution. Hence, ***there is no federal trial court in America, into which McNeil could lodge his constitutional complaint!*** That condition of law, however is no bar to requiring upon remand, that the Court of the first instance *close its judicial side*, and open an Administrative commission for the express purpose of managing a trial by jury administratively.

E. Union State citizens owe no duty for payment of taxes laid upon them directly by the Congress of the United States.

Congress cannot by ordinary legislation change, abrogate, or amend the Constitution; *Marbury v. Madison*, 5 U.S. 137, 177 (1803). The Sixteenth Amendment

has been completely misunderstood by Respondents below. Counsel for defense incorrectly reads the amendment as a repeal or annulment by implication of Article I, Section 9, Clause 4, and elimination of Article 1, Section 2, Clause 3; “Representatives and direct taxes shall be apportioned . . .” Attribution of any such flexibility of the Constitution results from a gross misunderstanding of it. Acting out of fear or a failure to read the Constitution with comprehension, respondents point to the Sixteenth Amendment in defense of indefensible seizures of private property.

The constitutional demand that Congress lay and collect direct Taxes, apportioned among the several Union States according to their respective numbers determined by the census, has never been altered or amended by any Amendment ratified after its adoption. Whatever the cause of their concerted actions, the named individual Respondents and the Trial Court below provided ‘aid and comfort’ to the warring federal enemy of Arkansas.

F. Congress has an undisputed power to enact Statutes enforcing the Thirteenth Amendment. “Constant fear of punishment under the criminal law renders work compulsory.” *United States v. Reynolds*, 235 U.S. 133 (1914).

The Anti-Slavery Amendment: In 2000, in exercise of its undisputed authority to enact legislation enforcing the Thirteenth Amendment, Congress enacted the Trafficking Victims Protection Act, criminalizing a condition of “forced labor,” and providing definitions which include “use of or abuse of the legal system.” P.L. 106-386, Title 18 U.S.C. §1595(a).

On September 6, 2018, the Payroll office at the medical campus, University of Arkansas for Medical Sciences, created a letter notifying Plaintiff McNeil that the Respondent had received a “NOTICE OF LEVY” containing instructions to seize the previous and future earnings of Petitioner/Plaintiff McNeil below.

At all times relevant to this action and Petition for Mandamus, Respondents were fully informed of two relevant facts; first, that the Congress had not authorized any such seizures by Statute; and second, each named individual had specific, individualized notice of the federal civil War being waged in secret against the sovereignty of each of the several Union States, by providing each a hand-delivered copy of Case Docket No. 18-6, ante, June 29, 2018.

In consequence, Respondents below, and the Trial Court are in possession of the material and factual content incorporated into this Petition by reference.

In addition, each named individual was provided a copy of the Statutory Authority which the Congress had actually established for seizures without a judicial trial. See par. E., *supra*, and App. 1.

Nonetheless, the payroll office proceeded after receipt of the NOTICE OF LEVY, to seize and convert to the use of others, effectively all McNeil’s unpaid earnings. By this means, the labor and services of Plaintiff McNeil have been illegally obtained by use of or abuse of the legal system. By this means, McNeil is also being coerced by use of or abuse of the legal system to compel surrender of prospective future earnings. These defined crimes are being committed *in Arkansas* without

due process of law as required of State actors under Section I of the Fourteenth Amendment. Federal belligerent powers of making War, are now, and have been continually used to defeat Union State Sovereignty, and to use governments of the same, as '*aid and comfort*' to the federal War machine. This Court created the Pinkerton Rule, and established the doctrine *in income tax cases*, that a party to a continuing conspiracy, may be responsible for substantive offenses committed by a co-conspirator in furtherance of the conspiracy, even though he does not participate in the substantive offenses or have any knowledge of them. See Syllabus No. 4., *Pinkerton v. United States*, 328 U.S. 640 (1946).

Under the Rule, Respondents are guilty of a criminal conspiracy to deprive McNeil of constitutionally protected rights under color of State law, separate and distinct from providing '*aid and comfort*' to warring enemies of Arkansas.

Unable to sue Respondents in Arkansas Courts, McNeil brought his action to the only federal Court available within a Union State, the United States District Court for the Eastern District of Arkansas, a federal *Territorial Court*. See Docket 18-6, ante, App. 9-15. The Trial Court dismissed the constitutional complaint, further assisting the belligerent military occupation of Arkansas, and providing '*aid and comfort*' to warring enemies of a Union State. McNeil timely appealed.

McNeil has been continuously held in a condition of forced labor, through use of or abuse of the legal

system since September of 2018. This conduct by “any person” was expressly criminalized by the Congress in 2000, in exercise of its undisputed power to enact legislation to give effect to the Thirteenth Amendment.

With respect to the ongoing enslavement of Petitioner, the ‘aid and comfort’ provided to the warring enemies of Arkansas by respondents below and the Trial Court, have proved absolutely essential to the success of the federal invasion into Union State sovereignty.

G. The Internal Revenue Service is not an agency of the government of the United States, and was not created by the Congress. It acts in every instance as federal “*Military Commanders*,” authorized to seize private property as an act of War. See Syllabus, *Mitchell v. Harmony*, 54 U.S. 115 (1851), holding; “*Private property may be taken by a military commander * * * for the purpose of converting it to the use of the public.*”

Congress did not create the IRS. In 1979, in *Chrysler Corp. v. Brown*, 441 U.S. 241, at footnote 23. This very Supreme Court of the United States admitted that from as far back as 1864, no enabling statute for the IRS could be found. There can be no Officer, if there be no office to fill. Nonetheless, the IRS makes use of the Confiscation Acts of 1862, and in the guise of a “*Military Commander*,” seizes the private property of the *New Deal alien enemies* of the federal government. See Docket 18-6, ante, Pp. 14. In addition to its other secret functions, the IRS collects the federal income tax

in the several Union States, either by voluntary assessment and payment, or by seizure, and at all times acting in the De Facto character of a Military Commander, in violation of the Appointments Clause. See *Ryder v. United States*, 555 U.S. 177 (1995).

H. Congress has not enacted a Statute which provides a power to seize the private property of non-resident aliens for collection of taxes allegedly due the United States. See P.L. 591, HR 8300, Title 26 U.S.C. §6331, App. 5.

The Levy Authority: On August 16, 1954, Congress enacted the Internal Revenue Code. Section 6331 contains the Statutory Authority to seize earnings due and payable as follows: "*Levy may be made upon the accrued salary or wages of any officer, employee, or elected official, of the United States, the District of Columbia, or any agency or instrumentality of the United States or the District of Columbia, by serving a notice of levy on the employer (as defined in section 3401(d)) of such officer, employee, or elected official.*" While Arkansas government employees are indeed, some part of "an agency or instrumentality of the United States," employees of a University Health Care System are clearly not.

There can be no dispute, but that the IRS is acting under color of authority of, either the Civil War Confiscation Acts, or it acts without regard to any law. Seizure of private property of *non-combatant enemies* is expressly forbidden by International Treaty. No seizure of private property without due process of law is

authorized under the Internal Revenue Code without the Territories or other property Belonging to the United States.

Statutes enacted by the Congress and enforced by any “Agency of the United States” *within* a Union State, possessing both a “*distinct and individual existence, [and] the right of self-government,*” are done in consequence of the federal belligerent powers of War. The IRS, pretending to be Congress or a part of it, does whatever it chooses to do implementing federal tyranny within a Union State, untethered by any enacted law, constitutional, or International.

I. The Arkansas Constitution contains a constitutional definition of Treason against it. The Arkansas Constitution of 1874, at Article I, Section 14, provides:

“Treason against the State shall only consist in levying and making War against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.”

Concealment of the secret federal War against Arkansas and avoidance of any detection of it was absolutely essential, and it has been completely successful. Successful at least, until the federal War and actual Treason was no longer secret. The federal War against the sovereignty of the several Union States has been established in this Court *pro confesso*. The existence of the federal War is not here subject to dispute because

of the nature of the evidence provided to Docket 18-6, ante, App. Pp. 16-21; and because of the confession by the government of a Union State.

J. United Nations Treaty Series No. 251 defines *War crimes*. In the wake of World War II, Trials were held in Nuremberg, Germany, to determine guilt or innocence of accused persons for violations of the then settled Laws of War. Among other things, as agreed following the Nuremberg trials, the *private property of non-combatant enemies* may be taken or destroyed only when made necessary by essential measures taken in aid of armed conflict. Under Part II, The Jurisdiction and General Principles of the United Nations Treaty Series, 1951, Constitution of the Military Tribunal, Article 6, *War Crimes*, are violations of the laws or customs of War, and include: "Plunder of public or private property" not justified by military necessity; Charter of IMT 1945, page 288.

Actions taken by the IRS seizing the private property of Union State citizens who are not in armed rebellion against the federal government, are expressly defined as War Crimes by existing Treaties, to which the government of the District of Columbia, the *United States*, is a signatory party.

Holding Petitioner McNeil in a continuing condition of involuntary servitude and forced labor, through use of or abuse of the legal system, is thus far, not a situation which the inferior federal Courts are at all concerned about.

K. The two Confiscation Acts, of August 6, 1861, and July 17, 1862, have been held constitutional. They have never been repealed. This is the presumptive element of the federal War power used surreptitiously to provide IRS authority to seize and confiscate property of enemies of the United States. Even then, a right of action was provided so that a judicial condemnation became necessary to vest title to the property in the proper party.

Cooperative federalism and the federal Treason put a complete end to due process of law in the several Union States. *New Deal Alien enemies* of the federal military government are at present simply slaves to a tyrannical whimsy, in exercise of the belligerent power contained in the common Defence and general Welfare clause.

The 'aid and comfort' provided to the federal War by Respondents in Arkansas, and the judge in the Trial Court should not escape attention by this Court of last resort.

L. The Mandamus should issue: This Court, in *Marbury v. Madison*, 5 U.S. 137, 147 (1803), said:

"It is a writ of most extensively remedial nature, and issues in all cases where the party has a right to have any thing done, and has no other specific means of compelling its performance." Emphasis in original.

Unless this Court takes notice of the federal War against the several Union States, and issues Mandamus to the Eighth Circuit for remand to the trial Court

for administrative conduct of a jury trial, there exists no other specific means of providing McNeil access to justice.

While the Articles of Confederation were still in effect, and before adoption of the Constitution of the United States of America, in the second Session of this August Court, the Congress of the Confederation passed a law granting, upon application and judicial review, pensions to deserving veterans, widows, and orphans of the Revolutionary War. The case of one "Hayburn" came before the Circuit Court of New York, and Chief Justice John Jay.

While making very clear, that Congress have not a power to assign any task to the Courts, not of a judicial nature, the Jay Court, in their own words said:

"That the Judges of this court regard themselves as being the commissioners designated by the act, and therefore as being at liberty to accept or decline that office." "That the judges of this court will, as usual, during the session thereof, adjourn the court from day to day, or other short periods, as circumstances may render proper, and that they will, regularly, between the adjournments, proceed as commissioners to execute the business of this act in the same court room, or chamber." See *Hayburn's Case*, 2 U.S. 409 (1792).

There is clearly no legal obstacle to the issuance of a Writ of Mandamus to the Eighth Circuit, with instruction to remand McNeil's Appeal to the Trial

Court, and for the Territorial Court to proceed in the same fashion.

ARGUMENT

The Constitution of the United States of America, ratified by the People of each of the Several Union States, created a Nation of free People, controllable by no authority. Docket No. 18-6, ante, Pp. 9.

The States by that ratification gave the Congress an exclusive power to tax private property by the Rule of Apportionment, a rule which has never been repealed or amended.

By that same ratification, the *Union States* gave the general government a power to protect the Nation, and to protect the Union.

The *New Deal* general government, in an unspeakable act of treachery, finagled a way to commit the crime of Treason by using its power to protect the Nation and the Union, to invade Union State sovereignty and eliminate the separate, independent existence of the States, and their right of self-governance.

This was all done without a full disclosure to the Congress. The Church Commission studied all previous uses of Emergency Power Legislation, and repealed all of it within Congressional power to do so. Even previous Executive Orders were rendered impotent without further Legislation. There was no hint

that in 1976, Congress understood what had been done in 1940, using the Alien Registration Act.

The Treason has been intentionally kept out of view of the Judicial Branch, by using State departments of Vital Statistics to accomplish registry of State citizens as alien enemies of the general government, keeping secret from both the Congress and the Judiciary, the fact of the registry.

This Court of last resort has well said:

[T]here is no such thing as a power of inherent sovereignty in the government of the United States. It is a government of delegated powers, supreme within its prescribed sphere but powerless outside of it. In this country, sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution, entrusted to it; all else is withheld. See the *Legal Tender Cases*, 110 U.S. 421, 467 (1884).

Treason is not found in the laws, or among the law books. Treason is not attributable to one who thinks seditious thoughts, nor even to those who create such a policy. Treason requires the active participation of individuals who by their reasoned acts make War *against them*, or who ratify and assist the acts of others who themselves have done so. Respondents below, and the Trial Court, inescapably, have provided 'aid and comfort' to the War against the Union States.

Only a Mandamus to the Eighth Circuit for remand to the Trial Court as described supra, or a jury

trial of these exact same issues by the Circuit Court can provide McNeil access to justice.

CONCLUSION

No one argues that a document drafted before 1800, works seamlessly for the needs of a Society in 2019. However, sacrificing the primary aims of the founders; the right of the People to have and keep private property, and the loss of the God given liberty of an entire Nation of free people is too high a price.

No American government was ever given a power to dictate by Statute for social concerns, nor to sacrifice private property on the assumption that the government has a better wisdom.

The question before this Court is starkly simple. Will a Writ of Mandamus issue to provide an injured party access to justice, or will this Court of last resort give '*aid and comfort*' to the federal invasion of Union State and citizen sovereignty?

Respectfully submitted,

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