

In The
Supreme Court of the United States

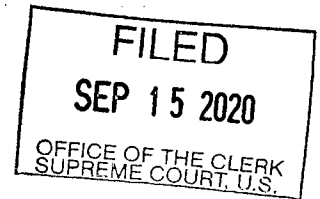
Case No. 20-6345

ORIGINAL

In Re: Thomas Reid DeCarlo,

Petitioner, pro-se

V.S.



Respondent

Petition for a Writ of Certiorari under
28 USC § 2101(c) Rules 11 and 29(4)(A)

Petitioner

Thomas Reid DeCarlo, 19885-076
United States Penitentiary Marion
P.O. Box 1000
Marion, IL 62959

Questions Presented

- 1) Can any Member of Congress Past or Present Override the Federal Constitution?
- 2) If they cannot Override the Federal Constitution would that make any of those Acts done by Overriding the Federal Constitution Invalid?

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Statutes and Rules

28 USC § 2101 (e)

(e) An application to the Supreme Court for a writ of certiorari to review a case before judgment has been rendered in the court of appeals may be made any time before judgment.

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Rule 11 of the Supreme Court

Certiorari to a United States Court of Appeals before judgment

1

Rule 29(4)(A)

Special Notifications

1

In The
Supreme Court of the United States

Case No.

In Re: Thomas Reid DeCarlo,

Petitioner, pro-se

vs.

Respondent

Petition for a Writ of Certiorari under
28 USC § 2101(e). Rules 11 and 29(4)(A)

Comes now Thomas Reid DeCarlo, petitioner, pro-se and would ask this Honorable Supreme Court to Grant this Petition based on the information presented in it.

Jurisdiction Statement

This Honorable Supreme Court of the United States, and/or any Justice therefore, is vested with the authority under 28 USC § 1651(a) to "issue all writs necessary or appropriate in the aid of [its] respective jurisdiction and agreeable to the usage and principles of law," I further submit this Petition under this Honorable Supreme Courts Rules 11 and 29(4)(A), 6th cir. court of appeals pending Case No 20-5983.

Constitutional and Statutory Provisions involved.

Constitution's Article I § 5, cls 1;

... a Majority of each [House] shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day.

Constitution's Article I § 5, cls 2;

Each House may determine the Rules of its Proceedings.

Constitution's Article III § 2;

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution.

Constitution's Article VI,

This Constitution... shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby... The Senators and Representatives... shall be bound by Oath or Affirmation, to support this Constitution.

Statutory Provision

28 USC § 2101(c)

(c) An application to the Supreme Court for a writ of certiorari to review a case before judgment has been rendered in the court of appeals may be made at any time before judgment.

Statement of the Case

Headnotes

Classified to U.S. Supreme Court Digest, Lawyers' Edition

United States § 15 - congressional legislation - constitutional limitation.

1. Because Congress is bound by the Federal Constitution, its enactment of any law is predicated at least implicitly on a judgment that the law is constitutional.

Courts § 49, 95 - political question - constitutionality.

2. The United States Supreme Court has the duty to review the constitutionality of congressional enactments; the American system of government requires that Federal courts on occasion interpret the Federal Constitution in a manner at variance with the construction given the document by another branch, and the alleged conflict that such an adjudication may cause cannot justify the court's avoiding their constitutional responsibility.

Courts § 95 - invalidation of unconstitutional statute.

3. The principle that the courts will strike down a law when Congress has passed it in violation of a command of the Federal Constitution applies regardless of whether the constitutional provision in question expressly describes the effect that follows from its violation.

Courts § 105 - unconstitutionality

4. The fact that a given law or procedure is efficient, convenient, and useful in facilitating functions of government, standing alone, will not save it if it is contrary to the Federal Constitution.

1) Can any Member of Congress Past or Present Override the Federal Constitution?

Alexander Hamilton noted, "Therefore, any act that is not made according to the regulation and or stipulation agreed upon in the Constitution cannot be said to be valid..." that all acts of the federal government must be in accord with the Constitution. If any portion of the federal government acts beyond its delegated authority its acts are unconstitutional.

The Hinds' Precedent's page 311, Congress clearly establishes that the Supreme Court in Field v Clark, set precedent's on when Bills are to be signed, (in open session), and that it is a declaration, and on page 322 § 3458 makes absolutely clear that, "The Speaker may not sign an enrolled bill in the absence of a quorum," so for 89 years the Supreme Court and Congress have made it clear that the Signing of Bills must be done in open session and is legislative and the Constitution for 233 years has stated that, "a Majority of each [House] shall constitute a Quorum to do Business." see Appendix A + B

194 years after the Constitution was agreed upon Former Speaker Thomas P. O'Neill, Jr. decided to Override the Federal Constitution, the Supreme Court Precedent's and Congress when he approved House Resolution 5 (H. Res. 5 hereafter) on Jan. 5, 1981 giving the Speaker standing authority to sign enrolled bills, even if the House is not in session, he delegated authority beyond what the Federal Constitution allows. see Appendix C

The Federal Constitution's Article I § 5, cls 2 establishes that, "Each House may determine the Rules of its Proceedings," however, the Supreme Court in United States v. Ballin, 144 US 1, 36 Led 321 (1892) at [144 US 5] that, "The Constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional restraints."

As stated by the Supreme Court in Marbury v. Madison, 1 Cranch 137, 2 LEd 60 (1803)

at [1 Cranch 176] "The government of the United States is of the latter description. The power of the legislature are defined and limited; and those limits may not be mistaken, or forgotten, the constitution is written."

2) If they cannot Override the Federal Constitution would that make any of those Acts done by Overriding the Federal Constitution Invalid?

Yes, the Founding Fathers and the Federal Constitution and is the Federal Constitution the supreme law of the land under Article VI it is and this Honorable Supreme Court has stated the exact same thing in the United States v. Fisher et al., at [2 Cranch 384], Ogden v. Saunders, at [12 Wheat 325], The American and Ocean Insurance Co's v. 356 Bales of Cotton, at [1 Peters 529], Hawaii v. Mankichi, at [190 US 239], Chambers v. Baltimore & O.R. Co., at [207 US 159], Maiorano v. Baltimore & O.R. Co., at [213 US 273], United States v. Butler, at [297 US 62], DeBacker v. Brainard, at [396 US 38], Rostker v. Goldberg, at [453 US 25], Arthur v. Dunn, and Trump v. Vance.

Reason for Granting the writ

No One is Above the Law, No officer of the government can use authority unless and except as the Constitution permits and as I have shown this Honorable Supreme Court One officer of the government, former Speaker Thomas P. O'Neill, Jr. believed that he was Above the Law and altered the Signing of enrolled bills whether or not Congress is in open session and the Federal Constitution Forbids that action in Article I § 5, cls 1, and the Federal Constitution in Article VI makes clear that the Constitution is the supreme law of the Land and that all Judges are bound thereby as well as Senators and Representatives and as Alexander Hamilton notes "that all acts of the federal government must be in accord with the Constitution. IF any portion of the federal government acts beyond its delegated authority its acts are Unconstitutional."

This is why this Petition needs to be Granted.

Conclusion

This Honorable Supreme should not allow anyone to Break Valid Laws not even Members of Congress past or present and to do so would further destroy our Constitution, what does it say over this Honorable Supreme Court, "Equal Justice Under Law", so, in 1986 after a

Sine Die adjournment of the 99th Congress some weeks after, Thomas P. O'Neill, Jr. signed two Bills that enacted the Statute that I was convicted under an Act that we now know is Unconstitutional, so please Grant this Petition and Grant the relief that I am seeking, Admitting that former Speaker Thomas P. O'Neill, Jr. Broke the Supreme Law of the Land by Overriding it and because of that the Statutes he signed are unconstitutional and I should be released from prison immediately. See Appendix D+E

The petition for a writ of certiorari should be granted.

Respectfully submitted,
Thomas Reid De Carlo
Thomas Reid De Carlo, 18885-076
Date August 31, 2020