NO. 25-996

IN THE

SUPREME COURT OF THE UNITED STATES

Robert-James: McDonald

Petitioner, Pro per

v.

STATE OF WASHINGTON

Respondent

On Petition For Writ of Certiorari
TO THE COURT OF APPEALS
STATE OF WASHINGTON, Division I

PETITION FOR WRIT OF CERTIORARI

Robert-James: McDonald
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QUESTIONS PRESENTED FOR REVIEW
BRIEF INTRODUCTORY STATEMENTS 1 AND 2
PRECEEDING QUESTIONS 1 AND 2

Introductory Statement 1

Petitioner asserts the claim that he holds the pristine citizenship status of being a Pre-March 9, 1933, Private Citizen of the United States secured by Section 1 of the Fourteenth Amendment to the Constitution of the United States, said status held by all American citizens prior to March 9, 1933. Petitioner further claims he has no contract with either the National or State military governments, express or implied, that may have altered said pristine, constitutional citizenship status to an inferior grade of being made an "enemy" of the temporary emergency war powers military governments of the United States and the State of Washington established on March 6, 1933, via FDR's Proclamation 2039, continued on March 9, 1933, via FDR's Proclamation 2040.

Question 1

Does Petitioner hold the citizenship status of being a Pre-March 9, 1933, private citizen of the United States secured by Section 1 of the Fourteenth Amendment to the Constitution of the United States?

Answer: Yes

Evidence for the claim is a "Declaration of Status of Robert James: McDonald" on file with the United States District Court, Eastern District of Washington, Spokane, Washington, and in evidence with the King County Court, *State of Washington vs. McDonald*, 23-1-04062-3 KNT.

Introductory Statement 2

Petitioner asserts the claim that he has the right to a civilian due process of law in a State court secured by Section 1 of the Fourteenth Amendment to the Constitution of the United States and Hale v. Henkel, 201 U.S. 43 at 74 (1906). Petitioner further claims he has no contract with either the National or State governments, express or implied, that may have resulted in a waiver of his constitutional right to a civilian due process of law.

Question 2

Does Petitioner hold the right to a peacetime civilian due process of law as opposed to an emergency war powers military due process of law during this time of national banking emergency / state of war, said military jurisdiction derived from **50 USC 4316** in effect on both a National and State level since the *Erie* decision of April 25, 1938? (Erie Railroad Co. v. Tompkins, 304 U.S. 64)

Answer: Yes

Evidence for the claim is a "Declaration of Status of Robert-James: McDonald," which includes its "Exhibit 3" titled "Release With Consideration," being a unilateral contract under seal, on file with the United States District Court, Eastern District of Washington, Spokane, Washington, and in evidence with the King County Court, *State of Washington vs. McDonald*, 23-1-04062-3 KNT.

PARTIES TO THE PROCEEDING

PETITIONER

Robert James: McDonald

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Representing the Washington State

Court of Appeals

State of Washington v. Robert James McDonald,
No. 87305-9-2; Washington State Court of Appeals.
Motion Denied April 8, 2025 (Order attached)

State of Washington v. Robert James McDonald,
No. 104267-1; Washington State Supreme Court.
Motion Denied July 29, 2025 (Order attached)

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TABLE OF AUTHORITIES

- Public Law No. 73-1 codified at 12 USC 95(a) omitted from Title 12 in 2015 and moved to a footnote at 50 USC 4305(b), p. **14.**
- 50 USC Section 4316, pp. **4, 13.**
- Hague Convention, Article 23 (1907), p. **15.**
- 18 USC Section 2441(c)(2), p. **15.**
- 28 USC Section 1257(a), p. **11.**

REFERENCE TO OPINIONS BELOW PROVIDED IN THE APPENDIX

- **Exhibit A**—Washington State Court of Appeals Order Denying Petitioner's Motion to Modify
  STATE OF WASHINGTON v.
  ROBERT JAMES MCDONALD
  No. 87305-9-1
  (April 8, 2025)

- **Exhibit B**—Washington State Supreme Court Ruling Denying Petitioner's Motion for Discretionary Review
  STATE OF WASHINGTON v.
  ROBERT JAMES MCDONALD
  No.104267-1
  (July 29, 2025)

JURISDICTION

This Court has jurisdiction under 28 U.S.C. Section 1257(a):

> **a.** Final judgments or decrees rendered by the highest court of the state in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, <u>or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties</u> or statutes of, or any commission held or authority exercised under, the United States.

This Court retains jurisdiction to review whether state action has denied Petitioner fundamental constitutional rights.

The judgment of the Order to be reviewed is **Exhibit B** of the APPENDIX:

- Washington State Supreme Court Ruling Denying Petitioner's Motion for Discretionary Review
  STATE OF WASHINGTON v.
  ROBERT JAMES MCDONALD
  No.104267-1
  (July 29, 2025)

CONSTITUTIONAL PROVISIONS INVOLVED

- Constitution of the United States; Article VI, Section 2, p. **13.**
- Constitution of the United States, Section 1, Fourteenth Amendment—
  Citizenship of the United States Clause, p. **2-3.**
  Due Process of Law Clause, p. **2-3, 13.**

TREATIES

- Hague Convention (1907), Article 23 codified at 18 USC Section 2441(c)(2), p. **13.**

STATEMENT OF THE CASE

Petitioner sought review in the Washington State courts on the grounds that he, being a non-enemy belligerent, Pre-March 9, 1933, private citizen of the United States as a matter of public judicial record, is entitled to a peacetime, civilian due process of law absent the display of military flags in said courts. (Said United States military flag, bordered on three sides with gold fringe, is defined in **Army Regulation 840-10**.) The Washington courts dismissed or rejected Petitioner's filings without addressing these two fundamental questions concerning said constitutional citizenship status and constitutional right to said non-military, non-emergency war powers, civilian due process of law.

Petitioner now seeks this Court's review of whether the continuing application of emergency war powers military jurisdiction imposed on State courts through **50 USC 4316**, can lawfully override, or overlay, the peacetime, constitutional due process rights of a non-belligerent civilian being a Pre-March 9, 1933, private national citizen of the United States.

REASONS FOR GRANTING THE WRIT

1. Fundamental Constitutional Rights at Stake. The Due Process Clause of the Fourteenth Amendment guarantees the right to civilian due process of law to the Pre-March 9, 1933, private citizen of the United States defined in that amendment. This Court, in Hale v. Henkel 201 U.S. 43 at 74 (1906), reaffirmed the right of the non-enemy, non-belligerent private citizen.

2. Unresolved Question of National Importance. Congress has never repealed its March 9, 1933, "Emergency Banking Relief Act," also referred to as the "Emergency War Powers Act." FDR's war powers Proclamations 2039 of March 6, 1933, and 2040 of March 9, 1933, based upon a section of "the Act of October 6, 1917" (i.e. the "Trading With the Enemy Act") codified at **50 USC 4305(b)** remain "approved and confirmed." Therefore, the nation remains in a continued state of national banking emergency / state of war. This situation creates ambiguity regarding the fundamental rights of non-enemy, private American citizens today.

For it appears, the nation is suffering under a covert Second Reconstruction (1933-Present) nearly identical to the First Reconstruction (1865-1877) when Southern civilians were subjected to military tribunals during a time of peace.

3. Conflict with International Law and U.S. Statutes. Under Article 23 of the Hague Convention (1907) secured by Article VI, clause 2 of the U.S. Constitution, non-belligerent civilian "nationals" cannot be treated as enemies or "belligerents." Applying "emergency war powers," including emergency war powers military due process of law to non-combatant civilians, risks constituting a violation of **18 U.S.C. Section 2441(c)(2)**, a potential war crime, which may be punishable with death.

4. State Courts Failed to Reach the Substance of Petitioner's two claims. Washington courts denied Petitioner's interlocutory motions for discretionary review without addressing both constitutional claims protected on a State level by the Fourteenth Amendment. This

Court's intervention is necessary to protect fundamental, Constitutional liberties secured by Section 1 of the Fourteenth Amendment.

Respectfully submitted,

01-29-2026 

Date

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