

19-7147

IN THE SUPREME COURT OF THE UNITED STATES

Khayree Smith-El -Petitioner

VS

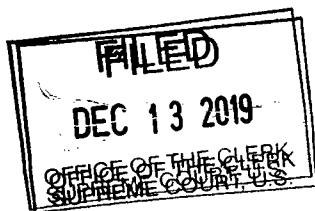
UNITED STATES SUPREME COURT-RESPONDENT

A WRIT OF NATIONAL HABEAS CORPUS

IN PROPRIA PERSONA SUT JURIS

Khavree Smith-El  
Ferguson unit  
12120 savage dr  
midway, tx 75852

**ORIGINAL**



QUESTION(S) PRESENTED

- A) What branch of law authorized States to apply abolished slave labels (Negro, Black, Colored) to any person of African descent after 1865? This act reinstates such persons as chattel-property and reopens the institution of slavery under colorable constitutional Amendments.
- B) Are Black's 'slaves' or otherwise 'Persons', as used in the 14th Amendment, and how can they be made 1st class citizens without their Inalienable Free National descendant name of their Fore Fathers?
- C) As for Blacks with criminal records, what crimes can "property" possibly commit which its owner, the slave master, is not accountable for in a court of law?
- D) If one can produce a (Black) "slave" - the same one must also produce "the (Black) slave owner."

LIST OF PARTIES

ALL PARTIES APPEAR IN THE CAPTION OF THE CASE ON THE COVER PAGE

TABLE OF CONTENTS

National Habeas corpus

REASON FOR GRANTING PETITION

REASON FOR NOT APPLYING TO DISTRICT COURT

CONCLUSTON

NATIONAL HABEAS CORPUS

Now comes the petitioner, I Khayree Smith-El; Moorish American, In Propria Persona sui juris, in writ of national habeas corpus to hereby challenge the jurisdiction of the united states of america, united states congress and the united states supreme court for the avernment thereof. The supreme laws of the U.S. judicially uphold there can be no legal proceeding without the right order establishment of proper status and apposite jurisdiction. These two pillars must be in place and have precedence before the adjudication of all formal and alleged offenses can be addressed.

Prior to adjudication I was denationalized with an unlawful status of "black". This act of denationalization is a crime according to Federal Rule Title 18, section 241-242, "No one has the right, especially under cadges and courts,etc to denationalize, deprive any rights, privileges or immunities by reason of Color or Race."

"Black" is an unlawful status, as it is a true slave name and this confirmation is in dire violation of the U.S. COnstitution Article 1, section 9(Clause 3) and 10, which is "Ex post facto", and the courts that enforce these laws are 'criminally liable' ."Black" does not in any way denote or allude to a natural person with inalienable rights that the court must respect.

Per the U.S. Supreme Court ruling of Dred Scott V John Sandford, 60 US (19 Howard) 393, 15 L.Ed. 691; Dred Scott, whom was labeled "Black", did not have lawful status, thus he did not have rights to the court, nor did the U.S. SUpreme court have jurisdiction to hear his claim. This decision has never been overturned by any other supreme court decision, nor has there ever been any act of U.S. Congress that passed a law to overturn this U.S. Supreme court ruling.

With the abolishment of the 'Institution of Slavery' via the 13th Amendment also included all slave lables. FACT: All slave names, slave owners and slaves were legally abolished in 1865. The slave identifying marks of Negro,Black and Colored,etc,which were names given to those enslaved, were also voided with their institution because; these names were applied to captured and imported African Moors were "Demurable" and an act of 'Denationalization', which placed them out of their 'proper person', to be treated unfairly and unjustly.

All misdemeanors and felony cases proceeding from identification records with the petitioner described or indicted as Negro,Black, COlored,African American,etc is Ex Post Fact to the U.S. Constitution. Thereby, the arrests,

prosecutions, convictions and all sentencing of "persons"/"property"/"slaves" without the presence of their slave owners are tainted laws of colorable slavery. Thus, all "blacks" are lawfully 3/5 of a person(slave).

Whereas the courts are hereby demanded to prove that "black" is a lawful status with a descendant nature within the scope of nationality or national origin of forefathers equal to all other people. Further, prove this status existed before the establishment of the Continental Congress and after its' congressional death in 1865. In addition, "Black" is declared property and no property can testify against itself in any court of law. Only it's owner must appear. Therefore, who owns the "Blacks" that was declared out of law in 1865 with the "Institution of Slavery"? It is the appearance of the "rightful owner of the property", not the property, required to answer in a court of law."Courts enforcing mere statutes do not act judicially; but ~~are~~ ministerially; thus, having no judicial immunity. And unlike courts of law, do not obtain jurisdiction by service of process, nor even compelled appearance"(Boswell v otis, 9 How. 336,348).

"Jurisdiction is essentially the authority, conferred by Congress, to decide a given type of case one way or the other."(Hagans v Lavine, 415 U.S. 528, 94 S.ct. 1372, 39 L.ed 2d 577). Jurisdiction is a term, which embraces every kind of judicial action. It defines the powers of courts to inquire into facts, apply the law, make decision and declare judgement. Jurisdiction is always in want of proper parties to be present. Under the ruling of Hagans v Lavine, jurisdiction cannot be sustained by a lower court, or entertain and decide any claim of conflict between Federal and state laws. This ruling also states, as example, that the conflict question is itself a constitutional matter within the meaning of 28 U.S.C § 1343(3), proper jurisdiction. The claim of the 13th Amendment to abolish all entities of slavery(Slave owner, slave names e.g. negro, black, colored) now becomes Ex post facto in the 14th Amendment, which there declares the same negro, black and colored "slaves" as 'citizens', disguised under the word "person"(Commercial property) and made 'subject to the jurisdiction'. This claim gives rise to a legal conflict between slavery and freedom. And, is itself then, a constitutional matter.

Hagans v Lavine further establishes that a "substantial" question was necessary to support jurisdiction. The primary substantial question to be answered by the court is "How the word Black can find no formal place with

within the nationalities of the human family and still can be made a "citizen" of any free national and constitutional government?"

Once the jurisdiction of the court is challenged, it, the court, must investigate the authenticity of the status in question before it can proceed. This forces the court "In personam" jurisdiction, where it must prove it has the power over the personage of the defendant. Any court that lacks personal jurisdiction is also a court without power to issue an "In personam" judgement. (Pennoyer v Neff, 95 U.S. 714, 214 L.ed.565)

Hear now the greatest bounds of jurisdiction, empowered to the wisdom, the Supreme court of the unites states of america, is now challenged; to render in written personam, its' constitutional jurisdiction to govern this petitioner; in propria persona sui juris.

Now, the highest court in the united states, being in want of said jurisdiction and therefore without power to issue an "In personam" judgement, this petitioner, do hereby declare my inalienable right is to be free and immediately released in my proper person.

#### RELIEF SOUGHT

To overturn this conviction, commute the sentence due to lack of jurisdiction and denationalization. To immediately release petitioner in his proper person, his own right and true freedom. The relief sought is what is required by law from this court.

#### Verification

That I affirm under the penalty of perjury under the common law of America, without 'United states', under the laws of the united states of america that the forgoing is true and correct to the best of my information, knowledge and belief, per 28 U.S.C 1746(1).

  
In propria persona sui juris

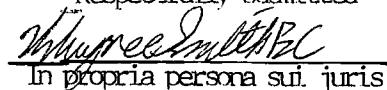
#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing National Habeas Corpus has been furnished by U.S. Mail to: The Clerk of the Supreme Court of the United States of America; One 1st street NE, Washington, DC 20543

Certified mail# 7015 0640 0005 1017 4492

Date 12-13-19

Respectfully submitted

  
In propria persona sui juris

REASON FOR GRANTING THE PETITION

The state has knowingly and intentionally committed the federal crime of denationalization by applying the abolished slave label of black against me. All people who are Free Nationals are born with the inalienable rights to inherit the nationality of their forefathers i.e. Mexican, Moorish etc. Any act, lawful or disguised, which deprives a person or people of this birthright given to them by their Creator is an act of denationalization and Genocide because it places them outside of the constitutional protection of the law. These are first degree criminal violations for any government to enact upon a people under colorable amendments to its constitutional laws. This confirmation is in dire violation of the U.S. Constitution Article 1, section 9(clause 3) and 10, which is Ex post facto and the courts that enforce these laws are criminally liable. FACT: all slave names, slave owner and slaves were legally abolished in 1865 via the 13th amendment. The slave identifying marks of negro, black and colored, etc, which were given to those enslaved were also voided with their institution because these names that were applied to captured and imported African Moors were 'demurable' and an act of denationalization, which placed them out of their proper person to be treated unfairly and unjustly. Hence, 'blacks' are lawfully 3/5 of a person. The supreme laws of the U.S. judicially uphold there can be no legal proceeding without the establishment of 1) proper status and 2) correct jurisdiction. Jurisdiction cannot be decided by a lower court. The claim of the 13th amendment to abolish all entities of slavery/Slaves, slave owners and slaves names e.g. negro, black, colored, etc) now becomes EX post facto in the 14th amendment where it then declares the same black slaves as 'citizens' disguised under the word 'person' and made subject to the jurisdiction. This claim gives rise to the legal conflict between slavery and freedom which is a constitutional matter. The U.S. Supreme court empowered by the constitution is the only court that can address this matter of proper jurisdiction, denationalization and slavery. To not grant this petition would express that the states have been lawfully authorized by this U.S. Supreme court (per the constitution) and congress to reinstate the institution of slavery as well as acts of denationalization.

### REASON FOR NOT APPLYING TO DISTRICT COURT

Prior to adjudication I was denationalized through unlawful procedures and given the slave label of 'black'. Per U.S. constitution article 1, section 2(Clause 3), all 'blacks' are 3/5 of a person(slave). And per U.S. supreme court decision of Dred Scott v Sanford, "The Black man has no rights that true U.S. citizens are bound to respect." Thus, 'black' is not a proper status and only the proper status can be heard in the proper jurisdiction. Being 'black' is not a district court or superior court issue. In fact, the 'black' label would leave any court in want of jurisdiction except the U.S. supreme court. Under the supreme court ruling of hagans v Lavine, jurisdiction cannot be sustained by a lower court or entertain and decide any claim of conflict between federal and state laws. This ruling also expresses that the conflict itself is a constitutional matter regarding 'proper jurisdiction'. The claim of the 13th Amendment to abolish all entities of slavery(slaves, slave owners, and slave names e.g. negro, black and colored.)now becomes Ex post facto in the 14th amendment that declares the same negro, black and colored slaves as 'citizens' disguised under the word person and 'made subject to the jurisdiction'. This claim gives rise to the conflict between slavery and freedom and is itself a constitutional matter. District courts do not have the authority to decide constitutional matters, nor can they overturn U.S. supreme court decisions. Thus, for the matters raised in this habeas corpus, only the supreme court can correct the matter. Any applying to the district court, per article 3, section 1 and 2 of the US constitution, regarding jurisdictional challenges and proper status would be unconstitutional, as district courts are only delegated limited authority and cannot lawfully act on or even respond to jurisdictional challenges regarding personam jurisdiction, proper status and or constitutional matters. The state ,via its district courts, are operating under "assumable jurisdiction", denationalizing and reopening the "Institution of slavery"

CONCLUSION

The petition for writ of national habeas corpus should be granted.

respectfully submitted,

Thurgood Marshall

In propria persona sui juris

date 12-13-19