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**

## SUPPLEMENTAL BRIEF

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## QUESTIONS PRESENTED FOR REVIEW

In its decision in 1874, in the Case of *Sprott v. U. S.*, 87 U.S. 459, this Court said:

"The government of the Confederacy had no existence except as organized treason. Its purpose while it lasted was to overthrow the lawful government, and its statutes, its decrees, its authority can give no validity to any act done in its service or in aid of its purpose."

As proven on the docket in this case and by the judgment of the 8th Circuit Court of Appeals, the *NEW DEAL unitary* government of the United States, created through use of its War power, enforcing its statutes and policies within a Union State has no existence except as organized treason.

**Whether** this Court of last resort will also ratify the treason?

## PARTIES TO THE PROCEEDING

**Parties are unchanged.**

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

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

TABLE OF CONTENTS

# TABLE OF AUTHORITIES

## INTRODUCTION

It being imperative once again, for the whole people of the United States of America to throw off the yoke of tyranny, it is necessary and fitting therefore, for this Court of last resort to openly proclaim the death of the Constitution of the United States of America as ratified.

The human thought process is more analogous to a flowing stream than to stepping stones. The framers of our Constitution used words in the imperative sense but not in the minutest detail; *Martin v. Hunters Lessee*, 14 U.S. 304, 326, 332 (1816).

The act of *Treason* is a defined *process crime*, not a common law or War crime. The framers gave the general government an exclusive belligerent power to protect the Nation; the power to make War and to acquire territory; and in the same instant defined *Treason* in such a way as to prevent federal use of its belligerent powers against the Union State governments; *against them*. See Article III, section 3, cl. 1.

In a more modern sense, the *pathway for the process of Treason* involves *actors* using an inert *power*, and then making war against the several Union States. This process being conducted and managed by others – "*giving them* [the actors] *Aid and Comfort*." This construction gives meaning and vitality to every word contained in the Constitution.

In the War of the Rebellion, the United States' actors had belligerent as well as sovereign rights. They

had, therefore, a right to confiscate the property of public enemies wherever found, and also a right to punish offenses against their sovereignty; Syllabus No. 8, *Miller v. United States*, 78 U.S. 268, (1870). In revenue cases, manucaption or seizure of the enemies goods may be made by *Notice*; Id., p. 298. See the IRS *Notice of levy* honored by Defendants in error.

Exactly how American State citizens were made into *Alien enemies* of the general government *by federal actors* appears on the dockets of this Court in the brief of Case No. 18-6, June 29, 2018, and is not reiterated here.

*"War gives to the sovereign full right to take the persons and confiscate the property of the enemy wherever found."* Opinion of the Supreme Court in *Armitz Brown v. United States*, 12 U.S. 110, 122 (1814). See also Docket No. 18-6, Pp. 18, 20, & 32.

Through *Cooperative Federalism*, each of the several Union States has lost its sovereignty through association with the federal government in the fashion described by Mr. Henry Halleck, as cited to by this Court in *Downes v. Bidwell*, 182 U.S. 244, 301 (1901), and each has ceased to be foreign to the United States.

The boundaries and jurisdictions of the United States were thereby extended, as only the general government has power to acquire territory; *Fleming v. Page*, 50 U.S. 603, 614 (1850).

The resultant new unitary government has *"in most if not in all instances, merely transferred the*

*existing state organizations to the support of a new and different national head." Sprott v. United States*, 87 U.S. 459, 464 (1874).

The IRS seizes the private property of the *Alien enemies* resident in the occupied territory of the new unitary United States government by manucaption as a belligerent right.

Through the process set out in this introduction, and as verified by the judgment of the Eighth Circuit Court of Appeals, the Union of American States known as The United States of America is presently governed by a new unitary National head that has no existence other than organized Treason; *Sprott v. United States*, at Syllabus 4.

## OPINIONS AND ORDERS BELOW

The judgment of the Court of Appeals ratifying the treason of the trial Court in error appears in the Appendix at 1.

## NEW DEVELOPMENTS

Following failure of the Appellee below to appear and answer, and after much deliberation, the Eighth Circuit Court of Appeals has *sua sponte* ratified the treason of the trial Court.

## SUPREME LAW OF THE LAND VOIDED BY THE TREASON

It being thought by the framers unsafe to their liberty to bestow the powers of governance upon a single sovereignty, the American Union of States was created as a dual system of governments:

> *"Those who framed and those who adopted the Constitution meant to carve from the general mass of legislative powers then possessed by the States only such portions as it was thought wise to confer upon the federal government, and, in order that there should be no uncertainty as to what was taken and what was left, the national powers of legislation were not aggregated, but enumerated – with the result that what was not embraced by the enumeration remained vested in the States without change or impairment."* *Carter v. Carter Coal Co.*, 298 U.S. 238, 294 (1936).

State governments did not lay down their sovereignty by becoming a part of the Union of States:

> *"The people of the United States resident within any State are subject to two governments – one State and the other National – but there need be no conflict between the two. The powers which one possesses the other does not. They are established for different purposes, and have separate jurisdictions."* *U. S. v. Cruikshank*, Syllabus #2., 92 U.S. 542, 550 (1875).

> *"There is a citizenship of the United States and a citizenship of the State which are distinct*

*from each other, Slaughter House Cases, 16 Wall. 36, and privileges and immunities, although fundamental, which do not arise out of the nature and character of the National Government, or are not specifically protected by the Federal Constitution, are attributes of state, and not of National, citizenship." Twining v. State*, 211 U.S. 78 (1908).

*"On the admission of a State into the Union, the United States parts with jurisdiction over land owned by it therein, so far as general purposes of the government are concerned, except as to such jurisdiction is expressly reserved and accepted." * * "The State alone has jurisdiction over ordinary crimes committed on such lands."* U.S. v. Stahl, FedCase # 16,373 (1885).

*"All the property and all the institutions of the United States are constructively without the local, territorial jurisdiction of each of the individual States, in every respect, and for every purpose including that of taxation." McCulloch v. State of Maryland*, 17 U.S. 316, 295 (1816). Emphasis added.

*"The general government possesses no inherent power over the internal affairs of the States, and emphatically not with regard to legislation." Carter v. Carter Coal Co.*, 298 U.S. 238, 295 (1936). Emphasis added.

*"It requires no argument to show that the right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity that it was*

*the purpose of the Amendment to secure. Butchers' Union Co. v. Crescent City Co., 111 U. S. 746, 762; Barbier v. Connolly, 113 U. S. 27, 31; Yick Wo v. Hopkins, supra; Allgeyer v. Louisiana, 165 U. S. 578, 589, 590; Coppage v. Kansas, 236 U. S. 1, 14. If this could be refused solely upon the ground of race or nationality, the prohibition of the denial to any person of the equal protection of the laws would be a barren form of words." Truax v. Raich*, 239 U. S. 33, 41 (1915).

## ARGUMENT

On March 6, 1857, the *Dred Scott* decision of this Court set the Nation ablaze. Many credit this decision for hastening the secessionist movement and the ensuing Civil War. The grounds on which the decision rested were legally wrong, morally wrong, and seemingly deliberately wrong. See *Lincoln and Judicial Authority*, Notre Dame Law Review, Vol. 83, Issue 3, Article 6, Paulsen, 2008, p. 1231.

The judgment of the Eighth Circuit, taken in support of the existing Treason rests on grounds which are legally wrong, morally wrong, and seemingly deliberately wrong. It did not result from a misunderstanding of the issues before it. Indisputably, the Circuit Court judgment gives Aid and Comfort to a government which has no existence except as organized Treason.

As in *Dred Scott*, this Court can set the nation ablaze for a second time.

It can do so by merely affirming the judgements of the Eighth Circuit and the Arkansas Trial Court. And, by also implicitly affirming that the Constitution of the United States of America as ratified by the whole people thereof, and the dual system of governments established *by them*, has been abolished through actions taken for that purpose by the National government and no longer exists.

Judicial restraint is not appropriate in these circumstances.

A Trial jury should be seated to examine the evidence and decide the facts and the law: **Whether** federal use of its power to make war, expressed through the mechanism of the Social Security Act, and the Alien Registration Act of 1940, and used to create a new unitary National government is not in pursuance of the Constitution and is void.

It being within the power of a jury to do so was well settled by this Court in the much considered decision taken in the Case of *The Justices v. Murray*, 76 U.S. 274 (1869).

The mandamus should issue.

## CONCLUSION

Chief justice Taney was correct in 1857, in his recounting of political history. The Constitution as framed and ratified, in all its provisions looks to the protection of private property. He wrote:

> *"Thus the rights of property are united with the rights of person, and placed on the same ground by the fifth amendment to the Constitution, which provides that no person shall be deprived of life, liberty, and property, without due process of law."*

This institutionalized protection of property is seen again in the fact that the Constitution gives to Congress a power, exclusive of the several States to tax it, and then, only by the Rule of Apportionment.

An identical thought is reflected in this Courts holding in *Truax v. Raich*, supra.

Under the belligerent power of unitary National government created by traitors in the NEW DEAL Administration, and as acceded to *in this Case* by both the Trial and Appellate Courts, property of the American people may be seized as property of a public enemy wherever found; the Constitution having been reduced to a barren form of words.

There will be *huge* political and economic consequences resulting from this Courts decision in the instant matter. This is true irregardless of its content.

*This Court in this case* will return the American Nation to its original constitutional system of dual

governments, each having a sovereignty, a defined territory, and citizens of its own, or it will bury the Constitution as written and as ratified.

Appellant McNeil augurs for restoration of governance by two independent sovereigns, as existed prior to the New Deal, and for a jury trial in the instant matter.

Respectfully submitted,

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**UNITED STATES COURT OF APPEALS**
**FOR THE EIGHTH CIRCUIT**

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No: 19-1595

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Minor Lee McNeil

Plaintiff - Appellant

v.

University of Arkansas Foundation Inc,
also known as UAMS;
Cam Patterson, Dr., Chancellor/CEO;
Mary Prince, Payroll;
Sherri L. Robinson, Associate Counsel

Defendants - Appellees

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Appeal from U.S. District Court for
the Eastern District of Arkansas – Little Rock
(4:19-cv-00104-BRW)

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**JUDGMENT**

Before LOKEN, SHEPHERD, and GRASZ, Circuit Judges.

This court has reviewed the original file of the United States District Court. It is ordered by the court

that the judgment of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a).

August 07, 2019

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans