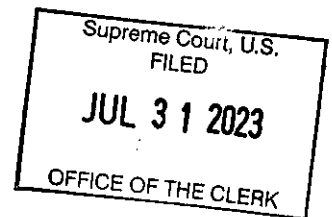


IN THE
SUPREME COURT OF THE UNITED STATES
AUGUST TERM 2023
~~20~~23-5407

ORIGINAL

Corey Alan Askew,
Petitioner.
-against-
Paul Bailey,
Respondent.



PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Respectfully Submitted By: Corey Alan Askew (248480)
Oaks Correctional Facility
1500 Caberfae Highway
Manistee, Mi. 49660

Questions Presented

1. Are the Self-determination Clauses of the United Nations treaties and customary rules of international law to which the United States are a party binding upon the Courts to enforce as the supreme Law of the Land?
2. Are Petitioner's acts of self-determination and expatriation exercises of a legitimate natural and inherent right under the law of nations?
3. Are the Offenses Clause, Supremacy Clause, and Loyalty Clause of the Constitution of the United States being obstructed in violation of the law of nations by infringing upon Petitioner's human right of exercising self-determination, expatriation, self-identification as an indigenous individual, nationality in an indigenous juridical personality, and directly participating in the self-government of an indigenous nation?
4. Does the United States provide tacit recognition of the political existence of indigenous nation-states established under international law by ratifying and acceding to treaties and customary rules of international law which provide for self-determination?
5. Does the United States have an international obligation and responsibility to promote and respect the express acts of the inhabitants who exercise self-determination seeking to attain a full measure of self-government as the Trust Administrators of the territories under the International Trusteeship System of the United Nations Charter?

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Parties

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I. DECISIONS Below.

The decision of the United States Court of Appeals for the Sixth Circuit is attached as Appendix (A) to this petition. The decisions of the United States District Court for the Western District of Michigan Southern Division is attached as Appendix (B) to this petition. The decision of the Michigan Supreme Court is attached as Appendix (C) to this petition. And, the decision of the Court of Appeals, State of Michigan is attached as Appendix (D) to this petition.

II. Jurisdiction of the United States Supreme Court.

The order of the United States Court of Appeals for the Sixth Circuit was entered on May 8, 2023, and a copy of that order is attached as Appendix (A) to this petition. Based on the claims of the habeas corpus petition and combined with all lower court decisions, jurisdiction of the United States Supreme Court is conferred by (a) 28 U.S.C. §1254 (1); (b) 28 U.S.C. §2241 (a) and (c)(3) and (c)(4); (c) 28 U.S.C. §1251 (b)(1) and (b)(3); and (d) the Constitution of the United States, Art. 3, Sec. 2, Cl. 1 and 2.

III. Basis for Federal Jurisdiction.

The issues raised in this case present questions of law and interpretation of the Supremacy Clause of Article 6; the Offenses Clause of Article I, §8, Cl. 10; the Naturalization Clause of Article I, §8, Cl. 4; the Enumeration of Rights Clause of the Ninth Amendment; the Political Powers Clause of the Tenth Amendment; and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States. The United States District Court for the Western District of Michigan Southern Division had jurisdiction under the power to grant a writ of habeas corpus conferred by 28 U.S.C. §2241 (c)(3), (4) and (5).

The writ of habeas corpus is the remedy which the law gives for the enforcement of the civil right of personal liberty. The prosecution against him is a criminal prosecution, but the writ of habeas corpus which he has obtained is not a proceeding in that prosecution. On the contrary, it is a new suit brought by him to enforce a civil right, which he claims, as against those who are holding him in custody, under the criminal process. If he fails to establish his right to liberty, he may be detained for trial for the offense; but if he succeeds he must be discharged from custody. This petitioner claims that the Constitution and a treaty of the United States give him the right to his liberty, notwithstanding the charge that has been made against him, and he has obtained judicial process to enforce that right. The question whether the individual shall be imprisoned is always distinct from the question whether he shall be convicted or acquitted of the charge on which he is to be tried, and therefore these questions are separated, and may be decided in different courts; see, *Ex Parte Tom Tong*, 108 U.S. 556, 559-560 (1883).

All courts of the United States, and the justices and judges of all its courts, are authorized to issue the writ of habeas corpus in any case where a party is imprisoned or held in custody for an act done by or under the authority of the laws of the United States, ... or where it is supposed to be in violation of the law of nations or of the United States, in all which cases the federal courts and justices and judges have jurisdiction to make inquiry into the matter, and, ... the court or justice or judge shall "dispose of the party as law and justice require." It is true that perhaps the court or justice or judge who is asked to issue such a writ need not be very critical in looking into the petition or application for very clear grounds of the exercise of jurisdiction, because, when the prisoner is brought before the court, or justice, or judge, his power to make full inquiry into the cause of commitment or detention will enable him to correct any errors or defects in the petition under which the writ issued; and it is upon such hearing to be finally determined by the tribunal before whom the prisoner is brought whether his imprisonment or custody is in violation of the Constitution or laws or treaties of the United States; see, *In re Burrus*, 136 U.S. 586, 590-592 (1890).

IV. Constitutional, Statutory and International Treaty Provisions Involved.

This case involves the following constitutional, statutory and international treaties:

A. Constitution of the United States, Art. I, §8, Cl. 4, which provides: [The Congress shall have Power] to establish an uniform Rule of Naturalization...

B. Constitution of the United States, Art. I, §8, Cl. 10, which provides: [The Congress shall have Power] to define and punish... Offenses against the Law of Nations.

C. Constitution of the United States, Art. I, §10, Cl. 1, which provides: [No State shall] pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

D. Constitution of the United States, Art. 3, §2, Cl. 1, which provides: The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; - to all Cases affecting Ambassadors... [to Controversies...] between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

E. Constitution of the United States, Art. 3, §2, Cl. 2, which provides: In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the Supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Equity and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

F. Constitution of the United States, Art. 4, § 3, Cl. 2, which provides: The Congress shall have Power to dispose of and make needful Rules and Regulations respecting the Territory or other Property belonging to the United States...

G. Constitution of the United States, Art. 6, Cl. 2, which provides: This Constitution, and the Laws of the United States which shall be made in the Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

H. Constitution of the United States, Amd. 9, which provides: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

I. Constitution of the United States, Amd. 10, which provides: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

J. Constitution of the United States, Amd. 14, which provides: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

K. Title 8, § 1489, United States Code, which provides: Nothing in this title shall be applied in contravention of the provisions of any treaty or convention to which the United States is a party and which has been ratified by the Senate before December 25, 1952.

L. Expatriation Act of 1954, 68 Stat. 1146, Pub. L. No. 772, Pg. 1172-1173, which provides: The expression "voluntary expatriation" and the fact that expatriation originated in American law as a "natural and inherent right," suggest that expatriation statutes would be enacted primarily to implement the right, to provide formal procedures for its exercise, and to enable the government to keep adequate records. There is, in fact, only one such statute; see, 54 Stat. 1168 (1940), 8 U.S.C. §1481 (a) (1952).

M. Title 8, §1481, Cl. (a)(2), United States Code, which provides: A person who is a national of the United States whether by birth or naturalization, shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality - taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision thereof, after having attained the age of 18 years.

N. Title 8, §1481, Cl. (a)(4), United States Code, which provides: A person who is a national of the United States whether by birth or naturalization, shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality - accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, after attaining the age of 18 years if he has or acquires the nationality of such foreign state.

O. Title 28, §1604, United States Code, which provides: Subject to existing international agreements to which the United States is a party at the time of enactment of this Act [enacted October 21, 1976] a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States except as provided in sections 1605-1607 of this chapter.

P. Title 22, §254b, United States Code, which provides: with respect to a nonparty to the Vienna Convention, the mission, the members of the mission, their families, and diplomatic couriers shall enjoy the privileges and immunities specified in the Vienna Convention.

Q. Title 22, § 254d, United States Code, which provides, Any action or proceeding brought against an individual who is entitled to immunity with respect to such action or proceeding under the Vienna Convention on Diplomatic Relations, under section 3b or 4 of this Act [22 USCS §§ 254b or 254c], or under any other laws extending diplomatic privileges and immunities, shall be dismissed. Such immunity may be established upon motion or suggestion by or on behalf of the individual, or as otherwise permitted by law or applicable rules of procedure.

R. Title 18, § 112, United States Code, which provides: (a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official, official guest, or internationally protected person or makes any other violent attack upon the person or liberty of such person, or, if likely to endanger his person or liberty, makes a violent attack upon his official premises, private accommodation, or means of transport or attempts to commit any of the foregoing shall be fined under this title or imprisoned not more than three years, or both.

S. The Hague, Convention (IV) and Regulations concerning the Laws and Customs of War on Land, § 3, Art. 45, which provides: It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile power.

T. United Nations Charter, Art. 55, which provides: With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.

U. United Nations Charter, Art. 73, Cl. 2, which provides: Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize... the well-being of the inhabitants of these territories, and, to this end: to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement.

V. United Nations Charter, Art. 76, Cl. 2, which provides: The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be: to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement.

W. United Nations International Covenant on Civil and Political Rights, Art. 1, which provides: (1) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. (2) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence. (3) The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

X. United Nations International Covenant on Civil and Political Rights, Art. 9, Cl. 1, which provides: Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.

Y. United Nations International Covenant on Civil and Political Rights, Art. 15, Cl. 1, which provides: No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed.

Z. United Nations International Covenant on Civil and Political Rights, Art. 16, which provides: Everyone shall have the right to recognition everywhere as a person before the law.

AA. United Nations International Covenant on Civil and Political Rights, Art. 17, which provides: (1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. (2) Everyone has the right to the protection of the law against such interference or attacks.

BB. United Nations International Covenant on Civil and Political Rights, Art. 25, which provides: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; and (c) To have access, on general terms of equality, to public service in his country.

CC. United Nations International Covenant on Civil and Political Rights, Art. 50, which provides: The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

DD. United Nations Declaration on the Rights of Indigenous Peoples, Art. 2, which provides: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

EE. United Nations Declaration on the Rights of Indigenous Peoples, Art. 1, which provides: Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

FF. United Nations Declaration on the Rights of Indigenous Peoples, Art. 3, which provides: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

GG. United Nations Declaration on the Rights of Indigenous Peoples, Art. 4, which provides: Indigenous peoples, in exercising their right of self-determination, have the right of autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means of financing their autonomous functions.

HH. United Nations Declaration on the Rights of Indigenous Peoples, Art. 5, which provides: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

II. United Nations Declaration on the Rights of Indigenous Peoples, Art. 6, which provides: Every indigenous individual has the right to a nationality.

JJ. United Nations Declaration on the Rights of Indigenous Peoples, Art. 7, Cl. 1, which provides: Indigenous individuals have the rights of life, physical and mental integrity, liberty and security of person.

KK. United Nations Declaration on the Rights of Indigenous Peoples, Art. 8, which provides: (1) Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture. (2) States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration; (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

LL. United Nations Declaration on the Rights of Indigenous Peoples, Art. 9, which provides: Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

MM. United Nations Declaration on the Rights of Indigenous Peoples, Art. 13, which provides: (1) Indigenous peoples have the right to revitalize, use, develop, and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons. (2) States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other means.

NN. United Nations Declaration on the Rights of Indigenous Peoples, Art. 15, Cl. 1, which provides: Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

OO. United Nations Declaration on the Rights of Indigenous Peoples, Art. 18, which provides: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

PP. United Nations Declaration on the Rights of Indigenous Peoples, Art. 19, which provides: State shall consult and cooperate in good faith with indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

QQ. United Nations Declaration on the Rights of Indigenous Peoples, Art. 20, which provides: (1) Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

RR. United Nations Declaration on the Rights of Indigenous Peoples, Art. 26, which provides: (1) Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. (2) Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. (3) States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

SS. United Nations Declaration on the Rights of Indigenous Peoples, Art. 27, which provides: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

TT. United Nations Declaration on the Rights of Indigenous Peoples, Art. 28, which provides: (1) Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair, and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent. (2) Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

UU. United Nations Declaration on the Rights of Indigenous Peoples, Art. 31, which provides: (1) Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions. (2) In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

VV. United Nations Declaration on the Rights of Indigenous Peoples, Art. 33, which provides:

(1) Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions... (2) Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

WW. United Nations Declaration on the Rights of Indigenous Peoples, Art. 34, which provides: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

XX. United Nations Declaration on the Rights of Indigenous Peoples, Art. 37, which provides:

(1) Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements. (2) Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

YY. United Nations Declaration on the Rights of Indigenous Peoples, Art. 40, which provides: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

ZZ. United Nations Declaration on the Rights of Indigenous Peoples, Art. 45, which provides: Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

AAA. United Nations Vienna Convention on Diplomatic Relations, Art. 22, Cl. 3, which provides: The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

BBB. United Nations Vienna Convention on Diplomatic Relations, Art. 24, which provides: The archives and documents of the mission shall be inviolable at any time and wherever they may be.

CCC. United Nations Vienna Convention on Diplomatic Relations, Art. 29, which provides: The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

DDD. United Nations Vienna Convention on Diplomatic Relations, Art. 30, which provides: (1) The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission. (2) His papers, correspondence and, except as provided in paragraph 3 of Article 31, his property, shall likewise enjoy inviolability.

EEE. United Nations Vienna Convention on Diplomatic Relations, Art. 31, Cl. 1, which provides: A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction...

FFF. United Nations Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, Preamble, Para. 4, which provides: The General Assembly, ... Recognizes also that the provisions of the annexed Convention could not in any way prejudice the exercise of the legitimate right to self-determination and independence in accordance with the purposes and principles of the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations by peoples struggling against colonialism, alien domination, foreign occupation, racial discrimination and apartheid.

GGG. United Nations Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, Art. 1, Cl. 1, which provides: For the purposes of this Convention: "internationally protected person" means Head of State, including any member of a collegial body performing the functions of a Head of State under the constitution of the State concerned, a Head of Government or a Minister for Foreign Affairs, whenever any such person is in a foreign State...; any representative or official of a State or any official or other agent of an international organization of an intergovernmental character who, at the time when and in the place where a crime against him, his official premises, his private accommodation or his means of transport is committed, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity...

HHH. The Constitution and Laws of the Olmec Office of Sovereign Political Power Holders, Art. 8, Cl. 10, which provides: The Olmec Ambassador shall possess the supreme authority and retain the powers, rights, capacities, status, jurisdiction and venue vested within the indigenous peoples of the Americas and the Olmec State in order to effectively exercise official State and governmental operations of the indigenous peoples of the Americas and the Olmec State.

III. The Constitution and Laws of the Olmec Office of Sovereign Political Power Holders, Art. 8, Cl. 11, which provides: The Olmec Ambassador shall possess absolute immunity, foreign immunity, intergovernmental immunity, sovereign immunity, charitable immunity, and testimonial immunity, and be perpetually absolved from any responsibility for damage or any other liability arising from the transaction of some penalty enforced by any Nation, State, government, organ of society, corporation, organization, group, people, person or construct of law in existence which shall be a separate entity from the indigenous peoples of the Americas and the Olmec State.

JJJ. Charter of the Organization of American States, Art. 10, which provides: States are juridically equal, enjoy equal rights and equal capacity to exercise these rights, and have equal duties. The rights of each State depend not upon its power to ensure the exercise thereof, but upon the mere fact of its existence as a person under international law.

KKK. Charter of the Organization of American States, Art. 17, which provides: Each State has the right to develop its cultural, political, and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality.

LLL. Charter of the Organization of American States, Art. 19, which provides: No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.

MMM. Charter of the Organization of American States, Art. 20, which provides: No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.

NNN. Organization of American States Convention on Rights and Duties of States, Art. 1, which provides: The state as a person of international law should possess the following qualifications (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with other states.

OOO. Organization of American States Convention on Rights and Duties of States, Art. 3, which provides: The political existence of the state is independent of recognition by the other states. Even before recognition the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interest, administer its services, and to define the jurisdiction and competence of its courts.

PPP. Organization of American States Convention on Rights and Duties of States, Art. 5, which provides: The fundamental rights of states are not susceptible of being affected in any manner whatsoever.

QQQ. Organization of American States Convention on Rights and Duties of States, Art. 7, which provides: The recognition of a state may be express or tacit. The latter results from any act which implies the intention of recognizing the new state.

RRR. Organization of American States Convention on Rights and Duties of States, Art. 11, which provides: The contracting states definitely establish as the rule of their conduct the precise obligation not to recognize territorial acquisitions or special advantages which have been obtained by force whether this consist in the employment of arms, in threatening diplomatic representations, or in any other effective coercive measure. The territory of a state is inviolable and may not be the object of military occupation nor of other measures of force imposed by another state directly or indirectly or for any motive whatever even temporarily.

SSS. Title 18, § 1116 (b) (2), United States Code, which provides: For the purposes of this section "foreign government" means the government of a foreign country, irrespective of recognition by the United States.

TTT. Title 18, § 1116 (b) (3) (A), United States Code, which provides: For the purposes of this section "foreign official" means a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of Cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity...

UUU. Title 22, § 2549 (1) (A), United States Code, which provides: As used in this Act- the term "members of a MISSION" means the head of a MISSION and those members of a MISSION who are members of the diplomatic staff or who, pursuant to law, are granted equivalent privileges and immunities.

VVV. Title 22, § 2549 (3), United States Code, which provides: As used in this Act- the term "MISSION" includes MISSIONS within the meaning of the Vienna Convention and any MISSIONS representing foreign governments, individually or collectively, which are extended the same privileges and immunities, pursuant to law, as are enjoyed by MISSIONS under the Vienna Convention.

WWW. Title 22, § 2549 (4), United States Code, which provides: As used in this Act- the term "Vienna Convention" means the Vienna Convention on Diplomatic Relations of April 18, 1961 (T.I.A.S. numbered 7502; 23 U.S.T. 3227), entered into force with respect to the United States on December 13, 1972.

xxx. Title 8, § 1101 (a) (14), United States Code, which provides: As used in this Act - the term "foreign state" includes outlying possessions of a foreign state, but self-governing dominions or territories under mandate or trusteeship shall be regarded as separate foreign states.

yyy. Title 8, § 1101 (a) (15) (G) (iii), United States Code, which provides: As used in this Act - the term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens: an alien able to qualify under (i) or (ii) above except for the fact that the government of which such alien is an accredited representative is not recognized de jure by the United States or that the government of which he is an accredited representative is not a member of such international organization...

zzz. Title 8, § 1101 (a) (30), United States Code, which provides: As used in this Act - the term "passport" means any travel document issued by a competent authority showing the bearer's origin, identity, and nationality if any, which is valid for the admission of the bearer into a foreign country.

V. Statement of the Case

Petitioner was arrested on March 18, 2022 by the St. Joseph Township Police Department of Berrien County Michigan and detained in the Berrien County Jail, and charged with the criminal offenses under Michigan Laws (a) Unregistered Vehicle (MCL 257.215), (b) No Operator's Licence (MCL 257.311), (c) Fleeing and Eluding 3rd Degree (MCL 257.602a (3)(b)), (d) Resisting and Obstructing (MCL 750.81d (1)), and (e) Supplemental Punishment (MCL 769.11 (1)(a)); the Fifth Judicial District Court of Berrien County Michigan assigned these criminal offenses under case numbers 2022-000762-FY and 2022-000763-FY.

During pre-trial proceedings in this criminal action of the Fifth Judicial District Court of Berrien County Michigan, Petitioner filed a writ of habeas corpus ad subjiciendum under MCL 600.4301 et. seq. and MCR 3.303 in the Second Judicial Circuit Court of Berrien County Michigan on June 09, 2022; the County Clerk assigned the civil action under case number 2022-000117-AH to Judge Dennis M. Wiley (see, Appendix (E)). To this present date, this judge has, however, by unwarranted delay, refused to issue the writ, order a show cause hearing, or restore my liberty as required by law.

Because of the Second Judicial Circuit Court of Berrien County Michigan's unwarranted delay, Petitioner filed a writ of habeas corpus ad subjiciendum in the Michigan Court of Appeals on July 14, 2022; the Court Clerk assigned the civil action under case number 362268; on August 31, 2022 the Court DENIED Petitioner's complaint for habeas corpus without explanation (see, Appendix (D)).

On September 05, 2022 Petitioner filed a writ of habeas corpus ad subjiciendum in the Michigan Supreme Court; the Court Clerk assigned the civil action under case number 164787; on January 04, 2023 the Court Denied the "application for leave to appeal the August 31, 2022 order of the Court of Appeals" citing that "we are not persuaded that the questions presented should be reviewed by this Court." (see, Appendix (C)).

Because of the Michigan Supreme Courts' unwarranted delay of a final decision, Petitioner filed a petition for writ of habeas corpus in the United States District Court for the Western District of Michigan Southern Division on October 20, 2022; the Court Clerk assigned the civil action under case number 1:22-cv-00985-HYJ-RSK; on November 28, 2022 the Court entered an order and judgment which DENIED Petitioner's motions and a certificate of appealability, and that the petition for writ of habeas corpus be dismissed without prejudice for lack of exhaustion of state-court remedies. (see, Appendix (B)).

On December 16, 2022 Petitioner filed a notice of appeal under 28 U.S.C. § 2253 (c)(2) in the United States Court of Appeals for the Sixth Circuit; the Case Manager assigned the appeal under case number 23-1007 on January 05, 2023. On January 25, 2023 Petitioner additionally filed a motion to grant certificate of appealability in the United States Court of Appeals for the Sixth Circuit; on May 08, 2023 the Court entered an order which DENIED Petitioner's motion for a certificate of appealability, citing that "A certificate of appealability is unwarranted because Askew's claims for relief are not arguably valid or meritorious. His contention that the trial court lacks jurisdiction over him because he is a citizen and ambassador of the 'Olmec State' is similar to the arguments made by tax protesters, sovereign citizens, and Moorish-Americans that we have deemed meritless... And Askew did not otherwise set forth any potentially viable claim for relief." (see, Appendix (A)).

VI. Reasons for Granting the Writ/Judicial Protection

A. Conflicts with Decisions of Other Courts

The holding of the courts below that the type of jurisdictional challenge Petitioner raises are virtually identical and similar to the arguments made by tax protesters, sovereign citizens, and Moorish-Americans which have all been deemed as "meritless rhetoric," citing *United States v. Coleman*, 871 F.3d 470, 476 (6th Cir. 2017). In addition, the District Court, in its opinion, cite *U.S. v. Wong Kim Ark*, 169 U.S. 649, 693; 18 S.Ct. 456, 473-74 (1898) "As a sovereign nation, the United States has jurisdiction over citizens and non-citizens within its borders and under some circumstances beyond its borders;" "Wrongs against persons indigenous to the North American continent committed by early Americans is not a basis upon which a descendent of one of those wronged persons residing in the United States can escape the jurisdiction of the United States." Case No. 1:22-cv-985, ECF No. 19, Page 10. 132-133, 11/18/22.

However, contrary to these lower courts' opinions are *Mo v. Holland*, 252 U.S. 416; 40 S.Ct. 382; 64 L.Ed 641 (1920) and *Fernandez v. Wilkinson*, 505 F.Supp. 787 (Dist. of KS 1980).

By Article 2, Section 2, [of the Constitution of the United States] the power to make treaties is delegated expressly, and by Article 6, [Section 2] treaties made under the authority of the United States, along with the Constitution and Laws of the United States made in pursuance thereof, are declared the supreme law of the land. If the treaty is valid there can be no dispute about the validity of the statute under Article I, Section 8, as a necessary and proper means to execute the powers of the Government. *Id.*, *Holland*, 252 U.S. at 432. Acts of Congress are the supreme law of the land only when made in pursuance of the Constitution, while treaties are declared to be so when made under the authority of the United States. *Id.*, 252 U.S. at 433. Valid treaties of course are as binding within the territorial limits of the States as they are elsewhere throughout the dominion of the United States." *Id.*, 252 U.S. at 434, citing *Baldwin v. Franks*, 120 U.S. 678, 683.

International rules are generally binding upon nations only in cases where either: (1) the nation concerned has expressly consented to be bound by such rules, as by ratification of a treaty containing the rules; or (2) where it can be established through evidence of wide practice by states that a customary rule of international law exist. *Id.*, *Wilkinson*, 505 F.Supp. at 796. The development of international agreements containing human rights norms which purport to be binding on the parties was a significant step in the transformation of natural rights into positive legal rights. These arguments are intended to bind nation-states regardless of their own constitutions or other laws. One important document by which the United States is bound is the United Nations Charter. *Id.*, at 796. International law is a part of the laws of the United States which federal courts are bound to ascertain and administer in an appropriate case. Our review of the sources from which customary international law is derived clearly demonstrates that arbitrary detention is prohibited by customary international law. *Id.*, at 798, citing *The Nereide*, 13 U.S. (9 Cranch) 388, 422 (1815); *The Paquete Habana*, 175 U.S. 677 (1900); and *Filaritiga v. Pena-Irala*, 630 F.2d 876 (2d Cir. 1980).

In the petition for writ of habeas corpus, Petitioner raises claims of deprivations of international human rights laws, treaties and charters which the United States are party to. These treaties and customary international laws were not provided consideration, interpretation or application by any of the lower state or federal courts prior to their opinions and orders. However, contrary to these lower federal court opinions and decisions are higher and more authoritative Supreme Court decisions and congressional Acts which support Petitioner's viable claims for relief under 28 U.S.C. §2241 (c)(3) and (c)(4). Petitioner's claims rely upon the valid exercise of human rights such as self-identification as an indigenous individual, expatriation and change of nationality, right to a name, self-determination as an indigenous individual and collective member of the international juridical personality of "The Olmec Office of Sovereign Political Power Holders," participation in the self-government of the Olmec State, freedom from ex post facto laws, use and ownership of property, and freedom of movement and residence; supported by United Nations and Organization of American States treaties and customary rules of international law. Therefore, because there are no controlling executive or legislative acts or judicial decisions relating to pertinent issues pertaining to the indigenous peoples and the right to self-determination, Petitioner must rely upon this Court to resort to its prior decisions and analyze the customs and usage of the international laws raised which Congress have not yet defined and passed as national Acts to protect individuals.

In the *Nereide*, 13 U.S. (9 Cranch) 388 (1815), this Court noted that it is bound by the law of nations which is part of the law of the land; *id.*, at 423. In, *The Paquete Habana*, 175 U.S. 677 (1900), this Court further elaborated by noting that international law is part of our law; and where there is no treaty, and no controlling executive or legislative act or judicial decision, [courts] must resort to the customs and usage of civilized nations; and as evidence of these, to the works of jurist and commentators who... have made themselves peculiarly well acquainted with the subjects of which they treat. Such works are resorted to by judicial tribunals, not for... what the law ought to be, but for trustworthy evidence of what the law really is; *id.*, at 700.

It is my reasonable belief that (i) the Charter of the United Nations, (ii) the United Nations International Covenant on Civil and Political Rights, (iii) the United Nations Declaration on the Rights of Indigenous Peoples, (iv) the United Nations Vienna Convention on Diplomatic Relations, (v) the United Nations Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, (vi) the Organization of American States Convention on Rights and Duties of States, and (vii) the Charter of the Organization of American States are a portion of the existing international agreements in force with respect to the United States; therefore, these treaties which the United States are Party to are the supreme laws of the land and enforceable in federal courts, as well as in the courts of the several States.

I further believe that I have a positive legal right to revitalize my identity and nationality in the true and correct culture of my ancestors, the aboriginal and indigenous peoples of the Americas. It is my contention that because I AM a decedent of the indigenous peoples of the Americas, an alien enemy of the colonizing British dominions at the time of a hostile occupation and now an alien of the colonizing United States dominion, I AM therefore entitled to declare that the temporary allegiance I owed under conquest, has been annulled and expunged by my exercise of expatriation under 8 U.S.C. §1481 (a)(2) and (a)(4)(A).

There are some exceptions to the creation of citizenship that are founded upon peculiar reasons, and which, indeed, illustrate and confirm the general doctrine... The children of enemies, born in a place within the dominions of another sovereign, then occupied by them by conquest, are still aliens; see *United States v. Wong Kim Ark*, 169 U.S. 649, 660 (1898). The right of expatriation is a natural and inherent right of all people, and any declaration, instruction, opinion, order or direction of any officer of the United States, which denies, restricts, impairs or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic; *id.*, at 704.

The United States ratification, accession and customary usage of the United Nations Charter, International Covenant on Civil and Political Rights, and Declaration on the Rights of Indigenous Peoples demonstrate its commitment to its international obligations of the guarantee of basic human rights. The United States further renewed their political commitments with respect to the Declaration on the Rights of Indigenous Peoples at the World Conference on Indigenous Peoples in September 2014, to promote achievement of the ends of this Declaration and fulfillment of the commitments in the outcome document of the World Conference.

It is my contention that, if, the Offenses Clause of the Constitution of the United States, Art. I, § 8, Cl. 10, is the constitutional source which define and punish acts in violation of the Law of Nations, then, the Supremacy Clause and Loyalty Clause under Article 6 is the constitutional source which bind all federal and state Judges and Justices to enforce customary international laws and treaties which the United States are party to. Therefore, Petitioner's lawful exercise of his rights to self-determination, self-identification, expatriation of citizenship, nationality and association in an indigenous juridical personality, and direct participation in a self-government established by a body politic of indigenous peoples must be protected and enforced under these constitutional provisions and the law of nations.

The term "self-determination" is not defined in the International Covenant on Civil and Political Rights or the Declaration on the Rights of Indigenous Peoples; scope of self-determination, however, describes this act-in-the-law as a peoples right to freely determine their political status and freely pursue their economic, social and cultural development; supra, Covenant, at Art. I, Cl. 1, and Declaration, at Art. 3; however, the Declaration extends further, Art. 4, indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matter relating to their internal and local affairs... Therefore, self-determination is a widely accepted customary rule of international law practiced by nation-state members of the United Nations and which the United States expressly observes and respects.

Under the *Filartiga v. Pena-Irala* decision, the court further expounded upon the importance and obligation of courts to observe and construe the accepted norms of customary international law, formerly known as the law of nations; *supra*, 630 F.2d at 877. Under the Articles of Confederation, the several states had interpreted and applied this body of doctrine as a part of the common law, but with the founding of the "more perfect Union" of 1789, the law of nations became preeminently a federal concern; *id.*, at 878. [C]ourts must interpret international law not as it was in 1789, but as it has evolved and exist among the nations of the world today. The United Nations Charter (a treaty of the United States, see 59 Stat. 1033 (1945)) makes it clear that in this modern age a state's treatment of its own citizens is a matter of international concern. *Id.*, at 881.

A case properly "aris(es) under the... laws of the United States" for Article [3] purposes if grounded upon statutes enacted by Congress or upon the common law of the United States. Under the national government, treaties and articles of treaties, as well as the law of nations, will always be expounded in one sense and executed in the same manner, whereas adjudications on the same points and questions in the thirteen states will not always accord or be consistent. Federal jurisdiction over cases involving international law is clear. A violation of the law of nations arises only when there has been "a violation by one or more individuals of those standards, rules or customs (a) affecting the relationship between states or between an individual and a foreign state and (b) used by those states for their common good and/or in dealings *inter se*." We have no quarrel with this formulation so long as it be understood that the courts are not to prejudge the scope of the issues that the nations of the world may deem important to their interrelationships, and thus to their common good. Matters of domestic jurisdiction are not those which are unregulated by international law, but those which are left by international law for regulation by States. There are, therefore, no matters which are domestic by their "nature." All are susceptible of international legal regulation and may become the subjects of new rules of customary law of treaty obligations. *Id.*, at 886, 887, 888, and 889.

The Declaration on the Rights of Indigenous Peoples was adopted by the General Assembly of the United Nations on September 13, 2007. Under this customary international law, combined with the United Nations Charter and International Covenant on Civil and Political Rights, the United States has an obligation to promote and respect the right to self-determination by indigenous inhabitants under non-self-governing and trust territories. U.N. Declarations are significant because they specify with great precision the obligations of member states under the Charter; *supra*, *Filartiga*, 630 F.2d at 883. Thus, a Declaration creates an expectation of adherence, and insofar as the expectation is gradually justified by State practice, a declaration may by custom become recognized as laying down the rules binding upon the States. *Id.*

Under Article 18 of the Declaration on the Rights of Indigenous Peoples, as the Olmec Ambassador, Petitioner has a right to participate in decision-making matters which would affect the fundamental rights of the Olmec State; and under Article 19, the United States have an obligation under international order to consult and cooperate in good faith with the members of the Mission of the Olmec State. Under 8 U.S.C. §1101 (a)(14), the Olmec State is adequately defined as a foreign state, and under §1101 (a)(15)(G)(iii) the Olmec Ambassador is within the defined class of nonimmigrant alien who must be provided the immunities under 8 U.S.C. §1102 (3). And, under the Offenses Clause of the U.S. Constitution, Petitioner is entitled to invoke the protections enacted by Congress pursuant to the Diplomatic Relations Act (22 U.S.C. §§ 254a et. seq.), the Sovereign Immunities Act (28 U.S.C. §§ 1602 et. seq.) and (18 U.S.C. §112) for the protection of foreign officials.

The need to protect diplomats is grounded in our Nation's important interest in international relations. Moreover, protecting foreign emissaries has a long history and noble purpose. Title 18 U.S.C. §112 legislative history was developed as a deliberate effort to implement our international obligations... Cf. Vienna Convention on Diplomatic Relations, Art. 22, § 2, 23 U.S.T., at 3237. Section 112 applies to all conduct "within the United States but outside the District of Columbia. See *Boos v. Barry*, 485 U.S. 312, 323, 326 (1988).

On January 04, 2021 the political existence of the Olmec Office of Sovereign Political Power Holders (Olmec State) was established and an Act of Union formed under the Constitution and Laws of the Olmec Office of Sovereign Political Power Holders in accordance with the qualifications required under the United Nations Charter, United Nations International Covenant on Civil and Political Rights, United Nations Declaration on the Rights of Indigenous Peoples, Organization of American States Convention on Rights and Duties of States, Organization of American States American Declaration on the Rights of Indigenous Peoples, and Charter of the Organization of American States. The Olmec State was assembled as an association of natural persons whose self-identification and self-determination as indigenous peoples of the Americas is to be recognized and respected as an international person having a legal personality under international law.

Under the United Nations International Covenant on Civil and Political Rights, I have a right to recognition as a person before the law under Article 16, that person being the Olmec State; to liberty and freedom of movement and residence within the lands and territories under trust for the indigenous inhabitants in North America which has been transferred into an Aboriginal Title under the Olmec State in accordance with Article 12; to freedom of expression through my written acts of expatriation and change in polity and nationality under Article 19, Clause 2; and to equal protection of the United Nations Declaration on the Rights of Indigenous Peoples under Article 26. Under Article 25(9), I possess the right to take part in the conduct of public affairs directly; and I firmly believe that it is my duty as an indigenous individual within the Assembly of the Olmec State to render service to it for its preservation and defense, and to execute and enforce its sovereign will by holding the public office of the Ambassador, Head of the Mission.

It is my contention that the opinions and orders of the lower federal courts deny to me the right of expatriation, self-determination, self-identification as an indigenous person, nationality and association in the Assembly of the Olmec State, and direct participation in the self-government of the Olmec State which are contrary to the provisions of the Covenant under Article 1, Clause 3.

B. Importance of the Questions Presented

(i) Citizenship and Allegiance

This case presents two fundamental questions of the interpretation of this Court's decisions. First, is the decision expressed in *United States v. Wong Kim Ark*, 169 U.S. 649 (1898) which concerns citizenship and allegiance. The question presented is of great public importance because it affects the right of self-determination by the true and correct self-identified indigenous inhabitants of the American continent and more specifically, those under the Trust Territories under the administration of the United States of America. In view of the fact that the United Nations Declaration on the Rights of Indigenous Peoples is a fairly new treaty to which the United States are party to, citizenship and allegiance of the children of the indigenous inhabitants born within the dominions of a colonizing and alien dominion occupied by conquest must be entitled to the exercise and enforcement of the right to self-determination without attacks upon their person, freedom or dignity.

The issue's importance is enhanced by the fact that the lower courts have defiantly misconstrued Petitioners claims for habeas corpus relief and have misinterpreted *U.S. v. Wong Kim Ark*. Both lower federal courts compare petitioner's claims to those of tax protesters, sovereign citizens, and Moorish-Americans but fail to address the claims and treaty violations individually. This Court held in the *Wong Kim Ark* case several factors pertaining to citizenship and allegiance to the United States; one in particular being the "temporary allegiance of the children of enemies" born within the dominion of an occupying sovereign. My grammatical interpretation of this Court's opinion in this case leads me to believe that the indigenous inhabitants conquered by the British and now under the dominion of the United States are foreign aliens, at least until the adoption of the Fourteenth Amendment when all persons born within the dominion and jurisdiction of the United States became citizens thereof.

To create allegiance by birth, the party must be born, not only within the territory, but within the allegiance of the government. If a portion of the country be taken and held by conquest in war, the conqueror acquires the rights of the conquered as to its dominion and government, and children born in the armies of a state, while abroad and occupying a foreign country, are deemed to be born in the allegiance of the sovereign to whom the army belongs. It is equally the doctrine of the English common law, that during such hostile occupation of a territory, and the parents be adhering to the enemy as subjects de facto, their children, born under such temporary dominion, are not born under the allegiance of the conquered. *Id.*, *Wong Kim Ark*, 169 U.S. at 664-665. The real object of the Fourteenth Amendment of the Constitution, in qualifying the words, "All persons born in the United States," by the addition, "and subject to the jurisdiction thereof," would appear to have been to exclude... the two classes of cases - children born of alien enemies in hostile occupation, and children of diplomatic representatives of a foreign state - both of which, as has already been shown, by the law of England, and by our law... had been recognized exceptions to the fundamental rule of citizenship by birth within the country. *Id.*, 169 U.S. at 682. The American citizenship... acquired by birth within the United States which has not been lost or taken away by anything happening since birth. No doubt he might himself, after coming of age, renounce this citizenship, and become a citizen of the country of his parents, or of any other country; for by our law, as solemnly declared by Congress, "the right of expatriation is a natural and inherent right of all people." *Id.*, 169 U.S. at 704.

The lower federal courts reasoning that Petitioner's type of jurisdictional challenge is "meritless rhetoric" is unconvincing against the mandatory language set out within the international treaties petitioner bases his claims upon and which the United States are party to. Thus, the United States district court seriously misinterpreted *Wong Kim Ark* by failing to distinguish between Petitioner's acts-in-the-law to exercise self-determination and expatriation as an indigenous person and the fraudulent acts to subvert citizenship found by the Court of Appeals in *United States v. Coleman*, 871 F.3d 470 (6th Cir. 2017). This Court should correct that misinterpretation and make clear that self-determination and expatriation are a natural and inherent right of the Petitioner to exercise and enforce.

(ii) Interpretation of Self-Determination in Treaties

The writ of habeas corpus extend to a prisoner in custody in violation of the Constitution or laws **or treaties of the United States**. See 28 U.S.C. §2241 (c)(3). It is my contention that the lower federal courts completely ignored Petitioner's claims of radical defects in the State courts exercise of general personal jurisdiction based upon violations of the law of nations, treaties to which the United States are Party to. Again, it is undisputed that the United States have either ratified or acceded to the following treaties and customary international laws; to wit: (a) United Nations Charter; (b) United Nations International Covenant on Civil and Political Rights; (c) United Nations Declaration on the Rights of Indigenous Peoples; (d) United Nations Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; and each of these treaties contain mandatory language in regard to the exercise of self-determination. So, the second fundamental question is of the interpretation of self-determination within these treaties in relation to the decision of this Court in *Mov. Holland*, 252 U.S. 416 (1920), as well as, *Fernandez v. Wilkinson*, 505 F.Supp. 787 (Dist. of KS 1980), as cited above.

The lower court's reasoning essentially bars Petitioner from the exercise of the legitimate right of self-determination and expatriation in accordance with the purposes and principles of the United Nations customary rules of international law. The lower court's reliance upon and comparance to, *United States v. Coleman*, 871 F.3d 470 (6th Cir. 2017), with Petitioner's acts of self-determination and expatriation in accordance with and under the above treaties of the United States were clearly erroneous. Because Petitioner presented to the federal Court of Appeals questions of law which included the interpretation of these treaties, the court should have followed its own standards of de novo review held in *U.S. v. Griffith*, 17 F.3d 865, 877 (6th Cir. 1994), "issues of law are reviewed de novo." And, because valid treaties are binding within the territorial limits of The State of Michigan, *id.*, *Holland*, 252 U.S. at 434, the appellate courts should have also provided de novo review of the questions and interpretation of these treaties; see *Moses v. Dep't of Corr.*, 274 Mich. App. 481 (2007).

In this case, what does self-determination entail within the scope of its legitimate exercise? Petitioner reasonably believes it entails the acts-IN-the-law he committed when he (1) exercised his human right to associate with and assemble among other natural persons to form themselves into a person under international law; (2) legally declared his self-identification as an indigenous person and Nijj, aboriginal of Turtle Island; (3) exercised his natural and inherent right to expatriate from the citizenship and temporary allegiance under the Fourteenth Amendment of the Constitution of the United States and The State of Michigan; (4) pledged his allegiance to and changed his nationality to the Olmec State under Article 6 of the Constitution and Laws of the Olmec Office of Sovereign Political Power Holders; (5) exercised his human right to participate in the self-government of the Olmec State under the official capacity and title, right, authority, privilege and protection of Olmec Ambassador, Head of the Mission; and (6) exercised his governmental function as Olmec Ambassador to represent and protect the sovereign will and interest of the Olmec State and its nationals within the limits of international law and order by executing indispensable instruments and lawful documents evidencing our capacity to enter into legal relationships with other Nation-states.

Also raised in this case, is the question of whether the United States provide tacit recognition of the independent American State politically existing from the exercise of self-determination by indigenous inhabitants under the Trust Territories to which they are administrative trustees. It is my contention that by not only ratifying or acceding to the above mentioned treaties and customary international laws, but accepting the responsibility and obligations of a Trusteeship Council Member, the United States have indeed, under the law of Nations, provided the Assembly of the Olmec Office of Sovereign Political Power Holders tacit recognition to politically exist in accordance with Article 7 of the Organization of American States Convention on Rights and Duties of States; both Articles 73 and 76 of the United Nations Charter; Article 1 of the United Nations International Covenant on Civil and Political Rights; and Article 4 of the United Nations Declaration on the Rights of Indigenous Peoples which implies the intention of recognizing self-determination.

VII. Appendix

- (A) Order of United States Court of Appeals for the Sixth Circuit; dated May 8, 2023.
- (B) Order and Judgment of United States District Court Western District of Michigan Southern Division; dated November 28, 2022.
- (C) Order of the Michigan Supreme Court; dated January 4, 2023.
- (D) Order of the Court of Appeals, State of Michigan; dated August 31, 2022.
- (E) Register of Actions for the Second Judicial Circuit Court, Case No. 2022-000117-AH.
- (F) The Constitution and Laws of the Olmec Office of Sovereign Political Power Holders.
- (G) Constituent Agreement and Pledge of Allegiance.
- (H) International Passport and Visa.
- (I) Certificate of International Driving License.
- (J) International Automobile Certificate of Title.
- (K) Declaration of Self-Identification/Nationality and Citizenship Agreement/Pledge of Allegiance.
- (L) Cover Letter and Note to the Secretary General of the Organization of American States of Our Declaration to Sign and Ratify the Charter of the Organization of American States.

Under 8 U.S.C. § 1481 (b), it provides: whenever the loss of United States nationality is put in issue in any action or proceeding commenced on or after the enactment of this subsection [enacted Sept. 26, 1961] under, or by virtue of, the provisions of this or any other Act, the burden shall be upon the person or party claiming such loss occurred, to establish such claim by a preponderance of the evidence. Any person who commits or performs, or who has committed or performed, any act of expatriation under the provisions of this or any other Act shall be presumed to have done so voluntarily, but such presumption may be rebutted upon a showing, by a preponderance of the evidence, that the acts committed or performed were not done voluntarily.

CONCLUSION

This case presents precedent issues of interpretation and application of international rules of customary law to which the United States are a party, and the questions of law are ripe for adjudication. The importance of the issues are enhanced by the fact that the lower federal courts have denied Petitioner the human right of judicial protection and have seriously misinterpreted the petition for a writ of habeas corpus. Therefore, for the foregoing reasons, Petitioner request that the Court observe and construe, as well as apply to the petition for writ of habeas corpus, the United Nations Charter; United Nations International Covenant on Civil and Political Rights; United Nations Declaration on the Rights of Indigenous Peoples; United Nations Convention on Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; United Nations Vienna Convention on Diplomatic Relations; Charter of the Organization of American States; Organization of American States Convention on Rights and Duties of States; Organization of American States American Declaration of the Rights and Duties of Man; and the Constitution and Laws of the Olmec Office of Sovereign Political Power Holders. And, for these foregoing reasons, either (a) grant the petition for a writ of certiorari; or (b) on the Court's own motion, grant a writ of habeas corpus in accordance with 28 U.S.C. § 2241.

Respectfully Submitted By,

Corey Alan Askew
Corey Alan Askew, Petitioner,
Indigenous Peoples of the Americas,
Olmec Ambassador.

July 31, 2023
Dated