

22-6082

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

OCT 25 2022

OFFICE OF THE CLERK

In re: Dr. George Willie Buford, III, D.D. PETITIONER
(Your Name)

vs.

— RESPONDENT(S)
CORRECTED
ON PETITION FOR A WRIT OF HABEAS CORPUS

This is a Petition for Writ of Habeas Corpus
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF HABEAS CORPUS

Dr. George Willie Buford, III, D.D.
(Your Name)

Post Office Box 33
(Address)

TERRE HAUTE, IN 47808-0033
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

WHEN CONGRESS ACTS IN VIOLATION
OF ARTICLE I, SECTION 5, CLAUSE 1,
IS SUCH ACT UNCONSTITUTIONAL?

CAN AN UNCONSTITUTIONAL ACT
CONFER SUBJECT-MATTER JURISDIC-
TION UPON A UNITED STATES DISTRICT
COURT?

DOES Dr. Buford, BORN IN NEWARK, NEW
JERSEY TO Tillie Mae Griffin (nee Beale)
AND FENTRESS CORNELL BUFORD HAVE
A REASONABLE EXPECTATION TO THE
ENJOYMENTS OF CONSTITUTIONAL PRO-
TECTION?

IS THERE A CONSTITUTIONAL CRISIS
OCCASIONED BY THE VOTE TO REVISE
TITLE 18 OF THE UNITED STATES CODE
IN 1947?

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

United States v. Buford, Case No.: 3: 01-cr-00102-1-CLC
(E.D. Tenn.)

Buford v. United States, 2006 U.S. Dist LEXIS 84952 (Nov. 21, 2006) (E.D. Tenn. 2006)

Buford v. Lewisburg, 588, Fed. App'x 89-90 (3d Cir. 2014)

Buford v. WARDEN, USP Terre Haute, 2:22-cv-00153-JAH-MG
(S.D. Ind.)

United States v. Buford, Case No.: 22-5812 (6th Cir.)

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Dr. Buford, on account of his indigency, is unable to provide
APPENDICES

APPENDIX A

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Rostker v. Goldberg, 453 U.S. 57, 101 S.Ct. 2646, 69 L.Ed.2d. 478 (1981)	5,
Norton v. Shelby County, 118 U.S. 425, 442, 30 L.Ed. 178 (1886)	6,
Johnson v. Zerbst, 304 U.S. 458, 82 L.Ed. 1461 (1938)	10,
Bulford v. United States, 2006 U.S. Dist. LEXIS 84952 (2006)	10,
Hugli v. United States, 164 F.3d 378, 380 (7th Cir. 1999)	10,
United States v. Titterton, 374 F.3d 453 (6th Cir. 2004)	12,
Downes v. Bidwell, 182 U.S. 244, 380-81, 45 L.ed. 1088 (1901)	14,
Shaughnessy v. United States, 345 U.S. 206, 218, 97 L.Ed. 956 (1953)	15,
In re: Nelson, 131 U.S. 170, 33 L.ed. 118, 9 S.Ct. 672 (1889)	18,
Glover v. United States, 531 U.S. 198, 203, 148 L.Ed.2d 604, 121 S.Ct. 696 (2001)	4,
STATUTES AND RULES	4,
Title 18 United States Code	4,
Title 18 U.S.C. § 3231	
The Congressional Record of the 1947 vote in the U.S. House of Representatives to revise Title 18 of the United States Code	
	(held by USP Terre Haute staff) UNLAWFULLY and without cause.

OTHER

The Quorum Clause (Article I, Section 5, Clause 1)	5,
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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.
Dr. Buford, an indigent and NOT in favor with the institution CANNOT
produce ANY of the materials enumerated infra.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was They have not.

☐ No petition for rehearing was timely filed in my case. N/A

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____. N/A

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____. N/A

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**: N/A

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Right To Due Process
The Right Against Cruel and Unusual Punishments
The Right To Effective Counsel
The Right To Be Free from Illegal seizure
The Right To Liberty (The Right To Have Rights)

Title 18 United States Code
Title 18 U.S.C. § 3231
Title 18 U.S.C. § 924(c)(1)(A)(ii)
Title 18 U.S.C. § 1951
Title 18 U.S.C. § 922(g)
Title 18 U.S.C. § 924(e)
Title 18 U.S.C. § 3553 et seq.
The Original Habeas Corpus Act
Article I, Section 5, Clause 1

STATEMENT OF THE CASE

The case presented is a Federal habeas corpus case, invoking This Court's jurisdiction, in the first instance, to declare what is Constitutional. In support of such authority Dr. Buford states:

It was the Spring of The Year of Our Lord One-Thousand Nine-Hundred Forty-Seven. A group of United States Representatives, in Congress assembled, voted to revise Title 18 of the United States Code, containing Title 18 U.S.C. § 3231, which, on its face purports to confer original jurisdiction over offenses against the United States upon United States District Courts.

The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.

-Title 18 U.S.C. § 3231
June 25, 1948

The vote, thus taken, was 38 (thirty-eight) yeas and 6 (six) noes. In other words, 44 (forty-four) votes in the United States House of Representatives was deemed sufficient to do the business of wielding the Legislative Authority of the United States for the purpose of revising Title 18 of the United States Code. Pretty straight forward, right?

Wrong.

Article I, Section 5, Clause 1 of the Constitution for the United States of America, the Twelfth, is intended as a precondition to the exercise of the First Power of the Government of the United States, outside of which there can be NO Legislative Authority:

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

- The Quorum Clause
Article I, Section 5, Clause 1
U.S. Constitution

Beyond the four unambiguous corners of this Constitutional MANDATE, Congress is estopped from exercising the Legislative Authority of the United States.

There can be NO DOUBT amongst Jurists of reason that, "The Constitution is the supreme law of the land, and all legislation must conform to the principles it lays down." Please see *Rostker v. Goldberg*, 453 U.S. 57, 101 S.Ct. 2646, 69 L.Ed. 2d 478 (1981).

Because the 1947 vote in the United States House of Representatives DID NOT conform to the principles laid down at Article I, Section 5, Clause 1, the vote to revise Title 18 of the United States Code was (and, to this day, IS) UNCONSTITUTIONAL.

An unconstitutional Act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperable as though it had never been passed.

- *Norton v. Shelby County*, 118 U.S. 425, 442, 30 L.Ed 178 (1886).

As Title 18 of the United States Code, in its entirety, is not a law, Norton, at 442, Title 18 U.S.C. § 3231, contained within the said revision is NOT A LAW and, as such, is INCAPABLE of conferring subject-matter jurisdiction upon United States District Courts. So, the pronouncement of conviction and sentencing of Dr. Buford was WITHOUT JURISDICTION and VOID.

The judgment of conviction pronounced by a court without jurisdiction is void, and one imprisoned thereunder may obtain release by habeas corpus.

- Johnson v. Zerbst, 304 U.S. 458, 82 L. Ed 1461 (1938)

It is this void judgment which occasions Dr. Buford's appearance before this august body, seeking Liberty for himself, certainly, but ALSO a return to our Constitutional Republic.

REASONS FOR GRANTING THE PETITION

While individual Liberty is a concept deeply rooted in the history and traditions of this Constitutional Republic, and one in which habeas corpus is designed to protect, it is also true that The Framers intended that the tripartite Branches of the government formed under the Constitution work TOGETHER, in-respective of political stripe, to keep the Republic from devolving into The Wonder Twins of political regimes: TYRANNY and DESPOTISM.

As America acts to be a beacon of Liberty throughout the world (people risk their lives—and the lives of their families) to come to this country but NOT to leave) our Constitution provides the light to illumine the path to that "... more perfect Union...." envisioned oh so long ago.

When ANY of the Branches colors outside the lines of demarcation enumerated in Our Constitution, the result can be nothing short of a Constitutional Crisis, requiring ALL HANDS ON DECK in the defense of Constitutional Republicanism.

Already, on account of the Quorum Clause-defying vote to revise Title 18 of the United States Code in the United States House of Representatives, we have traversed a span of OVER 75 years (1947-2022).

It is time to STOP being quite. It is high time we step

forward to protect the Nation and The People we LOVE. Out from the shadows and into the light! A world of woe awaits with bated breath to witness US, TOGETHER, making the tough decisions based on The Rule of Law, to support Justice and Equality throughout all of our socio-economic strata. If WE show that we are willing to do it for ourselves, other nations of the Earth will join with us in the mutual teachings of FREEDOM, CONSTANCY and JUSTICE.

GRANT OF THE WRIT WILL AID THIS COURT'S APPELLATE JURISDICTION

The scope and tenor of this Petition for the Extraordinary Writ of Habeas Corpus will aid the Supreme Court's Appellate jurisdiction through enforcement of the boundaries established under Article I, Section 5, Clause 1 of the Constitution for the United States of America.

In the Case At Bar, both the Sixth and Seventh Circuit Courts of Appeal hold that a statute of Congress and not the Constitution for the United States of America is the start and conclusion of the jurisdictional inquiry. As Petitioner's sentencing judge, Chief United States District Judge CURTIS LYNN COLLIER posits :

Buford alleges that this court lacked jurisdiction to consider his criminal offenses. His claim is without merit. Title 18 U.S.C. § 3231 provides :

"The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States."

As the Seventh Circuit has noted :
"Subject-matter jurisdiction in every criminal prosecution comes from 18 U.S.C. § 3231, and there can be no doubt that Article III permits Congress to assign federal criminal prosecutions to federal courts. That's the beginning and end of the jurisdictional inquiry."

Please see Buford v. United States, 2006 U.S. Dist. LEXIS 84952 (21 November 2006) (Chief United States District Judge CURTIS LYNN COLLIER, quoting Hugi v. United States, 164 F.3d 378, 380 (7th Cir. 1999). See also United States v. Titterington, 374 F.3d 453 (6th Cir. 2004) ("The Federal courts subject-matter jurisdiction to hear federal criminal prosecutions comes from 18 U.S.C. § 3231. . . .") Buford is not entitled to relief.

Your Humble Petitioner's position is, consistent with the Laws of Reason, that one CANNOT reach Congress's Article III authority to "... assign federal criminal prosecutions to federal courts," WITHOUT FIRST traversing the doorway of Article I, Section 5, Clause 1's Quorum Clause requiring "... a Majority of each shall constitute a Quorum to do Business;"

In order to illustrate the import of this Constitutional pre-condition to the lawful exercise of the Legislative Power of the Republic formed by the Constitution, The Framers went one step further by authorizing compulsory attendance of absentee members of each House when a Quorum could not be achieved :

"... and may be authorized to compel the Attendance of absent Members,"

- Article I, Section 5, Clause 1

Constitution for the United States of America

So, WITH ALL DUE RESPECT TO MR. COLLIER, THE SIXTH AND SEVENTH CIRCUITS AND THIS HONORABLE COURT the threshold inquiry in Federal criminal prosecutions is pretty straight-forward. Before the National Legislature can ratify an Act to assign Federal criminal prosecutions, it must first have the Constitutional Legislative Authority to make a particular offense a crime, in the first instance. In the case of Title 18 U.S.C. § 3231, because Congress failed to achieve a Majority as required by Congress's Quorum Clause and failed to compel the attendance of absent members, it is NOT a law of the United States to be offended by a private actor OR assigned to district court's by Congress for prosecution.

Because the Circuit Court that imposed the conviction and sentence AND the Circuit Court wherein this Petitioner is confined unanimously hold that an Act of Congress, and NOT the Constitution, is where the authority to prosecute Federal crimes spring, GRANT of the Extraordinary Writ of Habeas Corpus would serve as an aid to this Honorable Court's appellate jurisdiction.

An Act of Congress can NEVER serve as the first step in the question of Federal Power. That position rightly belongs to the Constitution :

The idea prevails with some - indeed, it found expression in argument at the bar - that we have in this country substantially or practically two national governments; one to be maintained under the constitution, with all its restrictions, the other to be maintained by Congress outside and independently of that instrument,

by exercising such powers as other nations are accustomed to exercise. It is one thing to give such latitude to the constitution as will bring the exercise of power by Congress upon a particular occasion or upon a particular subject within its provisions. It is quite a different thing to say that Congress may, if it so elects, proceed outside of the constitution. The glory of our American system of government is that it was created by a written constitution which protects the people against the exercise of arbitrary unlimited power, and the limits of which instrument may not be passed by the government it created, or by any branch of it, or even by the people who ordained it, except by amendment or change of its provisions.

- Justice John M. Harlan (1877-1911)
- Powers v. Bidwell, 182 U.S. 244, 380-81, 45 L. ed. 1088 (1901)

EXCEPTIONAL CIRCUMSTANCES WARRANT

THE EXERCISE OF THIS COURT'S DISCRETIONARY POWERS

Dr. Buford alleges that the prosecution of Indictment No. 3:01-cr-00102-1 was unconstitutional. He further alleges that the prosecution knew, or, being reasonably prudent legal professional, should have known that the 1947 vote in the United States House of Representatives was violative of Article I, Section 5, Clause 1 of the United States Constitution and used that knowledge, in concert of design with other legal professionals, to knowingly and capriciously exploit the said flaw in the Federal criminal law, in part, to bring about an unconstitutional conviction and sentence of Dr. Buford.

A conviction and sentence which, on its face, runs afoul of the Constitution is not, per se, extraordinary; constitutional challenges to convictions and sentences by persons in Federal custody have become commonplace in our modern criminal justice landscape. So, the question of extraordinary or exceptional circumstances really is a nuanced one, one which should be considered against the deeply rooted history and traditions revolving around the concept of The Rule of Law in American Society.

Where then does this notion that convictions and sentences stem from? Why can't a Federal prosecutor just imprison at will? And what is the rightful limit of prosecutorial power?

First, Petitioner agrees with the Supreme Court of the United States that the requirement that lawful imprisonment be preceded by consideration of the alleged conduct against the backdrop of The Law of the Land.

Executive imprisonment has been considered oppressive and lawless since John, at Runnymede, pledged that no free man should be imprisoned, dispossessed, outlawed or exiled save by the judgment of his peers or by the law of the land.

- Shaughnessy v. United States, 345 U.S. 206, 218, 97 L. Ed. 956 (1953)

The above Case points backwards, into the mists of antiquity, to the solemn oath given to the merchants of the Angles and Saxons by King John (1213-15) as represented in the Magna Carta and later enshrined in our very own Due Process of Law Clause.

So that while Petitioner's conviction and sentence may, standing alone, fail to elicit the exercise of this Court's discretionary authority to grant the Writ, there can be NO DOUBT that the conviction of persons (plural) entered by a court without jurisdiction is void and those persons, so afflicted, are entitled

to release under habeas corpus. As Petitioner stated, in open court, at sentencing:

The judgment of conviction pronounced by a court without jurisdiction is void, and one imprisoned thereunder may obtain release by habeas corpus.

- Johnson v. Zerbst, 304 U.S. 458, 82 L.Ed. 1461 (1938) (citing Re: Neilson, 131 U.S. 176, 33 L.ed. 118, 9 S.Ct. 672 (1889)).

It is really hornbook law that the grant of the Extraordinary Writ of Habeas Corpus by this Court — especially considering the facts and the law attendant this matter ALONG WITH the stance adopted by BOTH the Circuit of Conviction AND the Circuit of Confinement — is appropos.

Though it is the discretion of this Court which ultimately controls whether or not to grant the Extraordinary Writ of Habeas Corpus, it is EQUALLY imperative that this Court exercise the Judicial Authority to preserve the Constitution for the United States of America, the Twelfth, as the Framers intended it, INVIOLEATE. The 1947 vote in the United States House of Representatives to revise Title 18 of the United States Code was in violation of Article 1, Section 5, Clause 1's Quorum Clause, shattering the foundations of this Constitutional Republic and

setting off the very seismic reverberations that make this Petition necessary 7 1/5 decades AFTER its commission. That, Petitioner avers, is extraordinary.

This Court should no longer allow ANY branch of government lee-way to act outside the boundaries firmly delineated by the Constitution. The American People deserve no less.

THE REQUESTED RELIEF
CANNOT
BE OBTAINED IN ANY OTHER FORM
OR
FROM ANY OTHER COURT

The Law of the Circuit of Conviction AND the Law of the Circuit of Confinement bar relief because both hold that it is an Act of Congress, and NOT the Constitution, which is the beginning and end of the jurisdictional inquiry. Because of the Circuit holdings, the district courts could not grant the requested relief.

May the above serve as an answer for Petitioner not making application to the district court of the district in which he is held.

No matter what Dr. Buford might file, habeas corpus is the presumptive vehicle to challenge a conviction and sentence in courts of the United States.

Petitioner would draw this Honorable Court's focus to the fact that BEFORE a court reach Congress's Constitutional authority to ASSIGN Federal criminal prosecutions, it MUST FIRST resolve the question of Congress's constitutional authority to CREATE/RATIFY a prosecutable offense.

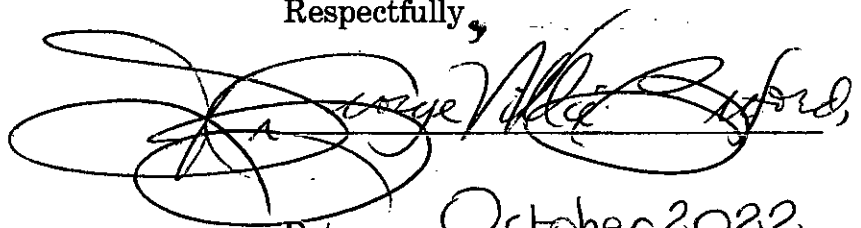
In order for Congress to exercise the Constitutional grant of Legislative Authority, Article I, Section 5, Clause 1's Quorum Clause MANDATES that each Chamber of Congress achieve a majority. So that outside of the Quorum Clause, Congress LACKS Constitutional authority to Legislate. This means the 1947 vote to revise Title 18 of the United States Code in the United States House of Representatives was, and is, UNCONSTITUTIONAL. Because Title 18 of the United States Code was unconstitutional, Title 18 U.S.C. §3231 is unconstitutional and Petitioner is imprisoned unconstitutionally.

CONCLUSION

Even a minimal amount of additional time incarcerated carries with it constitutional significance. See *Glover v. United States*, 531 U.S. 198, 203, 148 L.Ed.2d 604, 121 S.Ct. 696 (2001).

The petition for a writ of ^{HABEAS} ~~CORPUS~~ should be granted.

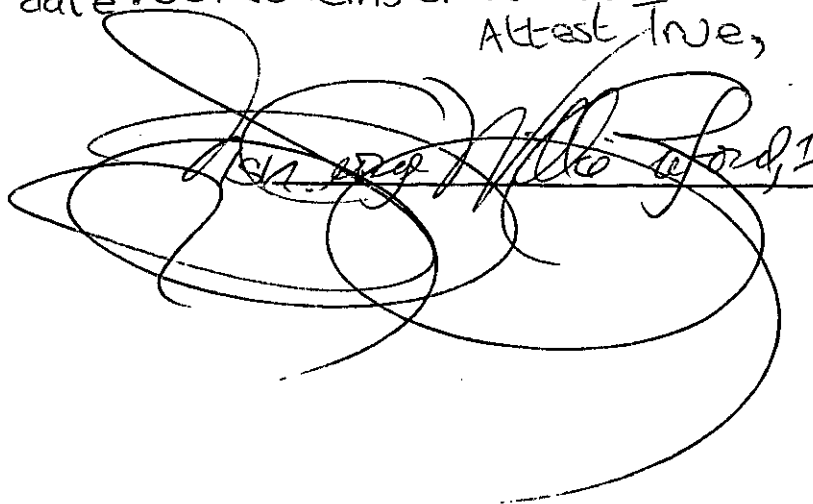
Respectfully,

 George Villaford, III, D.D.

Date: October 2022

Corrected date: 03 November 2022

Attest True,

 George Villaford, III, D.D.