EXHIBITED

Proposal For Issuance of A WRIT As Deemed Necessary, Applicable and Authoritative

The De facto

"U.S." supreme Court

TEST

INCORPORATED INTO THE MAIN PLEADING, WITH DEMAND TO TAKE JUDICIAL NOTICE, INCORPORATED HEREWITH

The De facto "U.S." supreme Court TEST.

1. The De facto "U.S." supreme Court TEST arises under the proposed Constitution for the proposed United States-nation in order to Measure the Effects, Sources, and Applications of the Laws that were Used to bring about its alleged initial Creation;

2. For as we Discover in The Extended Powers TEST, incorporating within its legal framework The **Power** of The **Negative** much the same way that The **Power** of The **Negative** is Used as an **Absolute** Control within The Clause 18 TEST itself, we find that the Powers *Granted* the alleged "U.S. supreme Court" are in *no wise* "absolute" or "broadly extensive;"

3. Nor, because of the certain corruptions and base errors made by the alleged United States central government in its UnLawful Organizing process **–** commenced in Gross and Deep Error, NOT Under the Exclusive Authority of the proposed Constitution, March 4, 1789 **–** are we to at all Trust that what was done thereupon and thereafter was done correctly, or Lawfully, or Constitutionally, to any degree, as to the establishment of the alleged "supreme Court," AKA UnLawfully as the "United States" "Supreme Court;"

4. Which to determine that Law Abiding Truthful Same, we turn now to the proposed Constitution for the proposed United States-nation, and to nowhere else do we turn;

5. Because of the alleged Congress' myriad of Reckless Errors committed by it from March 4, 1789, it is necessary to examine its acts and Acts executed in those times to determine as to whether or not it had any input or played any UnLawful part in its alleged Creation, if such acts and Acts were in any way a Violation of the proposed Constitution itself;
By which we look to that certain TEST whose Absolute Constraining Power was Established under the Auspices of the Framers, The Clause 18 TEST, Part 1, To Chain Down The [alleged] Congress with the Constraint of Constitutional Chains, we look first to the Power by which the National Tribunals, or Tribunal Courts, "inferior to the supreme Court," were to be established;

5. The Source of Power for the Establishment of the National Tribunal Courts, granted before Clause 18 of Section 8, Article I, is found at Clause 9, Section 8, and nowhere else is granted that the alleged Congress have Power to create, using its own Power (see The United States Tribunals TEST), any other court "inferior to the supreme Court" itself;

6. It has long been Legal Error to claim that the Power for the creation of "United States Courts" exists as Article III, Section 1, for there are two (2) important Discernments at Section 1 of Article III, neither of which have anything to do with any [alleged] United States courts' establishment, as though the Source of the Power to do so, which two Discernments are:

1) The Power, or Powers, provided for at Article III, Section 1, is a Judicial Power Only; It does NOT belong to the alleged Congress, and never has, at any time. The reference to "inferior Courts" as referred to therein, as to their actual creation, must extrapolate, *in pari materia* (looking to similar language to two relevant laws) back to Clause 9, Section 8, Article I, being the alleged Congress' own/owned Power therein, for the Creation of the ONLY kind of Court that the alleged Congress was EVER Authorized or Empowered to Establish (see The United States Tribunals TEST and The Clause 18 TEST, Part I);

2) For the primary purpose of Article III, Section 1, is to provide for the minimum standards of operations of Lawfully Established United States Courts, but does not exist in the slightest sense as the Place of Authority in the proposed Constitution for which the Source of Authority for the Creation of ANY United States Court exists, including the Establishment of the alleged United States supreme Court itself;

3) As finally admitted to in the "War Powers Resolution of 1973," the words "Congress' own powers" verifies what Mr. Founder Madison and other Founders intended as to the Separation of Powers, Legislative, Executive, and Judicial, within the proposed Constitution, which "Congress' own powers" do Not Exist at Section

1 of Article III, and never have; the Powers to be vested thereby, as Section 2, Clause 1, Phrase 1 – "Extended Powers," belonging to the judicial branch alone, for Its Sole Use Alone, there however being No Power within the Vestable Power granted at Article III, – Section 1, Section 2, or Section 3 thereof that provides, as a Judicial Power, the ability of any Court, inclusive of the alleged supreme Court, to Create any court, by any name or title, for any purpose or function, at all;

4) As such, No Power Existing at said Article III, any Section thereof, by which ANY Court may be Created by Either of the Three Branches, neither by the Judicial Branch, neither by the Executive Branch, neither by the Legislative Branch, it is Utterly and Inescapably - Discernment of Law Error to propose that any alleged United States Court owes its actual or true establishment to "Article III" whatsoever, as though being the Source of Authority for such Establishment or Creation of any of them, "U.S. courts," inclusive of any part or particle thereof, at all;

5) Therefore, while Article III, Section 1 does provide for what was meant to be the special standard for tenure of office of all Lawfully Established "United States judges," the "Congress' own power" for creation of "inferior Courts" going back to Clause 9, of Section 8, Article I, as "Tribunals inferior to the supreme Court," it was never intended that it be believed that Article III, Section 1 be the recognized Source for the actual creation of "United States courts," any of them (see The United States Tribunals TEST), no matter the "political desire" to make it so;

6) Reiterating, that the words, "**The judicial Power**," the first three words at Article III, Section 1, NOT being "the [alleged] Congress' own Power (for the express wording fundamentally or literally denies it to be so), as a "vested Power," NOT in "the Congress," DENIES or CONSTRAINS, Absolutely, the alleged Congress, itself's, ability to actually Create ANY Court utilizing such said Article III, Section 1 "judicial Power," and NOT its Own

Power, to do so (see The Clause 18 TEST – The Glasses Illustration TEST);

7. **Ruling Out** Article III, altogether, for ANY Claim for being the Source for the Creation of ANY "United States court," we find that, by the alleged Congress' use of Its "own power," and not Any power of either of the other two branches of alleged United States central government, we quickly find and realize that the creation of any de jure United States court "inferior to the supreme Court" is traced, solely, to Clause 9, Section 8, Article I, and not elsewhere. "**End of story**" (see The United States Tribunals TEST);

8. Solving the mystery (as taken by Mr. Founder James Madison to his grave – see The Clause 18 TEST) of the **only** Lawful Courts to be **authorized** to exist below or "inferior to the supreme Court" itself, the continuance to determine the Actual Source of Creation of the [alleged] "United States supreme Court" itself, we start to examine other parts of the proposed Constitution to discern where the Actual Source – NOT of its "judicial Power," for that exists at Article III, Section 1 – of its Official Formation, literally expressed, in order that we may see firsthand that the [alleged] "supreme Court" was to have a legitimate Source for its own Creation, no differently to that extent than the Clause 9 Tribunal Courts were to provided a Source of Creative Authority for, at Clause 9, Section 8, Article I, aforestated.

9. In this, we are to also be made aware that, during the proposed Constitution's Official Planning Meetings, commenced May 14, 1787, on one occasion the "supreme Court" was referred to therein as to also be construed to be the "supreme Tribunal," clarifying for us, against all doubt, if any, that the term "Tribunals" at Clause 9 refers to Tribunal Courts, and nothing less than that;

10. The Truth of the Matter being that the Source of Authority for the Actual Creation of the "supreme Court" itself was and is located in the proposed Constitution's Article II, Section 2, Clause 2, the Sole Source of Such "supreme Court" Creative Power being Divided between Two Limited Powers of Government; the Granted Power of the Executive, or "the President," combined with and in conjunction with "the Senate,"

Exclusively, the [alleged] House of Representatives Denied [STILL] **any** Part or Particle of the Creative Power as it pertains to the alleged "supreme Court's creation or establishment, any "law" passed by the alleged Congress to the Contrary - therefore - NotWithStanding.

11. For we see and discover at Article II, Section 2, Clause 2, that the creation of the "supreme Court' justices, from the first one to the last one (the existence of the necessity of the "Chief Justice" is referred to at Article I, Section 3, Clause 6), in both number, name, and background, was to have been the sole decision of both the "Senate" and "the President" combined, alone, with absolutely NO Involvement, or Determination, by ANY Law "Passed," of the alleged Congress as a whole, meaning that the alleged House of Representatives, no matter how charismatic or moved it might think or desire to be involved with the [alleged] "supreme Court's Creation or Establishment, was, simply put, Denied or Constrained - by Mr. Founder Madison's "Power of the Negative" (see The Clause 18 TEST) from doing so, that it, "House," have any "legislative Power to involve itself in the "supreme Court's" creation in any instance;

12. Which we see yet more clearly at Clause 9, of Section 8, Article I, again, but this time we observe a different thing at Clause 9, a Very Important Thing;

13. For it is at Clause 9 that the alleged Congress, or that is, both Houses together, was to have the authority to establish - specifically - "Tribunals," or Courts of 3, or possibly more than three, judges, only, as we see that precise wording thereat as "The Congress shall have Power … To constitute Tribunals inferior to the supreme Court;"

14. Which would mean that the alleged Congress would have Power to do just that, constitute or create "Tribunals [courts] inferior to the supreme Court,"

15. But which Clause 9 terms did Not include or stipulate to the [alleged] Congress as having Power … To constitute (or create) the supreme Court" itself!;

16. Which means, again, that the alleged Congress, as both Houses, Never Had a Shred of Authority or Power granted it – to Pass a Single Law or Resolution so as to dictate either the number of Justices, minimum or maximum, or the "when" such Justices were to be appointed and established by the combined will of the Senate and the President to do so;

17. For it is Clear that neither Clause 9 of Section 8, Article I, nor Article II, Section 2, Clause 2 holds the key for the [alleged] Congress, as a whole, to be made an involved authority or power in this Constitutional provision for the establishment of the "supreme Court" itself, consequently, "the Congress" has, and had, No Authority, or Right, to Create, or Establish, the "supreme Court" itself, as it UnLawfully Did by way of its, alleged Congress,' UnLawful "Judiciary Act of 1789;"

18. For the only thing necessary to bring about the establishment of the "supreme Court" was to have been accomplished, exclusively, by the Will and Acts of the Senate, in its Advice and Consent Given to the President, for his, the President's, Appointments of "supreme Court" justices, until they two together should decide to "say when" as to the number of such justices as were to make up the "supreme Court," and the "when," again, as to "just when" those appointed justices were, with salary, to commence their terms of service, to begin under the minimum standards set forth by and in Article III, Section 1, the Source of the Standards for Employment of United States judges only, and not the Source of their establishment;

19. As we read the Errant or Grossly UnConstitution[al] "Judiciary Act of 1789, first paragraph, or Section 1, we find that:

> "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the supreme court of the United States shall consist of **a** chief justice *and* five associate justices, any four of whom shall be a quorum."

20. Which Claim for Lawful Law immediately Violated the Constraint that "the Congress," as "both Houses," NOT have the Granted Power, in Violation of The Clause 18 TEST, Part 1, to Create and/or Determine the Number of Justices of the supreme Court, nor the time of the starting of their Tenure, nor of the Number of Justices to make up a Quorum;

20. For as to the Number of Justices to constitute the "supreme Court," and as to the Time of the Commencement of their Tenure of Office, this Authority to Determine these two things was placed, at Article II, Section 2, Clause 2, into the hands and the will of the Senate and the President, combined, alone. Alone. Alone.

21. For, the legal challenge arises, demanding that the following be answered, that following the "passage" of the "Judiciary Act of 1789," with its numerical requirement for Justices, what if the Senate and the President together, after that fact, had decided to Appoint Only Three! The actual Number of judges in the ancient origin of the Tribunal, from the land of ancient Israel many thousands of years ago. What then?

22. The alleged Congress would not have been "needed" in order to set the number of judges for this "supreme Tribunal," as it obviously, in Violation of the Supreme Law, did;

23. And as to the Number of Justices to be required to make up a "quorum, the fact that the "supreme Court" was regarded to be the "supreme Tribunal," knowing that the term "Tribunal," going back to ancient times, in the ancient nation of Israel, went to 3 judges and not more than that, the ability of the Senate and the President was to be simple and easy, as traditional Tribunals go, for the Chief Justice, already referred to, and two associate Justices, three Justices total, was to be the only perceived President's Duty for establishing the "supreme Court," no "quorum number" required, NOT "Six" justices, an even number, in Violation of the historic original purpose for Three Justices per Tribunal only (see The United States Tribunals TEST), and later on, not – "Now Nine" of them – showing that the Creation of the alleged "supreme Court" from the first was done by the alleged Congress as a matter of the UnLawfulness of "policy," or "whatever it could get away with," was "okay," the same as its earlier "Continental Congress" Counterpart, continuously lawless, or Outside the Law, no less;

24. The fact that all of these things were ignored was the mark of the alleged Congress and its reckless disregard for the Certain Constraints that the proposed Constitution was to hold it to, from the moment of its own UnLawful Creation (see "**The Nation That Never Was**" – Expose), the

same kind of alleged government as that of the Continental Congress before it, with arrogant brattish attitude so as to do "whatever it wanted to," and "the law be hanged" if telling it, alleged Congress, what it and its Members what it/they had to do, or must not do, as was the purpose of securing the proposed Constitution - to Save the Nation from the same Confederation and its reckless Continental Congress - in the first place;

25. Raising still another important question, to demonstrate the Exact UnLawfulness = Illegality of the Creation of the alleged "supreme Court" so that the same was made to be, and now is, the De facto supreme Court, is as follows:

1) If the "supreme Court" could be "Created" by the legislative branch by the simple passing of a Law, doing so, then it stands to reason that the same branch, the legislative branch, by passing another law repealing the first law, could Uncreate the [alleged] supreme Court, irrespective of the fact that the proposed Constitution was to have provided for no such legislative possibility to Uncreate the "supreme Court" any more than it had the right to "Create it" at any time, under any condition;

2) Which Illegal condition could never be considered at all had the alleged Congress, both Houses, stayed out of it, had the members of both Houses took the time to Read the proposed Constitution, which was of course one of the most serious problems that the Members of the alleged Congress was yoked with, the fact that most of the Members of the alleged Congress, along with the vast majority of the public, or citizenry, of the land, who also could Not Read at all, subjecting both the alleged Members of the alleged Congress, as well as the members of the public who followed them, to a great vulnerability, that of illiteracy,

3) To create a thing - required to be created by law under the law - **outside** of the law, is to create a thing whose existence is UnLawful, or **Fundamentally Void** as a Matter of Law, its existence is UnLawful = Illegal from the instance of its Creation, for it is **De facto** (existing in fact, but illegitimately so), **moment by moment** of its continued

existence, no matter how great or important or respected or self-respected it has become in the meantime;

4) The alleged United States supreme Court **is** this very ***De facto*** United States supreme Court, no matter all the "important cases" already decided, no matter the myriad of cases now before it, no matter who its justices or chief justice ever were, no matter who its justices or chief justices ever will be, for it was Created **outside** of the law, the supreme Law that it, "supreme Court," was at all times supposed to be under, not over, the only legal body not mentioned or included at Article VI, Clause 3, the Jury, - directly representing the People thereby - as being Directly Over the proposed Constitution itself;

26. But the **De facto** Existence of the alleged United States supreme Court is not the only UnLawful attribute that was made by the alleged 1789 Congress to attach to its, "supreme Court's," **De facto-ness**, for there came about yet another corruption done to it, which has had an UnLawful Effect upon its Entire Existence, from the date of its **De facto inception** to the most current date of its **De facto existence**, brought about by the Ugly Head, the UnLawful Head, of "**politics**," the politics of the alleged Congress, by the UnLawful = Illegal involvement of the alleged "House of Representatives," the reason that the proposed Constitution's Framers did not include both "Houses" in the Creation or Continuance of the said "supreme Court," understood to be such as follows:

1) At Article I, Section 9, Clause 8 of the proposed Constitution, we find that the proposed Constitution has Prohibited, indisputably, the alleged United States central government from having **any** official thereof be granted or have **any** "Title of Nobility," which would have included those bearing England's Title of Esquire, a Title commonly ascribed to those claiming the profession of "attorney" or "attorney at law," and existing between the English Titles of "Knight" and "Gentleman."

2) Additionally at Clause 8 of Section 9, it is pertinently stated that: … "no Person holding **any** Office of Profit or Trust under [the United States central government], shall, without the Consent of the Congress, accept **any Title *of any kind whatever*, from** any King, Prince or foreign State."

3) A search of the laws of 1789 reveals **no** "**law**" whereby the alleged Congress gave its consent for any Office or Official of the [alleged] United States central government to accept "**any Title of *any kind whatever*, from any King, Prince or foreign State**."

4) By searching the infamous, alleged "law" known as the "Judiciary Act of 1789," in Violation of said Clause 8's Prohibition requiring that there be no Granting of a Title of Nobility, the same being a Raised En**title**ment above that which the one receiving it would otherwise not be En**title**d to, we do find, by the political acts of such UnLawful Act's sponsors, alleged senators Oliver Ellsworth of Connecticut and William Paterson of New Jersey, the **Covertly** Contemptuous **Hidden** Granting of an "**any**" title of Nobility to the **De facto**, and thus alleged "supreme Court" itself, by the very same UnLawful Act by the alleged Congress, not Exclusively the Senate and President acting solely together, as heretofore shown to above be the Act that, being brought about outside the [Constitution] Law, or outside the [Supreme] Law, Created the "supreme Court" as the **Fundamentally Void** "supreme Court," *ab initio*, or from its beginning.

5) There are those "governmental actors" whose deeds it is hard, distinctly hard, to forgive, because their obfuscated works or acts or in the dark, dastardly manipulated so that no one of significance will realize the effects of their wicked works, such as were the works of alleged senators Oliver Ellsworth and William Paterson, in what was done in the UnLawful = Illegal Judiciary Act of 1789, done with reckless disregard for the Truth, with reckless indifference for the outcome;

6) Whereas, as aforestated, at Section 1 of the Judiciary Act of 1789, the words "supreme Court" are the words chosen therein, as though this was to be the Same "supreme Court" of Article III, Section 1, the "supreme Court" whose creation was to procedurally be brought about under the exclusive acts of the Senate, in exclusive conjunction with the President, at Article II, Section 2, Clause 2, but other than this similar appearance, the "supreme Court" that sponsors Oliver Ellsworth and William Paterson would have in mind would be different, much different, in what powers and authorities it was to actually have;

7) To understand the nature of this *deeply* **hidden** Fraud committed in order to raise the status of the proposed Constitution's provision for a "supreme Court" to a more "noble-ized" status of "Supreme Court," and to show just how that change exists as a matter of legal fact, there are certain things that need to be known about how the proposed Constitution was actually written, script wise, by that author of its finished document form, concerning the capitalizing of the many ordinary words throughout it, Constitution, and the reason for the capitalization of such ordinary words (see The "'post' Roads" TEST for further confirmation) being because it was the custom, the practice, of some of the Constitution's Framers, and the actual author of its final written drafted form in particular, to capitalize all Nouns, and nothing more than that;

8) Which Nouns **include** Proper Names of persons, places, and things, such as "Post Offices," and not just ordinary references to persons, places or things;

9) Which practice, therefore, in certain instances reveal the Truth as to that which is seen, which might not be understood with sufficient perception were we not to know these workings as stated, now to be known and applied applicably as such, hereafter;

10) Frauds and Other Evil Deeds are sometimes brought about by the most mi***nute*** of acts or of presence of substance, much like the magician whose craft is *slight of hand, illusion* to create *delusion* among the masses, or those without sufficient education *and* insight

to know the difference between reality and confusion of reality, and it was no different within the Judiciary Act of 1789, beginning with its Section 1's wording, "supreme Court," then raising the Title of the "supreme Court" by raising the ink (just a small amount) in its name, higher, just high enough to spell the word supreme as Supreme, in just 3 Sections later, or at Section 4, as "**S**upreme Court" instead, no longer being the "supreme Court" that was **pretended** ("Pretense" for UnLawful Purpose = Fraud) at said Section 1.

11) Twenty (22) Times after its pretended introduction in Section 1 of the "Judiciary Act of 1789" we find that the "supreme Court" of Section 1 has been given, by Definition of a Proper Noun, the Name of the supreme Court as "Supreme Court," without an Amendment to the proposed Constitution to make it so, thereby making its raising to the higher status of "respectability" and "honor" that of a Title of alleged "Nobleness," in which the Titles of "Mister," the preceding title designation for the British Title of Gentleman, such as Mr. Justice Jay or Mr. Justice Marshall, and so forth, was to follow;

12) It is known that repetition of a lie enough times, when imposed upon the uneducated or the unsuspecting, is sufficient to have the lie accepted as though Truth, and before the small thought can be even slightly accepted and digested as that such an act of raising the ink so little to achieve a level of unwarranted, not rightfully acclaimed, high position of respect and honor, it is to be warranted as self evident that the ends to which such reckless indifference is to be applied is sufficient in scope and nature to justify a Trial for the Sovereign Crime of Contempt of Constitution of the Highest Order, to bring about the Highest Punishment attributable to the deed for which such reckless indifference, or else deliberate cunning, was contrived for;

13) In coming now to know, to understand, to realize, that this Exhibited, The De facto "U.S." supreme Court TEST, as an Expose comparable in devious and unconscionable nature to that of the Exhibited Expose, **The Nation That Never Was**, *Confirms* Through The Maze *of* Obfuscation on the Subject, that the alleged supreme Court, actually Very Illegally As the "Supreme Court," has at all

times and every time Been **De facto**, Created to be Skewed, as "necessary," by the Skewed alleged Congress itself, having **no** - The Clause 18 TEST, Part 1 - Power or Authority to do so, *Ever*.

27. The alleged "United States supreme Court," AKA the [alleged] "United States Supreme Court," its existence as to the manner in which it was Created is Illegal, for it was Created **Outside** of The Law, which Creating *of* Any Thing Outside of the Law ***Renders*** that Thing So Created As – **Fundamentally Void**;

28. The Existence of the [alleged] "United States supreme Court," by whatever false name or recognition that it has come to be known as, is Therefore, **Fundamentally Void**.

29. Beyond this, we find that the Only Lawful Courts that the Defendant alleged United States central government has ever, to any degree, Lawfully Established, **are** the National Tribunal Courts, which, while having been referred to within the largely UnLawful "Judiciary Act of 1789" as the misnamed "circuit court," it is to be noted that said Act provided for 3 of them, showing that it was understood that the number 3 was in fact relevant to their existence, – along with the practice within them, as acting national appellate courts, of assigning 3 judge panels to new cases on *appeal* to them, verifying sufficiently that *they* **are**, in Fact, the very same Clause 9 Tribunals which even the alleged Congress had the greater right to "Create," now being held by this TEST, according to the Inherent Right *of the* People *for* Justice, to be the Fundamentally Exigent National Tribunal Courts **proposed** by the **Constitution's Framers**, repeatedly, within the proposed **Constitution** Planning Meetings themselves.

30. None Other "United States-nation" Courts, not the National Tribunal Courts, have the/any Right to Survive, let alone Exist; **Save These**.

31. To All Courts Judges, State and "federal," This TEST being Sure and Certain, the **De facto** "United States supreme Court" being UnLawfully = Illegally Created on September 24, 1789, You Are To **Cease** Recognizing Such Said De facto Court **Immediately**, and Cease Petitioning It, A False or UnLawful Court, for ANY Purpose, Altogether, **Permanently**.

I. TO ENGLAND, To The Queen Thereof, To The Parliament, Its House of Lords, Its House of Commons, To The Prime Minister, And To The United Kingdom In Its Entirety;

II. To All Tribunal Judges of All National Tribunal Courts Throughout The Proposed United States-Nation;

III. And To All Officials of State Governments, Executive, Legislative, and Judicial, Of Each and Every State, AND To the People of All of Them Throughout The Land:

Cease To **Ignore** The **Law**;

DISOBEY The **Fraud**.

The De facto "U.S." supreme Court TEST:

DULY SUBMITTED AND INCORPORATED BY THIS REFERENCE;

This TEST and Exhibit Is SEALED, And INCORPORATED, Against That Which Is Found To Be Untrue In The Constitution For The United States, And For That Which Is True In The Said Same Constitution, Into This Case, Now *ARISING*, Before The Lawful Courts of the Several States of the Union of "them,"

And, By Special Extension, Before the High Court of England,

And Not Lawfully Concurrently Elsewhere.