

No. 21-7965

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

William F. Kaetz — *Petitioner*

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 REHEARING

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Dated: 10/20/2022

CONTENTS

PETITION JURISDICTION	5
PETITION FOR REHEARING	5
The United States is the Surety to The Article IV Section 4 Guarantee	6
Bias to Totalitarians is Constitutional	7
The Failure to Disqualify Totalitarian People in Government Is Causing Totalitarian Actions	7
Evidence of Totalitarianism	8
Totalitarians Are Not Appropriately Designated Class of Public Office Holders....	9
The Mass Tort.....	12
SUPREMACY OF THE CONSTITUTION	13
CONCLUSION.....	16
CERTIFICATION	17

Cases

<i>Agency for Int’l Development v. Alliance for Open Society</i> , 140 S. Ct. 2082, 2090 (2020).....	7
<i>American Communications Assn. v. Douds</i> , 339 U.S. 382, 442-443 (1950).....	10
<i>Duncan v. McCall</i> , 35 LED 219, 139 US 449 (1891)	9
<i>FEC v. Akins</i> , 524 U.S. 11, 24, 118 S. Ct. 1777, 141 L. Ed. 2d 10 (1998).....	11
<i>Fin. Oversight & Mgmt. Bd. for P.R. v. Aurelius Inv., LLC</i> , 140 S. Ct. 1649, 1675 (2020).....	13
<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).....	12
<i>Roe v. Wade</i> , 410 U.S. 113	8
<i>Romer v. Evans</i> , 517 U.S. 620, 634-35 (1996)	8
<i>Romer v. Evans</i> , 517 U.S. 620, 647-48 (1996).....	7
<i>Sugarman v. Dougall</i> , 413 U.S. 634 (1973)	9
<i>Walters v. Nat. Assn. of Radiation Survivors</i> , 473 U.S. 305, 371 n.21 (1985).....	10

Statutes

18 U.S.C. § 1507.....	8
18 U.S.C. § 2381.....	10
8 U.S.C. § 1424.....	10
8 U.S.C. § 1448.....	10

Other Authorities

U.S. Senate Constitution introduction	12
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Rules

Supreme Court Rule 44.1	4
Supreme Court Rule 44.2	16

Constitutional Provisions

Art. VI, cl. 3.....	7
the United States Constitution Article IV Section 4.....	5, 11
United States Constitution Article 1, Section 8, Clause 3.....	5, 7

Exhibits

Exhibit #1	Writ of Certiorari denied
Exhibit #2	Certificate of Compliance
Exhibit #3	Certificate of Service

PETITION JURISDICTION

Pursuant to Supreme Court Rule 44.1 of this Court, the petitioner respectfully petitions for rehearing of this case before a full nine-member Court.

A Writ of Certiorari was docketed on May 24, 2022, and was denied on October 3, 2022, this denial of the writ is attached hereto exhibit #1.

PETITION FOR REHEARING

The restricted grounds specified for a petition for rehearing (1) intervening circumstances of a substantial or controlling effect and (2) other substantial grounds not previously presented, are presented herein in good faith and not for delay.

This case questions the illegitimacy of having totalitarians in government.

The intervening circumstances of a substantial or controlling effect is the reluctance of the judicial branch of government to use the United States Constitution Article IV Section 4 as authority to limit political public office holders to non-totalitarianism people. Other intervening circumstances of a substantial or controlling effect are the claims of Article IV Section 4 being only for the legislative branch of government, and anything based on Article IV Section 4 is a political question.

The other substantial grounds not previously presented is the authority of this court to enforce the United States Constitution Article IV Section 4 with the United States Constitution Article 1, Section 8, Clause 3, the Commerce Clause.

The United States is the Surety to The Article IV Section 4 Guarantee

Article IV Section 4 is supposed to protect us from totalitarianism and their violence and it does not leave out the Judicial Branch of government.

Article IV Section 4 says: "The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence."

The "domestic violence" needs application to Legislature, or of the Executive. I am not applying for a "domestic violence" remedy.

I am applying for the protection from invasion remedy from other forms of government that are invading the United States which is totalitarianism that includes Socialism and Socialists. This invasion is from totalitarians illegitimately being qualified for public office; they take an oath of office that is an allegiance with the United States that requires and guarantees a Republic form of government, and they get into office and do the opposite and do totalitarian acts and advocate and support totalitarianism.

To limit political public office holders to non-totalitarianism people is the duty of the United States to protect against invasion of other forms of government into our government. Article IV section 4 is a Constitutional limitation to limit political public office holders to non-totalitarianism people that must be enforced by the Judicial branch of government.

Bias to Totalitarians is Constitutional

The Federal and State Constitutions and Acts of Congress support to limit political public office holders to non-totalitarianism people and to be bias to totalitarians.

This Court held “the First Amendment does not mandate a viewpoint-neutral government. After all, the Constitution itself imposes affirmative ideological commitments prerequisite to assisting in the government's work. It excludes viewpoints such as communism and anarchism, stating that those engaged in government work must swear an oath to support our Constitution's republican form of government. See Art. VI, cl. 3.”¹“the Republican Form of Government Clause prevent monarchists.”² It is safe to conclude bias to Totalitarians is Constitutional.

The Failure to Disqualify Totalitarian People in Government Is Causing Totalitarian Actions

The failure to disqualify totalitarian people in government is causing totalitarian actions that are, 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. The USA has violated the Constitutional guarantees of Article IV Section 4 of having a republic form of government and failed to prevent invasion of

¹ *Agency for Int’l Development v. Alliance for Open Society*, 140 S. Ct. 2082, 2090 (2020)

² *Romer v. Evans*, 517 U.S. 620, 647-48 (1996)

other forms of government by allowing Socialists in government. This is affecting commerce, the recession is the cause of totalitarians in government, they are manipulating energy supplies for totalitarian political reasons affecting commerce, Article 1, Section 8, Clause 3 of the U.S. Constitution applies. Covid -19 was caused by totalitarian acts that affected commerce, and still does to this day.

Evidence of Totalitarianism

Evidence of totalitarianism is the fact that Supreme Court Justices have been terrorized by these totalitarians because of the overturn of *Roe v. Wade*, 410 U.S. 113. No one was arrested because it was totalitarians in government who did it. There was no full 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 threat to kill, 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 imprisoned for about 3 years without a trial. 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 having totalitarians in government. "[I]f the constitutional conception of 'equal protection of the laws' means anything, it must at the very least mean that a bare . . . desire to

harm a politically unpopular group cannot constitute a legitimate governmental interest."³ Political imprisonment is totalitarianism and affects commerce.

The totalitarians in government colluded with social media to suppress their political opponents, anyone that spoke up against their agenda. This affected commerce of those silenced, their avenue to sell products and communicate through social media was suppressed affecting interstate commerce. This suppression of speech also affected voting. There is evidence of voting fraud from the totalitarians.

Totalitarians Are Not Appropriately Designated Class of Public Office Holders

This Court held "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."⁴ This Court also held that there is a constitutional

³ *Romer v. Evans*, 517 U.S. 620, 634-35 (1996) (quoting *Department of Agriculture v. Moreno*, 413 U.S. 528, 534 (1973))

⁴ *Duncan v. McCall*, 35 LED 219, 139 US 449 (1891)

responsibility for the establishment and operation of government, as well as the qualifications of an appropriately designated class of public office holders.⁵

Totalitarians are not appropriately designated class of public office holders, this includes Socialists. Totalitarians must be disqualified from holding public office nationwide. The Constitutions and Acts of Congress forbid totalitarians holding public office and we are bound to our own power and limitations by the 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. It does not matter if the totalitarians were voted or appointed, totalitarians are not an appropriately designated class of public office holders, they never should be or should have been on the ballot to begin with or qualified for office.

It is the duty of this Court to do Article IV Section 4 maintenance and to disqualify totalitarians from public office and maintain a high quality of qualifications for public office holders to include rejecting totalitarians from public office and question their United States citizenship. Acts of Congress exist that specifically say no totalitarians allowed to be a USA citizen.^{6,7}

This Court recognized "The priceless heritage of our society is the unrestricted constitutional right of each member to think as he will. Thought

⁵ *Sugarman v. Dougall*, 413 U.S. 634 (1973)

⁶ 8 U.S.C. § 1448 Oath of renunciation and allegiance

⁷ 8 U.S.C. § 1424 Prohibition upon Naturalization of Persons Opposed to Government Law Who Favor Totalitarian Forms of Government.

control is a copyright of totalitarianism, and we have no claim to it. It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the Government from falling into error."^{8,9}

Anyone supporting and a member of a totalitarian group focused on changing our existence as a free people and our constitutional republic form of government is by definition of 18 U.S.C. § 2381 a traitor, it is bad behavior. These people and groups that are in government that designate themselves as a totalitarian group and support totalitarianism are the self-proclaimed Socialists in government. They are the Squad in congress, the far left, the Democrat Socialist party. They support fascistic groups like Antifa and Black Lives Matter, and they ordered thought control with cancel culture, critical race theory, and wokeism.

A government entity regulating political speech that it did not agree with was eerily similar to that of totalitarian regimes.¹⁰ The totalitarians in government did suppress political speech that it did not agree with using social media companies.

In simple terms, being a Socialist and pushing Totalitarianism and acting out totalitarianism actions while in public office is a crime and violates the Constitutional guarantees, Article IV Section 4, it is traitorous and affects commerce. These are grounds to disqualify the totalitarianism people from holding public office.

⁸ *American Communications Assn. v. Douds*, 339 U.S. 382, 442-443 (1950)

⁹ *Walters v. Nat. Assn. of Radiation Survivors*, 473 U.S. 305, 371 n.21 (1985)

¹⁰ *J.S. ex Rel. Snyder v. Blue Mountain School*, 650 F.3d 915, 944 (3d Cir. 2011)

The Mass Tort

Having Socialists in government and advocating Totalitarianism by treating and criminalizing people unequally because of opposite 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”¹¹, 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, harm to all – even in the nuanced world of standing law – cannot be logically equated with harm to no one”.¹²

Having totalitarians in congress and in other public offices is a tortious interference of the longest lasting charter in the world, the U.S. Constitution. The Constitution is a Charter, synonymous to a Contract.¹³

Tort from having totalitarians in congress and in public office is a breach of the compact, the Constitution, it is tortious interference with a contract, the Constitution that requires and guarantees a republic form of government and protection from invasion and violence from other forms of government, that invasion and violence comes from totalitarian people that was let into our government without regulation.

¹¹ *FEC v. Akins*, 524 U.S. 11, 24, 118 S. Ct. 1777, 141 L. Ed. 2d 10 (1998)

¹² *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)

¹³ See U.S. Senate Constitution introduction

This court held “When the Framers resolved to build this Nation on a republican form of government, they understood that the American people would have the authority to select their own governmental officers. See, e.g. , The Federalist No. 39, at 251 (J. Madison) (“[W]e may define a republic to be ... a government which derives all its powers directly or indirectly from the great body of the people”); A. Amar, *America's Constitution: A Biography* 278–279 (2005) (“[T]he general understanding of republicanism across America” at the founding embraced a concept of government “in which ‘the people are sovereign’; in which ‘the people are consequently the fountain of all power’; in which ‘all authority should flow from the people’ ”). *Fin. Oversight & Mgmt. Bd. for P.R. v. Aurelius Inv., LLC*, 140 S. Ct. 1649, 1675 (2020)

The evidence is overwhelming, American people have been suppressed by the totalitarians in government by any means possible that has turned violent and affected commerce. A writ to disqualify totalitarians from public office is warranted. the Constitution authorizes we as a nation be bias against totalitarianism. Totalitarians must be disqualified from holding public office nationwide.

SUPREMACY OF THE CONSTITUTION

This Court Explained 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." Notably, the Constitution does not mandate that judicial officers swear to uphold judicial precedents. The

same goes for judicial precedent. The "judicial Power" must be understood in light of the Constitution's status as the supreme legal document" over lesser sources of law. This status necessarily limits the power of a court to give legal effect to prior judicial decisions that articulate demonstrably erroneous interpretations of the Constitution because those prior decisions cannot take precedence over the Constitution itself. Put differently, because the Constitution is supreme over other sources of law, it requires us to privilege its text over our own precedents when the two are in conflict. I am aware of no legitimate reason why a court may privilege a demonstrably erroneous interpretation of the Constitution over the Constitution itself. Wherever the Constitution commands, discretion terminates because continued adherence to palpable error is a violation of duty, a usurpation. Thus, no 'special justification' is needed for a federal court to depart from its own, demonstrably erroneous precedent. Considerations beyond the correct legal meaning, including reliance, workability, and whether a precedent has become well embedded in national culture, are inapposite. In our constitutional structure, our role of upholding the law's original meaning is reason enough to correct course.¹⁴

The course correction of this Court that must happen is that this Court must enforce the guaranty clause. There is no legitimate reason why this Court may privilege a demonstrably erroneous interpretation of the Constitution over the Constitution itself. This Court in the past have claimed the guaranty clause is a political question for congress, it is not, it is a requirement all government must

¹⁴ *Gamble v. United States*, 139 S. Ct. 1960, 1985-86 (2019)

uphold. The 1st Amendment has been used to subvert the guaranty clause. The 1st Amendment has its limitations. The drive by totalitarian groups to undermine the prestige and effectiveness of local and federal democratic governments is advanced whenever either of them can win from this Court a ruling which paralyzes the power of officials. This is such a case. The totalitarian groups claims that their behavior, because it involved a speech, is above the reach of local and federal authorities. If the action this Court takes is forbidden, it is plain that hereafter there is nothing effective left that this Court can do. If this Court can do nothing as to prohibit socialists in government, this Court is equally powerless as to rival totalitarian groups changing our form of government, failing to uphold the guarantee clause. "The Establishment Clause of the First Amendment prevents theocrats from having their way by converting their fellow citizens at the local, state, or federal statutory level; as does the Republican Form of Government Clause prevent monarchists." ¹⁵

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. I am asking this Court to enforce these remedies and measures.

Not All Claims Under the Guarantee Clause Present Nonjusticiable Political Questions

¹⁵ *Romer v. Evans*, 517 U.S. 620, 647-48 (1996)

This Court in dicta raised the possibility that “perhaps not all claims under the Guarantee Clause present nonjusticiable political questions.”¹⁶ In *Gregory v. Ashcroft*, the Court suggested that the Guarantee Clause might operate as a constraint upon Congress’s power to regulate the activities of the states.¹⁷

This case’s guaranty clause claims are justiciable under the Supremacy of the Constitution and Acts of Congress that require non-totalitarian people in public office, and this is enforceable by the judicial branch of government.

CONCLUSION

For the reasons set forth in this Petition, William F. Kaetz respectfully requests this Honorable Court grant rehearing and his Petition for a Writ of Certiorari.

¹⁶ *New York v. United States*, 505 U.S. 144, 185 (1992) (citing *Reynolds v. Sims*, 377, 533, 582 (1964)).

¹⁷ *Gregory v. Ashcroft*, 501 U.S. 452, 463 (1991)

CERTIFICATION

I, William F. Kaetz, petitioner, with my signature below, swear under penalty of perjury all statements herein are true. I hereby certify that this petition for rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44.2.

Respectfully Submitted...

Date: 10/20/2022

By: William F. Kaetz

William F. Kaetz, Plaintiff
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**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

October 3, 2022

Mr. William F. Kaetz
437 Abbott Road
Paramus, NJ 07652

Re: William F. Kaetz
v. United States, et al.
No. 21-7965

Dear Mr. Kaetz:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied. Justice Alito took no part in the consideration or decision of this petition.

Sincerely,

A handwritten signature in dark ink, appearing to read "Scott S. Harris", written in a cursive style.

Scott S. Harris, Clerk

Exhibit #1

IN THE SUPREME COURT OF THE UNITED STATES

William F. Kaetz — Petitioner

vs.

United States of America — Respondent

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

PROOF OF SERVICE

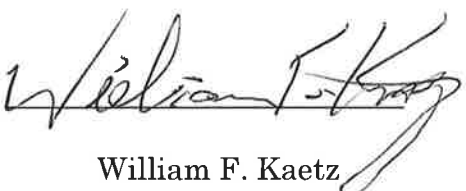
I, William F. Kaetz, do swear or declare that on this date, 10/20/2022, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A REHEARING on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Solicitor General of the United States,
Room 5614, Department of Justice,
950 Pennsylvania Ave., N.W.,
Washington, D. C. 20530-0001

I declare under penalty of perjury that the statements herein are true and correct.

Executed on 10/20/2022

Signature: 

William F. Kaetz
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201-753-1063
kaetzbill@gmail.com