No. 22-0292

In The
Supreme Court of the United States

LTC James D. Sullivan
Petitioner, *Unrepresented*

V

COMMISSIONER OF INTERNAL REVENUE
Respondent

On Petition for Writ of Certiorari to The United States Court of Appeals for the Fourth Circuit

PETITION FOR REHEARING

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INTRODUCTION

Although Petitioner's petition for writ of certiorari lists several jurisdictional questions for review by the Court, Petitioner wants the Court to understand that this petition for rehearing only asks that one element of Constitutional justice be considered in this matter: Does Respondent have proper jurisdiction over Petitioner or his earnings under the Constitution or any other venue? The decision of the Fourth Circuit to sanction Respondent's apparent jurisdiction over Petitioner or his earnings should not be allowed to stand. Respondent, through his agent(cy) the Internal Revenue Service (IRS), seeks to impose such jurisdiction over Petitioner and his earnings under color of law; and, for many years, the judicial system has been fooled by it, rendering any resistance to the scheme as "frivolous" or an exercise in futility. Therefore, he petitions this Court to reconsider his previously submitted Petition for Writ of Certiorari in this instant matter and offers the following statement in support:

Reasons for Granting the Petition for Rehearing

The Court should grant this Petition for Rehearing as this Petition puts forth a "substantial ground not previously presented" in the Petition for Writ of Certiorari, to wit: The general lack of jurisdiction of Respondent over Petitioner or his earnings.

provide a *prima facie* case for the granting of a writ of certiorari in this matter and the subsequent hearing of the petition by the Court. The lower courts are being allowed to act unilaterally without recognizing the Constitutional safeguards provided by our Founders for the rights of litigants. For the Court to deny certiorari in this matter places the Court in a position of duplicity and collusion with those who would have the Constitutional mandate for jurisdiction disregarded.

Petitioner's own personal experience has shown the majority of the members of the legal profession are of the opinion the United States Constitution is "no longer applicable", "obsolete", "too open to interpretation", "anachronistic", or "should be completely rewritten". It is certain this lesson was learned either by the experience of these licensed attorneys in the legal environment; or while these individuals attended their law schools of choice, most of which are, upon information and belief, funded and directed primarily by enemies of the Constitution, those who would like nothing better than to have an excuse to rewrite it. Rumor has it the new version has already been approved and awaits only the demise, or the scuttling, of the one we currently have, unless the recent legislative actions of the Congress have eliminated the necessity to convene a new constitutional congress.

Petitioner, like all other active and retired federal agents, including the members of this Court, took an oath to "support and defend the Constitution of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same." This petition is all

about the Petitioner's defending that oath. For the Court to deny petitioners' request is tantamount to its sanctioning the unlawful acts of those Respondents who violated their oaths and the courts which have grown accustomed to ignoring the mandates our constitutional chains place upon them. It is up to this Court to protect those rights guaranteed the Petitioner by the Constitution, or they will be lost forever.

The attitude of the Court that the United States should abandon its duty to warrant the Constitutional mandates qualifying jurisdiction is extremely frightening and bodes doom for any reasonable interpretation of the "Supreme Law of the Land" in the future by this Court. That this Court would so cavalierly subordinate to expediency and convenience that Constitution which it has sworn a sacred oath "to support and defend against all enemies foreign and domestic", which Constitution protects Petitioners right to question proper jurisdiction whether the judiciary likes it or not, cannot be allowed to stand. For the Court not to grant this Petition for Rehearing would reinforce the conspiratorial demise of the Constitution. By not demanding the proper protection and recognition of our unalienable and organic law rights we allow the Constitution of "We the People" to become a mere hologram of liberty, easily adjusted and modified by judicial tyranny, congressional fiat, or agency regulation; and one which must soon be replaced by another, less friendly, internationalist document. This new document will not protect the rights and privileges of the people, but will instead usurp those rights and use them to the people's detriment, providing them then only by license. It is the guarantees of

the limitation of federal jurisdiction and the right to bear arms, unfettered by the whims and desires of the United States, which will prevent such an occurrence.

It is imperative this Court take aggressive steps to reinstate the authority of the Constitution over the entity which it created, the United States of America, and over the subordinate branches and agencies, using the Supremacy Clause. The executive and judicial power of the new government implemented by the Constitution is *co-extensive* with the legislative power established by that instrument; officers of the executive and judicial branches have jurisdiction to the same extent that Congress has legislative power in a particular geographic area; to wit:

'It [the judicial power] is indeed commensurate with the ordinary legislative and executive powers of the General Government..." *Chisholm v Georgia, 2 U.S. 419, 435, (1793).*

"[I]t is an obvious maxim, 'that the judicial power should be competent to give efficacy to the constitutional laws of the Legislature.' The judicial authority, therefore, must be co-extensive with the legislative power..." *Osborn v. Bank of United States,* 9 Wheat., 738, 808 (1824).

The Constitution confers upon Congress either limited or exclusive (general) legislative power, depending upon the geographic area; to wit:

> "It is clear that Congress, as a legislative body, exercises two species of legislative power: The one, limited as to its objects, but extending all over the Union; the other, an

absolute, exclusive legislative power over the District of Columbia..." *Cohens v. Virginia,* 19 U.S. 264, 434 (1821).

"Jurisdiction" is synonymous with "authority" and means, essentially, the geographic area where an officer is authorized by law to discharge or perform his duties. There are three and only three kinds of legislative power and executive or judicial jurisdiction:

- Territorial (over cases arising or those residing in a particular geographic area);
- Personal (over someone's rights); and
- Subject-matter (over the nature of the case or type of relief sought).

Unilateral authority to exercise all three types of legislative power, executive or judicial jurisdiction in a particular geographic area is called "power of exclusive legislation" or "general jurisdiction"; anything less is called "limited legislative power" or "limited jurisdiction." The totality of the limited or exclusive legislative power conferred upon Congress by particular provisions of the Constitution consists of:

- power of personal and subject-matter legislation throughout the Union and upon the high seas at Art, I, Sec. 8, cl. 1-16;
- power of territorial, personal, and subject-matter legislation over the District of Columbia at Art, I, Sec. 8, cl. 17; and

- constructive (implied) power of

territorial, personal, and subject matter legislation at Art. IV, Sec. 3, cl. 2 in the form of "Rules and Regulations," *id.*, "respecting the Territory or other Property belonging to the United States," *id.*, i.e., federal territories and enclaves.

Please note that the Constitution confers upon Congress **no power of territorial legislation over person or property** anywhere in the Several States. This means executives of the United States have **no territorial jurisdiction** anywhere in the Several States. "Territorial jurisdiction" is defined as follows:

"Territorial jurisdiction. Jurisdiction considered as limited to cases arising or persons residing within a defined territory, as a county, a judicial district, etc. The authority of any court is limited by the boundaries thus fixed." Henry Campbell Black, A Law Dictionary, Second Edition (St. Paul, Minn.: West Publishing Co., 1910), p. 673.

Were Congress to be authorized to exercise territorial legislative power over the Union they would have absolute exclusive legislative control over the entire country and there would be no need for any Union-member legislature or the Constitution in its present form. Blackletter law confirms that no executive of the United States has territorial jurisdiction over property located, or Americans residing, anywhere in the Union; to wit:

"[W]ithin any state of this Union the preservation of the peace and the protection of person and property are the functions of the state government... The laws of congress in respect to those matters do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government." *Caha v. U.S.*, 152 U.S. 211, 215 (1894).

"The several States of the Union are not, it is true, in every respect independent; many of the rights and powers which originally belonged to them being now vested in the government created by the Constitution. But, except as restrained and limited by that instrument, they possess and exercise the authority of independent States, and the principles of public law to which we have referred are applicable to them. One of these principles is that every State possesses exclusive jurisdiction and sovereignty over persons and property within its territory. As a consequence, every State has the power to . . . regulate the manner and conditions upon which property situated within such territory, both personal and real, may be acquired, enjoyed, and transferred...[T]he exercise of this jurisdiction [over those domiciled within its limits] in no manner interferes with the supreme control over the property by the State within which it is situated. *Pennoyer v. Neff*, 95 U.S. 714, 722, 723 (1878); *Penn v. Lord Baltimore, 1 Ves. 444; Massie v. Watts, 6 Cranch 148; Watkins*

v. Holman, 16 Pet. 25; Corbett v. Nutt, 10 Wall. 464."

"Every State," *Pennoyer, supra,* possesses supreme and "exclusive jurisdiction and sovereignty," *id.*, over property located and Americans residing within its borders. There is no provision of the Constitution that gives Congress power of territorial legislation anywhere in the Union, or any executive or judicial officer of the United States the capacity to take territorial jurisdiction or direct the disposition of any property located or American residing there. The "Great Mystery," then, is how certain "officers"/agents of the United States can—with a straight face and no hesitation, even when directly challenged—knowingly and willfully repudiate the provisions of the Constitution relating to the legislative power of Congress and the commensurate jurisdiction of executive and judicial officers of that certain government established by the Constitution, and **usurp exercise of territorial jurisdiction** over property located, or Americans residing, within the Union. Such officers include personnel of the Department of the Treasury, i.e., Respondent, and the IRS.

Beginning with the Judiciary Act of September 24, 1789, the People have been denied the "unalienable Rights," as defined in the Preamble to the unanimous Declaration of the thirteen united States of America, of "Life, Liberty, and the pursuit of Happiness" and deprived of property without due process of law by the agents of the executive branch "enforcing"

legislative branch dictates in the several States without jurisdiction, supported by the judicial branch such that there is no separation of powers; and there is no due process of law. This means that there is no authority for any such executive agent, such as Respondent, to exercise any form of jurisdiction anywhere in the Union absent voluntary acquiescence; that every such act constitutes usurpation of exercise of jurisdiction and is an act of tyranny; and, that the entire legal system is a fraud and hoax, with every United States district court a kangaroo court; to wit:

"Kangaroo court. 1. A self-appointed tribunal or mock court in which the principles of law and justice are disregarded, perverted, or parodied. 2. A court or tribunal characterized by unauthorized or irregular procedures, esp. so as to render a fair proceeding impossible. 3. A sham legal proceeding." Black's, p. 359.

Executive, Legislative and Judicial usurpation of exercise of general jurisdiction within the Union is treason to the Constitution; to wit: "We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution." *Cohens v. Virginia,* 19 U.S. 264, 404 (1821).

As illustrated in the statements above, the "United States" of the Constitution no longer legally exists, in fact, based upon the acts and doctrines as defined by the Legislative, the Executive and the Judicial branches of government. What remains is merely an evil shadow of what was initiated, a *de facto* illusion

of what once was. Unless this Court acts to save it, our Constitution must go asunder a little at a time; until the entity created by it ceases to exist. It is within the power of this Court to re-establish that Government laid on the foundations of principle and organization which seemed right in 1787 and seems just as right today. Failure to do this will result in this once great nation being subdued by her enemies and relegated to history.

Regardless which path we may take, the opportunity is before this Court to move this nation in the proper direction back to constitutional authority and responsible government as dictated by the Founders. If left unheeded, it will not be without effect on our children yet unborn. The codes and traditions of the Declaration of Independence, the Articles of Confederation and the Constitution are the pillars of our people; and these pillars may not be struck with impunity. Though they be strong, and a single blow will not damage them mortally; many blows will bring down even the strongest pillar. This Court must settle once and for all time these questions of law by granting this petition for rehearing, so these unconstitutional actions shall never more be allowed to threaten our Constitution. The right to expect the executive and other subdivisions of the United States to exercise authority only in areas and over subjects for which they have been given Constitutional jurisdiction is basic to the survival of our government as established.

Conclusion

For the reasons stated above, the petition for

rehearing must be granted. Petitioner pleads the Court will acknowledge jurisdictional limitations placed on Respondent and its agents in this matter by granting his prayer for a writ of certiorari. Inasmuch as this very Court has stated in *Miranda v Arizona*, 384 U.S. 436, p 491, "Where rights secured by the Constitution are involved, there can be no ***rule making or legislation*** which would abrogate them." (emphasis added), this instant matter screams for relief.

[Note: Petitioner requests the Court provide him with written explanations should its decision be to deny his petition, such as findings of fact and conclusions of law, if for no other reason than to allay fears that our government has lost its moorings.]

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