No. 19-5157

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Ronald Ray Horner — PETITIONER
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals for the Tenth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Ronald Ray Horner
(Your Name)

Federal Correctional Institution-Englewood
(Address) 9595 West Quincy Ave.

Littleton, CO 80123
(City, State, Zip Code)

N/A
(Phone Number)

Statement of Questions Presented
Pursuant to Rule 14(1)(a)

1) Issues concerning Article I, Section 8 of the Constitution of the United States of America:

   a) Can Congress pass legislation that broadens and expands Congress's power beyond those enumerated in the Constitution?

   b) Can Congress pass legislation that does not encompass carrying into effect one of Congress's enumerated powers?

2) Issues concerning Article V of the Constitution of the United States of America:

   a) Can Congress unilaterally expand its own legislative power without going through the process of amending the Constitution?

   b) Can a Circuit Court modify or nullify Constitutional mandates or requirements?

   c) Are Circuit Courts the Constitutionally authorized and recognized authority for amending the Constitution?

   d) Can Congress, by legislation alone, modify standing as described, outlined, expressed, and implied in the Constitution without amending the Constitution?

   e) Can the Secretary of State ignore the "Exception Clause" of Article V of the Constitution and declare that an amendment to the Constitution has been found validly enacted even though one or more States objected to the amendment as the amendment would effect their "suffrage" in the Senate? A direct violation of the "Exception Clause."

3) Issues concerning House Concurrent Resolution 219 (1947-48 80th Congress) and Article I, Section 7, Clause 2 of the Constitution of the United States of America:

a) Can Congress violate precedents established by the Supreme Court to expedite passage of legislation that effects the Public at large?

b) Can the Speaker of the House of Representatives and the President of the Senate (or President Pro Tempore) enroll a bill that was never presented to Congress in the way and method required by the Constitution? Then, present that bill to the President (of the United States) as if that bill had passed by all of the requirements of the Constitution?

c) Can Congress ignore Constitutional mandates and requirements when attempting to pass legislation?

d) Is a de facto government ever legitimate? Do the circumstances that might make a de facto government legitimate currently exist in the United States of America?

4) Issue concerning stare decisis: Are District, and Circuit Courts required to follow precedents from their respective Circuits and the Supreme Court when deciding the cases brought before them?

5) Issue concerning "due process" violations of the Fifth Amendment to the Constitution of the United States of America: Can a defendant in a criminal case be subjected to conviction and punishment under a statute when the defendant was never indicted by a Grand Jury for violating the statute?

LIST OF PARTIES

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

[ ] 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:

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[X] For cases from **federal courts:**

The opinion of the United States court of appeals appears at Appendix A to the petition and is

[X] reported at 2019 U.S. App. LEXIS 11074 No. 18-1350; or,
[ ] has been designated for publication but is not yet reported; or,
is unpublished.

The opinion of the United States district court appears at Appendix A to the petition and is

[X] reported at 2019 U.S. App. LEXIS 11074 No. 18-1350; or,
[ ] has been designated for publication but is not yet reported; or,
is unpublished.

[ ] For cases from **state courts:** Not Applicable

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[X] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was **April 16, 2019**.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: **April 22, 2019**, and a copy of the order denying rehearing appears at Appendix **A**.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts:** **Not applicable**

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Constitutional and Statutory Provisions Involved

The case presented involves statutes said to have been created by Congress under Article I, Section 7 and Article I, Section 8 of the Constitution of the United States of America. Congress's said enactment of 18 U.S.C. §3231 using House Concurrent Resolution 219 violated this Court's holding in Marshall Field v. Clark, 36 L. Ed. 294. Since then lower courts have invoked the "Enrolled Bill Rule" to preclude looking to the Journals of the House and the Senate, the only Constitutionally valid evidence there is, to show that a bill was passed in accordance with the Constitution; blocking access to the Journals as a means to verify the validity of a bill said to have become law violates this Court's holding in United States v. Ballin, 36 L. Ed. 321. Further, the wording of 18 U.S.C. §3231 expanded Congressional power. Unilateral action by the legislature to increase and expand its own power violates Article V of the Constitution of the United States of America.

Additionally, 18 U.S.C. §1542 concerns the issue of passports. There is no enumerated "passport power" under Article I, Section 8 of the Constitution. The Tenth Amendment is clear in that "Powers not delegated to the United States by the Constitution... are reserved to the States respectively, or to the people." A passport is a travel document, nothing more. As such, it has no connection to "naturalization" nor to "commerce" as those terms were used when the Constitution was created. Therefor, using either "naturalization" or "commerce" as justification to pass statutes to control and limit a citizens right to travel by requiring them to obtain a travel document is neither "necessary" or "proper." A passport (a type of writ) has always been a request from an individual to the person or the executive exercising sovereign power to issue the travel document (writ). Legislative encroachment upon this exclusive executive privilege is an abuse of legislative power and is Constitutionally unsound.

Depending on how this Court perceives this challenge, reviewing and making a determination on the issues presented could potentially effect as few as one person, the Petitioner, or as many as several tens of thousands of incarcerated persons. However, since very few passport cases come up in the courts the likely number of affected persons should be small. The issues of Congressional over-reach by Congress can and do affect all Americans.

STATEMENT OF THE CASE

The Petitioner was charged with and convicted of violating 18 U.S.C. §1542 and sentenced to 27 months in a Federal Correctional facility because of the "aggravated" nature of the offense. Representing himself, pro se, the Petitoner challenged the jurisdiction of the court to hear the case. He challenged the Constitutionallity of the statutes, and attempted to make a defense based upon the Constitution of the United States of America. The 27 month sentence is to run consecutive to all other sentences.

Reasons for Granting the Petition

Since the early Twentieth Century Congress has repeatedly erroded the sovereignty of the States of the Union by seizing power that they (Congress) have no Constitutional authority to take. Further, Congress continually violates the holdings of this Court and other courts in an effort to control, constrain, and restrict the liberty of the citizens of the several States of the Union. The framers of the Constitution were acutely aware of the danger of a tyrannical legislature usurping power from the States and from the people and designed the separation of powers to thwart seizing such power. In Federalist #78 Hamilton outlined the duty of the courts and charged the judiciary with the responibilty of gaurding the citizens from grotesque, perverse encroachments of the legislature on powers and rights belonging to the States and to the people.

Following this page is a detailed brief explaining why this Court should grant the petiton. A concise list of reasons is:

1) A passport power is not contained in Article I, Section 8.
2) A passport is not a naturalization document.
3) A passport is not a regulatory gate keeper for commerce.
4) A passport is only a travel document.
5) A passport is not a required document.
6) Congress unilaterally expanded its own power with 18 U.S.C. §3231 in violation of Article V of the Constitution.
7) Congress's use of House Concurrent Resolution 219 to circumvent Constitutional requirements and mandates violates precedents established by this Court.
8) The method used to enact 18 U.S.C. §3231 did not follow the requirements and mandates set forth in Article I, Section 7 of the Constitution.
9) The United States is operating with a de facto government.
10) Lower courts continually ignore stare decisis when deciding cases that are before them.
11) Petitoner was convicted of a crime (§3147) that was not on an indictment nor presented to a Grand Jury thus violating "due process" under the Fifth Amendment.

These Congressional irregularities, lapses, and outright violations of Constitutional requirements and mandates should be addressed by this Court. While the specific issues presented may affect as few as one person (the Petitoner) or as many as tens of thousands of incarcerated persons, the issues presented concern all citizens. When a legislature seizes power unconstitutionally it seizes that power from someone or some body. In the case presented Congress has seized power from the States and from the people, and encroached upon powers reserved for the Chief Executive acting as a sovereign to issue a travel writ.

Article I, Section 8 Argument
Pursuant to Rule 14(1)(h)

The Constitution of the United States of America (Constitution) expressly delegates to Congress authority over only four specific crimes: Counterfeiting, Piracy and felonies on the high seas, Offences against the law of nations, and Treason. However, Article I, Section 8 allows Congress to enact criminal statutes when doing so is "necessary and proper" for carrying into effect one of Congress's enumerated powers. For a statute to be "necessary and proper" it must be directly linked to one of Congress's enumerated powers. Those enumerated powers are: collecting taxes, borrowing money, coinage, weights and measures, post offices and post roads, patents and copyrights, declaring war, raising and supporting armies, creating and maintaining a navy, naturalization, and regulating commerce. Nowhere in Article I, Section 8 is there a 'passport' clause. Under what enumerated power did Congress enact 18 U.S.C. §1542 (§1542)? Of the enumerated powers the only possible powers under which Congress may be Constitutionally authorized to enact §1542 would be naturalization and/or regulating commerce, and then, only if that enactment were "necessary and proper."

A passport is not a naturalization document. If a passport were a naturalization document every United States citizen would be required to obtain one at the government's expense. Each person desiring a passport, to travel internationally, pays a fee to obtain the document. A person born overseas to United States citizens is identified by a "Consular Report of Birth Abroad" not a passport. Persons born within the boundries of the United States are identified as United States citizens by a "Certificate of Live Birth" not by a passport. A United States citizen, born within the boundries of

the United States might live out his or her entire life in the United States and never want, need, or be required to obtain a passport. While a passport is certainly a useful document that can provide verification of ones identity, it essentially is and always has been merely a travel document.

When arguments arise concerning foreign commerce many United States Attorneys cite United States v. Lopez, 514 U.S. 549, 585, 115 S. Ct. 1624, 131 LED 2d 626 (1995) to "provide a useful starting point in analyzing challenges under the [foreign] commerce clause." However, Lopez addresses only Congress's authority to regulate interstate commerce. In the United States v. Clark, 435, F. 3d 1100, 1116 (9th Cir. 2006) the Ninth Circuit said that doing this "can feel like jamming a square peg into a round hole." A passport is not required to leave the United States. The Petitoner entered Juarez, Mexico, at El Paso, Texas and no United States official was present at the border to ensure that the Petitioner had a passport to leave the United States. If a passport were required to exit the United States there should have or would have been a United States official at that border to ensure that the Petitoner had a passport and to monitor the coming and going of all United States citizens. Further, no Mexican official checked to see if the Petitioner had a United States passport or any other international travel document either to exit the United States or to enter Mexico. Only upon boarding an international flight to Chile were the Petitioner's documents checked and then stamped.

In United States v. Morrison, 146 LED 2d 658, 529 US 598 (2000) this Court identified four factors set forth originally in Lopez regarding the regulation of interstate [foreign] commerce. Application of those factors fails in the case now before this Court.

Since Congress lacks Article I, Section 8 authority over passports because a "passport power" is not an enumerated power, nothing about the enactment of 18 U.S.C. §1542 is "necessary and proper" nor Constitutional. For passports to regulate, that is to 'make regular' foreign commerce, everyone engaged in foreign commerce would be required to have one. That is simply not the case. A passport is not a regulatory gate keeper for foreign commerce. A passport is not a naturalization document. A passport is exactly what it has always been, merely and only a travel document. Holding any other view is at best erroneous and at worst delusional.

Article V Argument
Pursuant to Rule 14(1)(h)

Prior to June 25, 1948, federal court authority to adjudicate laws enacted by Congress was covered under former 12 U.S.C. §588 and former 18 U.S.C. §§546 and 547. These statutes concerned bank robbery, or killing or kidnapping related thereto, or revenue statutes (see Appendix ' E' history of 18 U.S.C. §2113). 12 U.S.C. §588d read in part "Jurisdiction over any offense defined by §588b and 588c of this title shall not be reserved exclusively to the courts of the United States." These sections of the former statutes were to be replaced by a new statute, 18 U.S.C. §3231 (§3231), which was to read "Offenses against the United States shall be cognizable in the district courts of the United States, but nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof." This wording would not have changed the substance of the former titles and statutes. As originally conceived, §3231 would have required that the United States to be harmed in some tangible way for the courts to try an individual for a crime.

Just as in the four crimes listed in the Constitution, and in former 12 U.S.C. §588 and in former 18 U.S.C. §§546 and 547, the United States would have had to have some injury-in-fact to have standing to prosecute.

What changed? And what impact did that change have upon how the United States approaches criminal prosecutions? The amended §3231 reads "The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States." The wording of this amended §3231 eliminated the need for the United States to have standing, an injury-in-fact, to prosecute alleged crimes under the new statute. Under this wording violating a statute, even if it causes no harm, is reason enough to charged criminally. This wording greatly **expanded the power of Congress** far beyond that envisioned by the Constitution's framers. It is important not to underestimate the effect this had. Congress by merely enacting legislation expanded its own power **unilaterally.** The only legitimate way to increase Congressional power beyond those limited, enumerated powers stated in the Constitution is to amend the Constitution in accordance with Article V of the Constitution. This, Congress did not do. The courts have a duty to nullify unconstitutional legislation (see Florida v. U.S. HSS, 716 F. Supp. 2d 1120, 1128 N. District of Fl. Pensacola Div. Oct. 14, 2010 and see also Marbury v. Madison, 2 LED 60, 1 Cranch 137).

The enumerated powers are specific. The purpose is to limit government power. At the time the Constitution was ratified, commerce consisted of "selling, buying, and bartering, as well as transporting for these purposes," (see United States v. Lopez,

514 U.S. 549, 585, 115 S. Ct. 1624, 131 LED 2d 626 (1995)). The Morrison court (see United States v. Morrison, 146 LED 2d 658, 529 US 598 (2000)) delineated four factors originally set forth in Lopez for consideration in addressing the constitutionallity of a statute based upon the "commerce clause." One, is the prohibited activity commercial in nature? Two, is there an express jurisdictional element involving interstate activity which might limit the statutes reach? Three, did Congress make findings about the effects of the prohibited conduct on interstate commerce? And four, is the link between the prohibited activity and the effect on interstate commerce attenuated?

Making a false statement to obtain a passport is neither economic nor commercial in nature. There is no "express" jurisdictional element involving interstate commerce in violating §1542. Further, Congress has made no findings about the potential effects of making a false statement to obtain a passport on interstate commerce. The relationship between a false statement and interstate [foreign] commerce is tennuous. §3231 effectively amended the Constitution by allowing Congress to expand its own powers beyond those enumerated in Article I, Section 8. Further, the enactment of §3231 is wrapped and shrouded is controversial and questionable methods that render its enactment unconstitutional (see Article I, Section 7, Clause 2 section also contained in this brief).

As cited supra, the wording of the amended §3231, said to have been passed by Congress in 1948 greatly expanded Congressional power. Prior to §3231's (illegitimate) enactment federal court's jurisdiction was granted by 12 U.S.C. §588 and 18 U.S.C. §§546 and 547. Article V of the Constitution is clear in the procedure

required to amend the Constitution. This Court held in INS v. Chadha, 462 U.S. 919, 944, 77 L Ed 2d 317 103 S. Ct. 2764 (1983) that: "It also improperly 'delegates' legislative power to itself when it authorizes itself to act without Bicameralism and Presentment." And in Clinton v. City of New York, 141 L Ed 2d 393, 141 L Ed 2d 393, 524 U.S. 417, 118 S. Ct. 2091 (1998) this Court stated: "Unilateral action by any single participant in the law-making process is precisely what the Bicameralism and Presentment clauses were designed to prevent." The Petitioner will show the relationship between Bicameralsism and the way in which 18 U.S.C. §3231 was improperly enacted in a specific Article I, Section 7 argument that follows this section. §3231, as it was originally worded read "Offenses against the United states shall be cognizable in the district courts of the United States, but nothing in this title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws therof." (See Appendix 'E' page 1-6 for the wording of the original statute and the amended statute.) This wording would not have changed in any substantial or significant way the substance of the former titles and statutes. By the way in which former 12 U.S.C. §588 and former 18 U.S.C. §§ 546 and 547 were worded it is clear that an injury-in-fact was required for the United States to have standing to prosecute an alleged crime. However, §3231 was amended late in the legislative process to read "The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses **against the laws** of the United States." (Emphasis added). It is this amended wording that expanded Congressional power beyond the scope of that intended by the Constitution's framers. The amended wording removed the need for an injury-in-

fact. It removed the need for standing that until that time was required for the United States to prosecute an alleged crime. This increased power came by usurpation of State court's adjudicative power. This amended wording allowed Congress the ability to pass any law it desired without consideration of limits imposed by Article I, Section 8. This wording effectively annihilated the "necessary and proper" clause. This expansion of Congressional power violates Article V. The courts have a duty to nullify unconstitutional legislation (see Florida v. U.S. HSS and Marbury v. Madison). The responsibility of enforcing these limits on the legislature falls on an **impartial** (emphasis added) judiciary (see Federalist #78, Hamilton). Several Circuit and district courts have made decisions that support the idea that Article V is an unnecessary impediment to neutering the Constitution (see specifically; Pub. Citizen v. U.S. Dist. Court for D.C., 486 F. 3d 1342, 1349-50, 376 U.S. App. D.C. 222[D.C. Cir. 2007] and United States v. Risquet, 426 F. Supp. 2d 310, 311 [E.D. Pa. 2006] and United States v. Tony, 637 F. 3d 1153; 2011 U.S. App. Lexis 5299 No. 09-2264 March 17, 2011). In Pub. Citizen the D.C. Circuit asserts, by implication, that it is the D.C. Circuit that determines how power is apportioned and the it is the D.C. Circuit that is the appropriate authority to apportion that power when it held: "It is not competent for a party (challenging the vallidity of a statute) to show, from the journals of either house, from reports of committees, from other documents..." It should be noted that the Constitution cites the journals (of each house) as the Constitutional authority to determine how laws are passed and if they were enacted in accordance with the Constitution (see Article I, Section 7, see also United States v. Ballin, 36 LED

321, 144 US 1). No Circuit Court can modify or nullify Constitutional requirements. The courts are limited to determining if a statute is Constitutional. They are not Constitutionally empowered to amend or change the Constitution.

Article V of the Constitution spells out how the Constitution is to be amended. If two thirds of both houses of Congress or if two thirds of the State legislatures call for a convention to consider amendments to the Constitution and if or when the proposed amendments shall be approved by three fourths of the State legislatures then an amendment to the Constitution passes and becomes a part of that Constitution. EXCEPT there is a clause, the "Exception Clause" that states "...no State, wihout its Consent, shall be deprived of its equal Suffrage in the Senate." It is this "Exception Clause" that William Jennings Bryan, as Secretary of State, ignored when he delared that the Seventeenth Amendment to the Constitution had passed. Delaware and Utah both objected to the Seventeenth Amendment. Since the Seventeenth Amendment changed the method for Senatorial selections it certainly effected the Suffrage of the States. One man, ignoring the Constitutional requirements of Article V, declared an Amendment had passed with the result of converting the government of these United States from a "Republic" to a "Democracy". The illegitimate way in which the Seventeenth Amendment was forced upon the nation violated the "Exception Clause" of Artcle V and should be declared void. Restoration of the "Republic" is possible, necessary, required and desirable.

The duty for ensuring that Constitutional requirements and mandates are followed falls to the court. Constitutional challenges may be uncomfortable, inconvenient, even painful but the court has a duty, a solemn duty, born of honor and integrity to hold that all

acts repugnant to the Constitution are null and void, and to insist and ensure that Constitutional procedures and mandates are followed. At all times.

House Concurrent Resolution 219
Article I, Section 7, Clause 2
and the "Enrolled Bill Rule"
Argument Pursuant to Rule 14(1)(h)

On June 18 and 19 of 1948 the 80th Congress said they passed House Concurrent Resolution 219 (see Appendix 'C': page 23; Journal of the Senate 6/18/48 page 577 column 2 and 3 ¶4-7 and Journal for the House 6/19/48 page 771 column 1 "7-11, and to show continuity of the records see Congressional Record House 6/19/48 page 9348 column 2 "3-8). Black's Law Dictionary defines a concurrent resolution as: "A resolution passed by one house and agreed to by by the other. It expresses the legislature's opinion on a subject but does not have the force of law." Black's goes on to define a joint resolution as: "A resolution passed by both houses. It has the force of law and is subject to executive veto." (See Black's Law Dictionary Ninth Edition, 2009). **House Concurrent Resolution 219** was a concurrent resolution, not a joint resolution. House Concurrent Resolution 219 authorized the Speaker of the House and the President of the Senate (President Pro Tempore in this case) to sign enrolled bills and joint resolutions duly passed by the two Houses found truly enrolled, after adjournment. This violated this Court's precedent established in 1892 in Marshall Field v. Clark, 36 L Ed 294, 143 U.S. 649 (1892).

In Marshall Field this court held:

> "The signing by the Speaker of the House of Representatives, and the President of the Senate, in open session of an enrolled bill is an official attestation by the two Houses that such bill has passed Congress..."

The Journal for the House for June 19, 1948 (see Appendix

'C':pages 30-31, House Journal page 777; see also in Appendix 'C' pages 26-27 column 1 showing when the House adjourned) clearly shows that the Speaker of the House **did not sign H.R. 3190 in "open session."** Therefor, House Concurrent resolution violates the "open session" requirement portion of Marshall Field. The "open session" requirement is there to prevent exactly what happened. It is to prevent the Speaker of the House and the President of the Senate (President Pro Tempore in this case) from saying that a bill passed Congress and to present it to the President (of the United States) without Congress ever having voted on the bill. This is one reason the framers of the Constitution crafted Article I, Section 7, Clause 2 as they did. On June 19, 1948 the Speaker of the House of Representatives and the President Pro Tempore of the Senate signed to attest to a bill being duly enrolled and "passed" in conformity to the Constitutional mandates. They did this with full knowledge that the Constitutional requirements and mandates had not been met as evidenced by the Journals, the only valid Constitutional evidence that there is (see United States v. Ballin, 144 U.S. 1, 4, 12 S. Ct. 507, 36 L. Ed. 321 (1892). Therefor, the signatures of the Speaker of the House and the President Pro Tempore are invalid. House Concurrent Resolution 219 was not a bill. House Concurrent Resolution 219 was **not** a joint resolution. House Concurrent Resolution 219 is not immune from judicial review, nor are any and all bills, acts, or resolutions said to have been enacted in accordance with it, outside of an "open session" as required in Marshall Field.

A number of "inferior" courts have 'cherry picked' the portions of this Courts holdings from a number of different cases to craft a vision that is insanely different from the holdings this Court

has made. An example of this occurred recently in the District of Kansas. In Ronald Titlbach v. Nicole English, United States District Court for the District of Kansas 2019 U.S. Dist. LEXIS 37507 Case No. 19-3023-JWL March 8, 2019, Decided , March 8, 2019, Filed; the court found:

> "Petitoner argues that... a concurrent resolution (Joint Resolution 219) was passed stating that notwithstanding the adjournment of the two houses until December 31, 1948, the Speaker of the House and the President of the Senate are authorized to sign enrolled bills and joint resolutions duly passed by the two houses found truly enrolled."

There is no sort of magic, or wishing, or praying that can convert a concurrent resolution into a joint resolution. The court in Titlbach hops back and forth between claiming that House Concurrent Resolution 219 is one time a concurrent resolution and then, at other times, it claims that it is a joint resolution. When the court, in Titlbach claims that House Concurrent Resolution is a joint resolution it is unequivocally a lie. A lie born from the frustration in an attempt to thwart a Constitutional challenge for which there is no Constitutional support. A challenge that if the merits of the argument were actually addressed by an impartial court would be found valid resulting in the dismissal of the case. When the courts take up sides, when the courts become advocates of one side or another in a dispute, they become Kangaroo courts (see Black's Law Dictionary, Ninth Edition 2009) hippity-hopping to and fro trying to bounce into a position that allows them to shirk their Constitutional duty. The court in Titlbach goes even farther though, not content to misconstrue the nature of House Concurrent Resolution 219 as a joint resolution the court compounds the lie when it cites cases (some from this Court) and claims that the cases were decided on the merits when they were in

fact procedurally barred and not decided based on the merits (see particularly in re Von Khal, 552 U.S. 988, 128 S. Ct. 520, 169 L. Ed. 2d 369 [2007]). The Titlbach court claims that all of these arguments were developed by a Texas firm and have been denied by every court that has addressed them. This Petitioner has no association and no affiliation with the Texas firm the Titlbach judge mentioned. This Petitioner has studied the Constitution and the case law to develop his claims. A procedural bar is not the same as a ruling on the merits of a case.

This Court has expressly rejected what happened with House Concurrent Resolution 219. In Clinton v. City of New York, 141 L Ed 2d 393, 524 U.S. 417, 118 S. Ct. 2091 (1998) this Court held:

> "Unilateral action by any single participant in the law-making process is precisely what the Bicameralism and Presentment clause were designed to prevent."

And in INS v. Chadha, 426, U.S. 919, 944, 77 L Ed 2d 317 S. Ct. 2764 (1983) this Court held:

> "It also improperly 'delegates' legislative power to itself when it authorizes itself to act without Bi-cameralism and Presentment."

The Journals and Congressional Records of both Houses of the 80th Congress show conclusively that what this Court feared could not happen in Marshall Field did happen with the 80th Congress with H.R. 3190 and other significant legislation.

On May 12, 1947, H.R. 3190, which includes 18 U.S.C. §3231, was brought to the floor of the House of Representatives for a vote on whether to pass the bill. The Journal for the House (see Appendix **'C'**: pages 6-12, House Journal for 5/12/47 pages 341-346) and the Congressional Record (see Appendix **'C'**: pages 13-15 Congressional Record House for 5/12/47 pages 5048-5049) show no evidence that the House of Representatives passed H.R. 3190 with

adherence to the Constitutionally mandated requirements of Article I, Section 7, Clause 2 of the Constitution. The House of Representatives said they voted on H.R. 3190 on May 12, 1947 during the first session of the 80th Congress (see Appendix: 'D' pages 1-3 history of bills chart, Congressional Daily Record Daily Digest pages D556 and D557). The Senate did the same. The Senate failed to pass H.R. 3190 in accordance with Article I, Section 7, Clause 2 as well (see Appendix 'C': pages 19-21 Congressional Record Senate 6/18/48 pages 8721 and 8722). The Senate claims they voted on H.R. 3190 on June 18, 1948 during the second session of the 80th Congress. No argument is being made by this Petitoner about H.R. 3190 passing differnt Houses in different sessions of Congress (that argument is invalid).

Article I. Section 7, Clause 2 of the Constitution states:

> "That every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law be presented to the President of the United states;... it shall become law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for against the bill shall be entered on the Journal of each House respectively."

It has been argued that Article I, Section 7, Clause 2 only applies to bills that have been vetoed by the President and overridden by Congress. This interpretation is incorrect. The first sentence of Clause 2 ends with a period. A period is final. A Period ends a complete thought. Sentence 3 of Clause 2 starts "But in all such cases...." the word "all" is inclusive of everything that has come before; that is, the bills, all of the bills, mentioned previously in Section 7. For sentence 3 of Clause 2 to apply only to vetoed bills, sentence 2 would not end with a period. Instead, sentence 3 would have been made a subordinate clause of sentence 2 by using a semicolon or a comma. Clearly, Clause 2

applies to all bills. It has also been suggested that the wording "in all such cases" refers only to the case (singular, not plural) of vetoed bills and that the Petitioner's reading of Article I, Section 7, Clause 2 would render Article I, Section 5 superfluous and redundant. This suggestion is erroneous. Article I, Section V concerns Congress's other duties in conducting business. It is Article I, Section 7 that deals with passage of legislation. Several Congresses, including the 80th Congress, adhered to the requirements of Artcile I, Section 7, Clause 2 when passing legislation that was not vetoed by a President.

This Court has ruled many times on the issue of Congress adhering to Article I, Section 7, Clause 2. In MWAA v. Caan, 115 L Ed 2d 236, 501 U.S. 252, 111 S. Ct. 2298 (1991) this Court held:

> "Although Congress must follow the bicameralism and presentment requirements when taking action that has the purpose of altering the legal rights, duties, and relations of persons outside the legislative branch, Congress has the power to manage its own internal affairs without complying with the constraints of Article I, Section 7, Clause 2."

H.R. 3190 most certainly alters the "rights, duties, and relations of persons outside the legislative branch." Therefor, the requirements of Article I, Section 7, Clause 2 must be adhered to. This Court said in another holding that:

> "Passing legislation is no easy task. A Federal Statute must withstand 'the finely wrought' procedure of Bicameralism and Presentment." INS v. Chadha, 426 U.S. 919, 944, 77 L. Ed. 2d 317 S. Ct. 2764 (1983) relying on U.S. Kimble v. Marvel Entnt. LLC, 192 L. Ed. 2 463 (2015)."

The records reveal that the "names of persons voting for and against the bill" were not entered into the respective Journals as required by the Constitution. The word "SHALL" leaves no

question that the requirements be met.

To provide a contrast, observe what the House of Representatives of the 80th Congress did on April 22, 1947 (see Appendix 'C':pages 1-3 House Journal 4/22/47 pages 284 column 3 and 285 column 1 and 2). In this Journal the House voted to certify the report of the Committee on Un-American Activities as to the willful, deliberate, and inexcusable refusal of Leon Josephson to appear and testify before the Committee. The House entered the names of the members that voted "yea and nay" in the Journal. The names were entered as they affected a single person. H.R. 3190 effects every person in the United States.

After the May 12, 1947 date the House of Representatives voted on H.R. 3214 which became Title 28 on July 7, 1947 (see Appendix 'C': pages 38-39 Congressional Record House 7/7/47 page 8392 column 1 last three paragraphs; all of columns 2 and 3). The House voted on H.R. 3214 and they followed the requirements of Article I, Section 7, Clause 2. [Note: H.R. 3214 was not a bill previously vetoed by the President.]

The two cases above show that the 80th Congress knew the proper Constitutional procedures required of them to pass legislation.

To further show that Article I, Section 7, Clause 2 applies to all bills one only needs to look at the Afordable Care Act H.R. 3590 which passed the Senate on December 24, 2009 and passed the House on March 21, 2010 (see Appendix 'F': Journals for the Senate 12/24/09 and for the House 3/21/10). In those Journals both Houses entered the names of who voted "yea and nay." [Note: H.R. 3590 was not a bill vetoed by the President.]

The district courts rely on §3231, which was part of H.R. 3190, for jurisdiction. Jurisdiction can never be waived and may be brought up at any time. This is a jurisdictional challenge. The Tenth Circuit specifically relies on United States v. Tony, 637 F. 3d 1153; 2011 U.S. App. Lexis 5299 No. 09-2264 March 17, 2011. Tony reads in part:

> "Tony argued his conviction was invalid because the statute relied upon for district court subject matter jurisdiction, 18 U.S.C. §3231, never passed both houses of Congress in 1948 and is thus void. The Magistrate and the district court judge were undoubtedly correct to reject this argument. See United States v. Armijo, 314 Fed. Appx. 113, 114 (10th Cir 2008)(unpublished) (Armijo's contention that §3231 was not validly enacted is meritless); see also United States v. Risquet, 426 F Supp. 2d 310, 311 (E.D. Pa. 2006)("The 1948 amendment to §3231 passed both houses of Congress; and was signed into law by President Truman on June 25, 1948. Therefor, the amendments and statutes relied upon for jurisdiction in this case were properly enacted and are binding") (quotations ommitted)."

To put it in the plainest language possible, the above court is wrong. Tony and Armijo both rely on United States v. Risquet, 426 F. Supp. 2d 310, 311 (E.D. Pa. 2006):

> "Defendant argued that his conviction is invalid because the statute relied upon for district court subject-matter jurisdiction, 18 U.S.C. §3231, never passed both passed both houses of Congress in 1948 and is thus void. Defendant argues that, because of a defect in the 1948 passage of Public Law 80-772, §3231 as well as all subsequently enacted statutes which rely upon §3231 for district court jurisdiction are similarly invalid.
>
> This court finds otherwise. Although the Third Circuit has not addressed the specific issue of §3231's enactment, other district courts have retained jurisdiction pursuant to the Statute despite challenges to its validity...
>
> ... The 1948 amendment to §3231 passed both houses of Congress and was signed into law by President Truman on June 25, 1948. Therefor, the amendments and statutes relied upon for jurisdiction in this case were properly enacted and binding."

The Easter Pennsylvania District Court, the dictum which many district courts and Circuit Courts rely on, ignores a salient point when it addresses how the amendment to §3231 passed both Houses but skips the fact that the statute itself did not pass in accordance with Article I, Section 7, Clause 2. The district court's conclusion that the statute was properly passed simply because the amendment passed is erroneous (see Appendix **'C'**: Congressional Record Senate 6/18/48 pages 8721 and 8722 and Journal for the House 6/18/48 page 704). But the district court offers more in Risquet:

> "Defendant has offered no legitimate case law to the contrary... Even if the 1948 amendment to §3231 were somehow defective, this court would still retain jurisdiction over this case because the predecessor to §3231, which the defendant does not challenge, provides for such jurisdiction as well."

This last assertion by the district court is not true. An examination of the facts shows why. Prior to June 25, 1948, authority for district courts to ajudicate the laws that Congress enacted were covered by former 12 U.S.C. §588 and former 18 U.S.C. §§546 and 547. The language of these former statutes are concerned with bank robbery, or killing or kidnapping related thereto, or to revenue statutes (see Appendix 'E': History of 18 U.S.C. §2113 pages 9-10). It is only by an inconceivable and ridiculous stretch that these statutes could cover "making a false statement" to obtain a passport. The Petitioner not only challenges §3231 but former 12 U.S.C. §588 and former 18 U.S.C. §§546 and 547 as they relate to jurisdiction in this case.

None of the courts cited above have been asked to review the validity of §3231 for adherence precedent established in Marshall Field as it relates to House Concurrent Resolution 219 or to the Constitutional requirements of Article I, Section 7, Clause 2. The courts have been asked to look at whether a quorum was present. The Petitioner is **not** making a quorum argument, the Petitoner concedes that on the morning of May 12, 1947, that a quorum was present in the House of Representatives (the day that the House says they passed H.R. 3190). One year later, the Senate Judiciary Committee amended §3231 to read "The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States." On June 18, 1948, the Senate voted on the bill H.R. 3190, with amendments to §3231, and said they passed the bill. The Senate then sent the bill back to the House for reconcilliation. The House concurred on the amendments, but neither House entered the names of who voted "yea and nay" in their Journals as required by Article I, Section 7, Clause 2 of the Constitution.

In matters concerning jurisdiction under §3231 the Second Circuit relies on United States v. Farmer, 583 F 3d 131 (May 12, 2009) which reads in part:

> "Farmer with leave of the court, submitted a pro se supplemental brief in which he argues that his conviction must be vacated because the Act of June 25, 1948, Pub. L No. 80-772, 62 Stat. 683 (codified as amended in scattered sections of 18 U.S.C.), which inter alia, grants district courts criminal jurisdiction, see 18 U.S.C. §3231, was not validly enacted by Congress... The government argues that even if the procedural irregularities tainted the passage of the Act of June 25, 1948 (a point the government vigorously contests), the bill was properly enrolled (signed by the Speaker of the House and President Pro Tempore of the Senate), immunizing it from judicial enquiry into procedural irregularities.

> The "enrolled-bill rule" precludes a court from looking beyond the signatures of House and Senate leaders in determining the validity of a statute. The District of Columbia Circuit recently explained the rule thus:
>
> 'It is not competent for a party [challenging the validity of a statute] to show, from the journals of either house, from reports of committees, from other documents printed by the authority of Congress, that an enrolled bill differs from that actually passed by Congress. The only evidence upon which a court may act when the issue is made as to whether a bill asserted to have become a law, was or was not passed by Congress is an (583 F. 3d 152) enrolled act attested to by declaration of the two houses, through their presiding officers. An enrolled bill, thus attested to, is conclusive evidence that it was passed by Congress. The enrollment itself is the record, which is conclusive as to what the statute is. Pub. Citizen v. U.S. Dist. Court for D.C., 486 F. 3d 1342, 1349-50, 376 U.S. App. D.C. 222 (D.C. Cir. 2007)(internal quotation marks, brackets, and elipses ommited)(quoting Marshal Field & Co. v. Clark, 143 U.S. 649, 670, 672-73, 675, 680, 12 S. Ct. 495, 36 L. Ed 294 (1892)); see also OneSimpleLoan v. U.S. Sec'y of Educ., 496 F. 3d 197, 203 (2d Cir. 2007)("[T]he enrolled bill rule 'provides that if a legislative document is authenticated in regular form by the appropriate officials, the courts treat that document as properly adopted. '" (brackets ommitted) (quoting United States v. Pabon-Cruz, 391 F. 3d 86, 99 (2d Cir. 2004))...'
>
> We agree with the government that the enrolled-bill rule precludes Farmer's challenge to the validity of the Act of June 25, 1948, and we hold that the district court properly exercised jurisdiction pursuant to 18 U.S. C. §3231."

Quite simply the Second Circuit and the District of Columbia Circuit are both wrong. Article I, Section 7, Clause 2 of the Constitution states in plain, unambiguous, language that any grammar school graduate can understand "But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively." It does not say "The only evidence upon which a court may act when the issue is made as to whether a bill asserted to have become law, was or was not passed by Congress is an enrolled act attested to to by declaration of the two houses, through their

presiding officers." The D.C. Circuits holding violates this courts precedent established in 1892 in United States v. Ballin, 144 U.S. 1, 4, 12 S. Ct. 507, 36 L. Ed. 321 (1892). There is no legitimate Constitutional authority for the D.C. Circuit to amend the Constitution in this manner. The Constitution may only be amended in accordance with Article V. In Farmer the Second Circuits says "'The enrolled-bill rule' precludes a court from looking beyond the signatures of House and Senate leaders in determining the validity of a statute." House Concurrent Resolution 219 which authorized the Speaker of the House and the Senate Pro Tempore to sign a bill outside of an "open session" allowed the 80th Congress to violate the "open session" requirements of Marshall Field v. Clark 36 LED 294, 143 U.S. 649 (1892). The enrolled-bill rule was not intended to prevent courts from exercising their judicial duty to rule on the constitutionallity of legislation. This interpretation would allow, and in fact did allow the 80th Congress, circumvention of the requirements of Article I, Section 7, Clause 2 of the Constitution. Two people, the Speaker of the House and the President Pro-Tempore of the Senate wrote a bill, enrolled it, said it was law without ever having Congress vote on it, then presented it to President Truman, bypassing the Constitutional requirements of Article I, Section 7, Clause 2 of the Constitution. This is revealed in the Journals of both Houses, the only Constitutionally legitimate source and upheld by this court in Ballin. The Petitioner has provided Journals of the House and Senate, Congressional Records, and drafts and final copies of pertinent statutes gathered from the National Archives to support his claims. It is time for the courts to view the evidence, case law, and the Constitution, then rule in accordance with the oath each judge takes to "faithfully and impatially

discharge and perform all duties... under the Constitution..."

De Facto Government

Black's Law Dictionary, 10th Edition, Copyright 2014, defines de facto as: "1. Actual, existing in fact; having effect even though not formally or legally recognized [a de facto contract]. 2. Illegitimate but in effect [a de facto government]."

The United States Congress created what we know of today as the United States Code. The intent of this Code was to organize and pass laws in an easier system and to be able to locate such laws after they were passed.

The 80th Congress on May 12, 1947 said they passed the first five Titles of this United States Code (see House Journal 5/12/47 pages 341-346 and House Congressional Record pages 5029-5044; showing continuity of the records). The first five Titles that the House said they passed were Titles 1, 4, 6, 9, and 17 (see Appendix 'B': pages 10-13for histories). No names of who voted "yea and nay" were entered in the Journal for the House of Representatitves as required by Article I, Section 7, Clause 2 of the Constitution. The Congressional Record does not list the names either (see Congressional Record-House for 5/12/47).

Due to the nature of the content of these five Titles the country known as the United States of America is operating with a de facto government, as if it had legitimate authority.

Did the United States Senate operate in accordance with the requirements of Article I, Section 7, Clause 2 when attempting to pass these same five Titles? No, it did not. (see Appendix 'B': pages 18-20, Journal for the Senate 7/23/47 pages 510-511) Looking at the Journal for the Senate, no names of who voted "yea and nay" appear as required.

There is in our government one individual that is a member of both the legislative branch and the executive branch. That person is the Vice President of the United States of America. As the number two executive he works closely with the President, the Chief Executive, but collaterally he is the President of the Senate. More than any other individual in government, it is he that could have or would have seen the errors committed by the 80th Congress. So, where was the Vice President during this time? For the first two and one half years of Harry Truman's Presidency there was no Vice President.

On April 12, 1945, President Roosevelt died in office. At that time Vice President Truman became President. It was not until 1948, at the Democratic Convention that President Truman named a Vice President. In January of 1949, Alban Barkley became Vice President of the United States of America.

Is a de facto office, board, panel, or government ever permissible? When a government is entirely revolutionized, and all of its departments are usurped by force, or the voice of a majority, prudence recommends and necessity enforces obedience to the authority of those who may act as public funtionaries and in such a case the acts of a de facto executive, judiciary, or legislature must be recognized as valid. This is a political necessity. Or, if some natural (earthquake, hurricaine) or man made catastrophe (war) so dessimates the political structure established by a constitution, a de facto government may act, and act with the force of law until such time as legitimate, constitutional government may be reestablished. However, de facto governments dissolve immediately upon the restoration of the legitimate governing authority.

A third case exists in which a de facto government may come into existence. If there is an usurpation of legitimate authority by one or more branches of government, intentionally or not, allowing a

de facto officer, body, or panel, a de facto government may be created. Consider a case in which an institution is operating as though it were official or pursuant to law, but that is not legally authorized. Such situations may arise where, for example, an authorrizing law is declared invalid or because legal formalities have not been satisfied.

It is this third case that applies to our federal government. The federal government, an institution, is operating as though it were official or pursuant to law. Twice, situations have arisen in which the required legal, Constitutional formalities were neglected or ignored, either from ignorance or with malice, to create a de facto government. The first instance occured in 1913 with the declaration by William Jennings Bryan that the Seventeenth Amendment to the Constitution of the United States of America had passed. Article V of the Constitution provides an "exception clause" regarding the passage of Amendments to the Constitution. Normally, a proposed amendment must be voted on by two thirds of Congress's members or a convention convened when two thirds of the State legislatures so request to consider amendments to the Constitution. Then, if three fourths of the State's legislatures approve the amendment(s), the amendment(s) becomes a part of the Constitution. However, the "exception clause, which reads "...that no State, without its consent, shall be deprived of its equal Suffrage in the Senate." If any State objects to being deprived of its equal Suffrage in the Senate, the proposed amendment must fail. The method established for chosing Senators was originally left to the State legislatures. This method was part of the checks and balance that created a "Republic" as opposed to a "Democracy." Neither Utah nor Delaware were in favor of the Seventeenth Amendment. Both States objected. Under the "exception clause" the Seventeenth

should have failed. William Jennings Bryan exceeded his authority as Secretary of State by declaring that the Seventeenth Amendment passed. It did not. The declaration of one man, violating the Constitutional requirements of Article V converted the United States from a "Republic" to a "Democracy." The Constitution established a "Republican" form of government because the Democracy under the Articles of Confederation was so abysmally flawed. One person, acting independently of the Constitution, cannot legitimately alter the form of our government. Since 1913, the Senate has been operating as a de facto body. The Senate provides "advice and consent" to Presidential appointments, including Federal judges. The Judicial appointments made, since 1913, by a de facto Senate means we are operating with a de facto Judiciary.

The second instance in which Constitutional requirements were not properly adhered to was during the 80th Congress when that Congress should have passed legislation past the requiremnts of Article I, Section 7, Clause 2. Either of these instances alone created a de facto government. However, since the issues have been identified, and restoration of a legitimate government is possible (even if it requires action by a de facto body) the way forward is clear. Re-establish Senatorial selection by the legislatures of the States. Then, pass legitimate legislation, enacting into public law those statutes "necessary and proper" for carrying into effect Congress's enumerated powers from this time forward. Two branches of government, operating without legitimate authority, establishes beyond any doubt, a de facto government.

Issues Surrounding
Stare Decisis
Pursuant to Rule 14(1)(h)

Stare decisis is not "super" stare decisis. A courts decisions may be overturned by that court, sitting en banc, when it is revealed that the prior decision was wrong or flawed in some way or a court's decision may be overturned by a court exercising higher, superior, or supreme jurisidiction over the issue in question.

Generally, a court must follow its prior decisions and established precedents. In this way, stare decisis is horizontal. Also, a court must follow the decisions and precedents handed down by a higher, Supreme Court. In this way, stare decisis is vertical. In matters where the horizontal element conflicts with the vertical element of stare decisis it is the vertical element which is dominant. Further, while district court decisions may be upheld by higher courts, district court decisions, in and of themselves do not establish precedent. A number of district and Circuit courts have failed repeatedly to honor stare decisis and the vertical precedents established by this Supreme Court. Further, these same courts habitually alter and re-define the words set down in the Constitution rendering the founding document little more than historical graffiti. The Petitioner asks this Court to review the errors made by district and Circuit courts and correct them. The courts have a Constitutional duty to rule on the merits of the cases presented to them. In Federalist #78 Hamilton discussed the fortitude, integrity, and the honor required of the judiciary The Petitoner acknowledges the chaos that might occur if the any court were to rule on the merits of his case but that does not relieve any court from its Constitutional duty to hear and rule on the merits even if they do not desire to do so.

Pursuant to Rule 14(1)(h)
Alleged Violation not Presented to a
Grand Jury nor Listed on the Indictment

The Fifth Amendment to the Constution is clear, "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury..." 18 U.S.C. §3147 is a law, styled as a "self executing sentence enhancement" to increase the length of incarceration when a person is found guilty of some other, separate crime. Just because §3147 punitively enhances penalties of another offense does not immunize it from the Constitutional limits imposed on the government by the promise of the Fifth Amendment. Failing to present the alleged violation of §3147 to a Grand Jury is a violation of the accused's fundamental right to "due process" under the Fifth Amendment.

Conclusion

There is nothing honorable about a duty in and of itself; it is the performance and the execution of that duty, to the best of ones ability, that gives duty virtue. It is the competence and the dedication of the judiciary in upholding and defending the Constitution and the principals the Constitution enshrines that matters. That is the honorable duty this Court is asked to faithfully perform. There comes a time when one must choose that which honors the Constitution over that which protects a profession, a body, or even a government. A number of issues have been presented to this Court. A written constitution provides a framework for operating a government while protecting an individual's fundamental rights within the society from the tyranny and oppression that can occur from a government wielding power without limits or constraints. When courts fail to ensure that the Legislative and Executive branches operate within their constitutionally prescribed

limits it defeats the purpose for which written constitutions are created. In the United States, Federal Court Judges are appointed for life and their compensation can never be reduced during their tenure as a Federal Judge or Justice. This was to ensure that the judiciary remained independent. Courts, district, Circuit, or Supreme should not act as advocates of the Legislature, the Executive, nor of the citizen challenging the acts or actions of those branches. The courts should act as the framers of the Constitution intended; as independent arbitrators, guardians of the Republic, and as a check and balance ensuring the limits imposed upon the Legislature and the Executive by the Constitution are enforced.

Relief Requested

Petitoner respectfully request that this Court review the issues presented, then rule on the merits of the arguments presented, then take appropriate action in accordance with the Constitution of the United States of America, and the Bill of Rights under the Seventh Amendment to the Constitution, in Common Law.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ronald Ray Horner

Date: July 8, 2019