

Supreme Court, U.S.
FILED
DEC 04 2018
OFFICE OF THE CLERK

No. 18-748

In the Supreme Court of the United States

RICHARD MCKINLEY WILSON, JR.,
Petitioner,

v.

OFFICE OF THE COMMISSIONER OF
THE REVENUE OF STAFFORD COUNTY, *et al.*,
Respondents.

*On Petition for Writ of Certiorari to the
Supreme Court of Virginia*

PETITION FOR WRIT OF CERTIORARI

Richard McKinley Wilson, Jr.: Bey
Petitioner Pro Se
39 Francis Court
Stafford, Province of Virginia [22554]
703-626-1169
richie-3@comcast.net

QUESTIONS PRESENTED

In this case the Petitioner officially proclaimed his true nationality by repatriating back to his newly re-established nation state. Provisions of the State Charter and Constitution of the Petitioner's nation state Government precludes the Commonwealth/State of Virginia and Stafford County entity from subjecting the Petitioner and his property to its taxation Statutes and ordinances. Due to the preclusions the Petitioner petitioned to have his property excluded from the tax roll of the Stafford County entity. The lower court asserted that it lacked jurisdiction to recognize the authority of the nation state. The questions presented focuses on whether the courts of the Commonwealth of Virginia have the jurisdiction to recognize the authority of the Petitioner's nation state and whether the courts shall so that the Petitioner may enjoy the legal protections recognized and provided for under his nation state constitution that precludes the taxation of his property by the Stafford County entity.

The questions presented are:

1. Do the courts of the Commonwealth of Virginia have the jurisdiction to recognize the authority of the Petitioner's re-established nation state?
2. Do the courts of Virginia have the obligation to recognize those Rights of the Petitioner that are recognized under the provisions of the Charter, Constitution and Laws of the Petitioner's nation State Government that stem from the recognized rights under the provisions of the Constitution, Laws and ratified Treaties of the United States?

PARTIES TO THE PROCEEDING

The parties to the proceedings below were the Petitioner Richard McKinley Wilson, Jr.: Bey, also known as Richard McKinley Wilson, Jr., and the Respondent OFFICE OF THE COMMISSIONER OF THE REVENUE OF STAFFORD COUNTY and SCOTT MAYAUSKY, Commissioner Of The Revenue. There are no nongovernmental corporate parties requiring a disclosure statement under Supreme Court Rule 29.6.

TABLE OF CONTENTS

QUESTIONS PRESENTED i

PARTIES TO THE PROCEEDING ii

TABLE OF AUTHORITIES vii

PETITION FOR A WRIT OF CERTIORARI 1

OPINIONS BELOW 1

JURISDICTION 1

CONSTITUTIONAL, STATUTORY AND TREATY
PROVISIONS INVOLVED 1

STATEMENT OF THE CASE 4

REASONS FOR GRANTING THE PETITION 9

A. This Court’s Review Is Warranted To Ensure
The Petitioner’s Recognized Rights Under The
Ninth Amendment, Thirteenth Amendment,
Fourteenth Amendment And Under The ICCPR
Are Not Unlawfully Stripped. 10

B. This Court Should Resolve The Matter Of The
Courts Of Virginia With Respect To The Lack Of
Jurisdiction To Recognize The Authority Of The
Petitioner’s Nation State Government. 18

C. This Case Outlines The Questions Presented. . 21

CONCLUSION 23

APPENDIX

Appendix A	Order in the Supreme Court of Virginia (September 18, 2018)	App. 1
Appendix B	Order in the Circuit Court for the County of Stafford (March 9, 2018)	App. 3
Appendix C	Final Order in the Circuit Court for the County of Stafford (February 21, 2018)	App. 5
Appendix D	Excerpt of Transcript of Hearing on the Demurrer, Opinion in the Circuit Court for the County of Stafford (February 21, 2018)	App. 8
Appendix E	Excerpts of the House Of Representatives Report on the Subject Of Citizenship Of The United States, Expatriation And Protection Abroad, 59th Cong.2d Sess. Doc. No. 326. page 460 (2 and 3)	App. 12
Appendix F	Excerpt of Transcript of Hearing on the Demurrer in the Circuit Court for the County of Stafford (February 21, 2018)	App. 13
Appendix G	Excerpt of Motion to Reconsider in the Circuit Court for the County of Stafford (February 28, 2018)	App. 15

- Appendix H Excerpt of #5 Understanding found at II. of the Senates advice under IX. Text of Resolution of Ratification under the Explanation of Proposed Reservations, Understandings and Declaration in the US Senate Report on Ratification of The International Covenant on Civil and Political Rights, (Exec. Rept. 102-23, 102d Cong., 2d Sess.) App. 17
- Appendix I Excerpt of #1 Declaration found under the General Comments section of the Explanation of Proposed Reservations, Understandings and Declaration in the US Senate Report on Ratification of The International Covenant on Civil and Political Rights, (Exec. Rept. 102-23, 102d Cong., 2d Sess.) . . App. 18
- Appendix J Excerpts of IV. Committee Comments section of the Explanation of Proposed Reservations, Understandings and Declaration in the US Senate Report on Ratification of The International Covenant on Civil and Political Rights, (Exec. Rept. 102-23, 102d Cong., 2d Sess.) App. 19
- Appendix K Excerpts of Item 4 of the ICCPR General Comment No. 31[80] Human Rights Committee, 18th Sess., Adopted on March 29, 2004 (2187th meeting) relating to The Nature of the General Legal Obligation Imposed on States Parties to the Covenant . App. 21

Appendix L Excerpts of Articles 1.3, 24.3, 9.1 of
the ICCPR App. 23

Appendix M Excerpts of Articles 1, 3, 6, 7 and 9
of the CORDS App. 24

Appendix N Explains a situation which
demonstrates how if the Court were
not to review the case and make
determinations would facilitate in
stripping USAR of its rights, as a
governmental corporation, from
engaging in commerce. App. 26

TABLE OF AUTHORITIES

U.S. Constitutional Provisions

U.S. Const. Art. I, § 10	1, 20
U.S. Const. Art. IV, § 1	2, 20
U.S. Const. Art. VI, cl. 2	2
U.S. Const. amend. I	10, 12
U.S. Const. amend. IV	16
U.S. Const. amend. V	16
U.S. Const. amend. IX	2, 10, 12
U.S. Const. amend. X	3
U.S. Const. amend. XIII	5, 10
U.S. Const. amend. XIII, § 1	3
U.S. Const. amend. XIV	10
U.S. Const. amend. XIV, § 1, cl. 1	3
U.S. Const. amend. XIV, § 1, cl. 2	3

U.S. Ratified Treaties

International Covenant On Civil and Political Rights	
Art. 1.3	13
Art. 8.2	5
Art. 9.1	16
Art. 22.1	12
Art. 24.3	14

Conventions On Rights And Duties Of States,
49 STAT 3097; Treaty Series 881.

Art. 1 18, 20, App. 24
Art. 3 19, App. 24
Art. 6 19, App. 24
Art. 7 19, 20, App. 25
Art. 9 19, App. 25

Statutes

28 U.S.C. § 1257(a) 1
42 U.S.C. § 1983 16

Commonwealth of Virginia Constitutional Provisions

Va. Const. Art. VI, § 1, cl. 2 7, 9
Va. Const. Art. X 4

Commonwealth of Virginia Codes

Code §13.1-826 A 20
Code §13.1-923 A 20
Code §13.1-923 B 20
Code §58.1 4

Other Authorities

Citizenship Of The United States, Expatriation,
And Protection Abroad, House Of
Representatives Doc. No.326 (59th Cong. 2d Sess)
pg. 460 7

General Comment No. 31[80] Human Rights
Committee, 18th Sess., Adopted on March 29,
2004 (2187TH meeting) 12

U.S. Senate Report On Ratification Of The
International Covenant on Civil and Political
Rights U.S. Senate Executive Report 102-23
(102d Cong., 2d Sess.) 11

PETITION FOR A WRIT OF CERTIORARI

Petitioner Richard McKinley Wilson, Jr.: Bey, called Richard McKinley Wilson, Jr. by the Respondent respectfully petitions this Court for a writ of certiorari to review the judgment of the Supreme Court of Virginia and the Circuit Court of Stafford County, (“courts”).

OPINIONS BELOW

The Order of the Supreme Court of Virginia is reprinted at Petition for Writ of Certiorari Appendix App. 1, 2. The Order of the Circuit Court of Stafford County, Motion to Reconsider, is reprinted at App. 3, 4. The Order and Opinion of the Circuit Court of Stafford County is reprinted at App. 5 - 7.

JURISDICTION

Petitioner seeks review of the decision of the Supreme Court of Virginia. The judgment of the Supreme Court of Virginia was entered on September 18, 2018. This Court has jurisdiction over this timely filed petition pursuant to 28 U.S.C. § 1257(a).

**CONSTITUTIONAL, STATUTORY AND
TREATY PROVISIONS INVOLVED**

The Impairing the Obligation of Contracts Clause of Article I Section 10 of the U.S. Constitution provides:

No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex

post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

The Full Faith and Credit Clause of Article IV Section 1 of the U.S. Constitution provides:

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

The Supremacy Clause of Article VI Clause 2 of the U.S. Constitution provides:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Enumeration of Rights Clause of the 9th Amendment of the U.S. Constitution provides:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

The Powers Reserved to the states or people Clause of the 10th Amendment of the U.S. Constitution provides:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

The Involuntary Servitude Clause of the 13th Amendment Section 1 of the U.S. Constitution provides:

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

The Citizenship Clause of the 14th Amendment Section 1 Clause 1 of the U.S. Constitution provides:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

The Equal Protection Clause of the 14th Amendment Section 1 Clause 2 of the U.S. Constitution provides:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

The Petitioner is an aboriginal and indigenous Moorish American National born May 20, 1964 in the United States of America. For the purposes of gaining his loss of nationality the Petitioner repatriated back to his re-established nation state, the United States of America Republic ("USAR"), by taking an Oath of Allegiance. Due to the Petitioner's acquiring his new nationality (political status, legal relationship and attachment to USAR) he submitted an informal hearing to the Respondent for the purposes of removing his property from the "Stafford County" entity tax roll for the purposes of taxation due to the Petitioner now being domiciled and residing within the "Province of Virginia" under the ownership and jurisdiction of USAR. The Respondent denied the removal of the property from the tax roll. The basis given for the denial was due to: (1) the English tradition to subject property to taxation, (2) the Commonwealth did not forfeit its sovereign right to tax property, and (3) that the authority to tax property is derived from Article X of the Constitution of Virginia, §58.1 of the Code of Virginia and the Virginia Law in accordance with the Constitution of the United States of America.

Seeking the Administration of Justice (the fair, just and impartial upholding of constitutional rights according to the rule of law) the Petitioner petitioned the Circuit Court of Stafford to resolve the matter by upholding those recognized fundamental human, civil and political rights and freedoms which are expressed within certain provisions under the United States Constitution, international covenants and declarations ratified by the United States, and under the

Constitution and Laws of the Petitioner's nation State Government which precludes the Stafford County entity from subjecting the Petitioner and his property to its taxation ordinances and would exclude the property from the Stafford County entity tax roll. Being opposed to the petition the Respondent submitted a demurrer seeking to have the petition dismissed to avoid having to prove at trial the jurisdiction and authority of the Stafford County entity to tax the Petitioner's property and to avoid disclosing certain facts within court. App. 13, 14. At the hearing on the demurrer the Respondent neither rebutted or refuted the certified evidence presented by the Petitioner which evidence proved: (1) that the Petitioner had in fact repatriated, (2) that the USAR Charter is in fact official, (3) that the Certificate of Authority is in fact official, (4) that the "Province of Virginia" jurisdiction does in fact exist, and (5) that the Respondent was subject to the provisions of the Constitution, Laws and ratified Treaties of the United States.

On February 21, 2018 during the arguments on the demurrer the Petitioner on two occasions communicated that if the court were not to recognize USAR as a state that it would be subjecting the Petitioner and the USAR State to servitude under the Commonwealth's political body [referring to the 13th Amendment of the U.S. Constitution and Article 8.2 of the International Covenant on Civil and Political Rights, ("ICCPR")]. App. 14. The Circuit Court sustained the demurrer and dismissed the case with prejudice by Final Order based upon the grounds that the Circuit Court did not have the jurisdiction and could not recognize the authority of the Petitioner's nation state. The Circuit Court also communicated that

it is mandated only to the provisions of the constitution and statutes of the Commonwealth of Virginia and Stafford County that were presented in support of the Respondent's position. App. 9, 10.

On February 28, 2018 the Petitioner submitted a Motion to Reconsider which objected to the February 21, 2018 Final Order. The Motion expressed how the court failed to require the Respondent to submit evidence to prove that the Petitioner's political status (nationality) was false, untrue or invalid. App. 15. The Motion expressed that by the court failing to recognize the authority of the Petitioner's nation state and of the rights secured to the Petitioner under the Constitution and Laws of his nation State also violates the Petitioner's secured rights under the United States Constitution and Laws. It further expressed how by the court ignoring the Petitioner's nationality caused the court to subject the Petitioner and his nation State to servitude under the Commonwealth of Virginia. App. 16. On March 9, 2018 the Circuit Court denied granting a hearing on the Motion to Reconsider without giving an opinion or providing finding of facts or conclusion of law. App. 3, 4.

The Petitioner then filed a Petition for Appeal in the Supreme Court of Virginia. In the Petitioner's argument he expressed that based upon the Constitution, Laws and ratified Treaties of the United States that the Circuit Court does have the power and granted jurisdiction to recognize the authority of the Petitioner's nation State for the purpose of securing certain rights invoked by the Petitioner and for the purpose of fulfilling certain international obligations under the ICCPR. On August 30, 2018 the Petitioner

was permitted to argue the reason(s) why the Supreme Court of Virginia should take up the case. The Petitioner expressed: (1) the obligations that the United States and the Commonwealth / State of Virginia have under the ICCPR, (2) expressed that the ratification of the ICCPR and the obligations and duties that come with its ratification grants at the very least the jurisdiction to the said courts to recognize the authority of USAR so that the court may ensure that the Commonwealth / State of Virginia fulfills its obligations and duties under the ICCPR, and (3) expressed that the right to self-determination is recognized under the ICCPR and that the “authority” of USAR represents the delegate powers of the Moorish American Nationals of which power, in part, represents the fundamental rights of each individual National citizen of USAR as well as their collective right to self-determination. The Petitioner also expressed that if the Circuit Court did not truly have the jurisdiction then the Supreme Court of Virginia does pursuant to Article VI, Section 1, Clause 2 of the Constitution of Virginia. On September 18, 2018 the Supreme Court of Virginia entered its Final Order which refused the Petition for Appeal which held that there is no reversible error in the judgment complained of. The Final Order was given without an opinion or finding of facts and conclusion of law. App. 1, 2.

It is said at page 460 (2 and 3) of the House Of Representatives Report on the Subject Of Citizenship Of The United States, Expatriation And Protection Abroad, 59th Cong.2d Sess. Doc. No. 326, “Moorish subjects lost their nationality only by becoming naturalized in, or protected by, another country having treaty relations with the Moorish Empire”. App. 12. On

April 14, 2015 the people of the Moorish American society re-established their nation state Government, USAR, thereby reclaiming their lost nationality. The USAR Government is a de jure government of an autonomous nation of people whom never ceded their dominions, tenements, hereditaments, sovereignty or power. USAR is the governmental corporation created by the Moorish American people to operate in commerce on behalf of the Moorish American people with other governmental corporations. The USAR State Charter was issued by the State of Indiana. The USAR State was also issued its Certificate of Authority by the State Corporation Commission of the Commonwealth of Virginia which recognizes the authority and jurisdiction of the USAR State under the fictitious name "Province of Virginia". The Certificate of Authority recognizes the USAR State Charter which expresses its authority and jurisdiction to exercise all powers necessary or convenient [within the geographical borders of what is known as Virginia] to effect any or all purposes for its benefit, the life of any of its directors, officers, employees, Moorish American Nationals or citizens and to continue such insurance after the relationship terminates.

REASONS FOR GRANTING THE PETITION

Article VI, Section 1 Clause 2 of the Constitution of Virginia states; "...the Supreme Court [Virginia] shall, by virtue of this Constitution, have appellate jurisdiction in cases involving the ... Constitution of the United States and in cases involving the life or liberty of any person". Due to the courts assertion that it lacks jurisdiction to recognize the authority of the Petitioner's nation state Government and that it cannot, which authority represents the delegate powers of those fundamental rights of a class of citizens of the United States of America as well as their collective right to self-determination, creates a conflict with respect to the courts constitutional and international obligations to protect the recognized rights of citizens of the United States of America under the Ninth Amendment, Thirteenth Amendment, Fourteenth Amendment and under certain provisions of the ICCPR. The obligation is a critical safeguard that this Court has in order to ensure that the several states uphold its obligations under the U.S. Constitution and the ICCPR, and, that the recognized rights of the individual, or class of people, are not unlawfully stripped: the right to self-determination, right to self-government, right to acquire a nationality, right of involuntary servitude, the right to social, economic and cultural development and the right of association.

A. This Court's Review Is Warranted To Ensure The Petitioner's Recognized Rights Under The Ninth Amendment, Thirteenth Amendment, Fourteenth Amendment And Under The ICCPR Are Not Unlawfully Stripped.

The first issue to settle in order that measures may be taken to safeguard the rights recognized under the Ninth, Thirteenth, and Fourteenth Amendments in this case is to determine whether the said rights are secured to the Petitioner and to that class of individuals similarly situated, the Nationals and Citizens of USAR. The Fourteenth Amendment provides that all persons born or naturalized in the United States are citizens of the United States and of the state wherein they reside. It is an undisputed fact that the Petitioner was born May 20, 1964 in the United States thereby making him a citizen of the United States of America. Thus, being a citizen of the United States of America secures to him those rights recognized under the Bill of Rights of the United States Constitution. The First and Fourteenth Amendment provides one the liberty to be in political association with others for the common advancement of political beliefs and ideas which is an integral part of constitutional freedoms. The Ninth Amendment provides that the enumeration of certain rights in the Constitution shall not be construed to deny or disparage others retained by the people. The Thirteenth Amendment provides that involuntary servitude shall not exist within the United States or any place subject to their jurisdiction. The Petitioner's position is that the aforesaid should establish that the Petitioner and those similarly situated were citizens of the United States of America when born [and

presently] thereby securing all of the recognized rights of citizenship expressed within the United States Constitution.

The second issue to settle is to determine whether the rights expressed within the provisions of the ICCPR are recognized and secured to the Petitioner and to that class of individuals similarly situated. The United States ratified the United Nations Charter in 1945. The United States, in 1992, ratified the United Nations treaty ICCPR. Before ratifying the ICCPR, the United States submitted certain Reservations, Understandings and Declarations. According to the US Senate Report on Ratification of The International Covenant on Civil and Political Rights ("USRR"), (Exec. Rept. 102-23, 102d Cong., 2d Sess.), the #1 Declaration communicates that the provisions of Articles 1 through 27 of the Covenant are not self-executing. App. 18. The intent of making it a non self-executing treaty is to clarify that the Covenant will not create a private cause of action. App. 18. Furthermore, the Committee accepted a proviso, offered by Senator Helms, that the Covenant does not require any legislation or other action prohibited by the Constitution. The Petitioner interprets this to mean that the U.S. courts are to recognize the rights, but if a right that is recognized within provisions 1 through 27 is violated, that the U.S. courts will not recognize the violation as establishing a valid cause of action for the purposes of bringing a suit. App. 19. According to the USRR Committee Comments, the ratification of the Covenant removes doubt about the U.S. commitment to human rights, enhances its ability to promote democratic values and the rule of law. Further, the Committee communicates the provisions are compatible with

existing U.S. domestic law, that the ratification has broad support and the right of association in Article 22 are similar to those contained in the First Amendment. App. 20. The #5 Understanding communicates that the Covenant shall be implemented by the Federal, state and local governments. It further communicates that the competent authorities of the state and local governments shall take measures appropriate for the fulfillment of the Covenant. App. 17. In addition, item 4 of the ICCPR General Comment No. 31[80] Human Rights Committee, 18th Sess., Adopted on March 29, 2004 (2187TH meeting) relating to The Nature of the General Legal Obligation Imposed on States Parties to the Covenant states, "a State Party may not invoke the provisions of its internal law as a justification for its failure to perform a treaty". App. 21, 22. The Petitioner's position is that the aforesaid should establish (1) that the intent of the United States Senate, by ratifying the ICCPR, is for the purposes of recognizing the rights expressed therein, (2) that the Ninth Amendment of the United States Constitution implies there are other certain rights retained by the people which are not enumerated, (3) that the Ninth Amendment is the doorway that secures to the Petitioner, and those of his class, those rights under the ICCPR which are not necessarily enumerated within the Constitution but are recognized by the United States via its ratification and (4) that the intent of making the ICCPR a non self-executing treaty is to clarify that the Covenant is not to create a private cause of action for purposes of suit, that no legislation or other action prohibited by the Constitution is necessary in order that the rights expressed be recognized and that such rights are compatible with rights existing in U.S. domestic law.

The third issue to address is how by this Court's reviewing of this case will prevent the unlawful stripping of the rights mentioned. The Circuit and Supreme Court of Virginia, as the competent authorities of the Commonwealth of Virginia, in its administration of justice, have a duty and obligation under both the domestic and the international law to protect and uphold the recognized fundamental rights of the individual citizens of the United States of America whom inhabit the territorial boundaries of that area of North America known as Virginia. The Petitioner being a citizen of the United States of America has the recognized right of self-determination under Article 1.3 of the ICCPR. App. 23. This Right of man is communicated in the Declaration of Independence and extends to the other Moorish American people who are also citizens of the United States of America. This recognized right empowered this class of people to re-establish their nation state Government. As is the case with peoples of all governments, the Moorish American National and Citizen delegated certain rights to their newly re-established State Government which gives it the Authority to act on their behalf for the purposes for which it was created. Thus, the Authority of the Petitioner's nation state represents the collective and individual rights of the Moorish American National and Citizen. This Court's intervention is required to ensure that essential components of the United States Constitution and ratified Treaties – the right of self-determination, right to self-government, right to a nationality, freedom from involuntary servitude, the right to social, economic and cultural development and the right of association – is not left unprotected based upon lower courts assertions of lack of jurisdiction to

recognize the authority of the Petitioner's newly re-established nation state and so that the unalienable Rights of a class of citizens of the United States of America may be exercised in safety and without conflicting with the jurisdiction and laws of the several states during their intercourse.

The prima facie evidence entered by the Petitioner consisted of certified evidence that established that the Petitioner's nation state is recognized by the State of Indiana and by the Commonwealth / State of Virginia as a nation state having its own Government, its independence and its own foreign jurisdiction for the Moorish American National and Citizen, Province of Virginia. The Petitioner submitted a notarized copy of his oath of allegiance to the USAR State. By the natural operation of law this act of taking an oath of allegiance demonstrates and serves as his repatriation and establishes him as a National Citizen of USAR residing within the jurisdiction of the Province of Virginia. The act of repatriation is an exercising of his right to acquire a nationality under Article 24.3 of the ICCPR. App. 23. The Respondent at any time rebutted or refuted the certified evidence nor did the Circuit Court require the Respondent to show evidence to the contrary. In fact the Respondent stated, "If this case were to go forward with the trial, it would be difficult to even comprehend even what kind of things we'd have to prove and what kinds of facts would have to come out in Court". App. 13, 14. The Circuit Court provided two reasons for applying its decision. First, the court asserted that it lacks the jurisdiction to recognize the authority of an independently created state and that it cannot. App. 9, 10. Second, due to the mandates within the documents referred to by the Respondent the

authority exists for the Stafford County entity to tax the Petitioner's property. App. 10.

The Petitioner's position is that the court ruling communicated that it did recognize USAR as a state being independently created. However, because the court's position is that it lacks the jurisdiction to recognize USAR's authority that by default the court had to rule based upon those mandates of the constitution and statues of the Commonwealth / State of Virginia that were presented by the Respondent. Thus, the lack of jurisdiction reason was used to justify the court's decision to subject the Petitioner and his property to the taxation statutes and ordinances of the Commonwealth / State of Virginia and Stafford County entity.

The issue of recognizing the authority of USAR in this case is so important to the liberty of the Petitioner and to the Nationals and Citizens of USAR. The following is a real and true situation which demonstrates how the liberties of a class of people will continue to be violated without a review of this case; on January 24, 2018 the Petitioner was traveling in his 2015 Honda Civic. He was stopped for an alleged traffic violation. When asked for his driver's license he presented the driver's license that was issued to him by the USAR Bureau of Motor Vehicles along with a copy of the USAR State Charter that expressly authorizes the issuance of driver's licenses to its Nationals and Citizens. Due to the police officer's not recognizing the USAR license, USAR's authority to issue the license or understanding that it was a foreign license caused the Petitioner to be arrested, jailed and after being released compelled to walk several blocks in 40 degree

temperature without a coat due to his Honda Civic being towed and impounded as a result of the arrest stemming from the officer's lack of awareness of the USAR authority and its Charter right to issue driver's licenses. Prior to being released from jail the Petitioner was given a date to appear in court on February 22, 2018. On the day of court, for undisclosed reasons, the Office of Attorney General for the District of Columbia declined to prosecute the charge of driving without a permit. Thus, this particular situation evinces how one governmental agency perhaps recognized USAR's authority to issue driver's license whereas one agency did not. Similar types of ordeals have been experienced by Nationals of USAR while exercising their liberties as repatriated Nationals under the jurisdiction and authority of USAR. Fortunately, such lack of recognizing the authority of USAR has not resulted in a loss of life, however, it has led to the confiscation of property, deprivation of liberty, arbitrary and unlawful arrest and detention and the violation of the right of security of person all of which are violations under the 4th and 5th Amendment of the U.S. Constitution, a violation under 42 U.S.C. 1983 and of Article 9.1 of the ICCPR. App. 23. Therefore, if the several courts can merely assert that it lacks the jurisdiction to recognize the "authority" of USAR, and that it cannot, will facilitate continued ordeals to be suffered at the discretion of the employees of governmental entities. Without this Court's review and determinations will result in the stripping of those recognized fundamental human, civil and political rights and freedoms of the Petitioner and those similarly situated.

The people of the Moorish American society established for themselves a nation State by exercising

their unalienable Right to Life, Liberty and the pursuit of Happiness, their fundamental right of self-determination, their right to self-government, their right to a nationality, their right of involuntary servitude and their right to economic, social and cultural development. The USAR State Government is the representation of the will and desire of its Nationals and Citizens. The "authority" of USAR represents certain delegated powers of each National and Citizen of USAR which "power" represents their said "rights". Thus, by the Circuit Court asserting that it lacks the jurisdiction to recognize the "authority" of USAR, and that it cannot, essentially strips the Petitioner of his fundamental human, civil and political rights and freedoms and of the legal protections under the provisions of the USAR constitution and laws, and under the United States Constitution, Laws and ratified Treaties which would preclude the Statutes and ordinances of the Commonwealth / State of Virginia and Stafford County entity from being enforced upon the Petitioner and upon his property. The actions or lack thereof essentially places the Petitioner and those of his class in a condition of involuntary servitude. In addition, these actions will also strip the USAR governmental corporation of its rights to engage in commerce and to operate for the purposes for which it was created - to ensure the Safety and Happiness of the American Nationals of Moorish descent. App. 26, 27. Therefore, this Court's review will aid to prevent the unlawful stripping of the rights of the newly re-established nation state Government and provide for the safety of its Nationals and Citizens by clearly determining what, and, if any authority should be recognized under the jurisdiction of the courts of the

Commonwealth of Virginia and by the courts of the several states.

B. This Court Should Resolve The Matter Of The Courts Of Virginia With Respect To The Lack Of Jurisdiction To Recognize The Authority Of The Petitioner's Nation State Government.

In regards to the courts assertion that it lacks jurisdiction to recognize the authority of the Petitioner's nation state and that it cannot. Understanding that according to Article 1 of the *Convention on Rights and Duties of States*, a state as a person of international law possess a permanent population, a defined territory, a government and the capacity to enter into relations with other states. App. 24. By another definition a state is a political community of people permanently occupying a fixed territory bound together by common-law habits and custom into a body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries. Keeping the aforesaid understand in mind, the United States, in 1934, ratified the "*Convention on Rights and Duties of States*" ("CORDS"), 49 STAT 3097; Treaty Series 881. This Convention/Covenant communicates (1) that the recognition of a state may be express or tacit and that tacit recognition is any act which implies the intention of recognizing the new state, (2) the recognition of a state signifies that the state which recognizes it accepts the personality of the other with all the rights and duties determined by international law and that recognition is unconditional and irrevocable, (3) that the jurisdiction of the states applies to all the

inhabitants within the limits of national territory, (4) that the state has the right to provide for its conservation and prosperity, and consequently to administer its services. App. 24, 25. As evidence, the Petitioner submitted exhibits in his Petition for Appeal. "EXHIBIT C" was the Certificate of Authority ("COA") that his nation state was issued by the Commonwealth of Virginia's State Corporation Commission ("SCC"). To secure the COA, the Petitioner's nation state submitted its full Charter to the SCC along with its "Certificate of Assumed or Fictitious Name" both of which classifies it as a nation state government and as being a foreign corporation doing business as the "Province of Virginia" within the territorial borders of what is known as Virginia. In accordance with the laws of the Commonwealth, the COA was issued by the SCC of the Commonwealth of Virginia signed by Joel H. Peck, Clerk of the Commission. According to the Secretary of the Commonwealth, Kelly Thomasson, the authenticated copy of the COA expresses Joel H. Peck is "authorized by the laws of the Commonwealth to make and sign such instruments and to all official acts full faith, credit and authority are due and ought to be given". The issuance of the COA indicates that the Commonwealth of Virginia recognizes the foreign status, jurisdiction, power and authority expressed within the Petitioner's nation state Charter and its sovereignty and independence which the Charter also expresses. The issuance of the COA is an "official act" that indicates that the laws of the Commonwealth grants and empowers the State of Virginia, the Stafford County entity, its courts and all parts thereof the jurisdiction to recognize the granted authority of the Petitioner's nation state. Thus, if the Commonwealth's SCC issued the COA without objection, this indicates

the Commonwealth and all parts thereof shall recognize the authority and powers of the Petitioner's state in accordance to the provisions §13.1-923 A and B and §13.1-826 A of the Virginia Nonstock Corporation Act. Therefore, it is through the Official Act of the General Assembly of the Commonwealth of Virginia passage of the Virginia Nonstock Corporation Act and the official act of the SCC issuance of the COA which give jurisdiction to the courts of Virginia to recognize the authority, jurisdiction and power of the Petitioner's nation state. The COA further serves as a contract between the two States. The action taken by the courts of Virginia impairs the contract obligation that the COA creates between the two States. Such action taken is a violation of the law against impairing the obligation of contracts clause of Article 1 § 10 of the U.S. Constitution. Furthermore, the courts of Virginia act of not recognizing the issued COA would also be a violation of the full faith and credit clause of Article IV Section 1 of the U.S. Constitution that provides that full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. The aforesaid serves to demonstrate that the Circuit and Supreme Court of Virginia under its domestic law is empowered and granted the jurisdiction to recognize the authority of the Petitioner's nation state via the issuance of the nation state Charter and COA executed under the Official Acts of the Commonwealth's SCC, General Assembly and the State of Indiana's Secretary of State. In addition, pursuant to Article 7 of the CORDS, the mere issuance of the nation state Charter and COA is at the very minimum a tacit act of recognition of the Government of the nation state authority by the State of Indiana and the Commonwealth which implies their

intention of recognizing the new nation State of the Moorish American National and Citizen. This act of recognition signifies that the Commonwealth of Virginia accepts the personality of the nation State with all its rights and duties. Even under international law, according to the #5 Understanding submitted by the United States, the courts of the Commonwealth are empowered and granted the jurisdiction to recognize the authority of the Petitioner's nation state so to assist the United States in fulfilling its obligations under the provisions of the ICCPR for the purposes of securing the Petitioner's recognized rights therein. The Petitioner's position is that based upon the aforesaid there is no rational basis for the Circuit and Supreme Court of Virginia to assert that it lacks jurisdiction and cannot recognize the authority of the Petitioner's nation state.

C. This Case Outlines The Questions Presented.

This case presents an excellent vehicle to address the questions raised and for the purposes of determining whether the current and future Nationals and Citizens of USAR shall remain in a state of involuntary servitude to the several states of the United States or whether their right to provide for their Safety and Happiness shall be recognized. In addition, this case will (1) make clear whether the lower courts shall recognize the Charter Rights, Constitution, Laws and Jurisdiction of the USAR, (2) make clear whether property owned by the current and future Nationals and Citizens of USAR will be subject to the property taxation statutes and ordinances of the several states of the United States, (3) make clear the legal reasons and conditions under

which the property owned by USAR Nationals and Citizens may or may not be subject to the taxation statutes and ordinances of the several states, and (4) to make clear whether the lower courts shall recognize the nationality of the current and future Nationals and Citizens of USAR.

The interest at stake here is of utmost importance. This case not only presents the legal questions involved but whether the authority of an independently created state established according to law representing the fundamental human, civil and political rights and freedoms of a class of citizens of the United States of America shall be recognized by the highest Court. The Petitioner entered prima facie that consisted of certified evidence that established that the Petitioner's nation state is recognized by the State of Indiana and by the Commonwealth / State of Virginia as a nation state having its own State Government and its own foreign Province of Virginia jurisdiction for the Moorish American National and Citizen, and its independence. The recognition given by the State of Indiana and by the Commonwealth / State of Virginia is an act of state evidenced by the issuance of the USAR Charter and Certificate of Authority. This Court should intervene to make the aforesaid determinations and clarifications and for the purposes of mitigating and possible conflict between the several State jurisdictions during their intercourse and for the Safety and Happiness of the American Nationals of Moorish descent.

CONCLUSION

Never in modern times have the American people of Moorish descent, misnomered as African-American, Black, Negro and Colored, taken upon themselves to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them. It is held that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed laying its foundation on principles and organizing its powers in such a form, as to them shall seem most likely to effect their Safety and Happiness. By finally comprehending this well established holding caused the society of the American people of Moorish descent to establish for themselves a Government, laying its foundation on principles and organizing its powers in such a form, as to them shall seem most likely to effect their Safety and Happiness.

For these reasons the petition for certiorari should be granted.

Respectfully submitted,

Richard McKinley Wilson, Jr.: Bey
Petitioner Pro Se
39 Francis Court
Stafford, Province of Virginia [22554]
703-626-1169
richie-3@comcast.net

12/3/2018