

Number: 18-7013

**IN THE
SUPREME COURT OF THE UNITED STATES**

E. Edward Zimmermann

Petitioner

v.

NATIONAL LABOR RELATIONS BOARD, et al,

Respondent

ORIGINAL

Supreme Court, U.S.
FILED

DEC 10 2018

OFFICE OF THE CLERK

Petition for an Extra Ordinary Writ of Mandamus or in the Alternative an

Extra Ordinary Writ of Prohibition

US Court of Appeals No. 128 – 2199

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QUESTIONS PRESENTED FOR REVIEW

Does Article One of The Constitution of The United States (The Constitution) say,
“We the people grant to ... The Congress of the United States the constitutional
authority to regulate commerce”?

Or,

Does Article One of, The Constitution, “We the people grant to ... State
government and illegitimate Federal government the constitutional authority to
regulate commerce”? ^{1, 2}

¹ For the purposes of this litigate commerce is defined as all interstate and intrastate commerce.

² For the purposes of this litigation illegitimate Federal government is defined as Federal government that is currently regulating commerce, that is not The Congress of The United States (The Congress) nor, is it a constitutionally sound regulatory arm of The Congress.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- 1) E. Edward Zimmermann, Petitioner
- 2) E. Edward Zimmermann's, Clients
- 3) The United States Government, Respondent
- 4) The United States Department of Labor, Respondent
- 5) The United States National Labor Relations Board, Respondent
- 6) The Commonwealth of Pennsylvania, The Communist, Fascist and Socialist Utopia thereof.

TABLE OF CONTENTS

QUESTIONS PRESENTED FOR REVIEW	ii
LIST OF PARTIES	iii
TABLE OF CONTENTS	iv
TABLE OF AUTHORITIES	v
PRIOR OPINIONS	vi
JURISDICTION	vii
STATUTES AND RULES	viii
STATEMENT OF THE CASE	1 – 3
CONCLUSION	4 – 6
APENDIX A	7 - 8

TABLE OF AUTHORITIES

- 1) Every landmark decision, The Supreme Court of The United States (The Supreme Court) has heretofore issued.
- 2) Every Federal and State decision junior to this Supreme Court's landmark decisions.
- 3) BUILDING & C. TRADES COUNC. v. ASSOC. BLDRS., (1993), No. 91-261.
- 4) NLRB v. Gamble Enterprises, 345 U.S. 117 (1953) Gamble Enterprises No. 238.
- 5) Gibbons v. Ogden, 22 U.S. (9 Wheat.) 1 (1824)
- 6) Swift & Co. v. United States, 196 U.S. 375 (1905)
- 7) NLRB v. Jones & Laughlin Steel Corp., 301 U.S. 1 (1937)
- 8) United States v. Lopez, 514 U.S. 549 (1995)
- 9) The Constitution of The United States of America

PRIOR OPINIONS

- 1) Every landmark decision this Court has heretofore issued.
- 2) Every Federal and State decision junior to this Court's landmark decisions.

JURISDICTION

This Court has jurisdiction pursuant to the authorities and jurisdiction conferred by 28 U.S.C. § 1651(a), as well as, Article Three of, The Constitution.

STATUTES AND RULES

- 1) The National Labor Relations Act (NLRA or The Act)
- 2) The Fair Labor Standards
- 3) Rule 11 of The Federal Rules of Civil Procedure
- 4) Davis-Bacon and Related Acts
- 5) Copeland "Anti-kickback" Act
- 6) PENNSYLVANIA PREVAILING WAGE ACT, Act of Aug. 15, 1961, P.L. 987, No. 442 Cl. 43.

STATEMENT OF THE CASE

This matter constitutes the first time since the enactment of, The Constitution that the Judicial form of government has permitted State Government and illegitimate Federal Government to regulate commerce in violation of, Article One of The Constitution.

Simultaneously therein, this matter constitutes the first time since the enactment of The Constitution, that the Judicial form of government has summarily amended The Constitution, in violation of Article Five, by amending Article One granting to State Government and illegitimate Federal Government the constitutionally authority to regulate commerce.

For the purposes of this litigation the Judicial form of government is defined as, the unintended consequence of the Respondents positions, as well as, the unintended consequence of this Highly Honorable Court's incorrect decision in Boston Harbor.

The unintended consequence of the Respondents position and - respectfully – that is to say - very respectfully – the unintended consequence of this Court's Boston Harbor decision, have the same deleterious effect on the Constitution as if it were the intended consequence nullifying and avoiding the entirety of The Constitution.

With the utmost respect, I cannot figure out why we are litigating. It is The Original Sin (violation of the Constitution) its always been the Original Sin and it is the Second Original Sin this Highly Honorable Court's Boston Harbor decision.

This seems pretty basic, if Government cannot do what Government is doing, then Government has no choice but to stop doing what it is Government cannot do.

Nonetheless, over the last two years The United States Government threatened me not less than five times for litigating this matter.

Petitioner answered Governments first three threats with additional specific civil damages and civil Rule 11 damages or sanctions, as well as, Petitioner filed a Motion asking the Court to remand the names of, The Governor and The Attorney General, for The Communist Republic of Pennsylvania to The United States Congress for impeachment proceedings.

After Government's fourth threat Petitioner reminded Government of, "We the peoples", "**SECOND AMENDMENT RIGHTS**" and at which point Petitioner informed every attorney at the Department of Justice to, "kiss my constitutionally protected red, white & blue flag".

Government responded with their fifth threat when three heavily armed federal law enforcement officials goose stepped onto my private property and civilly integrated me over the civil subject matter of this civil action and civilly suggested civil Petitioner should civilly think about civil things.

Petitioner answered governments fifth civil threat with a civil Motion seeking to remand the name of The US Attorney for The Eastern District of Pennsylvania to The United States Congress for impeachment proceeding. Additionally, Petitioner informed

the US Attorney and The Civil Chief for The Eastern District of Pennsylvania that they too can, ""kiss my constitutionally protected red, white & blue flag".

If it were not for Ms. Amorosa' leading, The US Attorneys and Civil Chief, with one of the most brilliant briefs ever filed with the United States Court of Appeals for The Third District, Petitioner would still be calling for elected governments impeachment.

With the utmost respect, I believe if this Court reviews Appendix A it will agree with my positions.

CONCLUSION

It is not my intention to be inappropriate with this Highly Honorable Court, nonetheless at this point I do not believe the Court has much choice other than to do what the Constitution instructs this Court to do? In fact, if I don't win by a 9-0 vote it seems to me, we don't have a Constitution.

As such, Petitioner respectfully request the following actions or relief (?):

- 1) Affirmation of this Court's landmark decision in *Gamble Enterprises v. NLRB*.
- 2) Affirmation of every landmark decision this Court has heretofore issued.
- 3) Affirmation that, Article One of The Constitution says, "We the people ... grant to The Congress of the United States the constitutional authority to regulate commerce.
- 4) This Court must find State Minimum Wage schemes as well as, State and Federal Prevailing Wage schemes Unconstitutional.
- 5) This Court must overturn or amend its Boston Harbor decision.
- 6) Petitioner plead damages before the District Court having a value in excess of two hundred eighty billion dollars. Those same damages were replead before the United States Court of Appeals in the amount of four hundred twenty- four million dollars.

Petitioner asks this Court for an award of damages in the amount of four hundred twenty-four million dollars. (All defenses the Respondents hope to

advance are after the fact and are barred by the doctrine of picking fruit from the poison tree.)

7) Petitioner asks this Court to award my clients (my employees) damages in the amount of four hundred twenty-four million dollars which is to be equally spilt amongst themselves. (All defenses the Respondents hope to advance are after the fact and are barred by the doctrine of picking fruit from the poison tree.)

8) The intended consequences, as well as, the unintended consequences of this Highly Honorable Court decisions and The Petitioners positions are protected by the doctrine of Sovereign Immunity.

This is a civil issue in controversy unless The Respondents have a desire to make it into something other than a civil matter. Respondents should know I'm OK with whatever they chose because I won this argument a long time ago.

9) Recently the hell hounds of government (Federal and State Taxing authorities) made unannounced visits and falsely accused Petitioner of owing them money.

I don't like hell hounds. Petitioner, Petitioners Spouse (s), Petitioners clients and their spouse (s) are entitled to a grant of immunity from all government (Federal and or State) civil or criminal prosecution, by the doctrine of sovereign Immunity.

10) Petitioner requests all other relief this Court deems appropriate.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of connected loops and a long horizontal stroke that ends in a small hook.

E. Edward Zimmermann
12-05-18

APPENDIX A

ANALYSIS OF THE SUPREME COURT'S BOSTON HARBOR DECISION

This Honorable Court, the Lower Courts, as well as, The National Labor Relations Board (The Labor Board) identified the Project Labor Agreement (PLA) used in the Boston Harbor matter as a properly enacted Collective Bargaining Agreement (CBA) pursuant to section 8 (e) and (f) of The National Labor Relations Act (NLRA) when in fact, it is not a properly enacted section 8 (e) and (f) PLA or CBA.

In its Boston Harbor the Court correctly identified the parties in interest except The Court forgot an important player, the Employer (Petitioner), and then The Court has the parties in interest, playing the wrong parts causing the NLRA, as well as, The Constitution to fall in on itself.

The Boston Harbor PLA went wrong because the parties negotiating terms and conditions of employment and working conditions lack standing.

The Labor Council, Government and or Kaiser were not elected by the Employees of the Employer to represent their interest nor has Petitioner (an Employer within the meaning of the Act) assigned his bargaining rights to any of the parties negotiating.

As such, if the parties negotiating, do not have an assignment of Bargaining rights from the parties in interest (The Employer and The Employees of The Employer) then they lack standing to negotiate.

Prevailing Wages:

Lastly, the PLA mandates the Employer (Petitioner) pay, and Petitioners Employees accept, as compensation (terms and conditions of employment and working conditions) State Minimum Hourly Wages and or State or Federal Prevailing Hourly Wages, when the aforementioned State and Federal wage schemes, constitutes statutes in conflict with, The Federal Fair Labor Standards and The NLRA.

In the Findings Clause of the Fair Labor Standards and the NLRA, Congress announced it was exercising its Article One authority to regulate commerce and did so by regulating the Employer/Employee relationship.

As such, by the Supremacy Clause and the Tenth Amendment the regulatory schemes of Congress preempt the regulatory schemes of State and illegitimate Federal Governments rendering State Minimum Wages and Federal and States Minimum Prevailing Wages and Federal and State Prevailing Wages Unconstitutional.