CASE NO. 22-5713

IN THE SUPREME COURT OF THE UNITED STATES

ROY ALLEN NICHOLS, PETITIONER

v.

UNITED STATES OF AMERICA, RESPONDENT

ON PETITION FOR A WRIT OF HABEAS CORPUS
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

PETITION FOR A WRIT OF HABEAS CORPUS

Roy Allen Nichols
Reg. No. 64972-060
Federal Correctional Inst.
P.O. Box 7007
Marianna, FL 32447-7007
(Petitioner, in pro se)

QUESTIONS PRESENTED

The Petitioner states that the issues presented within, are not only ones of great public interest and Constitutional importance, but they also raise the following questions:

1). Which Article in the U.S. Constitution specifically provides for cession of lands from any of the several 50 Union States to the United States?

2). For what specific purpose(s) are the lands acquired by the United States through cession from the several 50 Union States?

3). What was the intent of Article VI, clause 3 of the U.S. Constitution, as was written, understood, interpreted, and adopted by the Framers?

4). Is morality a true and actual enumerated power granted to Congress under the U.S. Constitution, as was written and adopted by the Framers?

5). Was the imposition of Chapter 110, 18 USC, a valid and appropriate, or an excessive exercise of Congress' true delegated enumerated Constitutional power under the Commerce Clause?

6). Does Congress possess any true delegated Constitutional power and authority to create, define, legislate, and punish issues of morality?

7). What are the only crimes that the U.S. Constitution had specifically enumerated and granted Congress the power and authority to legislate over and to provide punishment for?

8). Can a legislative court created by Congress under Article I, section 8, clause 17 of the U.S. Constitution, legally be conferred with criminal jurisdiction or 'subject-matter' jurisdiction?

9). Does the current interpretation of the Commerce and the Necessary and Proper clauses by Congress and the Federal Government, comport with the original understanding, intent, interpretation, and purpose as was written and adopted by the Framers?

TABLE OF CONTENTS

	Page
TABLE OF CONTENTS	i
OPINIONS BELOW AND JURISDICTION	ii
TABLE OF AUTHORITIES	iii
QUESTIONS PRESENTED	viii
STATEMENT OF THE CASE	1
REASONS FOR GRANTING THIS PETITION	
I. The issues before the Court in this case are of great Constitutional importance and are recurrent issues throughout ALL circuits	2
II. The inferior district court and the Court of Appeals for the Sixth Circuit, denied the Petitioner's Due Process rights by refusing to allow the Petitioner to procedurally move forward due to the nature of the issues currently before this Court	39
CONCLUSION	40

PETITION FOR WRIT OF HABEAS CORPUS

Roy Allen Nichols, the Petitioner, respectfully asks this Court to grant Writ of Habeas Corpus to reverse conviction and sentence in this case from the United States District Court for the Northern District of Ohio, Western Division, and Opinion of the Sixth Circuit Court of Appeals in Case Nos. 3:17-CR-00372 and Case No. 18-4240, respectively.

OPINIONS BELOW

The Opinion of the Sixth Circuit Court of Appeals in United States v. Roy Nichols, (Case No. 18-4240) affirming the trial court's decision was rendered on February 4, 2020, and the Sentencing Judgment of the United States District Court for the Northern District of Ohio, Western Division in United States v. Roy Nichols, (Case No. 3:17-CR-00372) was entered on December 3, 2018.

JURISDICTION

This Petition seek reversal and relief from the conviction imposed by the trial court and the Opinion of the Sixth Circuit Court of Appeals. Specifically at issue is that the Federal Government and the Federal courts below did **not** have the proper subject-matter jurisdiction, criminal enforcability power, and criminal jurisdiction authority (regardless of the Commerce, Necessary and Proper Clauses, or 18 USC §3231) beyond the geographic location and exclusive jurisdiction of the Federal Government, in direct violation of Article I, section 8, clause 17 of the U.S. Constitution.

The Jurisdiction of this Court is invoked pursuant to 28 USC §1254 (1) and United States Supreme Court Rule 13.1 and 13.3.

TABLE OF AUTHORITIES

U.S. Supreme Court — Page

Chisholm v. Georgia, 2 Dall 419,435 (1793)..... 3

Maxfield's Lessee v. Levy, 4 US 330 (1797)..... 3

United States v. Worrall, 2 US 384, 1LEd 426 (1798)..... 3

Marbury v. Madison, 1 Cranch 137, 176-178 2LEd 60 (1803)..... 4

Martin v. Hunter, 1 Wheat 304,326 4LEd 97,102 (1816)..... 4

United States v. Bevans, 3 Wheat 336, 387-388 (1818)..... 4

McCulloch v. Maryland, 4 Wheat 316,416-418 (1819)..... 5

Cohens v. Virginia, 6 Wheat 264, 298 (1821)..... 5

Gibbons v. Ogden, 9 Wheat 1, 189-190, 196 (1824)..... 6

New Orleans v. United States, 10 Pet 662,737 (1836)..... 6

United States v. Coombs, 12 Pet 72, 79 (1838)..... 7

Rhode Island v. Massachusetts, 12 Pet 657, 733 (1838)..... 7

Pollard v. Hagan, 3 How 212, 221,223-224 (1845)..... 7

Ableman v. Booth, 21 How 506, 524 (1859)..... 8

Ex Parte McCardle, 7 Wall 506, 514 (1869)..... 9

Knox v. Lee and Parker v. Davis, 79 US 457,535-536 (1871)..... 9

Bradley v. Fisher, 80 US 335,351-352 (1872)..... 9

United States v. Fox, 95 US 670,672 (1878)..... 9

Patterson v. Kentucky, 97 US 501, 505 (1879)..... 10

United States v. Hall, 98 US 343, 345-346 (1879)..... 10

Tennessee v. Davis, 100 US 257, 282 (1880)..... 11

Ex Parte Yarbrough, 110 US 657, 653 (1884)..... 11

Ft. Leavenworth R.R. v. Lowe, 114 US 525,530-531 (1885)..... 11

Van Brocklin v. Anderson, 117 US 151,167-168 (1886)..... 11-12

Manchester v. Massachusetts, 139 US 240, 263 (1891)..... 12

McAllister v. United States, 141 US 174, 182 (1891)..... 12

Logan v. United States, 144 US 263, 283 (1892)..... 13

Caha v. United States, 152 US 211, 215 (1894)..... 13

TABLE OF AUTHORITIES
(con't)

U.S. Supreme Court — Page

United States v. Ill. Cen. Rail, 154 US 225, 241 (1894)..... 13

Mattox v. United States, 156 US 237, 243 (1895)..... 14

Re: Debs, 158 US 564 (1895)..... 14

United States v. McMillan, 165 US 504 (1897)..... 14

United States v. Wong Kim Ark, 169 US 690 (1898)..... 14

Downes v. Bidwell, 182 US 244, 380-382 (1901)..... 15

Wabash Rail Co. v. Pearce, 192 US 179, 188 (1904)..... 15

So. Carolina v. United States, 199 US 437, 448-450 (1905)..... 15

Kansas v. Colorado, 206 US 46 (1907)..... 15

Keller v. United States, 213 US 183, 146 (1909)..... 16

Muskrat v. United States, 219 US 346, 352 (1911)..... 17

Southern Surety Co. v. Oklahoma, 241 US 582, 586 (1915)..... 17

Hammer v. Dagenhart, 247 US 251, 275 (1918)..... 18

Hamilton v. Ky. Distillery, 251 US 146, 156 (1919)..... 18

Newberry v. United States, 256 US 232, 249 (1921)..... 18

New York Cen. Rail v. Chisholm, 268 US 29, 31-32 (1925)..... 18

Myers v. United States, 272 US 52, 181-182 (1926)..... 19

Olmstead v. United States, 277 US 438, 485 (1928)..... 19

Surplus Trading Co. v. Cook, 281 US 647, 654 (1928)..... 19

Ex Parte Bakelite Corp., 279 US 438, 485 (1929)..... 20

O'Donoghue v. United States, 289 US 516, 546 (1933)..... 20

Williams v. United States, 289 US 553, 572 (1933)..... 22

United States v. Butler, 297 US 1, 67-69 (1936)..... 22

Carter v. Carter Coal Co., 298 US 238, 293-294 (1936)..... 22

United States v. Corrick, 298 US 435, 440 (1936)..... 23

Wright v. United States, 302 US 583, 588 (1938)..... 24

Mookini v. United States, 303 US 201, 205 (1938)..... 24

Bowen v. Johnston, 306 US 19, 22 (1939)..... 24

TABLE OF AUTHORITIES
(cont.)

U.S. Supreme Court — Page

Treines v. Sunshine Mining Co., 308 US 66, 70 (1940)..... 25

United States v. Appalachain Elec., 311 US 377,428 (1940)..... 25

Adams v. United States, 319 US 312 (1943)..... 25-26

Hazel-Atlas Glass v. Hartford Empire, 322 US 238, 258 (1944)..... 26

Price v. Johnston, 334 US 266, 300 (1948)..... 26

United States v. Williams, 341 US 58, 67 (1951)..... 26

Steele v. Bulova Watch Co., 334 US 280, 290 (1952)..... 27

Glidden v. Zdanok, 370 US 530, 543-544 (1962)..... 27

Paul v. United States, 371 US 245, 263 (1963)..... 27

Fay v. Noia, 372 US 391, 450 (1963)..... 27

Palmore v. United States, 411 US 389, 397-398 (1973)..... 28

Taylor v. McKeithen, 407 US 191, 195 (1976)..... 28

Kleppe v. New Mexico, 426 US 529, 543 (1976)..... 28

Stone v. Powell, 428 US 465, 523 (1976)..... 29

Owen Equip't Co. v. Kroger, 437 US 365, 372-374 (1978)..... 29

United States v. Will, 449 US 200, 217-218 (1980)..... 29

No. Pipeline v. Marathon Pipeline, 458 US 50, 57-58 (1982)..... 30

Pennsylvania v. Union Gas, 491 US 1, 26 (1989)..... 30

Walton v. Arizona, 497 US 639, 653 (1990)..... 30

Freytag v. Comm'n, 501 US 858 (1991)..... 30

Brecht v. Abrahamson, 507 US 619, 629 (1993)..... 31

United States v. Olano, 507 US 725, 732 (1993)..... 31

Kogyo v. US Phillips, 510 US 27, 33 (1993)..... 31

Kokkonen v. Guardian Life Ins., 511 US 375, 377 (1994)..... 31

Oklahoma Tax Comm'n v. Jefferson, 514 US 175 (1995)..... 31-32

United States v. Lopez, 514 US 549, 584-585 (1995)..... 32

US Term Limits v. Thornton,514 US 779,838 (1995)..... 32

TABLE OF AUTHORITIES
(cont.)

U.S. Supreme Court — Page

Printz v. United States, 521 US 898, 923 (1997)..... 32

Steel Co. v. Cit'ns for Better Envn't, 523 US 83 (1998)..... 33

Saenz v. Roe, 526 US 489, 508 (1999)..... 34

United States v. Morrison, 529 US 598, 618-619 (2000)..... 34

Duncan v. Walker, 533 US 167, 173 (2001)..... 34

United States v. Cotton, 535 US 635, 630 (2002)..... 34

Kontrick v. Ryan, 540 US 443, 455 (2004)..... 35

Gonzales v. Raich, 545 US 1 (2005)..... 35

Arbaugh v. Y & H Corp., 546 US 500, 514 (2006)..... 35

Gonzales v. Carhart, 550 US 124, 165 (2007)..... 35

Henderson v. Shinseki, 562 US 1163 (2011)..... 36

Bond v. United States(Bond I), 131 SCt 2355 (2011)..... 36

NFIB v. Sebelius, 132 SCt 2566, 2577 (2012)..... 36

United States v. Kebodeax, 133 SCt 2496 (2013)..... 36

Bond v. United States(Bond II), 134 SCt 2077, 2087 (2014)..... 36

Montgomery v. Louisiana, 136 SCt 718, 731 (2016)..... 37

Federal Statutes:

18 USC §7(3)..... 2

18 USC §10..... 2

18 USC §13..... 7

40 USC §3112(c)..... 3

18 USC §3231..... 28

State Statutes:

Title 29, Ohio Revised Code (§2907.332)..... 18

Rules:

Federal Rules of Criminal Procedure (FRCrP)

FRCrP Rule 1 (b)9..... 2

TABLE OF AUTHORITIES
(cont.)

	Page
Judiciary Acts:	
First Judiciary Act of 1789	2
Federalist Papers:	
#42	32
#49	5
U.S. Constitution:	
Article I, section 8, clause 3	
Article I, section 8, clause 6	2,4,9,16
Article I, section 8, clause 9	30
Article I, section 8, clause 10	2,4,9,16
Article I, section 8, clause 17	2,25,27,2
Article I, section 8, clause 18	
Article III, sections 1 & 2	20,21,22
Article III, section 3, clause 2	2,4,9,16
Article V	23
Article VI, clause 3	8
First Amendment	37
Tenth Amendment	13
Miscellaneous quotes:	
Abraham Lincoln	39

STATEMENT OF THE CASE

The matter now before this Court, originally stemmed from a Request for Judicial Notice to be file-docketed in the then-Appellant's direct appeal in Case No. 18-4240, because the Appellant was under the presumption that his appointed appellate counsel had abandoned his duty to represent the then-Appellant to the best of counsel's ability, so the Appellant sent the Request for Judicial Notice on September 20, 2019 to the Clerk of the Court for the Sixth Circuit Court of Appeals to be filed on September 26, 2019 (or was thought to be filed).

In November of 2019, the then-Appellant, after receiving nothing from the Appeals Court concerning the Notice or even a file-date copy of the Notice, wrote a letter to the Clerk of the Court inquiring the Request, and received a letter dated 9-26-2019 stating that because the Appellant was represented by counsel, he was not able to file as a pro se litigant and had no right to 'hybrid counsel', and therefore, the Request would not be filed.

Hybrid counsel was not the intention of the Notice to be filed in pro se but only to raise the issues now before this Court because counsel refused to raise them after being directed to do so by the then-Appellant. Summarily, in denying the Request to be filed, the Sixth Circuit Court of Appeals had violated the Defendant-Appellant of his Due Process rights and completely abandoned their sworn Oath and duty to uphold the U.S. Constitution, which is considered as not only committing Treason against the Constitution, but also as Treason against the People of the several Union States.

REASONS FOR GRANTING THIS PETITION

I. The issues before the Court in this case are of great Constitutional importance and are recurrent issues throuout ALL circuits

The Petitioner states that the Federal Government has no criminal enforcability and jurisdiction powers(regardless of either the Commerce and the Necessary and Proper clauses) to provide for the punishments of crimes not specifically enumerated in Article I, section 8, clauses 6 & 10, and in Article III, section 3, clause 2 of the U.S. Constitution, beyond the geographic locations and exclusive jurisdictions of the Federal Government, which were ceded to the Federal Government by each of the several 50 Union States.

The Petitioner states that this fact of Law is found in Article I, section 8, clause 17 of the U.S. Constitution, and in the Judiciary Act of 1789, Chapter XX, section9, clause 1, which states: 'And be it further enacted, that the district court shall have, exclusively of the courts of theseveral States, 'cognizance of all crimes and offences that shall be 'conizable under the authority of the United States, committed within their respective 'districts, or upon the high seas.', but none of the later Judiciary Acts (including the current one) contained any language concerning crimes and punishments not enumerated in the U.S. Constitution.

The Petitioner also states that the Federal Government and the inferior Federal courts repeatedly fail to abide by it's own statutes, including those originally authored by earlier Supreme Courts concerning the Federal Rules of Criminal Procedure(FRCrP) pertaining to the definition of 'State' under Rule 1(b)9, and the definitions of 'interstate commerce', according to 18 USC §10, and 'Areas of Jurisdiction', according to 18 USC §7(3).

Unless and until notice and acceptance of jurisdiction over any lands ceded to the Federal Government by any of the several 50 Union States by and/or through cession, Federal courts are without any type of jurisdiction to punish any act committed within or upon lands acquired by the United States(see 40 USC §3112(c)).

The very first example that demonstrates the Federal Government has no criminal enforcability or jurisdictional powers beyond it's geographic locations and exclusive jurisdiction within a State is in Chisholm v. Georgia, 2 Dall 419,435 (1793), in which the Supreme Court observed: "Each State in the Union is sovereign as to all the powers reserved. It must necessarily be so, because the United States have no Claim to any actual authority but such as the States have surrendered."

Four years later, the Supreme Court in Maxfield's Lessee v. Levy, 4 US 330 (1797), had observed and explained that: "if the court is without jurisdiction, it would not matter if the defendant were found guilty by a jury 100 times."

The earliest example to demonstrate that Congress is limited in it's powers to legislate over and provide punishment to only those subjects the Framers had enumerated in Article I, section 8, clause 6 & 10, and in Article III, section 3, clause 2 of the U.S. Constitution and placed all other types of conduct into the category of the commom-law, is in United States v. Worrall, 2 US 384, 1LEd 426 (1798), where the Court observed: "The common-law authority relating to crimes and punishments has not been coferred upon the Government of the United States..", and continued with: "The United States as a Federal Government, have no common-law; and consequently, no indictment can be maintained in their courts, for offences merely

at the common-law."

Five years after Worrall, the Supreme Court in Marbury v. Madison, 1 Cranch 137, 176 2 LEd 60,73 (1803), Chief Justice John Marshall, speaking for the Court, had observed: "To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished if those limits do not confine the persons on whom they are imposed and if acts prohibited & acts allowed are of equal obligation."

Thirteen years after Marbury, the Supreme Court in Martin v. Hunter, 1 Wheat 304,326 (1816), had observed that: "the general government can claim no powers which are not granted to it by the Constitution, and the powers actually granted, must be such as are expressly given, or given by necessary implication."

The Petitioner states that the power to punish was only given to the **enumerated** subjects in Article I, section 8, clauses 6 & 10, and in Article III, section 3, clause 2 of the U.S. Constitution, **not** in the Commerce or the Necessary and Proper clauses; any law passed by Congress that assumes to create, define, enact, or punish crimes other than those so enumerated in the U.S. Constitution as stated above, are altogether void and of no force, especially when applied and enforced beyond the Federal Government's geograghic locations and exclusive jurisdictions.

Two years following Martin, the Supreme Court in United States v. Bevans, 3 Wheat 336,387-388(1818), again, with Chief Justice Marshall speaking, with regard to the Necessary and Proper clause ob-

served: "Congress may pass all laws which are necessary and proper for giving the most complete effect to this power. Still, the general jurisdiction over the place [of the crime], adheres to the territory, as a portion of sovereignty not yet given away."

A year later, the Supreme Court in McCulloch v. Maryland, 4 Wheat 316,416-418 (1819), Chief Justice Marshall observed: "So with respect to the whole penal code of the United States: whence arises the power to punish in cases **not** prescribed by the Constitution? All admit that the government may legitimately punish any violation of it's laws; and yet, this is **not** among the enumerated powers of Congress. The right to enforce the observance of law, by punishing it's infraction, might be denied with more plausability because it is expressly given in some cases....

The good sense of the public has pronounced, without hesitation, that the power of punishment appertains to **sovereignty** and may be exercised whenever the sovereignty has a right to act, as incidental to his constitutional powers. It is a means for carrying into execution all sovereign powers, and may be used, although not indispensibly necessary...It is a right incidental to the power and conductive to it's beneficial exercise."

Two years following McCulloch, the Supreme Court in Cohens v. Virginia, 6 Wheat 264,298 (1821), Chief Justice Marshall could not have made it any plainer or clearer, in applying what James Madison noted in the Federalist Papers #49, when, in speaking for the Court, he pointed out: "The People **made** the Constitution, and the People can **un**make it...It is the creature of their own will, and lives only **by** their will...But this supreme and irresistable power to make and to unmake, resides **only** in the whole body **of** the Peo-

ple, not in any subdivision of them; The attempt of any of the parts to exercise it is **usurpation**, and ought to be repelled by those to whom the People have delegated their power of repelling it."

Three years following Cohens, the Supreme Court in Gibbons v. Ogden, 9 Wheat 1,189-190 (1824), with Chief Justice Marshall, again speaking for the Court, stated that: "Commerce undoubtedly....is **regulated** by prescribing **rules** for carrying on that intercourse. What is this power? It is the power to **regulate**; that is, to prescribe the **rules** by which commerce is to be **governed.**"

Twelve years after Gibbons, the Supreme Court in New Orleans v. United States, 10 Pet 662,737 (1836), had observed that: "Congress cannot, by legislation, enlarge the Federal jurisdiction, nor can it be enlarged by the treaty-making power. Special provision is made in the Constitution for the cession of jurisdiction from the States over places where the Federal Government shall establish forts or other works, and it is **only** in these places or in the territories of the United States, where it can exercise a general jurisdiction...The State of Louisiana was admitted into the Union on the same footing as the original States. Her rights of sovereignty are the same, and by consequence, no jurisdiction of the Federal Government, either for purposes of police or otherwise, can be exercised over this public ground, which is not common to the United States."

Since the Federal Government contends that it has the power to prosecute and punish purported Federal felonious crimes committed beyond their geographic location and exclusive jurisdiction, then the Federal Government must: a). Provide and show actual and

physical proof of an extra-territorial application of the statute in question being charged, b). Provide and show actual and physical proof from the State legislatures of **ALL** 50 Union States of extra-territorial jurisdiction **within** all 50 Union States, and c). Provide and show a factual and true Constitutional foundation supporting the statute in question being charged; — Absent the above mentioned, no Federal prosecution can be maintained or conviction be allowed to stand for any purported offense committed beyond the Federal Government's geographic location and exclusive jurisdiction(regardless of either the Commerce or the Necessary and Proper clauses), nor can the Federal Government 'adopt' any law or statute, pursuant to 18 USC §13, of any of the several 50 Union States.

Two years following New Orleans, the Supreme Court in United States v. Coombs, 12 Pet 72,79 (1838), had observed that: "the commerce power extends to such acts, done on land, which interfere with, obstruct, or prevent the due exercise of the power to regulate [interstate and international] commerce."

Not too far behind Coombs, the Supreme Court in Rhode Island v. Massachusetts, 12 Pet 657,733 (1838), observed: "It follows that when a place is within the boundary, it is a part of the territory of a State; Title, jurisdiction and sovereignty, are inseparable incidents, and remain so til the State makes some cession."; but the Court also stated: "In constructing the provisions of the Constitution, we must look at the history of the time and examine the state of things existing when it was framed and adopted, to ascertain the old law, the mischief, and the remedy."

Seven years after Rhode Island, the Supreme Court in Pollard v. Hagan, 3 How 212, 221,223-224 (1845), in addressing the status of

the State of Alabama(and applicable to all States), the Court observed: "The United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory, of which Alabama, or any of the new States were formed...The United States have no Constitutional capacity to exercise a municipal jurisdiction, sovereignty, or imminent domain within the limits of a State; Such Power is not only repugnant to the Constitution but it is inconsistent with the spirit and intentions of the deeds of cession."

Fourteen years after Pollard, the Supreme Court in Ableman v. Booth, 21 How 506,524 (1859), had observed that: "The Constitution of the United States, with all the powers conferred by it on the General Government and surrendered by the States, was the **voluntary** act of the People of the several States, deliberately done for their own protection and safety against injustice from one another and their anxiety to preserve it in full force in all it's powers, and to guard against resistance to or evasion of it's authority, is proved by the provision of Article VI, clause 3, in which requires that members of all State legislative, executive, and judicial officers of the Several States as well as those of the General Government, shall be bound by Oath or affirmation to support the Constitution."

The Petitioner states that Congress, the Federal Government, and the inferior Federal courts(this Court included), are **mandated** to obey the Constitution under Article VI, clause 3 but Congress, the Federal Government, and the inferior Federal courts blatently ignore and make a mockery of their **sworn** Oath and duty to uphold the Constitution, which is in all actuality, considered as a form of Treason against the Constitution.

Ten years after Ableman, the Supreme Court in Ex Parte McCardle, 7 Wall 506,514 (1869), observed and stated: "What, then, is the effect of the repealing Act upon the case before us? We cannot doubt as to this. Without jurisdiction, the Court cannot proceed at all in any cause. Jurisdiction is power to declare the law, & when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the cause."

Two years following McCardle, the Supreme Court in Knox v. Lee & Parker v. Davis, 79 US 457,535-536 (1871), expressed in it's observation as to what the aggregate powers of the Federal Government permits Congress to legislate over, and to "the penal code" of the government for application and enforcement in a nationwide manner; And, when mentioning the specifically enumerated subjects in Article I, section 8, clauses 6 & 10, and in Article III, section 3, clause 2 of the Constitution that the Framers had provided for application and enforcement in a nationwide manner, the Court concluded: "This is the extent of power to punish crime expressly conferred."

That next year, the Supreme Court in Bradley v. Fisher, 80 US 335, 351-352 (1872), observed that: "A distinction must be here observed between excess of jurisdiction and the clear absence of all jurisdiction over the subject-matter. Where there is clearly no jurisdiction over the subject-matter, any authority exercised is an usurped authority, and for the exercise of such authority when the want of jurisdiction is known to the judge, no excuse is permissible."

Six years after Bradley, the Supreme Court in United States v. Fox, 95 US 670,672 (1878), observed: "There is no doubt of the competency of Congress to provide, by suitable penalties for the

enforcement of all legislation necessary and proper, to the execution of powers with which it is entrusted....Any act committed with a view of evading the legislation of Congress passed in the execution of any of it's powers, or of fraudulently securing the benefits of such legislation, may properly be made an offense against the United States.....

But an act committed within a State, whether for a good or bad purpose, or whether, with an honest or criminal intent, cannot be made an offense against the United States, unless it have some relation to the execution of a power of Congress, or to some matter within the jurisdiction of the United States; an act not having any such relation is one in respect to which the State alone can legislate."

A year after Fox, the Supreme Court in Patterson v. Kentucky, 97 US 501,505 (1879), had observed: "The police power of the States was not surrendered when the People of the United States conferred upon Congress the general power to regulate commerce with foreign nations and between the several States."

Almost on the heels of Patterson, the Supreme Court in United States v. Hall, 98 US 343,345-346 (1879), observed: "Courts possess no jurisdiction over crimes and offenses committed against the authority of the United States, except what is given them by the power that created them; nor can they be vested with such jurisdiction beyond what the power ceded to the United States by the Constitution authorizes Congress to confer...Congress may provide for the punishment of counterfeiting the securities an current coin of the United States, may pass laws to define and punish piracies and felonies committed on the high seas, offenses against the law of nations, and treason."

A year following Hall, the Supreme Court in Tennessee v. Davis, 100 US 257,282 (1880), in a reinteration of the Worrall court, stated that: "Federal courts have no common-law jurisdiction in criminal cases."

Four years later, the Supreme Court in Ex Parte Yarbrough, 110 US 651,653 (1884), observed: "It is equally well settled that when a prisoner is held under sentence of any court of the United States in regard to a matter wholly beyond or without the jurisdiction of that court, it is not only within the authority of the Supreme Court but it is it's duty to inquire into the cause of commitment when the matter is properly brought to it's attention, and if found to be as charged, a matter of which such court had no jurisdiction, to discharge the prisoner from confinement."

A year after Yarbrough, the Supreme Court in Ft.Leavenworth RR v. Lowe, 114 US 525,530-531 (1885), observed: "We are of the opinion that the right of exclusive legislation within the territorial limits of any State can be acquired by the United States, only in the mode pointed out in the Constitution, by purchase or by consent(or cession) of the legislature of the State in which the same shall be for erection of forts, magazines, arsenals, dockyards and other needful buildings....

The essence of that provision is that the State shall freely cede the particular place to the United States for one of the enumerated objects, This jurisdiction cannot be acquired tortuously by disseisin of the State; much less can it be acquired by mere occupancy, with the implied or tacit consent of the State."

A year following Leavenworth, the Supreme Court in Van Brocklin v.

Anderson, 117 US 151,167-168 (1886), observed that: "Upon admission of a State into the Union, the State doubtlessly acquires general jurisdiction, civil and criminal...except where it has ceded exclusive jurisdiction to the United States. The rights of local sovereignty...vest in the State, and not in the United States."

Five years after Van Brocklin, the Supreme Court in Manchester v. Massachusetts, 139 US 240,263 (1891), observed: "The jurisdiction of a State is coextensive with it's territory; coextensive with it's legislative power...unless that jurisdiction has been ceded to the United States."

Close behind Manchester, the Supreme Court in McAllister v. United States, 141 US 174,182 (1891), observed that: "The view that courts in the territories are legislative courts, as distinguished from the courts of the United States, [is not] weakened by the circumstance that Congress, in a few of the Acts providing for the territorial courts, fixed the terms of the office of the judges of those courts during 'good behavior'...
The judges of the Supreme Court of the Territory are appointed by the President under Act of Congress, but this does not make the courts they are authorized to hold, [Article III] courts of the United States."

The Petitioner states that a judge wielding [Article III] judicial power while empaneled on a legislative court, sitting inside an external boundary of a State, with an Executive branch officer prosecuting State common-law criminal cases under the guise of 'regulating' interstate commerce, committed beyond the geographic location and exclusive jurisdiction of the Federal Government, is completely arbitrary, capricious, oppressive, and the very definition of tyranny.

The very next year, the Supreme Court in Logan v. United States, 144 US 263,283 (1892), stated that: "The Constitution contains no grant, general or specific, to Congress of the power to provide for the punishment of crimes, except piracies and felonies committed on the high Seas, offenses against the law of Nations, treason, and counterfeiting the Securities and current Coin of the United States."

Two years after Logan, the Supreme Court in Caha v. United States, 152 US 211,215 (1894), the Court observed: "Generally speaking, within any State of this Union, the preservation of the peace and the protection of person and property are the functions of the State governments, and are no part of the primary duty, at least, of the Nation. 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."

As to the enforcability of the laws of Congress by the Federal Government are concerned, Caha, supra, settled it, for that they do not extend into the territorial boundaries of the several States, which have their own laws and statutes regulating the same alleged criminal conduct— conduct the Framers did not enumerate in the Constitution for application and enforcement in a nationwide manner.

On the heels of Caha, the Supreme Court in United States v. Ill. Cent. Rail Co., 154 US 225,241 (1894), observed that: "all powers which properly appertain to sovereignty, which have not been delegated to the Federal Government, belong to the States and the People."(paraphrasing the Tenth Amendment)

A year later, the Supreme Court in Mattox v. United States, 156 US 237,243 (1895), observed that: "We are bound to interpret the Constitution in the light of the law as it existed at the time it was adopted."

That same year after Mattox, the Supreme Court in Re:Debs, 158 US 564 (1895), observed while addressing the powers expressly given to the national government, the control of commerce, and also the creation and management of a post office system for the Nation: "As, under the Constitution, power over interstate commerce and the transportation of the mails is vested in the national government, and Congress, by virtue of such grant, has assumed actual and direct control, it follows that the national government may prevent any unlawful and forcible interference therewith." The Re:Debs case involved the Pullman Strike where members of the railway worker's union stopped the running of the railroads, interfering with the transportation of the mails thereon; an injunction was issued by the circuit court to cease and desist obstructing of the railroads, but no indictment was sought because disobedience of an injunction is a common-law criminal offense, and, according to Worrall, supra,: "no indictment can be maintained in their courts for offences merely at the common-law."

Two years after Re:Debs, the Supreme Court in United States v. McMillan, 165 US 504 (1897), had only reinterated the McAllister court when it stated: "Doubtlessly, the courts of a territory are **not**, strictly speaking, [Article III] courts of the United States."

That next year, the Supreme Court in United States v. Wong Kim Ark, 169 US 690 (1898), observed: "Every independent State has as one of the incidents of it's sovereignty, the right of municipal legisla-

tion over all persons within it's own territory, no sovereignty can extend it's jurisdiction beyond it's own territorial limits."

Two years following Wong, the Supreme Court in Downes v. Bidwell, 182 US 244,380-382 (1901), observed: "The source of national power in this country is the Constitution of the United States; and the government, as to our internal affairs, possesses no inherent sovereign power not derived from that instrument, and inconsistent with it's letter and spirit. Indeed, a treaty which undertook to take away what the Constitution secured, or to enlarge Federal jurisdiction, would simply be void...

It's principles cannot, therefore, be set aside in order to meet the supposed necessities of great crisis, No doctrine involving more pernicious consequences was ever invented by the wit of man that any of it's provisions can be suspended during any of the great exigencies of government."

Three years following Downes, the Supreme Court in Wabash Rail Co. v. Pearce, 192 US 179,188 (1904), had observed as to the articles of commerce being commingled with the property of the State: "The power of regulation continues until the final delivery of the imported articles."

That next year, the Supreme Court in So. Carolina v. United States, 199US 437,448-450 (1905), had observed: "The Constitution is a written instrument; As such, it's meaning does not alter...that which it meant when it was adopted, it means now...any other rule of construction would abrogate the Judicial character of this Court, and make it the reflex of the popular opinion or passion of the day..."

Two years following So. Carolina, the Supreme Court in Kansas v. Colorado, 206 US 46,87-88 (1907), observed: "The last paragraph

of the section which authorizes Congress to 'make all laws which shall be necessary and proper for carrying into execution the foregoing powers vested by this Constitution in the government of the United States or in any department or officer thereof', is not the new and independent power, but simply provision for making effective the powers theretofore mentioned."

Two years after Kansas, the Supreme Court in Keller v. United States, 213 US 138,146 (1909), considered what type of conduct or offense, would be proper for Federal Government enforcability and jurisdiction to be exercised on properly, and observed: "Generally it may said, in respect to laws of this character, that although resting upon the police powers of the States, they must yield whenever Congress, in the exercise of the power granted to it, legislates upon the precise subject-matter;...For that power, like all other reserved powers of the States, is subordinate to those in terms conferred upon the Nation. No urgency for it's use can authorize a State to exercise it in regard to a subject-matter which has been conferred exclusively to the discretion of Congress by the Constitution."

Or, simply put, subject-matter jurisdiction, according to Keller, supra, means the objects of legislation that the Framers had enumerated in Article I, section 8, clauses 6 & 10, and in Article III, section 3, clause 2 of the Constitution for the nationwide application and enforcement without the need for a properly submitted and ratified Constitutional amendment to apply and enforce in a nationwide manner, whereas any criminal legislation passed by Congress with the belief that it can be applied and enforced nationally, requires a properly submitted and ratified Constitutional amendment for application and enforcement in a nationwide manner.

Two years following Keller, the Supreme Court in Muskrat v. United States, 219 US 346,352 (1911), had observed: "That, by the Constitution of the United States, the government thereof, is divided into three distinct and independent branches, and that it is the duty of each to abstain from, and to oppose, encroachments on either."

Four years after Muskrat, the Supreme Court in Southern Surety Co. v. Oklahoma, 241 US 582,586 (1915), observed: "Of course, we exclude from the present consideration, forts, arsenals, and like places within the external limits of a State, but over which exclusive jurisdiction has been ceded to the United States, because they are regarded not as part of a State, but as excepted out of it."

Like the several 50 Union States, the Federal Government can only punish felonious crimes committed within their own lands(geographic locations)ceded by each of the several 50 Union States, which are under the Federal Government's exclusive jurisdiction; Any felony act committed within those geographic locations and jurisdictions, can be prosecuted and punished just the same as a State would prosecute and punish any felony act committed within it's own lands and jurisdictions.

In the case at bar, since the State of Ohio under Baldwin's civil statutes, did not cede over to the Federal Government any criminal enforcability and jurisdictional powers over any purported Federal crime(regardless of the Commerce or Necessary and Proper clauses) committed beyond the Federal Government's geographic location and exclusive jurisdiction, nor could the Federal Governemnt legally assume any jurisdiction over the purported crime, because it did not have a primary general jurisdiction of the exact location where the purported crime occurred, and that the State of Ohio has it's own laws

and statutes under Title 29 of the Ohio Revised Code(§2907.332), which governs the same types of offenses.

Three years after Southern Surety, the Supreme Court in Hammer v. Dagenhart, 247 US 251,275 (1918), observed: "Our Federal Government is one of enumerated powers. The control by Congress over interstate commerce cannot authorize the exercise of authority not entrusted to it by the Constitution. In interpreting the Constitution, it must never be forgotten that the nation is made up of States to which are entrusted the powers of local government. And to them and to the People, the powers not expressly delegated to the national government, are reserved."

That following year, the Supreme Court in Hamilton v. Ky. Distill. & Warehouse, 251 US146,156 (1919), observed: "That the United States lacks a 'police power' and that this was reserved to the States by the Tenth Amendment is true."

Two years after Hamilton, the Supreme Court in Newberry v. United States, 256 US 232,249 (1921), made it very clear, as to the powers granted to the several States in the Tenth Amendment when the Court observed: "The very existence of the general government depends on that of the State governments. The State legislatures are to choose the Senators...the same observation may be made as to the House of Representatives. Thus it is evident that the very existence of the general government depends on that of the State legislatures."

Four years after Newberry, the Supreme Court in New York Cent. Rail Co. v. Chisholm, 268 US 29,31-32 (1925), observed that: "Legislation is presumptively territorial and confined to limits over which the lawmaking power has jurisdiction. All legislation is prima facie territorial."

The year following New York, the Supreme Court in Myers v. United States, 272 US 52,181-182 (1926), observed: "It should never be lost sight of, that the Government of the United States is one of limited and enumerated powers, and that a departure from the true import and sense of it's powers is pro tanto the establishment of a new Constitution. It is doing for the People what they have not chosen to do for themselves. It is usurping the functions of a legislator, and deserting those of an expounder of the law. Arguments drawn from impolicy or inconvenience ought here to be of no weight. The only sound principle is to declare, ita lex scripta est["so the law is written"], to follow and to obey."

Two years after Myers, the Supreme Court in Olmstead v. United States, 277 US 438,479 (1928), a prominent jurist gave a warning within his dissenting opinion and stated: "In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously...Crime is contagious. If the Government becomes a law-breaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy....

To declare that in the administration of criminal law, 'the end justifies the means'— to declare that the Government may commit crimes in order to secure the conviction of a private criminal— would bring terrible retribution. Against that pernicious doctrine, this Court should resolutely set it's face."(Brandeis, J., dissenting)

Not far behind Olmstead, the Supreme Court in Surplus Trading Co. v. Cook, 281 US 647,654 (1928), had observed: "Exclusive legislation is consistent only with exclusive juridiction. For if exclusive jurisdiction and exclusive legislation do not import the same

thing, the States could not cede or the United States accept, for the purposes enumerated in this clause, any exclusive jurisdiction."

A year after Surplus Trading, the Supreme Court in Ex Parte Bakelite Corp., 279 US 438,458-460 (1929), observed: "Other articles invest Congress with powers in the exertion of which it may create inferior courts and clothe them with functions deemed essential or helpful in carrying into execution. But there is a difference between the two classes of courts.

Those established under the specific power given in §1 of Article 3 are called 'constitutional courts'. They share in the exercise of the judicial power defined in that section, can be vested with no other jurisdiction, and have judges who hold Office during good behavior with no power in Congress to provide otherwise.

On the other hand, those created by Congress in the exertion of other powers are called 'legislative courts', their functions always are directed to the execution of one or more such powers and are prescribed by Congress independently of §2 of Article 3; and their judges hold for such terms as Congress prescribes, whether it be for a fixed period of years, or during good behavior."

Four years following Bakelite, the Supreme Court in O'Donoghue v. United States, 289 US 516,546 (1933), made it clear when it observed: "The fact that Congress, under another and plenary power, has conferred upon these courts jurisdiction over non-federal causes of action, or over quasi-judicial or administrative matters, does not affect the question....

In dealing with the District(of Columbia), Congress possesses the powers which belong to it in respect of territory within a State. ..in other words, it possesses a 'dual-authority' over the District

(of Columbia) and may clothe the courts of the District(of Columbia) not only with the jurisdiction and powers of Federal courts in the States, but with such authority as a State may confer upon her Courts.

Since Congress, then, has the same power under Article III of the Constitution to ordain and establish inferior Federal courts in the District of Columbia, as in the[several] States...the judicial power thus conferred is not and cannot be affected by the additional congressional legislation under Article I, section 8, imposing upon such courts other duties which, because that special power is limited to the District(of Columbia), Congress cannot impose upon inferior Federal courts elsewhere.....

But the observation, read in the light of what was said in the Keller case in respect of the dual power of Congress in dealing with the courts of the District(of Columbia), should be confined to the Federal courts of the [several] States; and thus confined, it is not in conflict with the view that Congress derives from the[DC] clause distinct powers in respect of the Constitutional courts of the District(of Columbia) which Congress does **not** possess, in respect of such courts outside the District(of Columbia)."

It's clear that non-federal causes of action refers to cases that are **not** enumerated in Article III, section 2, in which Chief Justice Marshall in Cohens, supra, had observed that the judicial power of the United States Government, is limited to those specifically enumerated in Article III, section 2, to which Chief Justice Marshall had defined as being **civil** in nature, not **criminal.**

In more simpler terms, Congress does **not** possess the Constitutional power and authority to legally confer upon any inferior district court sitting outside the District of Columbia within the ex-

ternal boundaries of any of the several 50 Union States with 'such authority as a State may confer on her courts', meaning, with any criminal jurisdictional powers beyond it's geographic location and exclusive jurisdiction.

Closely following O'Donoghue, the Supreme Court in Williams v. United States, 289 US 553,572 (1933), observed; "the courts of the territories(and of course, other legislative courts) are invested with judicial power, but that this power is **not** conferred by the third article of the Constitution, but by Congress in the execution of other provisions of that instrument...

Congress cannot vest any portion of the judicial power granted by §1 and defined by §2 of the third article of the Constitution in courts not ordained and established by itself."

Three years later, the Supreme Court in United States v. Butler, 297 US 1,67-69 (1936), observed: "Congress cannot, under the pretext of executing delegated power, pass laws for the accomplishment of objects not entrusted to the Federal Government. And we accept as established doctrine, that **any** provision of an act of Congress ostensibly enacted **under** the power granted by the Constitution **not** naturally and reasonably adapted **to** the exercise **of** such power but solely to the achievement of something plainly **within** the power reserved to the States, is **invalid** and **cannot** be **enforced."**

Not long after Butler, the Supreme Court in Carter v.Carter Coal Co., 298 US 238,293-294 (1936), observed as to what the Framers provided against a unilateral encroachment by the Federal Government, thus by Congress, into a State's sovereignty and jurisdictional authority, by adopting the Tenth Amendment, in which had

been the issue of point when the Court stated: "This amendment, which was seemingly adopted with prescience of just such contention as the present, disclosed the widespread fear that the national government might...attempt to exercise powers which had not been granted; With equal determination, the Framers intended that no such assumption should ever find justification in the organic Act, and, that if in the future, further powers seemed necessary, they should be granted by the People in the manner they had provided for amending that Act."

And that manner, is under Article V of the Constitution, also called the Amendment clause, but the Carter court continued: "The Constitituion itself is in every real sense, a Law — the Lawmakers being the People themselves, in whom under our system, all political power and sovereignty primarily resides, and through whom such power and authority primarily speaks. It is by that Law, and not otherwise, that the legislative, executive, and judicial agencies which it created, exercise such political authority as they have been permitted to possess...The Constitution speaks for itself in terms so plain, that to misunderstand their import is not rationally possible; 'We the People of the United States', it says, 'do ordain and establish this Constitution..'; ordain and establish! These are definite words of enactment; and without more would stamp what follows with the dignity and character of Law."

Right on the heels of Carter, the Supreme Court in United States v. Corrick, 298 US 435,440 (1936), observed through the O'Donoghue court that: "if an alleged Federal offense was committed within the jurisdiction of any State, but not within the geographic location and exclusive jurisdiction of the Federal Government, the purported conviction would be rendered null and void to the point

of the conviction being reversed and the Bill of Indictment dismissed with prejudice."

Two years after Corrick, the Supreme Court in Wright v. United States, 302 US 583,588 (1938), observed that: "In expounding the Constitution, of the United States, every word must have it's due force, and appropriate meaning; To disregard such a deliberate choice of words and their natural meaning would be a departure from the first principle of Constitutional interpretation; for it is evident from the whole instrument, that no word was unnecessarily used or needlessly added....

The many discussions which have taken place upon the construction of the Constitution have proved the correctness of this proposition; and shown the high talent, the caution, and foresight of the illustrious men who framed it."

Almost after Wright, the Supreme Court in Mookini v. United States, 303 US 201,205 (1938), observed: "We have often held that vesting a territorial(legislative) court with jurisdiction similar to that vested in the District(Article III) Courts of the United States, does not make it a 'District(Article III) Court of the United States'."

A year following Mookini, the Supreme Court in Bowen v. Johnston, 306 US 19,22 (1939), expressed a somewhat similar observation by the Corrick court as to the Federal Government's power to prosecute and punish crimes, and stated: "Crimes are cognizable - when committed within or on lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislatures of the State."

In the venacular, the Federal Government has no jurisdiction over crimes committed beyond their geographic location and exclusive jurisdiction because they are **not** sovereign over any lands within any of the several 50 Union States, except where jurisdiction has been ceded to the Federal government by each of the several 50 Union States in the manner prescribed in Article I, section 8, clause 17 of the Constitution, and therefore, they cannot claim any jurisdiction beyond their own geographic location and exclusive jurisdiction.

The year after Bowen, the Supreme Court in Treinies v. Sunshine minig Co, 308 US 66,70 (1940), had observed : "Before considering the questions raised by the petition for certiorari, the jurisdiction of the Federal court...must be determined."

Later that same year, the Supreme Court in United States v. Appalachain Elec. Co., 311 US 377,428 (1940), observed that: "At the formation of the Union, the States delegated to the Federal government authority to regulate commerce among the States. So long as the things done within the States by the United States under that power, there can be no interference with the sovereignty of the State. It is the nondelegated power which under the Tenth Amendment remains in the States or the People."

The Petitioner states that the above-quoted opinion still does not grant the Federal Government the power and authority to encroach upon the sovereignty of the several 50 Union States and blatently demonstrates the motives of the Federal Government. Article I, section 8, clause 3 only stated 'among the several States', not within the several States'.

Three years after Appalachain, the Supreme Court in Adams v. Uni-

ted States, 319 US 312,(1943), even being on a wartime footing, had observed that: "Unless and until the United States has so filed and published acceptance of jurisdiction(of ceded lands), it is to be conclusively presumed that no such jurisdiction has been accepted."

That next year, the Supreme Court in Hazel-Atlas Glass Co. v. Hartford Empire Co., 322 US 238,258 (1944), had observed: "The circuit courts of appeal are creatures of statute. No original jurisdiction has been conferred on them. Courts created by statute must look to the statute as the warrant for their authority."

Not too long after Hazel-Atlas, the Supreme Court in Screws v. United States, 325 US 91,129-130 (1944), observed: "Ignorance of the law is no excuse for men in general. It is less an excuse for men whose special duty is to apply it, and therefore to know and observe it. When they enter such a domain in the dealing with citizen's rights, they should do so at their own peril, whether that be created by State or Federal law; For their sworn and first duty are to uphold the Constitution."

Four years following Screws, the Supreme Court in Price v. Johnston, 334 US 266,300 (1948), reinterated itself with the Hazel-Atlas court and stated: "The Circuit Courts of Appeal are statutory courts, and must look to a statutory basis for any jurisdiction they exercise."

Three years after Price, the Supreme Court in United States v. Williams, 341 US 58,67 (1951), observed that: "In a criminal case, we have said that a person convicted by a court without jurisdiction over the place of the crime, could be released from restraint by habeas corpus."

The following year after Williams, the Supreme Court in Steele v. Bulova Watch Co., 344 US 280,290 (1952), observed that: "The canon of construction which teaches that legislation of Congress, unless a contrary intent appears, is meant to apply only within the territorial jurisdiction of the United States is a valid approach, where by unexpressed congressional intent may be ascertained."

Ten years after Steele, the Supreme Court in Glidden v. Zdanok, 370 US 530,543-544 (1962), pondering the debated issue concerning 'Constitutional(Article III) courts and legislative courts, when the debate had turned to the question of the inferior district courts, whether they are Constitutional or legislative courts, the Court stated: "These courts, then, are not Constitutional Courts in which the judicial power conferred by the Constitution on the general government, can be deposited. They are incapable of receiving it. They are legislative courts, created in virtue of the general right of sovereignty which exists in the government or in virtue of that clause which enables Congress to make all needful rules and regulations, respecting the territory belonging to the United States."

That next year, the Supreme Court in Paul v. United States, 371 US 245,263 (1963), made this observational statement: "Without the State's consent, the United States does not obtain the benefits of Article I, section 8, clause 17."

Later that same year, the Supreme Court in Fay v. Noia, 372 US 391, 450 (1963), observed that: "An imprisonment under a judgment cannot be unlawful, unless that judgment be an absolute nullity; and it is not a nullity if the court has general jurisdiction of the subject-matter."

The Petitioner states that the inferior district court below is a

legislative court established by Congress under Article I, section 8, clause 17 of the Constitution; the court did not have, and cannot be legally conferred with subject-matter jurisdiction; nor can it exercise a general jurisdiction beyond it's geographic location and exclusive jurisdiction within any of the several 50 Union States (regardless of the Commerce, Necessary and Proper clauses, or even 18 USC §3231).

Ten years after Fay, the Supreme Court in Palmore v. United States, 411 US 389,397-398 (1973), observed that: "The safeguards accorded Article III judges were designed to protect litigants with unpopular or minority cases or litigants who belong to despised or suspect classes(read by Kurtland, The Constitution and the Tenure of Federal Judges: some notes from History, 36 U.Chi. L. Rev. 665,698(1969)(life tenure of Federal judges "not created for the benefit of the judges but for the judged")."

Three years after Palmore, the Supreme Court in Taylor v. McKeithen, 407 US 191,195 (1976), reinterated itself concerning the status of the circuit courts of appeals, and stated that: "The courts of appeals are statutory courts."

Not long after Taylor, the Supreme Court in Kleppe v. New Mexico, 426 US 529,543 (1976), had observed: "We have noted, for example, that the Property Clause give Congress power over the public land to control their occupancy and use, to protect them from trespass and injury, and to prescribe the condition upon which others may obtain their rights in them; Absent consent or cession, a State undoubtedly retains jurisdiction over Federal lands in it's territory. The Federal Government does not assert exclusive jurisdiction over public lands, and the State is free to enforce it's criminal and civil laws on those lands."

The Petitioner states that the Federal Government will repeatedly contend that criminal legislation is authorized pursuant to Congress' power granted by the Constitution under the Commerce and the Necessary and Proper clauses conjunctively; This contention is not only completely false, but further demonstrates the disregard and abandonment of Congress', the Federal Government's, and the inferior courts below duty and sworn Oath to uphold the Constitution.

The Petitioner states that the Federal Government will also repeatedly contend that the inferior court's power over 'subject-matter' jurisdiction of criminal offenses, comes from 18 USC §32 31; Not only is this contention completely false, but is also an outright lie because a legislative court(which the inferior district courts are) cannot legally be conferred with criminal adjudicational powers as an Article III Constitutional court is conferred on, meaning with 'subject-matter' jurisdiction.

Close on the heels of Kleppe, the Supreme Court in Stone v. Powell, 428 US 465,523 (1976), had ovserved: "To sanction disrespect and disregard for the Constitution in the name of protecting Society from lawbreakers is to make the Government itself lawless and to subvert those values upon which out ultimate freedom and liberty depend."

Two years after Stone, the Supreme Court in Owen Equip't & Erect. Co. v. Kroger, 437 US 365,372-374 (1978), observed that: "It is a fundamental precept that Federal courts are courts of limited jurisdiction. The limits of Federal jurisdiction, whether imposed by the Constitution or Congress, must be neither disregarded or evaded."

Two years later, the Supreme Court in United States v. Will, 449 US 200,217-218 (1980), observed and stated: "A Judiciary free from

controll by the Executive and Legislative is essential if there is a right to have claims decided by judges who are free from a potential domination by other branches of government."

Two years following Will, the Supreme Court in No. Pipeline Co. v. Marathon Pipeline Co., 458 US 50,57-58 (1982), had observed: "The Federal judicial power, then, must be exercised by judges, who are independent of the Executive and Legislature in order to maintain the check and balances that are crucial to our constitutional structure. The Framers also understood that a principle benefit to the separation of the judicial power from the legislative and executive powers would be the protection of individual litigants from decision makers susceptible to majoritarian pressures."

Seven years after Northern, the Supreme Court in Pennsylvania v. Union Gas Co., 491 US 1,26 (1989), had observed that: "Cases are legion, holding that a party may not waive a defect in subject-matter jurisdiction or invoke Federal jurisdiction, simply by consent. This must be particulary so, in case in which, the Federal courts are entirely without Article III power to entertain the suit."

That very next year, the Supreme Court in Walton v. Arizona, 497 US 639,653 (1990), had observed and made only a single statement that: "Trial judges are presumed to know the law and to apply it in making their decisions."

A year after Walton, the Supreme Court in Freytag v. Comm'n, 501 US 858 (1991), observed: "It is equally true that Article I, section 8, clause 9, which provides that Congress may 'constitute Tribunals inferior to the supreme Court', does not explicitly say,

'Tribunals under Article III below.' Yet, this power 'plainly relates to the inferior Courts' provided for in Article III, section 1; it has never been relied on for establishment of any other tribunals."

Two years after Freytag, the Supreme Court in Brecht v. Abrahamson, 507 US 619,629 (1993), the Court was deliberating the issue of both 'clerical' and 'harmless' errors and observed: "that such errors demonstrate a structural defect in the constitution of the trial mechanism which defy 'harmless error' standards, and would require automatic reversal of the conviction."

Right after Brecht, the Supreme Court in United States v. Olano, 507 US 725,732 (1993), had observed through the Brecht court on the issue of errors, and the Court stated that errors: "seriously affect the fairness, integrity or public reputation of the judicial proceedings."

Not long after Olano, the Supreme Court in Izumi Seimitsu Kogyo v. US Phillips, 510 US 27,33 (1993), the Court only observed: "We must also notice the possible absence of jurisdiction, because we are obligated to do so, even when the issue is not raised by a party."

That next year, the Supreme Court in Kokkonen v. Guardian Life Ins., 511 US 375,377 (1994), observed that: "Federal courts are courts of limited jurisdiction. They possess only that power authorized by the Constitution and statute, which is not to be expanded by judicial decree. It is to be presumed that a cause lies outside this limited jurisdiction and the burden of establishing the contrary rests upon the party asserting jurisdiction."

The year after Kokkonen, the Supreme Court in Oklahoma Tax Com-

m'n v. Jefferson Lines Inc.,514 US 175 (1995)(in comparing with the Federalist Papers #42), in concerning the Commerce Clause, even though it was placed into the legislative article, it was only actually meant as a means to empower Congress in the prevention of States and even persons, as the Court observed; from: "jeopardizing the welfare of the Nation as a whole..", if they, "were free to place burdens on the flow of commerce", among the several States.

In other words, Congress' power to 'regulate' interstate commerce, is by preventing States or persons from blocking, burdening, disrupting, hampering, interfering, interrupting, impeding, or obstructing the flow of commerce among the several 50 Union States, and nothing else more.

Shortly after Oklahoma, the Supreme Court in United States v. Lopez, 514 US 549,584-585 (1995), had observed that: Each State in the Union is sovereign as to all the powers reserved. It must be necessarily so, because the United States have no claim to any authority but such as the States have surrendered to them."

Close behind Lopez, the Supreme Court in US Term Limits v. Thornton, 514 US 779,838 (1995), observed that: "in the absence of a properly passed Constitutional Amendment there cannot be any law." especially for the reach by Congress, to legally apply and enforce on a nationwide scale and manner.

Two years after Term limits, the Supreme Court in Printz v. United States, 521 US 898,923 (1997), had made the observation that: "When a Law for carrying into Execution the Commerce Clause violates the principle state of sovereignty...it is not a Law proper for carrying into Execution the Commerce Clause and is thus an act of usurpation, which desrves to be treated as such."

The next year, the Supreme Court in Steel Co. v. Cit'ns for Better Envn't, 523 US 83 (1998), observed: "Every criminal investigation conducted by the Executive is a 'case'...these are not, however, the sort of cases that Article III, section 2 refers to since the Constitution's central mechanism of separation of powers depends largely upon common understanding of what activities are appropriate to legislatures, to executives, and to courts; Standing to sue is part of what it takes to make a justicable case...the irreducible constitutional minimum of standing contains three requirements...First and foremost, there must be an alleged (and ultimately proved) 'injury in-fact'— a harm suffered by the plaintiff that is 'concrete' and 'actual or imminent', not 'conjectural' or 'hypothetical'."

Again, in the case at bar, since the United States is a plaintiff in a purported Federal criminal case that the judicial powers of the United States does **not** even have the Constitutional authority to extend to, there has been **no** allegation or any claim made by the plaintiff, that it **had** suffered(or even proved), **any** actual 'injury in-fact' because of the Petitioner's conduct, rendering the other two requirements of standing to sue — causation and redressability — moot, and therefore, renders the purported Federal criminal conviction in this case, to be NULL and VOID.

So, with **no true** delegated powers upon Congress or the Federal Government, either by the Constitution or legislatures of the several 50 Union States in the form of a properly submitted and ratified Costitutional amendment to reach **any** type of sexually deviant conduct to apply and enforce in a nationwide manner, then the nationwide application and enforcement of **ALL** statutory pro-

visions in Chapter 110 of Title 18 USC, are illegal and unconstitutional when applied and enforced in a nationwide manner beyond the Federal Government's geographic locations and exclusive jurisdictions within the several 50 Union States.

Not far behind Steel Co, the Supreme Court in Saenz v. Roe, 526 US 489,508 (1999), observed that: "Article I of the Constitution grants Congress broad power to legislate in certain areas. Those legislative powers are, however, limited not only by the Framer's affirmative delegation, but also by the principle that they may not be exercised in a way that violates other specific provisions of the Constitution."

The year afterwards, the Supreme Court in United States v. Morrison, 529 US 598,618-619 (2000), observed that: The Constitution ...withholds from Congress a plenary police power. We have always rejected readings of the Commerce clause and the scope of Federal power that would permit Congress to exercise a police power and noting that **the first Congresses did not enact nationwide punishments for criminal conduct under the Commerce clause."**

The following year, the Supreme Court in Duncan v. Walker, 533 US 167,173 (2001), observed that: "It is well-settled that where Congress includes particular language in one section of a statute but omit it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the desparate inclusion or exclusion."

Right behind Duncan that nex year, the Supreme Court in United States v. Cotton, 535 US 625,630 (2002), observed: "Subject-matter jurisdiction, because it involves a court's power to hear a case, can never be forfeited or waived. Consequently, defects in subject-matter jurisdiction require correction regardless of

whether the error was raised in district court."

Two years after Cotton, the Supreme Court in Kontrick v. Ryan, 540 US 443,455 (2004), had observed that: "A litigant, generally, may raise a court's lack of subject-matter jurisdiction at any time...even initially at the highest appellte instance."

The year after Kontrick, the Supreme Court in Gonzales v. Raich, 545 US 1, n5 (2005), observed: "Regulating...conduct, however, is not 'necessary and proper for carrying into Execution'.....the Commerce Clause nor the Necessary and Proper Clause..."

That next year after Gonzales, the Supreme Court in Arbaugh v. Y & H Corp., 546 US 500,514 (2006), observed: "Courts, including this Court, have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from a party."

Following Arbaugh, the Supreme Court in Gonzales v. Carhart, 550 US 124,165 (2007), had observed that: "No amount of congressional fact-finding can validate a conviction for conduct the Constitution precludes the Government from enforcement.", especially in a nationwide manner.

Four years after Gonzales, the Supreme Court in Henderson v. Shinseki, 562 US 428,179 (2011), observed: "Courts are generally limited to addressing the claims and arguments advanced by the parties. But Federal courts have an independent obligation to ensure that they do not exceed the scope of their jurisdiction, and therefore, they must raise and decide jurisdictional questions that the parties either overlooked or elect not to press."

Not long after Henderson, the Supreme Court in Carroll v. Uni-

ted States, 562 US 1163 (2011), had observed and held: "This Court has consistently recognized that the Constitution imposes real limits on Federal power. The powers of the legislature are defined, and limited; and that those limits may not be mistaken, or forgotten, the Constitution is written. It follows from the enumeration of specific powers that there are real boundaries to what the Federal Government may do. The enumeration presupposes something not enumerated."

Almost on the heels of Carroll, the Supreme Court in Bond v. United States(Bond I), 131 SCt 2355 (2011), made the statement loud and clear that: "A law beyond the power of Congress, for any reason, is no law at all."

That next year, the Supreme Court in NFIB v. Sebelius, 132 SCt 2566,2577 (2012), had observed as to the enumeration of the powers of Congress by the Framers: "is also a limitation of powers because the enumeration presupposes the something not enumerated."

Following Sebelius, the Supreme Court in United States v. Kebodeax, 133 SCt 2496 (2013), stated that: The Necessary and Proper Clause authorizes congressional action incidental to [an enumerated] power... no great substantive and independent power can be implied as incidental to other powers, or used as a means of executing them."

That next year, the Supreme Court in Bond v. United States(Bond II), 134 SCt 2077,2087 (2014), stated that: "The Constitution confers upon Congress not all governmental powers, but only discrete, enumerated ones. And of course, enumeration presupposes something not enumerated."

Two years following Bond II, the Supreme Court in Montgomery v.

Louisiana, 136 SCt 718,731 (2016), had stated that: "It follows, as a general principle, that a court has no authority to leave in place a conviction...that violates a substantive rule."

The Government will contend that the issues presented within this Writ are frivolous and meritless, whereas the Government's contention of that claim, is in itself, also frivolous and meritless; the issues presented are not only supported by over 200 years of Supreme Court rulings that have never been struck down, overruled or overturned, but are also further supported by the U.S. Constitution itself.

The Petitioner states that he has shown, demonstrated, and even proven by the authorities and arguments presented within, that the Federal Government does **not** have any criminal jurisdictional, enforcability, or adjudicational powers(regardless of either the Commerce, Necessary and Proper clauses, or 18 USC §3231), for **any** purported Federal crime committed beyond the geographic location and exclusive jurisdiction of the Federal Government within the interior of a State's boundary.

The Petitioner states that he has shown, demonstrated, and proven that the Federal Government does **not** possess the Constitutional power and authority to create, define, enact, enforce, punish, regulate, or legislate any moral issues or morality itself, which are also forms of religious beliefs, and therefore protected under the 1st Amendment of the U.S. Constitution.

The Petitioner also states that, through the help and support of his family pastor and family attorney, an electronic copy of this petition has been sent to the editors of every nationally distributed and syndicated newspaper not under political control with permission to research the rulings cited within and under agreement to

not go public with the information unless this petition is either denied(by this Court, not it's Clerk), refused to be filed, refused to be ruled on by this Court(not by it's Clerk) or delayed beyond an acceptable timeframe, or, refused to be ruled on altogether(in which that means that this petition will have the eyes of the print media's reporters watching and monitoring it).

The Petitioner states that should this Court(and not it's Clerk) elect to deny this petition without a proper opinion and actual Constitutional basis as to the reason(s) why it was denied, the afore-mentioned newspapers will print and run the following headline on all front pages: "SUPREME COURT COMMITS TREASON — FAILS TO ABIDE BY CONSTITUTIONAL OATH", and will then go public with all the information they possess.

The Petitioner states that should this Court(and not it's Clerk) refuse to allow this petition to be filed, refuse to be ruled on(or delayed beyond a reasonable timeframe), or, ruled on altogether, the newspaper's headlines will read: "SUPREME COURT AFRAID OF TRUTH — REFUSES TO ALLOW/RULE ON HABEAS CORPUS PETITION", and will also go public with the information.

The Petitioner further states that if anything resembling any kind of retribution, or, if any malicious act of any kind, shape or form should happen against the Petitioner in the wake of filing this petition, up to and including his death, the Petitioner's pastor and family attorney are already authorized to initiate an investigation and bring criminal charges against the Federal Government and those persons responsible, for Murder, Treason, Conspiracy to Commit Treason by Murder, and Treason against the Constitution, with Articles of Impeachment filed in the Senate against all Court members sitting on the benches of all inferior Sixth Circuit Courts.

II. The inferior district court below and the Court of Appeals for the Sixth Circuit, denied the Petitioner of his Due Process rights by refusing to allow the Petitioner to procedurally move forward, due to the nature of the issues currently before this Court.

The Petitioner states, that, since he began introducing the issues presently before the Court, the inferior courts below, began a campaign(although unsuccessful) to conjunctively stifle the Petitioner's issues and claims, by whatever means possible, from disallowing the Petitioner to originally file the Judicial Notice Request in his direct appeal(Case No. 18-4240) to even denying and/or refusing to allow the Petitioner to procedurally move forward.

The Petitioner states that the inferior district court below, and the Court of Appeals for the Sixth Circuit, have clearly demonstrated their campaign to stifle the Petitioner's issues and claims by not only in denying two(2) §2255 motions, but by also attempting to 'close' the case and refusing to issue a Certificate of Appealability to the Sixth Circuit Court of Appeals, which at that point, had already automatically denied the Petitioner of his Due Process rights.

The Petitioner also states that the inferior courts below attempt to be equal or place themselves above this Court, holding to the belief that their own circuit rulings have higher precedent than those from this Court, and that they do not have to comport with any rulings from this Court, no matter how old the ruling.

The Petitioner respectfully leaves this Court with the following quote from History: "The People are the masters of both Congress and the courts, not to overthrow the Constitution, but to overthrow the men who would pervert it." — Abraham Lincoln

CONCLUSION

Therefore, pursuant to the arguments and authorities in support contained within, the Petitioner respectfully prays that this Honorable Court will grant this Writ of Habeas Corpus, pursuant to 28 USC § 2241, and in the spirit of Justice and our Constitution, release the Petitioner from confinement, reverse the conviction in this case, and order that the Bill of Indictment be dismissed with prejudice.

Respectfully Submitted,

Roy Nichols
(Petitioner, in forma pauperis)

---

1) Perception or knowledge; notice, heed
2) That can be known or perceived; within a jurisdiction of a court
3) A division of a State, city, ect. made for a specific purpose

Definitions courtesy of Webster's N W Dictionary (2021)