

No. 21-7965 ORIGINAL

---

**In the Supreme Court of the United States**

---

William F. Kaetz — *Petitioner*

FILED  
MAY 18 2022

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

vs.

United States of America et. al. — *Respondent*

---

On Petition for A Writ of Certiorari To  
To the United States Court of Appeals  
for the Third Circuit Case No. 21-1018

---

**PETITION FOR WRIT OF CERTIORARI**

---

William F. Kaetz  
437 Abbott Road  
Paramus, NJ., 07652  
201-753-1063

Pro se Petitioner

## **QUESTIONS PRESENTED**

1. Is it Unconstitutional and a Mass Tort to us all having Socialists in government advocating and supporting Totalitarianism?

## LIST OF PARTIES

*Plaintiff* - William F. Kaetz

v.

*Defendants*

The United States (All personnel personally)

The United States of America (all 50 States Governors and personnel personally)

Hillary Clinton

Barack Hussein Obama

Gubir Singh Grewal

Robert J. McGuire

Craig Carpentito

Susan Millenky

## CONTENTS

QUESTIONS PRESENTED.....	2
OPINIONS BELOW .....	10
JURISDICTION.....	10
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	11
STATEMENT OF THE CASE.....	12
ARGUMENT .....	12
Jurisdiction and U.S. Const. Article III Standing for Mass Tort Overlooked by the Lower Courts .....	17
The U.S. Constitution is a Social Contract that is Being Breached by Socialists in Government; This Court's Voice is Needed to Correct this Breach.....	19
The Oath of Office is to Uphold the Social Contract, the United States Constitution, This Court's Voice is Needed to Enforce the Oath of Office.....	20
The Implied Covenant of Good Faith and Fair Dealing Applies to the Constitution and to All Government People and Citizens This Court's Voice is Needed to Enforce the Covenant of Good Faith and Fair Dealing of the Constitution .....	21
Any Type of Totalitarian Government or Advocation for, or Giving Support to Others that are Thrusting to Change, and Overthrow Our Constitutional Form of Government is Illegal, Especially from Our Own Government People.....	23
Oath of Office Enforcement Supports This Writ of Certiorari .....	27
This Court's Directions to Deal with Bad Court Orders.....	29

REASONS TO GRANTING THIS APPEAL.....	30
This Area of the Law is Badly in Need of the This Court's Authoritative Voice ...	30
This Case is Likely to Produce an Opinion that Will Give Useful Guidance to the Lower Courts .....	31
There Would Be a Negative National Impact by this Court by Letting the Lower Court's Decision Stand.....	31
CONCLUSION.....	32

#### **INDEX TO PETITIONER'S APPENDIX (PA)**

Sur Petition for Rehearing Order .....	PA-1 to PA-2
Third Circuit Appeals Court Order .....	PA -3
Third Circuit Appeals Court Opinion .....	PA-4 to PA-9
New Jersey District Court Reconsideration Order .....	PA-10
New Jersey District Court Order .....	PA-11
New Jersey District Court Opinion .....	PA-12 to PA-29
Constitution, Article II, § 1, cl. 8 .....	PA-30
Constitution, Article VI, cl. 3 .....	PA-30
United States Constitution Article IV, Section 4 .....	PA-30
U.S. Constitution Amendment V.....	PA-30
U.S. Constitution Article VI, Clause 2.....	PA-30
U.S. Constitution Amendment VIII.....	PA-30
U.S. Constitution Amendment IX.....	PA-31

U.S. Constitution Amendment XIV.....	PA-31
28 U.S. Code § 1651.....	PA-31
28 U.S.C. § 453.....	PA-31
28 U.S.C. § 544.....	PA-32
5 U.S.C. § 3331.....	PA-32
5 U.S.C. § 7311.....	PA-32
5 U.S.C. § 3333.....	PA-31 to PA-33
18 U.S.C. § 115.....	PA-33 to PA-35
18 U.S. Code § 1507.....	PA-35
18 U.S. Code § 1918.....	PA-35
18 U.S. Code § 2381.....	PA-35 to PA-36
8 U.S.C. § 1448.....	PA-36 to PA-37
8 U.S.C. § 1424 .....	PA-38 to PA-41
36 U.S.C. § 230302.....	PA-40 to PA-41
Executive Order 10450.....	PA-41 to PA-48
18 U.S. Code § 2385 .....	PA-49
U.S. Marshals Report and Investigation .....	PA-50 to PA-57

#### **Cases**

<i>Cary v. Piphus</i> , 435 U.S. 247, 266, 98, S. Ct. 1042 55L. Ed. 2d 252 (1978) .....	18
<i>Communist Party of the United States v. Subversive Activities Control Bd.</i> , 367 U.S. 1 (U.S. June 5, 1961) .....	25
<i>Democratic Nat'l Comm. v. Wis. State Legis.</i> , S. Ct. 28 (U.S. Oct. 26, 2020) .....	20

<i>Duncan v. McCall</i> , 35 LED 219, 139 US 449 (1891).....	15
<i>FEC v. Akins</i> , 524 U.S. 11, 24, 118 S. Ct. 1777, 141 L. Ed. 2d 10 (1998).....	17
<i>Friedman v. Harold</i> , 638 F. 2d 262 1981 U.S. App. Lexis 21048 (1 <sup>st</sup> Cir. 1981).....	18
<i>Gamble v. United States</i> , 139 S. Ct. 1960 (U.S. June 17, 2019).....	12, 29
<i>In Re United States</i> 817 F. 3d 953 (6th Cir. 2016).....	13
<i>Int'l refugee Assistance Project v. Trump</i> , 857 F. 3d 544 (4 <sup>th</sup> Cir. Md. May 25, 2017).....	
	20
<i>Massachusetts v. EPA</i> , 549 U.S. 497, 526, n. 24, 127 S. Ct. 1438, 167 L. Ed 2d 248 (2007) (quoting SCPAP 412 U.S. at 688) .....	17
<i>Metcalf Constr. Co. v. United States</i> , 742 F.3d 984, 991 (Fed. Cir. 2014) .....	23
<i>Palmore v. Sidoti</i> , 466 U.S. 429 (U.S. April 25, 1984)(Quoting <i>Palmer v. Thompson</i> , 403 U.S. 217, 260 – 261 (1971).....	20
<i>Peter Kiewit Sons' Co. v. United States</i> , 151 F. Supp. 726, 731 (Ct. Cl. 1957).....	22
<i>Precision Pine &amp; Timber, Inc. v. United States</i> , 50 Fed. Cl. 35, 59 n.31 (2001) .....	22
<i>Preminger v. Principi</i> , 422 F. 3d. 815 (9 <sup>th</sup> Cir. Cal. Aug. 25, 2005) .....	21
<i>Roe v. Wade</i> , 410 U.S. 113.....	24
<i>Spokeo Inc., v. Robins</i> , 136 S. Ct. 1540 (U.S. May 16, 2016) .....	18
<i>Sugarman v. Dougall</i> , 413 U.S. 634 (1973).....	16
<i>Tecom, Inc. v. United States</i> 66 Fed. Cl. 736 (2005) .....	22
<i>Walter Dawgie Ski Corp. v. United States</i> , 30 Fed. Cl. 115, 130 (1993) .....	22
 <b>Statutes</b>	
18 U.S. Code § 2385 .....	11, 15

18 U.S.C. § 115.....	11, 25
18 U.S.C. § 1507.....	25
18 U.S.C. § 1918.....	11, 15, 27
18 U.S.C. § 2381.....	23
28 U. S. C. § 1254(1) .....	11
28 U.S. Code § 1651 – Writs.....	11
28 U.S.C. § 453.....	11, 14
28 U.S.C. § 544.....	11, 14
36 U.S.C. § 230302.....	11, 15
5 U.S.C. § 3331.....	11, 14, 27
5 U.S.C. § 3333.....	11, 14, 27
5 U.S.C. § 7311.....	27
50 U.S.C. § 781 et. seq. ....	24
50 U.S.C. §§ 841 – 844.....	24
50 U.S.C. §§ 851 – 858.....	24
8 U.S.C. § 1424.....	11, 15
8 U.S.C. § 1448.....	11, 15
The Smith Act (§§ 2381 – 2391) .....	24

#### **Other Authorities**

Executive Order 10450 .....	11, 28
National Archives and Records Administration.....	21
<i>Restatement (Second) Of Contracts</i> § 205 cmt. D (Am. Law Inst. 1981) .....	22

## **Constitutional Provisions**

14th Amendment Section 3 .....	11, 14
Art. II, § I, cl. 8.....	29
Art. VI, cl. 3.....	11, 29
Constitution, Article II, § 1, cl. 8.....	11
U.S. Constitution Amendment IX.....	11
U.S. Constitution Amendment V .....	11
U.S. Constitution Amendment VI.....	11
U.S. Constitution Amendment VIII .....	11
U.S. Constitution Amendment XIV .....	11
U.S. Constitution Article IV Section 4 .....	14
U.S. Constitution Article VI Clause 2.....	11, 14
U.S. Constitution Article VI Clause 3.....	11, 14
United States Constitution Article IV, Section 4 .....	11
US Constitution Article. II Section. 4 .....	28

No. \_\_\_\_\_

---

# In the Supreme Court of the United States

---

William F. Kaetz — *Petitioner*

vs.

United States of America *et. al.* — *Respondent*

---

On Writ of Certiorari To  
To the United States Court of Appeals  
for the Third Circuit Case No. 21-1018

---

## **PETITION FOR WRIT OF CERTIORARI**

---

Petitioner respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Third Circuit in this case.

### **OPINIONS BELOW**

The opinion of the United States Court of Appeals appears at Appendix PA-4 to PA-8.

### **JURISDICTION**

The date on which the United States Court of Appeals decided my case was 03/20/2021. A copy of that order and opinion appears at Appendix PA-3. A petition for rehearing was timely filed in my case. A timely petition for rehearing was denied by the United States Court of Appeals on 2/22/2022. The order denying rehearing

appears at Appendix PA-1 to PA-2. The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The Constitutional and statutory provisions involved are listed and quoted in the Petitioner's Appendix. A list of them is presented here:

1. Constitution, Article II, § 1, cl. 8
2. Constitution, Article VI, cl. 3
3. United States Constitution Article IV, Section 4 - Republic form of Government Guarantee
4. U.S. Constitution Amendment V
5. U.S. Constitution Amendment VI, Clause 2 -The Supremacy Clause , Clause 3 - Oath of office Clause
6. U.S. Constitution Amendment VIII
7. U.S. Constitution Amendment IX
8. U.S. Constitution Amendment XIV, Section 1, Section 3
9. 28 U.S. Code § 1651 – Writs
10. 28 U.S.C. § 453 - Oaths of Office for Justices and Judges
11. 28 U.S.C. § 544 - Oath of Office
12. 5 U.S.C. § 3331 - Oath of Office for government employees
13. 5 U.S.C. § 7311 - Loyalty to the Constitutional Form of Government
14. 5 U.S.C. § 3333 - Loyalty to the Constitutional Form of Government
15. 18 U.S.C. § 115 - Influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member
16. 18 U.S.C. § 1507 - Picketing or parading
17. 18 U.S.C. § 1918 - Violation of 5 U.S.C. § 7311
18. 18 U.S.C. § 2381 - Treason
19. 8 U.S.C. § 1448 - Oath of renunciation and allegiance
20. 8 U.S.C. § 1424 - Prohibition upon Naturalization of Persons Opposed to Government Law Who Favor Totalitarian Forms of Government.
21. 36 U.S.C. § 230302 - WWI Purpose
22. Executive Order 10450 - Security requirements for Government employment.
23. 18 U.S. Code § 2385 – The Smith Act

## **STATEMENT OF THE CASE**

This case's timing with the *Roe v. Wade* incidents must be of divine intervention. In *Gamble v. United States*, 139 S. Ct. 1960 (U.S. June 17, 2019) Justice Thomas explained: "I am aware of no legislative reason why a court may privilege a demonstrably erroneous interpretation of the Constitution over the Constitution itself". This applies to this writ of certiorari.

There was an overthrow of the Constitution and statutes by letting socialist in government and this Court has the power to correct it by enforcing the laws listed herein and doing U.S. Const. Article IV section 4 maintenance. Compensation for the overthrow attempts, tortious interference with Civil Rights, from the socialists should be granted. Writs should be issued by this Court.

The lower courts have dismissed my case for lack of standing and claims it is a complaint regarding the conduct of elected officials that do not establish injuries necessary for standing and claims my injuries are hypothetical speculations concerning the possibility of future injury. The lower courts have overlooked and misapprehended the Constitution, laws, and facts that I have presented in my writings in this case. My grievance is of a Mass Tort as to which I have standing.

## **ARGUMENT**

I filed a civil complaint against the United States in the district of New Jersey, case number 19-cv-08100. In the complaint I sued state and federal government personnel personally for deprivation of rights and conspiring to deprive rights. The reasons for my 19-cv-08100 complaint are that there are government

employees that are advocating Socialism that is equal to Marxism, Communism, and Muslim régime type governments, that is an act to overthrow the Constitutional form of government with Socialism, a Totalitarianism government that without doubt affects my liberty, it is a Mass Tort. The defendants in this case targeted me to chill my 1<sup>st</sup> Amendment Right to petition for redress of grievance and access to the courts, and chill self-expression and attacked me because of my opposition to their totalitarianism, they acted like communist silencing their opponents.

The findings from the 6<sup>th</sup> Circuit court in *In Re United States* 817 F. 3d 953 (6th Cir. 2016) are important to this case because this case is similar:

"Among the most serious allegations a federal court can address are that an Executive agency has targeted citizens for mistreatment based on their political views. No citizen-republican or democrat, socialist or libertarian-should be targeted or even have to fear being targeted on those grounds. Yet those are the grounds on which the plaintiffs allege they were mistreated ... The allegations are substantial ... we echo the district court's observations about this case. The lawyers in the Department of Justice have a long and storied tradition of defending the nation's interests and enforcing its laws - all of them, not just selective ones - in a manner worthy of the Department's name. The conduct of the ... attorneys in the district court falls outside that tradition ...."

The same is in this case, I was targeted by the defendants for political reasons, and the government fell outside of good conduct. (See appendix U.S. Marshals Reports and Investigations upon me for exercising my 1<sup>st</sup> Amendment rights PA-50 to PA-57)

There is disparity in treatment, unequal treatment was intentional and purposeful, I was treated differently than others similarly situated, and this is matters are of public concern. It was unequal protection of the law, violations of the 5<sup>th</sup> and 14<sup>th</sup> amendments because I exercised my rights and a conservative.

My claims in my 19-cv-08100 complaint were supported by the Constitution, the United States Statutes at large, court cases and recent events. I am not a racist person; I am a Constitutionalist. Anyone can work in government with the right requirements. Advocating and acting against the Constitutional Form of Government while being a government employee is a crime and a breach of a social contract, the Constitution and oath of office and the implied covenant of good faith and fair dealing of the Constitution.

The Constitutional provisions and statutes in support of these facts that prohibit a Totalitarianism type of government and prohibit government employees to advocate a totalitarianism type of government and to prevent association with people who do, and the recognition that the enemy of our very existence as a free people is Communism are in the appendix and listed below:

1. U.S. Constitution Article VI Clause 2 -The Supremacy Clause
2. U.S. Constitution Article VI Clause 3 -Oath of office Clause
3. U.S. Constitution Article IV Section 4 -Republic form of Government Guarantee
4. 14th Amendment Section 3
5. 28 U.S.C. § 453 Oaths of Office for Justices and Judges
6. 28 U.S.C. § 544 Oath of Office
7. 5 U.S.C. § 3331 Oath of Office for government employees
8. 5 U.S.C. § 7311 Loyalty to the Constitutional Form of Government
9. 5 U.S.C. § 3333 Loyalty to the Constitutional Form of Government

10. 18 U.S.C. § 1918 Violation of 5 U.S.C. § 7311
11. 8 U.S.C. § 1448 Oath of renunciation and allegiance
12. 8 U.S.C. § 1424 Prohibition upon Naturalization of Persons  
Opposed to Government Law Who Favor Totalitarian Forms of  
Government.
13. 36 U.S.C. § 230302 - WWI Purpose ... to fight to the utmost all  
those alien forces (Communism) who's objectives are to deny our  
very existence as a free people.
14. Executive Order 10450
15. 18 U.S. Code § 2385 – The Smith Act

Incorporating all the statutes above it is obvious that totalitarianism is not allowed in our state and federal governments and citizenship. There is freedom of speech and expression but that is limited when employed by the States and United States governments and with the bond of the Oath of Office and Citizenship.

The U.S. Supreme Court observed and noted in *Duncan v. McCall*, 35 LED 219, 139 US 449 (1891) (about Article IV section 4):

"By the Constitution, a republican form of government is guaranteed to every State in the Union, and the distinguishing feature of that form is the right of the people to choose their own officers for governmental administration, and pass their own laws in virtue of the legislative power reposed in representative bodies, whose legitimate acts may be said to be those of the people themselves; but while the people are thus the source of political power, their governments, national and state, have been limited by written Constitutions, and they have themselves thereby set bounds to their own power, as against the sudden impulses of mere majorities."

The power of this court is needed to keep the people and government employees in the limited power of the written Constitutions that the people have created. It does not matter if the Socialists were voted or appointed, Totalitarians

are not an appropriately designated class of public office holders, they never should have been on the ballot to begin with or qualified for office.

It is the duty of the Federal Government and States to do Article IV Section 4 maintenance and to disqualify anti-constitutional form of government public office holders (Socialist and other totalitarians) and maintain a high quality of qualifications to include rejecting Socialist other totalitarians from public office. Prosecutors and Judges have a duty to prosecute oath of office violators that advocate anti - constitutional form of government rebellion while holding office and supporting socialist and Marxist groups bent on changing our existence as a free people. (Example groups are the Squad in congress, the far left, the Democrat Socialist party; Antifa and Black Lives Matter, they are Marxist groups; Covid- 19 was used to execute totalitarianism and wipe out our existence as a free people; cancel culture; critical race theory; wokeism) This includes sub-contractors.

The U.S. Supreme Court recognized in *Sugarman v. Dougall*, 413 U.S. 634 (1973) that there is "... constitutional responsibility for the establishment and operation of ... government, as well as the qualifications of an appropriately designated class of public office holders." Totalitarians are not appropriately designated class of public office holders, that includes Socialists.

In simple terms, being a Socialist and pushing Totalitarianism while in public office is a crime and violates the Constitutional guarantees that injures my liberty interests and Civil Rights, a tortious interference with Civil Rights.

In this case before this court, the Socialists in government administratively targeted me and placed me under investigation, classified me into discriminating dissenting and demeaning groups, "Serial Filers" and "Tax Protesters", and as a "threat", (See Exhibit #2 U.S. Marshals reports PA-50 to PA -57) in retaliation of my exercise of my 1<sup>st</sup> amendment rights.

The defendants retaliated against me because I am enforcing the people's creation, the State and Federal Constitutions in a civil complaint.

The Constitutional Form of Government and our existence as a free people is further protected by acts of Congress listed above, it is the Law. (See appendix)

**Jurisdiction and U.S. Const. Article III Standing for Mass Tort Overlooked by the Lower Courts**

Having Socialists in government and advocating Totalitarianism and treating people unequally because of political views is a Mass Tort. This Court has recognized Mass Tort and has held: "standing is easily recognized, for instance, in the case of a "widespread mass tort" even though "large numbers of individuals suffer the same common-law injury", *FEC v. Akins*, 524 U.S. 11, 24, 118 S. Ct. 1777, 141 L. Ed. 2d 10 (1998), and for good reason: "to deny standing to persons who are in fact injured, simply because many others are also injured, would mean that the most injurious and widespread government actions could be questioned by nobody," *Massachusetts v. EPA*, 549 U.S. 497, 526, n. 24, 127 S. Ct. 1438, 167 L. Ed 2d 248 (2007) (quoting SCPAP 412 U.S. at 688) harm to all – even in the nuanced world of standing law – cannot be logically equated with harm to no one".

This Court also recognized, “the fact that injury may be suffered by a large number of people does not of itself make that injury a nonjusticiable generalized grievance. The victim’s injuries from a mass tort, for example, are widely shared, to be sure, but each individual suffers a particularized harm.’ *Spokeo Inc., v. Robins*, 136 S. Ct. 1540 (U.S. May 16, 2016)

Also, in the *Spokeo* case, “the concrete-harm requirement does not apply as rigorously when a private plaintiff seeks to vindicate his own private rights. Our contemporary decisions have not required a plaintiff to assert an actual injury beyond the violation of his personal legal rights to satisfy the “injury-in-fact” requirement.” See, e.g., *Cary v. Piphus*, 435 U.S. 247, 266, 98, S. Ct. 1042 55L. Ed. 2d 252 (1978) (holding that nominal damages are appropriate when a plaintiff’s Constitutional rights have been infringed but cannot show further injury)

The 1<sup>st</sup> circuit held, “Economic injury, even on indirect nature, will establish sufficient concrete adverseness to meet article III “case and Controversy” test.” *Friedman v. Harold*, 638 F. 2d 262 1981 U.S. App. Lexis 21048 (1<sup>st</sup> Cir. 1981)

All the above support the conclusion that this court has jurisdiction and I have U.S. Const. Article III standing, this case meets the Article III “Case and Controversy” test because the matter of this case is about a mass Tort that caused economic injury. The lower court misrepresented the case and controversy test. This Court’s voice is needed to do Article IV section 4 maintenance and fix the Mass Tort.

The Civil Rights Act, Bivens Action, Tucker Act, FTCA all applies to this case.

**The U.S. Constitution is a Social Contract that is Being Breached by Socialists in Government; This Court's Voice is Needed to Correct this Breach**

Social contract principle says that people live together in society in accordance with an agreement that establishes moral and political rules of behavior. Some people believe that if we live according to a social contract, we can live morally by our own choice and not because a divine being requires it.

Over the centuries, philosophers as far back as Socrates have tried to describe the ideal social contract, and to explain how existing social contracts have evolved. Philosopher Stuart Rachels suggests that morality is the set of rules governing behavior that rational people accept, on the condition that others accept them too.

Social contracts can be explicit, such as laws, or implicit, such as raising one's hand in class to speak. The U.S. Constitution is often cited as an explicit example of part of America's social contract. It sets out what the government can and cannot do. People who choose to live in America agree to be governed by the moral and political obligations outlined in the Constitution's social contract.

As noted above in the power of this Court is needed to keep the people and government employees in the limited power of the written Constitutions that the people have created. See *Duncan v. McCall*, 35 LED 219, 139 US 449 (1891). This Court's voice is needed to do Article IV section 4 maintenance.

**The Oath of Office is to Uphold the Social Contract, the United States Constitution,  
This Court's Voice is Needed to Enforce the Oath of Office**

This Court in *Democratic Nat'l Comm. v. Wis. State Legis.*, S. Ct. 28 (U.S. Oct. 26, 2020) said, “our oath to uphold the Constitution is tested by hard times, not easy ones. A succumbing to temptation to sidestep the usual Constitutional rules is never costless. It does damage to the faith in the Constitution as law, to the power of the people to oversee their own government, and to the authority of legislatures, for more we assume their duties the less incentive they have to discharge them.”

This Court also said, “Public Officials sworn to uphold the Constitution may not avoid a Constitutional Duty by bowing down to the hypothetical effects of private racial prejudice that they assume to be both widely and deeply held.”

*Palmore v. Sidoti*, 466 U.S. 429 (U.S. April 25, 1984)(Quoting *Palmer v. Thompson*, 403 U.S. 217, 260 – 261 (1971)(White J. Descending)

The fourth circuit also addressed the oath of office and the duty to upholding the Constitution, “the difference a court gives the coordinate branches is surely powerful, but even it must yield in certain circumstances, lest the court abdicate its own duties to uphold the Constitution... upholding the Constitution undeniably promotes the public interests. It is always in the public interest to prevent the violation of parties Constitutional Rights... the public as a whole has significant interest in ensuring protection of the first amendment liberties. When a court protects the Constitutional Rights of a few, it inures to the benefit of all.” *Int'l refugee Assistance Project v. Trump*, 857 F. 3d 544 (4<sup>th</sup> Cir. Md. May 25, 2017).

The nineth circuit also said, "generally public interest concerns are implicated when a Constitutional Right has been violated because all citizens have a stake in upholding the Constitution." *Preminger v. Principi*, 422 F. 3d. 815 (9<sup>th</sup> Cir. Cal. Aug. 25, 2005)

The American people have a contract with their government—the Constitution of the United States of America. Written in 1787 and amended twenty-seven times, this document is the basis for U.S. government. (National Archives and Records Administration) The oath of office is to enforce the social contract between the people and the government, the U.S. Constitution and State Constitutions.

The power of this Court is needed to keep the people and government employees in the limited power of the written Constitutions that the people have created. See *Duncan v. McCall*, 35 LED 219, 139 US 449 (1891). This Court's voice is needed to do Article IV section 4 maintenance and to enforce the Oath of Office.

**The Implied Covenant of Good Faith and Fair Dealing Applies to the Constitution and to All Government People and Citizens This Court's Voice is Needed to Enforce the Covenant of Good Faith and Fair Dealing of the Constitution**

Incorporating all the above, the implied covenant of good faith and fair dealing applies to the Federal and State Constitutions and to all government people and citizens. The implied covenant imposes obligations on both government and people that include the duty not to interfere with the other party's performance and not to act so as to destroy the reasonable expectations of the other party regarding the fruits of the Constitutions.

Section 205 of the Second Restatement of Contracts defines the implied covenant of good faith and fair dealing. Comment d to section 205 states that “bad faith may be overt or may consist of inaction, and fair dealing may require more than honesty. A complete catalogue of types of bad faith is impossible, but the following types are among those which have been recognized in judicial decisions: evasion of the spirit of the bargain, lack of diligence and slacking off, willful rendering of imperfect performance, abuse of a power to specify terms, and interference with or failure to cooperate in the other party’s performance.

*Restatement (Second) Of Contracts* § 205 cmt. D (Am. Law Inst. 1981).

Courts have interpreted this comment and the implied covenant of good faith and fair dealing to encompass both the duty to cooperate and the duty not to hinder. As the Court of Federal Claims noted in *Tecom, Inc. v. United States* 66 Fed. Cl. 736 (2005), “while ‘[t]he implied duties to cooperate and not to hinder are two separate, albeit related, implied duties,’ they appear to be ‘disparate aspects’ of the overarching duty of good faith and fair dealing.” Id. at 769 (citations omitted) (first quoting *Precision Pine & Timber, Inc. v. United States*, 50 Fed. Cl. 35, 59 n.31 (2001); and then quoting *Walter Dawgie Ski Corp. v. United States*, 30 Fed. Cl. 115, 130 (1993)).

The duty not to hinder is the obligation not to willfully or negligently interfere with the other party’s performance of the contract. Id. at 770 (quoting *Peter Kiewit Sons’ Co. v. United States*, 151 F. Supp. 726, 731 (Ct. Cl. 1957)). This duty exists “because it is rarely possible to anticipate in contract language every

possible action or omission by a party that undermines the bargain. *Metcalf Constr. Co. v. United States*, 742 F.3d 984, 991 (Fed. Cir. 2014).

At a Constitutional level, everyone is created equal, the implied covenant of good faith and fair dealing is in the Constitution as the Due Process Clauses and Equal Protection of the Law clauses, In the Civil Rights Act, in the requirements to be loyal, the Oath of Office, and in statutes passed by congress, it is in all the Constitutional and statutory provisions listed above and, in the appendix, and more, it is embedded in all our laws.

Having Socialist in government and advocating for Socialism, a Totalitarian form of government, is a breach of the implied covenant of good faith and fair dealing in the Constitution. This Court's voice is needed to enforce the implied covenant of good faith and fair dealing in the Constitution and State Constitutions and clean house, remove Totalitarianism from Federal and States Government and from our institutions, it is the law.

**Any Type of Totalitarian Government or Advocation for, or Giving Support to Others that are Thrusting to Change, and Overthrow Our Constitutional Form of Government is Illegal, Especially from Our Own Government People**

First, an analysis of Treason, 18 U.S.C. § 2381:

“Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death or shall be imprisoned not less than 5 years and fined under this title but not less than \$10,000.00; and shall be incapable of holding office under the United States.”

Today there is political unrest that was foreseen by Congress in the 1950's. Congress made findings in the Internal Security Act of 1950. 50 U.S.C. § 781 et.

seq. that was amended by the Communist Control Act of 1954, although repealed it was carried forward into the United States Statutes at Large. This is evidenced at: 50 U.S.C. §§ 841 – 844 (Communist Control); 50 U.S.C. §§ 851 – 858 (Foreign Espionage); The Smith Act, 18 U.S.C. § 2385 (Advocating Overthrow of Government) and 18 U.S.C.S. PT 1, Ch. 115 Treason and Sedition and Subversive Activities (§§ 2381 – 2391).

Congresses finding are:

“There exist a World Communist Movement that infiltrated the United States. They designate themselves as a political party. They create “Fronts” that are able to conceal their true character and purpose with the result that the “Fronts” are able to obtain support from persons who would not extend their support if they knew the nature of the organizations with which they dealt.”

*Communist Party of the United States v. Subversive Activities Control Bd.*, 367 U.S. 1 (U.S. June 5, 1961)

Today those “Fronts” are the Democratic Socialists and Progressives, “The Far Left” “The Squad” in Congress, “Antifa”, “Black Lives Matter”, “Cancel Culture”, “Wokeism”, “Critical Race Theory”, and alike, and all Socialists in government. They attack our Constitutional form of government and indoctrinate and convert our people, especially our young, to hate our United States and convert them to Communism. This is being done to overthrow our Constitutional form of government and has affected equal protection of the laws, a Mass Tort, a tortious interference of Civil Rights and the Due Process of Law that has affected me personally, and now has affected Supreme Court Judges. The leak of the Supreme Court draft opinion that shows the overturn of *Roe v. Wade*, 410 U.S. 113, and the

doxing of Supreme Court Judges' home addresses and protests at their homes. There was no protection from U.S. Marshals, no arrests of the people who leaked the ruling, who publicized Supreme Court Judges' home addresses, and the people protesting there, all with the intent to impede, intimidate, interfere, and retaliate against the Judges while engaged in their performance of official duties, a violation of 18 U.S.C. § 115 and 18 U.S.C. § 1507. Compared to January 6, 2021, conservatives were arrested for being on grass lawns at a political rally in Washington DC. And what happened to me, I was targeted for political reasons. There is unequal protection of the laws and Due Process violations and abuse of power due to Socialists in government.

Allegiance to this foreign power, the World Communist Movement, that is an enemy to our free society is, by the language of 18 U.S.C. § 2381, treason. Many people are traitors and do not have a clue because of their support unknowingly given to "Fronts" of the World Communist Movement, a foreign power that has infiltrated into all government positions. This Court has the power to enforce the laws on the books that prevent Totalitarianism. The Judicial System also has the power to enforce this complaint upon all defendants and make them answer to their civil rights violations and traitorous actions.

This Court repeated Congress's findings in the case of the *Communist Party of the United States v. Subversive Activities Control Bd.*, 367 U.S. 1 (U.S. June 5, 1961) that confirms:

"There exists a world Communist movement which, in its origins, its development, and its present practice, is a worldwide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a worldwide Communist organization."

"The characteristics of a "totalitarian dictatorship," as set forth in subsections (2) and (3), are the existence of a single, dictatorial political party substantially identified with the government of the country in which it exists, the suppression of all opposition to the party in power, the subordination of the rights of the individual to the state, and the denial of fundamental rights and liberties characteristic of a representative form of government."

"It presents a clear and present danger to the security of the United States and to free American institutions... makes it necessary that Congress, for the common defense, to preserve the sovereignty of the United States as an independent nation, and to guarantee to each state a republic form of government, enact appropriate legislation recognizing the existence of such world-wide conspiracy and designed to prevent it from accomplishing its purpose in the United States."

My complaint has the same goals, to preserve the sovereignty of the United States as an independent nation and to prevent the Communism Conspiracy to spread here in the United States, and to protect my Civil Rights and right the wrong that has been done.

The defendants, Socialist in Government, acted like the world communist movement and their actions by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary were used to suppress all opposition to the socialist that are in power, that opposition included me and my civil complaint, and now Supreme Court Judges, voter fraud findings, they denied me of fundamental rights and liberties

characteristic of a representative form of government. It is obvious the defendants are against the Constitution and are acting like the World Communist Movement. The lower courts and the defendants have caused a Mass Tort against conservatives and constitutionalists, against Americans and I am one of them, a majority discrimination. It presents a clear and present danger to the security of the United States and to free American institutions.

#### **Oath of Office Enforcement Supports This Writ of Certiorari**

The Constitution requires that all defendants must take an oath of office to support the Constitution before assuming office. In order to comply with the Constitution, Congress and the States has enacted federal and State laws to execute and enforce this constitutional requirement.

Federal law regulating oath of office by government officials is divided into four parts along with an executive order which further defines the law for purposes of enforcement. 5 U.S.C. § 3331 (PA-32), provides the text of the actual oath of office members of Congress are required to take before assuming office. 5 U.S.C. § 3333 (PA-31 to PA-32) requires members of Congress sign an affidavit that they have taken the oath of office required by 5 U.S.C. § 3331 and have not or will not violate that oath of office during their tenure of office as defined by the third part of the law, 5 U.S.C. § 7311 (PA-32) which explicitly makes it a federal criminal offense (and a violation of oath of office) for anyone employed in the United States Government (including members of Congress) to “advocate the overthrow of our constitutional form of government”. The fourth federal law, 18 U.S.C. § 1918 (PA-

35) provides penalties for violation of oath office described in 5 U.S.C. § 7311 which include: (1) removal from office and (2) confinement or a fine.

The definition of "advocate" is further specified in Executive Order 10450 (PA-41 to PA-48) which for the purposes of enforcement supplements 5 U.S.C. § 7311. One provision of Executive Order 10450 specifies it is a violation of 5 U.S.C. § 7311 for any person taking the oath of office to advocate "the alteration ...of the form of the government of the United States by unconstitutional means." Our form of government is defined by the Constitution of the United States. It can only be "altered" by constitutional amendment. Thus, according to Executive Order 10450 (and therefore 5 U.S. § 7311) any act taken by government officials who have taken the oath of office prescribed by 5 U.S.C. § 3331 which alters the form of government other by amendment, is a criminal violation of the 5 U.S.C. § 7311.

Congress has never altered the Article V Convention clause by constitutional amendment. Hence, the original language written in the law by the Framers and its original intent remains undisturbed and intact. That law specifies a convention call is peremptory on Congress when the States have applied for a convention call and uses the word "shall" to state this. Such alteration without amendment is a criminal violation of 5 U.S.C. § 7311 and 18 U.S.C. § 1918.

In US Constitution Article. II Section. 4 reads as "the president, vice president and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

Violation of Oath has legal significance in terms of impeachment or fine as prescribed and additionally it has a federal criminal offense nature that imparts remedial and enforceability measures, and the Civil Rights Act.

Abusing our system and office powers to advance Totalitarianism is a Mass Tort on us all. The Lower Courts and the defendants are infiltrated with Socialist that are not doing their duty equally to protect our way of life and are more interested in political agendas than doing what they swore to do. It is time this Court rule on getting rid of the Socialist in our government and the government support of Totalitarianism groups in our society and institutions, no tax money should be spent on Totalitarianism and foreign influences should be halted. According to our citizenship laws and government employment laws Totalitarians and Totalitarian Groups should not exist in the United States, it is illegal.

#### **This Court's Directions to Deal with Bad Court Orders**

Making law that is a usurpation of legislative power. In *Gamble v. United States*, 139 S. Ct. 1960 (U.S. June 17, 2019) Justice Thomas explained:

“When faced with a demonstrably erroneous precedent, my rule is simple: we should not follow it. This view ... follows directly from the Constitution Supremacy over other sources of law – including our own precedents. That the Constitution outranks other sources of law is inherent in its nature, ... The Constitution’s Supremacy is also reflected in its requirement that all judicial officers, executive officers, congressmen and state legislators take an oath to “support this Constitution”, Art. VI, cl. 3; see also Art. II, § I, cl. 8 ...”

“I am aware of no legislative reason why a court may privilege a demonstrably erroneous interpretation of the Constitution over the Constitution itself” ... “the same principle applies when interpreting

statutes and other sources of law; if a prior decision demonstrably erred in interpreting such a law, federal judges should exercise the judicial power – not perpetuated a usurpation of legislative power – and correct the error. A contrary rule would permit judges to “substitute their own pleasure” for the law....”

Pursuant to S. Ct. Justice Thomas in *Gamble* federal courts should fix demonstrably erroneous interpretations of law, not perpetrate a usurpation of power – not make law – and adhere to the Constitution.

Incorporation of all the above Constitutional and Statutory grounds and Court cases, it is Unconstitutional and Illegal to have Socialists or any Totalitarians in our State and Federal governments and giving any support for Totalitarianism groups, this includes sub-contractors, their removal is warranted.

#### **REASONS TO GRANTING THIS APPEAL**

##### **This Area of the Law is Badly in Need of the This Court's Authoritative Voice**

This Court's Authoritative Voice in the area of overthrowing the Constitution is badly in need. Throughout the covid-19 pandemic many courts and politicians have overthrown Constitutional rights using what some may suppose to be extraordinary emergencies to advance Totalitarianism. They went about this illegal business of overthrowing the Constitution with a brazen assurance that the alleged emergency would justify the illegal business of overthrowing the Constitution.

There are Socialists that took the Oath of Office knowing they will not uphold the Constitution. The proof is the unequal protection of the laws to advance Totalitarianism and the attack and silencing of conservatives, 1<sup>st</sup> Amendment Retaliation. This happened to me, now on Supreme Court Judges, that is not being

corrected and pursued by the FBI or U.S. Marshals, but if it was turned around, an attack on democrat socialists, the wrongdoers would have been arrested within hours, like what happened to me and January 6, 2021, people.

The voice of this Court needs to be strictly enforced therefore an Order granting this appeal is needed to show that all lower courts and inferior government officials are to properly fulfill their official duties and correct an abuse of discretion of overthrowing the Constitution. This is exceptional circumstances of peculiar emergency and public importance. It does damage to faith in the written Constitution as law, and to the power of the people to oversee their own government.

**This Case is Likely to Produce an Opinion that Will Give Useful Guidance to the Lower Courts**

The guidance produced by this case will produce a positive useful guidance to all Constitutional matters. Overthrowing the Constitution is a serious offence and any type of overthrowing of the Constitution, including viewpoint and content discriminations, suppressing public debate, alterations and suppression of facts, fraud on the court, unequal protection of the laws, should not be tolerated. Business of the Courts is a serious business, this case will strengthen this fact and make it harder to overthrow the Constitution and individual rights.

**There Would Be a Negative National Impact by this Court by Letting the Lower Court's Decision Stand**

By letting the lower courts' decision stand, it will send a message that it's okay to disrespect the business of the courts, the Constitution is dead, fraud on the

court and usurpation of power is okay, legislation does not matter, delegation of authority does not matter, we are a totalitarian nation. It is a bad message to send at any time and could cause civil unrest that is a negative national impact. The courts below committed an error so important that it must be corrected immediately. They were inconsistent with accepted Supreme Court precedents and made a procedural and technical error that can be demonstrated unequivocally.

### CONCLUSION

The Certiorari should be granted or a summary reversal as an alternative remedy.

Respectfully submitted,

Date: 5/17/2022

Signature: William F. Kaetz

William F. Kaetz  
437 Abbott Road  
Paramus, NJ., 07652  
201-753-1063