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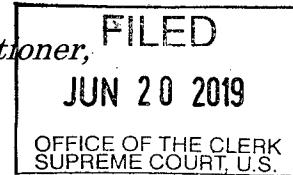
No. 19-_____

In the
Supreme Court of the United States

FREDERIC C. SCHULTZ, J.D.,

Petitioner,

v.



JOHN G. ROBERTS, JR., ESQ., CHIEF JUSTICE OF THE
UNITED STATES and DONALD J. TRUMP,
"PRESIDENT" OF THE UNITED STATES OF AMERICA,

Respondents.

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

PETITION FOR WRIT OF CERTIORARI

FREDERIC C. SCHULTZ, ESQ.

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AUGUST 27, 2019

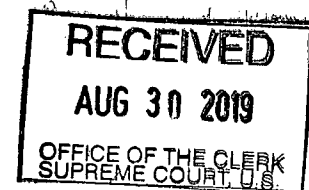
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QUESTIONS PRESENTED

1. Do citizens of the United States of America have the right to “equal and universal suffrage”?

2. Do we have the right to be governed by whom we elected, Hillary Clinton, by a majority of almost 3,000,000 votes, and by those she appoints to the executive and judicial branches of government?

3. Is the 12th Amendment of the US Constitution, which provides for the electoral “college” system of counting electors’ votes and not USA citizens’ votes equally, overturned by the 14th Amendment of the Constitution, the 5th Amendment of the Constitution (which applies the 14th Amendment to the Federal Government., and the ICCPR Treaty of 1992, (International Covenant on Civil and Political Rights., which promises to protect our citizens’ human rights to “equal and universal suffrage” and which as a treaty is the “law of the land”?

4. Did Chief Justice of the USA John Roberts, Esq. violate his oaths of office which he took to become an attorney and judge when he swore in Donald J. Trump as President of the United States despite the fact Trump lost the election to Clinton by almost 3,000,000 votes, and he knew that, And also knew of the Voting/Civil rights cases of the 60’s and the ICCPR Treaty guaranteeing us our equal vote?

5. Did Donald J. Trump violate the very oath he took to uphold the Constitution by accepting such oath, and isn’t he thus not legally or morally the president of the United States of America?

6. Will this Court declare every act and appointment to office by Donald J. Trump null and void,

including removing from the bench any judges he appointed to the bench, including Judge Neil Gorsuch and Judge Brett Kavanaugh, as Trump is not legally or legitimately president of the United States, but Hillary Clinton is, because she won the election?

7. Will this Court name Hillary Clinton President of the United States, despite her illegal "concession" to Trump, which was illegal because she won the election, and every second Trump is in office is a violation of our rights to be represented by the person and government we chose?

8. Did the 9th Circuit Ct. of Appeals make a err in denying Frederic C. Schultz J.D.'s case to have the lower court judge block Judge Roberts from swearing in Trump as president, as the Appeals Court based its decision on an overturned, illegal provision of the US Constitution, the 12th Amendment, and a case which actually stood for the principle that we, as citizens of the USA, are entitled to have our votes counted equally?

9. Were Schultz's, and all other USA citizens of California who voted for Clinton, and all other USA citizens who voted for Clinton's, Constitutional and Human Rights violated by counting their votes on average at 1/3 of those of residents of Wyoming and Clinton voters' votes at 2/3 those who voted for Trump, and not at all in states where a majority voted for Trump, because of "winner take all" legislation erasing our votes?

10. Is Treaty Law the "Law of the Land" as the Constitution requires?

11. "*Do You Mean to Make Good to Us the Promises in Your Constitution?*" Slavery Abolitionist
— Frederick Douglass.

LIST OF PROCEEDINGS BELOW

District Court of California, Southern District of California

Case No.: 17-Cv-0097 Wqh (Ksc)

Frederic C. Schultz, Plaintiff, v.
Chief Justice of the United States John G. Roberts, Jr. and Donald J. Trump, "President" of the United States of America, Defendants.

Decision Date: October 10, 2017

United States Court of Appeals for the Ninth Circuit

Case No.: No. 17-56852

Frederic C. Schultz, Plaintiff-Appellant, v.
John G. Roberts, Jr., Chief Justice of the United States; Donald J. Trump, Defendants-Appellees.

Decision Date: October 26, 2018

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The Opinion of the United States Court of Appeals for the Ninth Circuit, Case No. 17-56852 was decided on October 26, 2018. (App.1a). The decision of the District Court of California, Southern District of California in Case No. 17-Cv-0097 was decided on October 10, 2017 (App.5a, 7a). These opinions were not designated for publication.



JURISDICTION

The Ninth Circuit issued its opinion on October 26, 2018. The Petitioner timely filed a petition for writ of certiorari within 90 days of that decision with this Court; however, the Clerk of Court noted issues of compliance with the formatting and printing requirements of Rule 33.1, and by a letter dated June 28, 2019 has given Petitioner 60 additional days until August 27, 2019 to submit a corrected petition. This Court has jurisdiction under 28 U.S.C. § 1254(1).



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- U.S. Const. amend. V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presen-

tment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence [sic] to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

- **U.S. Const. amend. XI**

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

- **U.S. Const. amend. XII**

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and all persons voted for as Vice-President and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;

The President of the Senate shall, in the presence of the Senate and House of Representatives, open

all the certificates and the votes shall then be counted;

The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the

office of President shall be eligible to that of Vice-President of the United States.

- **U.S. Const. amend. XIV**

SECTION 1. 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.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military,

under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

- U.S. Const., Art. VI

This Constitution, and the laws of the United States which shall be made in 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, anything in the Constitution or laws of any State to the contrary notwithstanding.

- **Treaty Law: International Covenant on Civil and Political Rights (1992) in relevant part:**

ARTICLE 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restriction;

(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;

(c) To have access, on general terms of equality, to public service in his country. (emphasis added).



STATEMENT OF THE CASE

Pro Se Plaintiff FREDERIC C. SCHULTZ, ESQ. (hereinafter "SCHULTZ") is a resident of the State of California who in the 2016 Presidential Election voted for Sec. Hillary Clinton on Nov. 8, 2016. Despite being among the majority of voters in the USA, 65,844,954 citizens, who voted for Clinton, by a margin of 2,865,075 over Defendant Donald TRUMP (hereinafter "TRUMP"), pursuant to the 12th Amendment of the Constitution of the USA, the electors met and voted for Defendant TRUMP by a margin of 304 to 227 for Defendant TRUMP, not Clinton, who won the election, thus stealing SCHULTZ's vote, those who

voted for Clinton in California (CA), and all those who voted for her in the nation's votes, enough to name TRUMP the "winner", despite his monumental loss in the election. Congress proceeded to illegally ratify the electors' stealing of SCHULTZ's and the majority of American citizens' votes. On 1/19/2017, SCHULTZ sued in the Federal Southern District of CA to get the court to block Defendant ROBERTS from breaking his oaths of office to swear in TRUMP. The Court refused to block the illegal ceremony, thus Defendant ROBERTS violated his oath to uphold the Constitution of the USA and swore in Defendant TRUMP, who violated the oath he took by taking it, thus illegally becoming the "President" despite having lost the election by almost 3 million votes to Sec. Hillary Clinton. As a CA voter, SCHULTZ had his vote diluted to that of 29% of a WY voter, on average, when the vote tally is compared to the electoral vote. Furthermore, as a citizen who voted for Clinton, SCHULTZ and the majority millions who voted for Clinton had our vote diluted to 71% of those of citizens who voted for Defendant TRUMP. Calculated another way, on average, those who voted for Trump's votes were counted at 1.4x those of SCHULTZ and others who voted for Clinton, due to what states they lived in. After considering subsequent briefs submitted by Defendants ROBERTS + TRUMP, and SCHULTZ's reply, the lower court dismissed SCHULTZ's and the majority's claim of a violation of his 5th and 14th Amendment Rights to "no deprivation of . . . liberty . . . without due process" and to violation of his and others' rights to "equal protection" of the laws.

Appellant/Plaintiff SCHULTZ in his first brief requested that the lower Court block Appellee/Defen-

dant Chief Justice ROBERTS from violating his oath to uphold the Constitution and swear in Defendant TRUMP despite Defendant ROBERTS' knowing that doing so would steal the vote from SCHULTZ and the 65,844,954 others who voted for Clinton. Appellant/Plaintiff SCHULTZ also sought to get the lower Court to block TRUMP from accepting the oath, despite knowing that he had lost the election by almost 3 million votes, and thus was violating SCHULTZ's and the citizens' of the USA's Human and Constitutional rights to "universal and equal suffrage", "due process", and "equal protection of the laws". In SHULTZ's reply brief after Defendant/Appellee ROBERTS had sworn in Defendant/Appellee TRUMP, Plaintiff/Appellant SCHULTZ requested that the lower Federal Court reverse the swearing in by ROBERTS of TRUMP, uphold the results of the election by counting SCHULTZ's and all who voted in the election's votes equally, as democracy and fairness and our rights demand, and name Sec. Hillary Clinton president. The court refused to do so, and at a later date dismissed SCHULTZ's lawsuit.

Plaintiff SCHULTZ appealed to the 9th Circuit Court of Appeals, Defendants Roberts and Trump replied through their attorney at the Justice Department, and the three judge panel of the 9th Circuit denied Schultz's appeal on 10/26/2018. SCHULTZ appealed to be heard by the full panel of the 9th Circuit, which denied his appeal on 3/28/19.



REASON FOR GRANTING THE PETITION FOR WRIT OF CERTIORARI

Plaintiff/Appellee here in this appeal requests that the Supreme Court of the United States of America count SCHULTZ's, ALL USA citizens who voted for Sec. Clinton's, and all who voted for TRUMP's votes EQUALLY, uphold the results of the popular vote, throw out the immoral and illegal electoral "college" vote, and name Sec. Hillary Clinton president. Furthermore, SCHULTZ hereby requests that the 9th Circuit attempt to put the state of the nation back to where it was when he first filed his suit, and, according to the ancient legal principle of "AB INITIO", declare all actions taken by TRUMP illegal, and reverse them all, including the appointment of all Federal judges, including judges Neil Gorsuch and Brett Kavanaugh, as they were appointed by a "president" who was not elected by the populace of our great nation, and who thus was not legally capable of appointing them.

Plaintiff/Appellant SCHULTZ claims that his right, and the majority millions who voted for Clinton's Human and Constitutional Rights, to universal and equal suffrage, due process, and equal protection of the laws was violated when Defendant/Appellee ROBERTS swore in Defendant/Appellee TRUMP, despite having lost the election by almost 3 million votes.

Is the 12th Amendment (which establishes the electoral "college" system) Unconstitutional as it was overruled by the 14th Amendment, the 5th Amendment as interpreted by courts in light of the 14th Amendment, and by the 1948 Universal Declaration of Human

Rights' interpretation of those Amendments' guarantee to our citizens of "universal and equal suffrage", as codified and enacted by President George H.W. Bush and Congress in 1992 in The International Covenant on Civil and Political Rights (ICCPR) United Nations Human Rights treaty, which is now supposed to be the "law of the land"?

The lower courts wrongly decided that the electoral "college" system explicated in the 12th Amendment of the Constitution is Constitutional even though it steals our Human and Constitutional Rights to "due process" and "equal protection of the laws" by not counting SCHULTZ's, California citizens, and citizens who voted for Clinton's votes equally to those of people voted for Trump, just because they lived in less populated areas of our nation. The lower court violated SCHULTZ's and all citizens' rights to "One Person, One Vote" by not blocking Defendant/Appellee Chief Justice ROBERTS from swearing in Defendant/Appellee TRUMP, despite the fact that he lost the election by almost 3 million votes cast by citizens on Nov. 8, 2016, and by not reversing the results of the stolen election after all briefs were filed, but instead dismissed SCHULTZ's lawsuit, thus stealing SCHULTZ's and all citizens of our state and nation's rights to equal suffrage, as our nation guaranteed by the 5th and 14th Amendments of the Constitution, as interpreted by the 60's voting rights cases cited (and many others), and the ICCPR.

The 12th Amendment of the Constitution, establishing the Electoral "College" system of electing our president after the people vote in the general election, is unconstitutional because it steals our Human and

Constitutional rights to “universal and equal suffrage” which are supposed to be protected by the 5th and 14th Amendments, which overturned the 12th Amendment. Not only in the last election, but four previous times, including the 1st “election” by the electoral college of George W. Bush in the 2000 presidential election even though he lost the election to Al Gore by over 500,000 votes, the will of the people was subverted by the 12th Amendment’s system of electing the president.

Every second he is in the office of “president”, despite losing the election, Defendant/Appellee TRUMP endangers the lives of millions of Americans, millions of refugees who we have treaty, legal, and moral obligations to protect, our extraordinarily brave soldiers and the untold thousands of innocent, peaceful civilians he is ordering them to kill around the world the millions of Americans who he is attempting to kill by stealing our rights to food, shelter, and universal healthcare, and truly likely will kill all life on earth by starting a nuclear war, including over 326 million Americans and over 7.6 billion people worldwide, due to the fact that he was not elected by our nation’s population because we recognized his obvious his extreme stupidity, anger, cruelty, insanity, ignorance, corruption, treason, and extreme hatred of all other people besides himself, which endangers us all, every second. Unless this court names Sec. Hillary Clinton because she won the election, and orders all actions he took under color of being an unelected “president” null and void, Defendant/Appellee TRUMP will continue to abuse and kill innocent migrant children, kill us by poisoning the earth by rescinding ecological

protections, and likely cause a World War that the most of us will not survive if we do not stop him now.

Furthermore, even if Congress impeaches, tries, and removes him from office, the even more unelected, and equally dangerous for quite similar reasons, "Vice President" Mike Pence will attempt to pardon him and his henchmen for their crimes against the American people and humanity.

This case is about making America a real representative democracy, which means rule by the people, for the first time in our nation's history. We have the inalienable right to be governed and judged by whom, and how, we choose.

Really, however, the stakes are greater, as Trump is deeply deranged, dangerous, and evil, as many psychiatrists have explained in their book *The Dangerous Case of Donald Trump* (2017), edited by psychiatrist Brandy X. Lee, M.D. The only way this court can save all life on earth is by immediately making America a Democracy by counting our votes equally, as all other nations who hold elections for their leaders, do, and naming Sec. Hillary Clinton president, as she won the election by almost 3 million votes.

I. IS IT POSSIBLE FOR A PART OF THE CONSTITUTION, AN AMENDMENT, TO BE UNCONSTITUTIONAL? YES, IF IT IS OVERRULED BY A SUBSEQUENT AMENDMENT, OR THE CURRENT INTERPRETATION OF A PRIOR AMENDMENT, OR BY TREATY LAW.

Yes. A major pillar of American law. For instance, the 11th Amendment's prohibition of allowing a state to be sued in federal court was overturned by the

14th Amendment's promise that no State "shall deny to any person . . . the equal protection of the laws." Section 5 of the 14th Amendment allowed Congress to pass such laws necessary to enforce it, and Congress did so by passing Title VII of the Civil Rights Act of 1964, which banned employment discrimination for "race or gender" even by States. The Supreme Court, in *Fitzpatrick v. Bitzer*, 427 U.S. 445 (1976) upheld the provision of the Civil Rights Act, stating "the Eleventh Amendment, and the principle of state sovereignty which it embodies, are necessarily limited by the enforcement provisions of Section 5 of the Fourteenth Amendment."

Just as the Supreme Court ruled in 1976 that the 14th Amendment, and it's enacting legislation the Civil Rights Act of 1964 overruled provisions of the 11th Amendment, this court must here rule that the 14th Amendment, and it's enacting legislation, the International Covenant on Civil and Political Rights (ICCPR) treaty which guarantees our nation will protect our citizens' rights to "universal and equal suffrage" (Section 25 (b)), OVERTURNS the 12th Amendment which steals our right to equal and universal suffrage. The full text of section 25 of the ICCPR treaty, as enacted by Congress and the President, is:

"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;

(c) To have access, on general terms of equality, to public service in his country."

President George H. W. Bush, before signing the ICCPR treaty, formally objected to a few provisions of the treaty, including a provision that banned states from executing minors, which the Supreme Court of the USA banned several years later. (Not of real importance here is whether those objections were legally binding.) Despite making a few objections before signing it, neither he nor the Senate objected to the provision calling for "universal and equal suffrage" for all citizens of voting age. Treaties are considered the "law of the land" according to Article 6 of the Constitution. Yes, there has been some dispute as to whether treaties have equal weight to the Constitution, or just have the weight of legislation (which must of course adhere to the constitution), but either way, two presidents and Congress signed and enacted the treaty, and this Court must uphold it's provision that we are all, including Plaintiff/Appellant SCHULTZ, the people of the great state of CA whose vote was counted less than anyone's vote in our nation and at 29% of the weight of voters living in Wyoming, and citizens who voted for Clinton, whose votes were counted at 71% (on average, given also vote-stealing unconstitutional state "Winner Take All" (WTA) rules), not to mention the unconstitutional rules which ban millions of USA citizens living in territories, or illegally enslaved on our jails for unconstitutional

victimless and/or consensual activity, from voting for president at all of people who voted for Defendant/Appellee TRUMP, entitled to have our votes counted equally now, by this court naming Hillary Clinton President, and letting the Supreme Court ratify our votes and make America a Democracy already.

II. THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR) TREATY (1992, USA), CODIFIES THE UNITED NATIONS' UNIVERSAL DECLARATION OF HUMAN RIGHTS (UN UDHR, 1948), AND GUARANTEES SCHULTZ AND ALL AMERICANS AN EQUAL VOTE, AND THUS THE RIGHT TO BE GOVERNED BY WHO WE ELECTED FOR PRESIDENT IN 2016, HILLARY CLINTON, IS THE LAW OF THE LAND.

Treaties hold equal weight to legislation, at least, and as the esteemed Justice Oliver Wendell Holmes emphatically held, equal weight to the Constitution. As Defendants concede, US treaties must conform to the U.S. Constitution. This one does, that's why the Congress enacted it, and President George H. W. Bush signed it, in 1992. SCHULTZ now requests that the Court finally enforce it, and stop the USA's status as the only nation in the world professing to be a democracy that dilutes, thus steals, its citizens' votes who live in more populous states by up to over 3x those who live in rural or less populous states, creating a tyranny and dictatorship of the minority, not a democracy run by majority rule that respects and defends all our citizens' and everyone in the worlds' human rights, including first and foremost our right to an equal vote, and to be governed and judged by who we elected, upon which all our other

rights, including our very right to life, freedom, due process, and certainly equal protection, rely.

President Jimmy Carter, when he originally sent the Treaty to the USA Senate for ratification in 1978, explained its importance to protecting our human rights, including our right to participate in our government, stating, “While the [U.S.] is a leader in the realization and protection of human rights, it is one of the few large nations that has [sic] not become a party to . . . [this Covenant and the other two U.N. treaties he transmitted]. Our failure to become a party increasingly reflects upon our attainments, and prejudices [U.S.] participation in the development of the international law of human rights. [This Covenant is] . . . based upon the Universal Declaration of Human Rights, in whose conception, formulation and adoption the [U.S.] played a central role. . . . [This Covenant] treats in detail a wide range of civil and political rights. Freedom of speech and thought, participation in government, and others are included which Americans have always considered vital to a free, open and humane society.” (Emphasis added.) <https://dwkcommentaries.com/2013/02/05/u-s-ratification-of-the-international-covenant-on-civil-and-political-rights/>

President Carter then went on to confirm that the UDHR (famously championed by First Lady Eleanor Roosevelt in 1948 to prevent another World War) and ICCPR Treaty, including the provisions protecting our rights to “universal and equal suffrage”, were in full compliance with the US Constitution, according to the Department of Justice, stating: “The great majority of the substantive provisions of

[this Covenant] are entirely consistent with the letter and spirit of the [U.S.] Constitution and laws. Wherever a provision is in conflict with [U.S.] law, a reservation, understanding or declaration has been recommended. The Department of Justice concurs in the judgment of the Department of State that, with the inclusion of these reservations, understandings and declarations, there are no constitutional or other legal obstacles to [U.S.] ratification." (Emphasis added). <https://dwkcommentaries.com/2013/02/05/u-s-ratification-of-the-international-covenant-on-civil-and-political-rights/> President George H.W. Bush, when he sent the treaty to the Senate for ratification and when he signed it, similarly did not object to the provision guaranteeing us an equal vote, nor did the Senate. They promised to uphold our rights, and here SCHULTZ only requests that this court finally do so and enforce our human rights to an equal vote, and to be governed by who we elected in the 2016 election by over 3 million votes, Hillary Rodham Clinton.

Yes, it is true that the Equal Protection Clause of the 14th Amendment in its text applies to the states, but the 5th Amendment's Due Process Clause applies it to the Federal Government, as many Supreme Court cases have held. The Supreme Court held in *Bolling v. Sharpe*, 347 U.S. 497 (1954), that the 14th Amendment holds the Fed govt to the same equal protection requirements as the states. As the Court stated in *Bolling*: "Though the Fifth Amendment does not contain an equal protection clause, as does the Fourteenth Amendment, which applies only to the States, the concepts of equal protection and due process are not mutually exclusive." 347 U.S. 497, 499. Similarly, the Court held in *Weinberger v. Weisenfeld*,

420 U.S. 636 (1975), that “This Court’s approach to 5th Amendment equal protection claims [covering the federal government] has . . . been precisely the same as to equal protection claims under the 14th Amendment.”

The Supreme Court has held in many cases that all citizens are entitled to “One Person, One Vote”. For instance, the Court in *Baker v. Carr*, 369 U.S. 186 (1962) ruled that the Constitution requires “One Person, One Vote.”

Similarly, the Supreme Court in *Reynolds v. Simms*, 377 U.S. 533 (1964) stated that we are all entitled to an equal vote no matter where we live, saying “Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests.”

The lower court, in a ruling by US District Judge William Q. Hayes, agreed with the Defendants ROBERTS and TRUMP that *Gray v. Sanders*, 372 US 368, 380 (1963) stands for the proposition that “The only weighting of votes sanctioned by the Constitution concerns matters of representation, such as . . . the use of the electoral college in the choice of a President”. However, that case was a decision AGAINST allowing any weighting of votes, and only mentioned the Electoral “college” of the 12th Amendment to explain that that was a compromise to get the southern states, then ruled by slave owners, to join the nation, but it did not say that such weighting of votes was ever constitutional, just that it was inapplicable to the case at hand, which ruled that people in local elections were certainly allowed equal votes.

The 2016 election is comparable to the ballot stuffing case *Donohue v. Board of Elections of NY*,

435 F. Supp 957 (E.D.N.Y. 1976) which stated that the Court has a right to call for a new election. Just as a Federal Court in a case of ballot stuffing is required to hold a new election, by analogy, in this 2016 presidential election, where the vote count is accurate but the votes were stolen by enforcing an immoral, unconstitutional electoral system enacted to convince slaveholders to get their states to join the nation, while banning "black" slaves, non-landowners, women, and Native Americans from voting; enforcement of which steals our constitutional and human rights to equal suffrage, the only remedy for SCHULTZ, the citizen-residents of CA who received less than 1/3 the vote of the citizens of WY, the almost 66,000,000 people who voted for Hillary Clinton, and every voter in our nation except for the 174,419 residents of Wyoming who voted for TRUMP, is for this Court to name Hillary Clinton President of the United States, immediately. If TRUMP opposes this writ, then the Supreme Court will have to decide the matter to protect our human and constitutional rights to democracy, by definition an equal vote per voter.

III. THE CASE CITED BY DEFENDANTS AND TRUMP IN THEIR DEFENSE UPON WHICH ALL THE OTHER CASES THEY CITED RESTED, AND THE SOLE CASE CITED BY THE 9TH CIRCUIT IN ITS DECISION, DID NOT STAND FOR THE PROPOSITION THAT THE ELECTORAL COLLEGE IS CONSTITUTIONAL, BUT RATHER THAT WE ARE ALL ENTITLED TO AN EQUAL VOTE.

Gray v. Sanders, 372 U.S. 368, 380 (1963) ("The only weighing of votes sanctioned by the Constitution concerns matters of representation, such as . . . the

use of the electoral college in the choice of a President.”). *Gray v. Sanders* was a case arguing that in local elections citizens were entitled to an equal vote. In making its case to dilute, and thus steal, the local citizens’ votes, the municipality requested that they be allowed to dilute votes no more than the electoral college allowed. All the court was saying was that the electoral “college” weighing was not applicable to the case at hand, not that it was legal or Constitutional at all. AS Justice William O. Douglass stated for the 8-1 majority in that case: “The concept of political equality . . . can mean only one thing—one person, one vote”.

Furthermore, that case was decided long before the ICCPR, which, even if it stands for what plaintiff and the lower court says it stands for (which it doesn’t, at all), overruled it without question in guaranteeing to protect our rights to “universal and EQUAL suffrage.” (emphasis added).

Plaintiff/Appellant SCHULTZ hereby calls on this court, therefore, to uphold his Human and Constitutional rights to a say in his government by an equal say as all other citizens, and to uphold the vote of the majority and overturn the vote of the electors who diluted and thus stole our right to vote, and to name Sec. Hillary Clinton president, as she won the election by 3 million votes, and to not only strip Defendant TRUMP of the Title of “President”, but to rule that any decision and appointment he made in office is null and void under the ancient legal principle of “AB INITIO”, attempting to make things right by putting them back to how they were before he stole

the most powerful office in the world, putting all our lives in danger every second.



CONCLUSION

For the foregoing reasons, the Petition for Writ of Certiorari should be granted.

Respectfully submitted,

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AUGUST 27, 2019

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