14-556, 14-562, 14-571 & 14-574

In the Supreme Court of the United States

JAMES OBERGEFELL, *et al.*, Petitioners,
v.
RICHARD HODGES, DIRECTOR, OHIO DEPARTMENT OF HEALTH, *et al.*, Respondents.

VALERIA TANCO, *et al.*, Petitioners,
v.
BILL HASLAM, GOVERNOR OF TENNESSEE, *et al* , Respondents.

APRIL DEBOER, *et al.*, *Petitioners,*
v.
RICK SNYDER, GOVERNOR OF MICHIGAN, *et al.*, Respondents.

GREGORY BOURKE, *et al.*, Petitioners,
v.
STEVE BESHEAR, GOVERNOR OF KENTUCKY, *et al.*, Respondents.

On Writs of Certiorari to the United States Court of Appeals for the Sixth Circuit

AMICUS CURIAE BRIEF OF UNDERSIGNED COUNSEL IN SUPPORT OF RESPONDENTS

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MOTION FOR PERMISSION TO FILE *AMICUS CURIAE* BRIEF

COMES NOW, undersigned counsel, an *amicus curiae* in the above-captioned matter, and pursuant to S. Ct. Rule 37(3)(b), hereby respectfully requests that the *amicus curiae* brief, which accompanies this motion, be considered alongside the pleadings filed by the parties and alongside other *amicus curiae* briefs filed in the four consolidated cases.

1. This *amicus* has standing to interpose this motion because, under the general rule set out in the first sentence of Rule 37(1), "…An *amicus curiae* brief that brings to the attention of the Court relevant matter not already brought to its attention by the parties may be of considerable help to the Court."

2. This *amicus*' interest in the consolidated cases derives solely from a sense of public duty and concern that the consolidated appeals are a well-orchestrated, well-financed corporate-led ruse masking a political campaign. Petitioners' appeal is an Article V case masquerading as a 14th amendment case.

3. There is nothing said or written by the Parties, or their respective supporter entities, or gleaned from scanning the cold record from below, anywhere, about limitations on equitable and legal powers of Article III courts. Beyond this Court's limited original jurisdiction described in Article III,

Congress decides what powers over cases and controversies arising ***in law and equity*** federal courts (including this Court) have***.*** 28 U.S.C. §1251 *et. seq.*

4. Petitioners seek 'political remedies' cleverly disguised as 'equitable remedies'. On the 'equity side of the court' Petitioners make no reciprocal showing, as required, that they possess the requisite 'clean hands' (a showing of compliance with 1 U.S.C. 106(b), for instance) to have 'equitable' standing. Nor do they make any showing ***they*** have done justice (to the Constitution as a whole) to the same degree and quality they demand justice.

5. The Court should not 'buy' what the vanity litigants and *their* wholly-owned hard hustle representatives, proxies, and well-paid advocates 'sell' and 'push' in their briefs.[1] Rule 3.3(a)(2) of the ABA Model Rules of Professional Conduct states that a lawyer "…shall not knowingly fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel." A second rule, Rule 3.3(a)(1), states that a lawyer "… shall not knowingly make a false statement of fact or law to a tribunal or fail to

[1] Even the faux 'trials' in the District Courts in the run up to this appellate fight seem to have a phony litigation, moot-court-like academic quality about them, perhaps explaining the presence of an odd sort of 'faux appellate record' upon which Petitioners have structured their political arguments wrapped in 14th Amendment rubric.

correct a false statement of law previously made to the tribunal by the lawyer." These and other rules are discussed in a recent article published in the ABA sponsored publication, Litigation, at Volume 40, Number 2, Winter 2014 (Article by the Hon. Elaine Bucklo entitled *The Temptation Not to Disclose Adverse Authority*.)[2]

6. Nowhere in their *ipse dixit* political arguments, do Petitioners, ***prove***, with extrinsic evidence, how well they have discharged *their duties* to self-disclose relevant adverse authority. Petitioners in this largely taxpayer-subsidized corporate-owned and corporate-managed 'vanity' litigation totally fail to discharge their duty to bring to the Court's attention ***contrary, controlling primary authority.*** The ***primary authorities*** applicable in this case are: Article V of the U.S. Constitution, Section 5 of the 14th Amendment, Article III limitations on judicial power, and 1 U.S.C. 106(b). The threshold issue, even before considering the two 'questions presented' as framed by this Court in its Scheduling order of January 16, 2015, is whether, or not, the political questions at the core of Petitioners' political cause, advancing at breakneck speed through Article III courts, is even legally justiciable at this early juncture in its inchoate political evolution.

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[2] Two questions that the Court may wish to ask each attorney at the upcoming oral argument: "Who is your actual client, counsel?" And, "How well have you personally discharged your separate duty to disclose adverse legal authority to this Court relative to the political campaign you seem to be waging for yourself and your 'client'?"

7. Petitioners' briefs are bloated and swarming with purely politics-centric arguments about 'rights' that do not even exist, a breathtaking prolixity of secular veneration to a homosexual-centric political *cause cèlébre*[3], *a* cynical veneer masking its 'false-god-centric' core. In contrast thereto, the attached *amicus* brief discusses controlling federal law ***already*** on the books[4].

8. It cites *Nixon v. United States*, 506 U.S. 224 (1993), at 228, citing *Baker v. Carr*, 369 186, 217 (1962), holding, at 228, that "…A controversy is nonjusticiable, i.e., involves a political question '…..***where there is a textually demonstrable constitutional commitment of the issue to a coordinate political department*** [i.e., Congress]; or a ***lack of judicially discoverable and manageable standards for resolving it.'"*** (Emphasis added). This 'political question doctrine' case, and other relevant case law authority, renders nonjusticiable Petitioners' political cause, its political issues/controversies cleverly framed as if residing 'in equity' instead of their true origin, bottomed in political/social (and sexual) discontent.

9. Given Petitioners' well-coordinated blurring of attorney-client lines, it is also impossible to tell 'clients' from 'attorneys' in this appeal. Petitioners' lawyers seem to be taxpayer-subsidized, entity-managed personnel that represent themselves for their own sake. They hijack even the underlying

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[3] A political cause/campaign/movement many regard as lucifer-centric to begin with.

[4] Article V, for instance, has been on the books since 1789 AD.

political cause they supposedly represent, now stumbling over each other to rake in as much cash and empty celebrity as they can before the 'car' they drive runs out of the fuel that propels it (cash).

10. This consolidated appeal is wall-to-wall politics. This is what happens when government-led personnel, with no standards to guide them, undertake to 'stress test', own and control the human chaos found at the intersection of the nation's self-indulgent sex life and its hard hustle politics.

11. The Court should not be juked or bullied down the path proposed by Petitioners' Cheshire-Cat-like 'ghost-writer-advocates'. Nor should it peg any decision it may issue to Petitioners' constitutionally untested 'for academics only' political theories that have not yet undergone the constitutionally compulsory Article V 'vetting process' required of such 'new theories' as a matter of black letter constitutional law.

12. The Court has before it a political movement that presents as a 'Creature' of a sort. The 'Creature', this time, seems to have many beasts and sub-beasts underneath it, void of distinct form, yet possessing self-proclaimed, unstoppable political power and momentum undergirding its amorphous 5th column type of structure of dubious origin and even more dubious 'forward' intention.

13. Besides ***the legal process actually due*** citizens under Article V, which this Court must first ensure, this Court *does not have the constitutional*

horsepower to do the political things the vanity litigants demand of it. Petitioners' political cause fails because of *the absence of* any federal statutory authority (required under Section 5 of the 14th Amendment for Petitioners' issues to be justiciable) and because of *the absence,* at this juncture, of a '28th amendment' supporting Petitioners' wholly politics-centric cash and power grabbing political campaign.

14. The Petitioners (and their allies in the 'Respondent' matrix) try to sneak their 'fraud through concealment'—of applicable federal law—past the notice of the Court and stridently invite the Court to side-step, ***as they are doing***, directly applicable federal law.

15. Surely the vanity litigants, Petitioners, and their taxpayer-subsidized advocates and their tax-exempt corporate machine sponsors, can find better ways to turn a buck than bullying the Court into creating a 'judicial monarchy' thereby destroying the U.S. Constitution. The *certiorari* granting/denying process will become just another political choke point owned by the vanity litigants once their 'already-done-deal' (they say) schema is judicially 'enacted' into law and becomes judicially-codified 'new' law of the land.

16. The eternally frightened 'Creature' lurking behind Petitioners' cause (ready to tear the flesh off anything that even moves, knowing its time is short) displays a near-psychotic fixation on one obscure rule, as if that one 'rule', to the exclusion of

any other rule of law that might apply and might act as a legitimate 'speed bump' against this massive corporate juggernaut, is the only rule that could possibly apply, and only in Petitioners' favor, namely: ".....in most matters it is more important that the applicable rule of law be settled than that it be settled right." *Burnet v. Coronado Oil & Gas Co.,* 285 U.S. 393, 406 (1932).

Wherefore, undersigned respectfully requests that the Court accept this motion for filing. It shows that the burden is on Petitioners as to why 1 U.S.C. 106(b) compliance should not have been, and now is, a procedural and substantive law predicate to Petitioners' continued standing to use Article III process to wage their political campaign and bully courts into granting, to them, the political remedies they demand.

Respectfully submitted this 2nd day of April, 2015.

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QUESTIONS PRESENTED

1. Whether the Fourteenth Amendment requires a state to license a marriage between two people of the same sex.

2. Whether the Fourteenth Amendment requires a state to recognize a marriage between two people of the same sex when their marriage is law fully licensed and performed out-of-state.

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INTEREST OF THE *AMICUS* CURIAE[1]

The central issues raised in pleadings filed in this Court by this *amicus curiae* in three relatively recent cases, namely petitions for certiorari in the 10-1296 and 12-68 cases, and in counsel's *amicus curiae* brief filed (but not docketed) in the 13-737 case, dealt with due process and equal protection of the law. Those filings were intended to test the boundaries and reach of the Fourteenth Amendment.

The respective Petitions for Certiorari in those three cases were denied by this Court, on June 13, 2011 in the 10-1296 case, on October 1, 2012 in the 12-68 case, and on February 24, 2014 in the 13-737 case. Accordingly, this Court did not address or reach the merits of the issues presented in those three cases.

This consolidated appellate setting, in contrast to the foregoing 14th amendment cases, presents an Article V case *masquerading* as a 14th amendment case. Petitioners' political movement

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[1] Pursuant to S. Ct. Rule 37.3, this *amicus curiae* certifies that counsel of record for Petitioners in the four consolidated cases were notified in writing of this *amicus'* intent to file this *amicus* brief. Letter/notices granting blanket consent to the filing of *amicus curiae* briefs were filed on behalf of Respondents. Undersigned counsel has not received a written consent to the filing of this *amicus* brief from any Petitioner. Pursuant to Rule 37.6, this *amicus* certifies that no counsel for a party authored this brief in whole or in part and that no person or entity, other than this *amicus,* has made a monetary contribution to its preparation or submission.

and the use of Article III process to advance its political campaign places it way outside the outer boundaries and protective reach of the 14th Amendment.

No one else is pointing out to the Court that Petitioners are attempting to focus the Court's attention only on the parts of the U.S. Constitution they cherry-pick, out of context, to make their political arguments work for them, while they invite the Court to ignore the rest of the document and its interrelated parts (Article 5, for instance, as well as Section 5 of the 14th Amendment). Meanwhile, Petitioners also attempt to blow their wholly political campaign through Article III process before somebody notices their issues are not even justiciable as matter of law.

Petitioners are attempting to rush this Court into issuing, *ultra vires*, one or more advisory political opinions which they hope will validate and endorse Petitioners' supposedly popular cause *cèlébre*.

INTRODUCTION

The short answer to both 'questions presented' as framed by the Court in its Scheduling Order of January 16, 2015, is: No.[2] In this *amicus'* view,

[2] However, assuming, *arguendo*, that any given constitutional, validly enacted state law is the 'presumptively valid' law of State A, the general rule, consistent with principles of relatively-settled law of comity *inter sese* between states, is that the law of State A is presumptively entitled to recognition in a sister State B pursuant to the full faith and credit

correctly addressing the threshold issues of standing, cognizability, and justiciability will result in a circumstance whereby this Court need not reach the January 16, 2015 questions it posed to the Parties to this appellate litigation.

The 6th circuit decision, on appeal here, barely references Article V's applicability, and the Parties ignore Article V entirely. After reviewing the pleadings and after hearing oral argument addressed to the 'two questions' posed, if the Court should decide to reach the merits of the 14th amendment issues presented and it decides the case in favor of Petitioners (reversing the 6th circuit's appellate opinion) its decision would be an *ultra vires* political act for the reasons discussed in this *amicus* brief.

The Constitution did not assign to this Court the role of picking political winners and losers from one week to the next week. TV's cynical commentators, for cash and vainglory, and internet bloggers too, have taken on that role. The two questions framed and then posed by the Court on January 16, 2015 seem to call out for a subsidiarity-like level of disposition of these now consolidated appeals using the narrowest of all possible procedural and substantive law grounds.

Petitioners have not shown at any time their compliance with 1 U.S.C. 106(b) in relation to Article

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language of Article IV. There are many exceptions, however, to that general rule within conflict of laws jurisprudence, well beyond the scope of this brief.

V process. Nor have Petitioners demonstrated, pursuant to Section 5 of the 14th Amendment, that Congress has acted in a manner that makes cognizable the conflicting elements of Petitioners' supposedly *prima facie* case now, they say, is eligible for immediate 'equitable relief'.[3]

Accordingly, their political cause is not yet 'ripe' for disposition on the merits, it lacking all of the foundational predicates legally necessary for that status (justiciability) to exist. This Court's political power, and that of the inferior courts Congress created underneath it, to grant 'political remedies' to persons/collectives whose members allege are suffering various and sundry political injustices, is simply non-existent.

Petitioners are ***not***, however, without recourse to ***lawfully change the law*** they seem to hold in such contempt. But the lawfully-created legitimate mechanism to change the law, since 1789 AD, is housed in the process and procedures enshrined in Article V of the Constitution.

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[3] The way Petitioners frame their demands for equitable relief is highly peculiar. They seem to demand something in the form of a declaratory judgment that the 'new definitions' of words they are using to make their *political arguments* seem coherent, when they are not coherent, are now, somehow, by dint of their inherent incoherency, entitled to be judicially 'codified' into federal law (solely by dint of Petitioners' sleight-of-hand polemics). Those definitions must, therefore, in their view, also be included in 'Uncle Sam's New Heritage College Dictionary, First Edition', all will be compelled to use.

SUMMARY OF ARGUMENT

This case is wall-to-wall politics. Petitioners seem bent on twisting the law and the courts into pretzels with political arguments. Their political cause is nothing but a 'cheap', corporate-inspired, taxpayer-subsidized 'back-door' effort to bully this Court into, *ultra vires*, entering a 'default judgment'[4]. If so issued, it will codify Petitioners' brazen effort to install homosexuality as the centerpiece of national 'life' in America once Petitioners finish juking the Court into striking Article V from the United States Constitution.

Petitioners (and their many-faced and mostly anonymous supporters) have not shown, anywhere or anywhen, that their cause is not merely another grandiose political campaign and related cash-snapping scheme designed to financially benefit lawyers. They have not shown that they are not merely arrogant careerists and self-promoters inviting the Court to issue advisory political opinions on the validity of their 5th column political cause and its many resplendent schemes and sub-parts (travelling in many tranches of evil feeding into that 5th column).

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[4] Some, not all, 'Respondents' and their counsel, at best, too, offer milk toast, faux, pre-arranged collaborative non-responsive responses (buttressed with the Solicitor General's heavy foot set down hard on the scales of justice) in 'objection' to Petitioners' illegal steamroller political tactics.

Their campaign-slogan-riddled briefing is cloaked in 14th Amendment rubric as a slick effort to mislead the Court and the public about the 'real agenda' behind the corporate machine-sponsored cause featured in the Petitioners' briefs, the government's brief, and the many supportive *amicus curiae* briefs. Petitioners, and each of them, for their collective movement and cause, as its issues are presently postured and framed by them, seem little more than an expedient and cynical use of Article III courts to side-step compliance with Article V process and procedures.

Nowhere do the Parties, or their corporate *amici* sponsors and political operatives, in the shadows or out-front, square up how the *equitable powers* of the Court (the power to grant equitable, non-monetary damages), *are thereby so sufficiently expanded*, somehow, based solely on Petitioners' *ipse dixit* arguments, that *a new set of political powers* is conferred upon this Court. The new powers created out of thin air and conferred by Petitioners include the power to judicially fashion 'political remedies' to supposedly make the vanity litigants, such as Petitioners, and their lawyers, 'happy' for a few minutes.

Petitioners do not explain anywhere that the 14th amendment, by its own terms, is not self-executing. This substantive law fact (Section 5 of the 14th Amendment compliance being necessary for the vanity litigants to even have standing here) is fatal to the wholly political arguments being advanced, at blitzkrieg-like pace, in the Article III courts.

Petitioners urge below, and here, that their political cause is filled up, from side-to-side, with a bundle of cognizable, legally justiciable issues, now, somehow 'over-ripe' for 'one-size-fits-all' comprehensive governmental disposition as a matter of constitutional law. They argue, with both sides of their mouths and both ends of their pens (and keyboards), around applicable substantive black letter law. Their arrogant and illegal tactics mask a case structured solely on political argument piled atop more political argument, and, when considered on an 'all in' basis, is no more than what it is, namely: ***mere politics-centric argument.***

Petitioners urge the wholly untenable idea that due process of law and equal protection standards are concepts that do not apply to anybody that does not share their political agenda. Whereas in fact, and in law, Article V sets out, in 1789 AD, ***the process equally due*** all citizens ***before*** relationship-centric statuses can be legally changed and gain new protection under the law (such as spousal privileges extended to same sex persons added to broad judicial immunities which already protect same sex *ex-parte* communication).

Arguments are made by, or on behalf of, the many political constituencies Petitioners purport to represent (fast approaching some 200 million in number, their purchased polling data shows) all seeking political preferences and spousal privileges (creating many new places to hide 'private' fraud and collusions). The new man-to-man 'marriage'-centric, inter-'spousal'-based 'legal' relationships mired in sexual identification confusions and plagued with

much unhappy political angst are simply not 'relationships' currently cognized as a matter of existing federal law.

Nor are the proposed new statuses somehow 'made into law' and entitled to the political remedies sought by dint of mere political rhetoric, no matter how lofty, arrogantly and noisily importuned its presentment, and no matter how much lucre is at stake.

The pushy 'take away close' tone of Petitioners' rhetorical flourishes masks an arrogant, faux urgency. Their political campaign is a bumper sticker, inch deep, ploy and rationale for skipping Article V due process and its essential modalities (if the rule of law is to mean anything in the future).

Petitioners' cause is infected with an Ogden-Nash-like slogan-infested superficiality: 'Candy is dandy (Article V) but liquor's quicker' (Section One of the 14th amendment).

ARGUMENT

Article V ***is*** the process due natural person citizens in the United States ***before*** any half-baked, or fully-baked, political theory (one or more males having sex with each other and calling it an inter-spousal marital confect of some kind, for example) becomes the law of the land. Article V especially applies to emotionally charged-up causes, even ones as supposedly commercially popular as the homosexual-centric political campaign being waged

by Petitioners using Article III process to ram through their agenda.

Petitioners' political movement, with its many-headed causes and sub-causes, is cloaked in 14th Amendment, Section 1 rubric to mask its agenda which is to finalize the steps they deem necessary to implement the well-in-place-already 'soft overthrow' of the U.S. government. The purpose of this brief, in part, is to throw a monkey wrench into the mechanical gears of Petitioners' tax exempt, corporate-fascism-inspired cabal led by personnel who are little more than seditious saboteurs.

Fatal to Petitioners' and the Solicitor General-led *amicus curiae* arguments and coordinated corporate and taxpayer-subsidized briefing is the fact that the 14th amendment is *not* self-executing. It contains four other sections besides section 1, the out-of-context section cynically used by Petitioners in their attempt to defeat all other parts of the Constitution. Whereas, in fact, Section 5, ***in its relation to*** Section 1 of the 14th amendment, and in its ***inter-relation*** with Article V, renders the issues raised by Petitioners nonjusticiable as a matter of law at this juncture in the brief history of Petitioners' political cause *cèlébre*.

Petitioners' political campaign is also structured on the central (false) premise that Section One of the 14th Amendment can be 'cherry-picked-out-of-context' from the rest of the Constitution and used as a political campaign tactic. This false premise, though, has successfully morphed over into

an ultra-cynical intrusion into the Article III machinery of government, led by lawyers and taxpayer-financed academics being paid to advance a supposedly popular acronym-driven political cause.

That political cause seeks even more tax-exemptions and privileges for its 'members only' secret clubs (spousal privileges for homosexual relationships, for example) and expanded immunities and new political 'rights' (stripped of any duties), than the ones Petitioners, and all persons within the orbit of Constitutional protection, already legitimately have under existing law.

Theirs is a politics-centric cause financially sponsored by 'non'-profit-seeking entities of many varieties using taxpayer monies and taxpayer-subsidized tax expenditure funds, *i.e.*, IRC §501(c) and §527 monies. This 5th column cause gathers under the flag of the LGBTAIQ/NAMBLA, a flag the proponents intend to eventually fly above the flag of the United States of America and above all its would-then-be corporate employees, former citizens.

The lawyers involved, representing themselves first and foremost, seem to know nothing about the critical difference between equitable and legal remedies contrasted with 'political remedies'. And even at their up to $2,500 per hour fee structures, they also seem to know nothing about how constitutional law should be applied in

circumstances such as presented in this appellate setting.[5]

Petitioners have, thus far, succeeded in jamming their political campaign through the equitable side of the trial and appellate courthouses below. They have been awarded judicially granted 'political remedies' below, and now use those 'political successes', of judicial origin, as a platform to demand that this Court ratify the lower courts' *sua sponte* creation of new judicial-political powers.

Cutting through all the smoke being blown at the Court by attorneys representing themselves for their own sakes, the vanity litigants seek this Court's political advisory opinion on the issue of whether Article III Courts already have ***the power to grant political remedies***.

Petitioners answer that question here: 'yes they do' and offer extrinsic 'proof" of such by

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[5] Having made it this far through the cash-snapping juggernaut of hard hustle politics, Petitioners' case, as postured here, seems no longer to even be about the 'luv' between two homosexuals, or man-made 'luv' in general, rather it seems to be all about a bunch of lawyers arguing about power and cash and how to use the client's case to grab as much of both as possible for themselves before the thing, the ***res*** of the case, gets scraped off the electronic docket and dispatched into a black-hole-like abyss where the shattered pieces of failed litigation always end up. Petitioners' nearly exhausted, flagging political cause now seems, at this point, to be something of a beached whale, its carcass being mauled over by locust-like cash snappers, opportunists and lucre-driven, Lilliputian-like lawyers out to turn a buck off the thing before it rots away entirely.

referencing the essentially *ultra vires* orders of lower courts, which in turn, have conferred upon themselves, new powers using an autologous, bootstrapping, judicial-centric political maneuvering.

This Court has recently acknowledged that *there are limitations* on federal courts' power to hear and decide 'cases and controversies' arising "in Law and Equity' holding that federal courts should not engage in policy making properly left to elected representatives. The role of a federal judicial officer is that of a 'judge' and not that of a politician, legislator or policy maker. *Hollingsworth v. Perry*, 133 S.Ct. 2651 (2013).

These consolidated appeals present a different aspect of Article III's limitations on what 'cases and controversies' federal courts can legitimately hear and decide, namely, whether parties to 'political litigation' seeking 'political remedies' to resolve their 'political grievances' can properly invoke the power, if any, of federal courts to hear and decide those 'political questions'? Does the political question doctrine answer that question in the negative because 'political issues' are not cognizable questions arising 'in law or equity'?

When various federal courts granted 'political remedies' to the Parties below, did they properly act within the scope of their 'equitable' powers' (to grant equitable relief in cases arising in law and equity) or did they 'legislate from the bench'?

Instead of dismissing their demands for political relief, some courts below, perhaps out of an

ennui-based exasperation, a stiff-necked, tightened of jaw, and hardened of heart-based 'compassion' of sorts, issued orders granting the demanded 'political relief" even though, legally, they had no power to do so. And, for purposes of these consolidated appeals, the fact that those same lower federal courts *did grant* political remedies under the guise of granting 'equitable relief', does not change the fact that such judgments granting/awarding political remedies were issued *ultra vires*, and therefore void as a matter of law.

Behind Petitioners' now government sponsored movement (by dint of the Solicitor General's and the DOJ's 'dead hand' of government, Hatch-Act-violative heavy handedness, joined at the 'political hip' with Petitioners, thereby tipping the scales of justice in favor of the Petitioners' cynical politics) the new extra-constitutional framework being offered for sale has become, in essence, *governmentally proposed*. The government seeks to institutionalize a kind of fraud through concealment (from the public) of Constitutional law jurisprudence as a national strategy.

It is as if lucifer himself (a cartoon-like 'person', the ultimate evil-centric metaphor-mixer of sorts that eternally lies even to himself that he is God when he is not, and, *ab initio*, was not; now reduced to acting only through his followers, his alter-ids, *i.e.*, fractured pieces of himself) is now feathering the nest he has built up, and is still building up, in the impersonal remoteness (to the average American) found in dead sections of the Article III limb of 'tree branch' government.

The government itself seems hollowed out from borrowing too much money to spend on tax-expenditures designed to make preferred corporate groups, 26 IRC §527 organizations, 26 IRC §501(c) organizations, former aliens turned faux-citizens, and their sponsors' owners, hangers on, and friends, 'happy'.

Stripped of all the glow, the gloss, the sheen, and the shininess of the paperwork, revealed is nothing but a political movement designed and propounded by vanity litigants for commercial gain and empty celebrity. Petitioners set component parts of the Constitution against each other to pit courts against courts (tying them up in knots presiding over endless political dog fights) in Charles Manson-like helter-skelter fashion.

Instead of policy makers/legislators coming up with a plan to pay off the nation's back debts, government workers, led by the Solicitor General, directly and indirectly, use this case to further turn the nation into a listing 'USA Titanic' for the benefit of the LGBTAIQ/NAMBLA political party, some of the tenets and tentacles of which are displayed in this appeal.

The public sector/private sector advocates, joined at the hip in seamless collusion, like locusts, feast, in Dickensian, Bleak House-like, *Jarndyce v. Jarndyce* style, upon Petitioners' cash-rich political cause. The vanity litigants who started out with such 'high hopes' their perceived political injustices would find some remediation and comfort at the hands of hand-wringing government workers, and

after the lawyers have disappeared (with the cash) like Cheshire Cats, they, and each among them, many say, will still have to face the upcoming Announcement Day of the One-Word judgment.

What is then left of each corporate entity owners' unasseverated immortal soul is anyone's guess. But the beleaguered corporate client and its corporate-led cash-collection-centric owners are condemned, in the meantime, to seek political comfort from nervous government workers tasked to use baby talk and smooth talk to salve the emotional torments that survive the fractured-into-pieces result of failed 'political questions' litigation.

If the over-arching purpose of the lawyer advocates representing Petitioners' cause was to drain this particular 'political swamp' of all its cash, they just may have unwittingly succeeded in reaching their objective. Time's cruel and relentless passage is usually all that is left by the time the lawyers get through with political movements that find themselves 'in the wrong place' at the 'wrong time'.

Yet, they, members of this political 5th column, seek to sail the nation into deeper and deeper fiscal and monetary waters where both domestic and alien persons (resident and non-resident aliens, illegally here, many whose allegiance to the U.S. is thin at best), enemies of liberty, drifters and thieves, slickly-suited price gougers, all angling to get even more rich selling used, over-priced decks chairs to weary passengers as the U.S.A. Titanic-like vessel (the nation) slips into the deep waters of history's

oblivion, the ship itself a casualty of cumulative public ennui.

A cumulative ennui historically seems to set in when governments routinely lie to their citizens about how the law applies to all, except government itself, when it over-borrows against citizens' future time, and when it uses helter-skelter wedge-driving tactics against its own citizens to divide them up and isolate them into powerless pockets of hyphenated-disempowerment where personal commitment to building spiritual infrastructure is non-existent and where helter-skelter lawlessness takes hold and then thrives.

Governments are weakest in those circumstances and seem most vulnerable to charlatans and financial opportunists invested in the government making fatal mistakes, like the mistake of constructively striking Article V from the U.S. Constitution as Petitioners demand.[6] Systematically

[6] Instead of sun-setting all §501 and §527 exemptions, requiring their entity-owned personnel, including the non-resident alien personnel, with zero allegiance to the U.S., conducting religiosity-based corporate operations here, from foreign locations, to prove up the public interest benefit of continuing to subsidize their elitist members' 'entitlements' to 'non-revocable' exemptions and immunities they permanently own, Congress borrows more trillions of money to fund those tax-expenditure-dependent elitist corporate canisters. Instead of 'stress-testing' their public interest-*bona-fides* Congress continues to stress-test the natural person taxpayers, compelling them to fund the tax-expenditures diverted to the §501/§527 political causes. As empty corporate canisters holding cash and political power, their allegiance is to their corporate, alien-centric charters, not to the principles behind

subordinating the rights of natural person citizens to favor tax-exempt entities and 'creatures' and 'sub-creatures thereunder', of statute, when the government power apparatus is so deeply mired in debt, and subordinating citizen rights in favor of non-existent 'rights' of faux citizens is a prescription for catastrophe.

These developing public phenomena converge at some point, perhaps setting the conditions for growing a robust shadow military inside the military[7], as in *Seven Days in May*, in the run up to a military coup or other 'takeover' of government by

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the flag their resident adherents supposedly pledge allegiance to. Should Congress put the burden on them to make a showing, if they can, through their personnel, of why these government agencies masquerading as tax exempts, cannot, if their cause be so just and necessary, why they, and each of them, cannot survive on after tax dollars until the back debt is paid off? Their corporate friends, suits, flunkies, and tools, and their operatives in Congress, never ask what the country is really buying with borrowed 'tax expenditures' monies pocketed by the elites that operate the §501(c)s and §527s. Organizations such as the NRA, the ACLU, the 'moveon.org's, the gentile churches, the semitic temples, the semitic mosques, the multitude of supposedly eleemosynary corporate tax-advantaged contrivances of all academic and semi-governmental configuration, each in their own way able to leverage their exempt status to financially, spiritually, and politically bully everyday citizens (*i.e.*, many such entities are more 'misanthropic' than 'philanthropic' in their arrogant taxpayer-subsidized business operations).

[7] An increasingly politicized force whose bravery is rewarded with civilian government workers' assurances that there is no longer any medical or political risk associated with HIV/AIDS, or from the side effects of drugs that manage that disease; it being politically incorrect to even mention such duty hazards.

'shadow government', non-governmental, *moveon.org*-type political/commercial forces (entities with lots of places to hide their tax-advantaged corporate frauds and collusions) not necessarily dedicated to the protection of personal liberty.

What of tradition and legal process? If Article V were a talking meme, surely it would shout out to the lawyers behind Petitioners' cabal masquerading as an assaultive stress test of the U.S. Constitution: "What about me? You say I am old and forgotten. I'm not old; I've just been young for a long, long time."

Two Questions at the intersection of the Political Question Doctrine and the perils to citizens of faux advocacy for its own sake

Nixon v. United States, 506 U.S. 224 (1993), at 228, citing *Baker v. Carr*, 369 U.S. 186, 217 (1962), held, at 228, that "…A controversy is nonjusticiable, *i.e.*, involves a political question "…***where there is a textually demonstrable constitutional commitment of the issue to a coordinate political department*** [*i.e.*, Congress]; or a ***lack of judicially discoverable and manageable standards for resolving it."*** (Emphasis added).

Applying that leading 'political question doctrine' case to the facts of this case, raises two questions: (1) "Has there already been a textually demonstrable constitutional commitment of Petitioners' issues **to Congress**, via Article V and via Section 5 of the 14th amendment?" And, (2) "Is there a lack of a judicially discoverable and manageable

standard for resolving all the political issues and sub-issues roiling underneath Petitioners' demands for 'justice' as Petitioners define that word?"

As to that first question, ***Congress*** has not delegated its Constitutionally-based, inherent Article I political power to the federal courts. The Article III power of the judiciary to fashion political remedies in cases and controversies arising in law and equity is non-existent. The federal courts, including this Court, 'owe' (but for this Court's limited original jurisdiction under Article III) their very existence and their subject matter jurisdiction over cases and controversies arising in law and equity to ***Congressionally-legitimized*** largesse codified in 28 U.S.C. §1251 et. seq.

As to this Court's power to decide cases in 5-4 arrangement or other politically-driven combinations between 9-0 and 0-9, if there is a Congressionally-defined quorum, even the number of 'extra seats' on this Court, those beyond the seat of the Chief Justice, owe their existence and their number to Congressional, not to judicial, or even Article III, origin. Under 28 U.S.C. §1 (not Article III) ***Congress*** has fixed the current number of 'extra' seats at 'eight', a number that has gone up and down, statutorily, over the back decades.

Within the checks and balances constitutional schematic created in 1789 does this Court have the power to constructively strike Article V from the U.S. Constitution? Petitioners, as does the Solicitor General for the government, urge that this Court

does have, and has had such unchecked plenary political power *ab initio*.

Petitioners want this Court to rescind Article V precisely because it ***is*** the 'linchpin' of process ***due, and especially due***, persons who do not happen to share the self-focused values, the commercialized, vanity-interest-centric, sexual-free-for-all-philosophies being hawked here. The Court should not buy what Petitioners offer for sale, notwithstanding their chief sales rep is their 'inside-the-government-owned-beltway', wholly-owned proxy and agent, the Solicitor General.

The Solicitor General and his aiders and abettors at the DOJ, while on federal property and using federal resources, confidently act as if *they* own the federal property they use to help advance Petitioners' political cause. Perhaps someone should consider firing them for violating the Hatch Act (5 U.S.C. §§ 7321-7326) and arrange to have their salaries clawed backed to the Treasury as provided in that law.

Where does the Solicitor General, the Court's advocate, point out in his papers that even the Court could suffer adverse structural consequences (from Congress) if it fails to 'stay in its assigned lane of traffic', *i.e.*, stays in its assigned 28 U.S.C. §1251 *et. seq.*, 'lane'?

In the government's *amicus* brief, the Solicitor General never cites Article V or compares its applicability to the 14th Amendment. Instead, he cites the name of the sitting President and the name

of the sitting Attorney General (and references their supposedly persuasive political views) as his controlling 'legal authority' to advance the government's case against the constitution. The Solicitor General does not seem to know the difference between *political argument* and law.

Should the Solicitor General be arrested and charged with conspiracy to defraud the U.S. under 18 U.S.C. §371 which reaches any conspiracy for the purpose of defeating the lawful functions of *any* entity (the DOJ, this Court, etc.) of the U.S. government, this federal statute being one designed to protect the integrity of the U.S. and its agencies? *Tanner v. U.S.*, 483 U.S. 107, 128 (1987), *Hammerschmidt v. U.S.*, 265 U.S. 182 (1924), at 188, and *U.S. v. Ballistrea*, 101 F.3d 827, 832 (2d Cir. 1996). Petitioners, dedicated to cash and power accumulation for its own sake, would surely answer that question: "No."

Civics 101 teaches that the original, highly restricted, jurisdiction of this Court reflected the founders' justifiable fears that bad things always happen when there is a merger of unchecked political power with plenary judicial power.

In 1789 AD men of dust were trying to keep the clunky apparatus of government power (and the power of the seat occupant-functionary temporarily sitting in any seat of power at any given point in time) over their lives and liberty legitimately *dispersed*, so that no *one piece* of the new tri-furcated government power structure would have plenary *political power.* It was that original, shared

intention that led to adoption of the first three articles of the Constitution.

Article I and Article II, by design, structurally 'sucked all he political-power-air out of the room' before the 'allocators of power' got to the Article III branch of government. In that original tri-furcation of political power the Article III apparatus of government was intentionally left as devoid of 'political power' as possible. Today, the Article III branch of government seems to be the most, not the least, political of the three branches.

The Solicitor General does not seem to know that or care one way or the other about that, for purposes of this case. Based on his *amicus curiae* brief, he seems to be playing national politics off his own careerism while on the taxpayer dime. Like many 'revolving door' lawyer-careerists, he seems like a politically ambitious government worker, apparently keeping a watchful eye on which of this Court's 'extra' seats will be vacated (and when) so that he can, perhaps, become eligible to be prophesies' 'eighth king' of the judicial monarchy he tries to create.

The Solicitor General's DOJ-sponsored milk toast arguments (in violation of the Hatch Act in any event), either sidestep or conceal all of the foregoing from the Court. He elides his responsibility to protect and defend this Court and the Constitution, using his well-compensated time in government to serve his corporate 'clients' he looks to for instructions, while advantageously positioning

himself between the next spin cycle phase of the revolving door of his career.

The Constitution will be 'toast' if the Solicitor General's spineless, helter-skelter-producing, milk toast political arguments for his 'clients' (whoever they are besides himself) are made the law of the land and he, and they, succeed in constructively striking Article V from the U.S. Constitution.

As to the second question above, Petitioners' counsel, and the Solicitor General, seem so lazy they leave it up to the Court to do their work for them as to what 'judicially discoverable and manageable standards', within the meaning of *Nixon* this Court *ought to find and then try to apply* here. Petitioners make a 'political case' but they ignore the political question doctrine and its principles announced in *Nixon*, and they skip over entirely Article V and Section 5 of the 14th Amendment.

Perhaps Petitioners implicitly propose a governmental-led set of 'manageable standards' along the lines proposed in Professor Kenji Yoshino's, *The epistemic contract of bisexual erasure*, 52 Stanford Law Review 353-459 (2000). Many among Petitioners' supporters would, no doubt, assert that it satisfies the condition of being 'judicially discoverable' within the meaning of *Nixon.* And they would gender bend Yoshino's sexual orientation, desire-based definitional and classification framework into whatever pretzel-shaped configuration is necessary to satisfy *Nixon*'s 'manageable standard' test.

The central theme of the Yoshino article lays out, *like a throw rug*, a proposed sexual-self-identification-based rationale that he, in turn, uses to set up an amorphous schema of 'standards' and 'classifications' across all gender and age groups. *Nixon* is not cited in Yoshino's 2000 AD article, but the article's elliptical-shaped legal analysis offers the reader an 'anything goes' sexual–centric justification for whatever somebody want to do sexually with anybody else, including 'twinks'. Yoshino's apparently widely-shared views are that as long as any sexual and asexual activity fits somewhere into his expansive definitional framework of sexuality-centric and desire-based nomenclature, it is basically OK with him and must be made compulsory for everybody else.

Yoshino's 'throw rug' upon which he builds up his proposed, compulsory 'manageable standards' for resolving gender identification issues and sexual arrhythmia in general flies off like a magic carpet by the time the reader gets to the end of the scholarly sounding, 'foot-noted-to-death' piece wrapped in much academic arcana and gauzy slang. Celebrity lawyers, David Boies, Esq., Theodore Olson, Esq. and Professor Yoshino, for himself, would, no doubt, have Yoshino's work take its place alongside the Federalist Papers if they could have their way.

Messrs. Olson and Boies[8] seem like 'poster boys' for putting 'this week's politics' above the law.

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[8] Are the Petitioners so stricken with their own self-focused sense of public righteousness, so naïve and gullible, not to even consider the possibility that Messrs. Boies and Olson are

They are front men of a sort for Petitioners' political cause and they seem to be part-time sales reps for Yoshino's philosophies based on the stylized woodenness of the electronically disseminated graven images they project into cyberspace from the various loci of their YouTube self-promotional appearances, *i.e.*, their TV talking-head appearances made on various audio and video machines of electronically 'wispy' origin.

Their wholly political arguments seem to double as sales pitches advertising the supposed joy, vicariously experienced by all, when men engage in sex acts with other men. Besides turning a buck, directly or indirectly, from their electronically slickened 'Saturday night' personality appearances, Boies and Olson, as Yoshino does, use those various and noisy communication platforms to make loud, regal-sounding thunders as if emanating from some kind of an echo chamber or throne room.

They stoke public ignorance in order to superciliously hawk their super-elastic definitional schema for the words 'civil' and 'rights' and 'civil rights'. *Boies, Olson, et. al,* and proponents here,

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Cheshire-Cat-like government 'plants' cynically tasked to not-so-subtly torpedo and sabotage Petitioners' political cause? Are they government-paid rogue operatives (or volunteer rogue agents) tasked, by 'opposition' forces within the hard-hustle of government internecine political warfare, to 'queer' (in the old-timey, non-pejorative usage of that word) Petitioners' political cause, so seemingly insincere, corrupt, and inept seems their amateurishly-cynical faux advocacy? Professionalism seems to go out the window in situations as this one where there is so much cash and empty celebrity up for grabs.

argue in favor of this Court's adoption of Yoshino-like 'manageable standards' to (1) satisfy the 'political question doctrine' tests under *Nixon*, and (2) replace existing Constitution-law-centric jurisprudence in the U.S. with a new, sexual-arrhythmia-centric, personality-cult-centric brand of jurisprudence.

In the end, so long as there is 'luv'-centric, personality-centric, and 'desire-centric' narcissism at the self-venerating center of any particular sexually-stricken 'luv-bug's' otherwise spiritually desiccated and eternally hollowed-out core, it is OK with Boies, Olson and Yoshino. In this appeal, however, this *amicus*' concern is not whether bisexuality is somehow about to suffer epistemic erasure in the U.S., as Yoshino, Boies and Olson fear, but that Article V protections under the U.S. Constitution will be ***epistemically erased*** if the Court rules in Petitioners' favor in this case.

The dead hand of government reaches out to caress the beast in order to appease, for a few minutes, its insatiable wanderlust and that of its followers

As noted previously it is nearly impossible to tell clients from lawyers in this case. Large law firms have formed up behind Petitioners' political cause and style themselves as advocates for the Petitioners political campaign, even though they have overtaken their nominal clients' cause and made it their own. Most large firms, just to survive in the commercial hard hustle of the 'law biz', are institutionally committed to operating as multi-

division corporations themselves. They are joined at the hip with Petitioners and are seamlessly inter-connected, in turn, to 'their friends and contacts' inside government and the judiciary, at all levels.

Thus behind the 'façade' of modernity's law firm marks, or name brands, one finds an all-too-common amalgam of conflicted-on-their-face biz divisions, *i.e.*, lobbying divisions, real estate divisions, insider trading divisions, inter-governmental agency private sector-public sector hybrid divisions, and many other types of conflicted biz operations concealed from public scrutiny. As commercial entities they operate with the advantage they can protect fraud for years, or forever, either because they are privately-owned (and less scrutinized) or because attorney-client privilege has been extended (by lawyers) even to attorneys that represent themselves from their public sector, private sector, academic and judicial sector overlapping platforms, 'Sheldon Silver' style.

Many on the 'Buster List' of name-brand law firms whose personnel have entered appearances in this consolidated appeal meet that all-too-common profile.

The dead and the perpetually damned, the creature and the stalked, and each among them, must all be brought to heel underneath Article V process and procedure

On their best day, states, and their agencies, are little more than man-created, spiritually empty contrivances which operate, through their taxpayer-

paid functionaries, like giant machines that have no souls. Corporations are like-structured entities that function underneath boards of directors or number-crunching committees of controllers and the like. Human beings have immortal souls, the bible teaches, and the laws of God, such as, for example, the '***black letter law of God***': ".....while you are 'down there' (lest ye stay there forever for the balance of your ratable share of sentient immortality), "….thou shalt not worship false gods…" […or worship idols; nor shall ye worship false prophets of false gods….]".

Man-made laws (and arguments stemming therefrom), many *men* assert, including many G-men such as the Solicitor General on behalf of the government, trump the laws of God and the laws of time. The Ten Commandments are revoked, *so say* the many secular power holders speaking for themselves and from among the powerful, for the elites; those laws of God have been revoked and rendered obsolete at the compulsory behest of someone even more powerful than God, *ab initio*, or so *they* confidently say.

Nowhere do the movants/proponents of the 5th column's political movement square it all up for the Court, or the public, the questions lingering in many peoples mind's, namely:

> If we turn everybody's sex life over to federal government regulators, to the voyeuristic politicians, and to the many intrusive bureaucrats underneath them, will they, the government's employees, do any better job managing

> everyone else's sex life than the government workers and their politician overlords have done managing other peoples' money, borrowing against future tax revenues over the last five or six decades of government debt accumulation, to 'fund' expensive 'tax expenditures'?

The vanity litigants' reply briefs will no doubt complain that this *amicus*' legal analysis is no more than political argument too, that the questions raised in the previous paragraphs are mere speculative confabulations emanating from somebody 'on the wrong side of history'. Petitioners, will likely argue that this *amicus*' take on section one of the 14th Amendment is far too 'pinched', 'narrow', 'cramped', and '***straight***-laced' for their progressively-inspired, politically-connected and elitist-financed 21st century sensibilities.

They would say, and have said, in essence, "there must be no boundaries, no ceilings, no limitations, and no controls whatsoever, placed upon the ***sweeping*** limitless-ness of the 14th Amendment's reach given its originally conceived homosexual-centric focus."

In surrebuttal to all that, this *amicus* would point out that besides Section 5 of the 14th Amendment, Article V, too, is 'swept away' in the expansive exuberance of Petitioners' 2015 AD political arguments about the, stand alone, and supposedly unbridled reach of 1868 AD's 14th Amendment.

If Petitioners prevail here, government officials will even more aggressively use their taxpayer-funded offices as political platforms from which to teach children new definitions of words: 'gay rights are human rights and human rights are gay rights' in the run up to the likely next sloganized teachings from government workers: "You, children, and each of you, must become a practicing homosexual in order to be a 'human being'. And *you,* children, and each of you, must transgender *yourself* to be happy, as we define that word, 'happy', ***for you***, ***and for all***." [9]

The sword and the purse branches of law-enforcement government will, in that near future scenario, then fall into lockstep underneath the compulsory court orders to ensure citizen compliance with the new regime. All will be judicially compelled to worship the false god propping up their LGBGTAIQ/NAMBLA flag Petitioners, and their sponsors, intend to fly above the flag of the United States of America.[10]

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[9] This would hardly be news, or any wonder, for a country whose citizens are 'affectionately' defined as mere 'womb expulsions' and 'womb extractions' in 1 U.S.C. §8(b).

[10] It could be said that the general public is suffering 'floating anxieties' about the nation being converted to a pro-homosexuality-based society solely by compulsory court order. Most, fearing reprisal, are afraid to speak out about their concerns. Their (the 'Moms and the Dads') concerns seem centered not so much, for example, on the fact that queerjihad.com-types of websites exist, a web site now defunct, apparently, and offered for sale for $2,300 on Craigslist and such, rather, the public seems nervous that the queerjihad.com-type web sites will somehow morph over into government-

Lady Liberty, to the delight of the shadow government members of the political 5th (from inside and outside government and in the government controlled wings of the '4th estate division' of the 5th column) seems to be the damsel in distress these days. Soon there will be no time left on the calendar, no room on any docket, or access to court process left over for the protection of rights of ordinary citizens.

Judicial resources, in Petitioners' well-coordinated coast-to-coast schema, will be dedicated solely to the protection of the superior 'rights' of

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owned and government-controlled ones that will promote the same message (homosexual takeover of the world or whatever). Thus it is not the queerjihad***.com*** types of sites *per se* that bother people, it is the fear that queerjihad.**com** sites will soon be replaced with queerjihad.***gov*** and queerjihad.***mil*** web sites. There is much anxiety, too, about when the next government shoe is going to be dropped on what is left of everyone's quickly attenuating rights and individual liberties. Parents fear, in other words, that when the pageantry and tickle-feather-adorned Mardi gras regalia is dispensed with, when the seemingly benign jock straps and knee sox worn by the colorful and high-strutting, man-scaped gay parade marchers are taken off, and all the floats, flags, and banners that advertise the 'Mister', 'Grindr', 'Scruff', 'Jack'd', and 'Manhunt' web site links are all put away, after all that, '***when*** will the jack boots be laced up and the gun belts be strapped on?' The Moms and Dads worry that once the LGBTAIQ/NAMBLA party is judicially 'elected' and is 'in total charge and control even of definitions of words' will the powers of government agencies, masquerading as tax-exempt, taxpayer-subsidized corporate organizations, such as the ACLU (a §501(c) tax-exempt, taxpayer-subsidized organization), be extended even further from lawfully conducting mean-spirited 'soft pogroms' against the unborn, to other 'targets'? Perhaps to include anyone that does not share that political party's progressive, homosexual-centric 5th column ideology?

illegal aliens and faux-citizen corporate elites. The tsunami of left over 'political questions', ever seeking judicially imposed 'political remedies', if Petitioners prevail here, will overwhelm the Article III courts, crowding out any further hope that any natural person individual citizen could ever again access equal protection of the law.

Twice Dead, Twice Damned

The Walking Dead is a popular TV show this *amicus* does not watch. It, based on news accounts, raises superficially provocative questions about life and death and about the temporal world in relation to the atemporal one. If its themes were somehow superimposed upon the subject matter being dealt with in this consolidated appeal, a hypothetical 'gay marriage show' might raise provocative questions like: "Can a 'dead thing' be made less dead as a result of state governmental action?"

Can a dead thing be made *even deader* when the 'dead hand' of state government reaches out and 'touches' the dead thing and wraps it in governmental parlance and legalese in the form of licensed 'permission slips' issued by underpaid, overworked, always under-appreciated county clerks?

When it interjects, sets down, and embeds its expansive homosexual-centric, alternative-sexuality-centric definitions, footprints, and fingerprints into, and onto, the many state government-regulated and state-government-controlled 'dead zones', can the even deader, more remotely located 'dead hands' of

federal government personnel resurrect a state-created 'dead thing' by compassionately strangling the dead thing back to life so somebody else can turn a buck off that too?

The point, of course, is that there will always be lots of unanswerable questions 'blowing in the wind' as it were. The real issue in this situation is whether the many ***questions*** that should be asked, but are not being asked, so far, in this set of consolidated cases, are *constitutionally required*, under Article V, to 'blow in the winds' of Article V process and procedure for as long as it takes until *its* due process has run *its* constitutionally-mandated course.

The existential issue for the country is whether the political questions at the core of this appeal should be vetted using in Article V process ***before*** expedient governmental 'answers' are judicially imposed on all; from the spiritually languishing souls of the many doubt-filled sinners to the unasseverated souls of the perpetually damned.

Inferior Courts seemed to have kited their *ultra vires* orders

The inferior courts' orders/judgments/decisions that have ratified Petitioners' political campaign and made it 'the law of the land and law of the case' in their jurisdictions often cross-reference each other in an odd kind of 'judicial kiting of orders'.

Petitioners' counsel use those 'kited' lower court judgments here to buttress their political case

but dedicate no words in their briefs to the purposes, boundaries, and limitations of the 14th Amendment.

Suffragettes attempted to use the 14th Amendment as a legal basis for requiring the government to extend voting right to women. They failed to do so, the Supreme Court holding, in *Minor v. Happersett*, 88 U.S. 162 (1875), that the suffragettes' voting rights 'cause' presented merely 'a political question' well beyond the intended protective reach of the 14th Amendment.

Studying the pathology of that case reveals that a group of persons (women) was suffering from a well-entrenched, exclusively male-centric malady of chronically male-ego-centric origin, a malady, some might say, is still contagious enough that, despite some medical advances, is not entirely eradicated even to this day. Male ownership of everything back then included the nation's politics, and, thus, the women's suffrage movement was forced to use Article V process to redress those wrongs, which, in turn, eventually led to the enactment and later ratification of the 19th Amendment in 1920.

Thus it was ***not*** the federal courts or the 14th amendment, *per se*, which, in 1868, 'rescued' black men from 'alien' status in their own country; it was Article V *process.* It was ***not*** the 14th amendment that rescued black women and white females (*i.e.*, all women, whatever their political orientation, sexual orientation or race) from their voting disenfranchisement and inferior legal standing in relation to black men (and white men), up until

1920; it was Article V process and procedure that 'rescued' them.

Why are LGBTAIQ\NAMBLA-political-party-created, inchoate political 'rights' superior to the ***proposed*** new 'rights' which the ERA sought to lawfully establish via Article V process (but not succeeding, in that situation, in the end)? Why are gay/homosexual 'rights' and marriage equality 'rights' so inherently superior to everyone's ***legally codified rights*** that such 'faux rights' are entitled to 'above-the-law' status, somehow even above compliance with Article V 'rights-creating' process and procedure?

Constitution Draftsmen Ruttledge-Randolph-Gosham-Ellsworth-Wilson, Capt. Kirk, and the late Mr. Spock's *nunc pro tunc/tunc pro nunc* Kobayashi Solution to the terrible conundrum being foisted on the Court by Petitioners' counsel

This appeal is a conundrum not necessarily of this Court's direct making but into which litigants have led the Court as if to a trap door they have set for it and they are about to 'spring'. Petitioners' share the view with the Solicitor General, on behalf of the government, that 'they' collectively, and severally, have this Court somehow 'over a barrel' underneath *their arguments about* what 'rights' and 'faux rights' this Court must selectively protect. ***The law***, however, is otherwise.

It is so plain that a blind man could see it in a minute, that whichever way the Court rules in this case ***it is going to set somebody's hair on fire***. In

seemingly impossible situations as this perhaps the Court could look to its 'common wisdom toolbox' for a dispositive 'tool' to rid the docket of this appeal. It might consider wisely fashioning a just ruling ***guaranteed to set everybody's hair on fire.***

In short, it might be time for the Court to call a 'time out' as it were and issue a 9-0 'lay the law down on 'em', baby' ruling, something along practical, utilitarian lines a county court judge, with some backbone, might hypothetically issue, modified to reflect that this is an appellate setting, to wit:

> Counsel, let's get right to the nuts of this case. You have filed your client(s)' claims for relief, either deliberately or negligently, in Division 14.1 instead of Division 5.[11] The Court finds and orders that it has jurisdiction to the extent of determining whether or not it has jurisdiction over the issues raised and the parties at hand. Division 14.1 does not have subject matter jurisdiction over the political issues you and your clients have tried to raise here, using the equity side of this court.
>
> And I have serious doubts whether the underlying 'theory of your case' is even justiciable and cognizable as a matter of law as it is presently postured and as

[11] In this illustrative hypothetical, "Division 14.1" and Division 14.5" refer to the subsections under the 14th amendment. "Division 5" refers to Article V of the U.S. Constitution.

you have framed *your issues* for judicial disposition. Nor does this Court have the power to fashion the political remedies your clients seek, given the existing constraints on its power. This Court will not rescue you or your clients in this instance from your failure to know the law and the rules of Court, as to these and other pertinent matters, and, furthermore, this Court will not 'transfer' this case from Division 14.1 to Division 5.

In other words, the parties must start all over again. Off the record, counsel, if you are trying to pull a fast one here, you need to know that nobody promised you, or your clients, a rose garden, and certainly you, and they, were never promised a blue-balls-free, 24/7/365 experience from pre-womb to post-tomb *ad infinitum*. Maybe that is available somewhere over in Division 5, but not here.

Back on the record, I am ordering that all federal and state filing fees shall be non-refundable to the parties. The Court further orders that the question of the refundability of attorney fees shall be the subject of a written communication by all counsel of record to their clients. Counsel of record in this case are disqualified from advising the litigants about the refundability, if

at all, of attorneys fees or court costs incurred (including 'expert opinion' witness fees). Counsel of record, will, within ten days of this Court's order, file a certificate of compliance in proper form representing that each counsel's client has been advised, in writing, of the foregoing.

All issues raised and claims made, or which could have been raised and made as between the parties in this case, and all remedies sought thereon, are, for all claim and issue preclusion purposes, merged into this judgment of this Court. Subject to the foregoing this case is otherwise conditionally dismissed with prejudice. Future Division 5 filings in this or other similar cases shall be docketed only if the initial pleading filed there, or elsewhere, has appended to it, the required 1 U.S.C. 106(b) certification and/or, as appropriate, certification, or other extrinsic, legally cognizable proof, that a '14.5 type of federal statute' has been enacted into law in the meantime. Absent such extrinsically provable evidence of standing and justiciability, Rule 11 will be vigorously enforced. The Court will stand in recess.

CONCLUSION

For the foregoing reasons the Court should and, in this *amicus*' view, must issue, a decision and order that is consistent with full and unconditional adherence to black letter law (codified in Article V of the U.S. Constitution). It should either (1) conditionally revoke the writ issued January 16, 2015 as "improvidently granted', and articulate legal grounds not inconsistent with the principles discussed in this *amicus* brief, or (2) affirm the 6th circuit decision but employ an Article V (and Section 5 of the 14th Amendment) rationale, instead of the rationale used by the lower appellate court.

In this *amicus*' view, the Court, *sua sponte*, should also consider whether it is judicious, at this time, to rescind its order in *U.S. v. Windsor,* 133 S.Ct. 2675 (2013), as improvidently issued, pursuant to its supervisory role and continuing subject matter jurisdiction over its own prior decisions.

Respectfully submitted,

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