

SUPREME COURT OF THE UNITED STATES

IN THE SUPREME COURT OF THE UNITED STATES

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SNOWBLEED,)
 Petitioner,)
 v.)
NEVADA HIGHWAY PATROL,)
 Respondent.)
- - - - -

Pages: 1 through 8
Place: Washington, D.C.
Date: February 1, 2018

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1 P R O C E E D I N G S

2 (8:32 p.m.)

3 CHIEF JUSTICE HOLMES: We'll hear argument this
4 evening in Case 4-26, Snowbleed versus Nevada Highway
5 Patrol.

6 Mr. Jones.

7 MR. JONES: Thank you. Please let me know when I'm
8 on the clock.

9 Chief Justice, and may it please the Court:

10 The petitioner would like to take this time to
11 address some of the claims in the respondent's brief.
12 Starting with, the claim that the petitioner contests
13 D.C. being the seat of government. If the respondent
14 paid the slightest bit of attention to our briefs, he'd
15 know the fact that D.C. is the seat government is one of
16 the cornerstones of our case. I don't know where he got
17 that idea.

18 Secondly, the respondent bringing up the cause of
19 the petitioner's arrest is irrelevant. The cause of the
20 petitioner's arrest is not the subject of this case, the
21 question of whether the Nevada Highway Patrol had the
22 jurisdiction to make that arrest is.

23 Lastly, their citation of The Home Office Act of
24 2017 is irrelevant. The Home Office Act of 2017 was
25 overturned in Reyan_Revan v. United States. Retired
26 Supreme Court Justice Scalia was clear when he wrote "We
27 overturn the Fauxtillion Home Office Act of 2017." He

1 didn't write section x, y and z is overturned. He wrote
2 "the Act," meaning in its entirety, is overturned. So
3 it is silly for the respondent to argue that the
4 severability clause withstands that when the Court
5 clearly said the whole thing is trashed. Chief Justice
6 Holmes, that was the Petitioner's opening. We're ready
7 for questions now.

8 The petitioner will just briefly touch on some of
9 the core points of this case. Our first point is, the
10 existence of the District of Columbia City Council and
11 its self-established Development Council is
12 unconstitutional. Article I, Section 8; clause 13 of
13 the Constitution states that Congress has full control
14 over the District of Columbia, as per it is the "seat of
15 government." The only way another legislative body can
16 have any power over D.C. is if Congress delegates it.
17 And Congress hasn't.

18 JUSTICE SUTHERLAND: Mr. Jones, if I may inquire -

19 MR. JONES: -- But despite that, we have a City
20 Council legislating in D.C. That of course is
21 unconstitutional.

22 Of course Justice Sutherland.

23 JUSTICE SUTHERLAND: What remedy, precisely, would
24 you have the Court perform in an ideal situation? I
25 have doubts of being able to enforce a decision de facto
26 in your favor.

1 MR. JONES: Well Justice Sutherland, we'd like the
2 lower Court's decision to be overturned and the District
3 of Columbia City Council to be deemed as
4 unconstitutional; which will lead to their laws being
5 unconstitutional, thus the arrest of the petitioner made
6 pursuant to one of their laws.

7 CHIEF JUSTICE HOLMES: Okay, here's my concern. So,
8 we have this organization. It calls itself the D.C.
9 City Council. You say it's not an organization with
10 legal authority to do anything.

11 MR. JONES: We argue it's not an organization with
12 legal authority to legislate anything, to be clear.

13 CHIEF JUSTICE HOLMES: But if so, then what is this
14 case asking for. An order preventing a non-legislative
15 organization from authorizing kidnapping, you say?
16 Wouldn't the law already do that if your premise is
17 correct?

18 MR. JONES: Well, Chief Justice, I'm not sure how
19 kidnapping falls into this case but if I understand you
20 correctly, you're asking the same thing Justice
21 Sutherland asked. Would I be right in assuming that?

22 CHIEF JUSTICE HOLMES: No, my question is what would
23 an order from this Court do that existing criminal law
24 doesn't?

25 JUSTICE SUTHERLAND: He's asking it in such a manner
26 as to indicate that if we rule in your favor, we cannot
27 offer any remedy not already in effect.

1 CHIEF JUSTICE HOLMES: And those eight minutes you
2 asked to be specially marked are up, but you can answer
3 the question; I won't count it against your time.

4 MR. JONES: It would strike down the legislation the
5 District of Columbia City Council and it's counter-parts
6 have enacted. Which would then result in my client's
7 arrest going down with it, so to speak.

8 I'll reserve the rest of my time.

9 CHIEF JUSTICE HOLMES: Thank you.

10 Mr. Coffin.

11 MR. COFFIN: Mr. Chief Justice and may it please the
12 Court:

13 This case begs a very simple question under the
14 Grandfather Clause. What that really is is whether
15 Congress's express statement that it has done something
16 means anything.

17 The petitioner is right that this court has in the
18 past struck down the legislation we cited for that
19 statement by Congress. But that does not change the
20 fact that the statement was still made. Our citation is
21 not a legal citation, we are citing that statement as a
22 factual matter.

23 JUSTICE SUTHERLAND: Mr. Coffin, if I may intercede.

24 MR. COFFIN: Yes, Your Honor.

25 JUSTICE SUTHERLAND: We do not, unless information
26 out of my knowledge has been submitted to this court,
27 have the legislative text of the City Council Act of

1 2015 - nor any intimations as to that text other than
2 the statements that it established local governments.

3 Outside of anecdotal evidence, and in the realm of
4 the Law, what evidence is there to prove that that text
5 included the District of Columbia?

6 MR. COFFIN: Yes, Your Honor, well what our case is
7 that under the Grandfather Clause this is a question of
8 fact. Based on that, we're saying this Court should, as
9 you'll see in our brief and as you've ruled in previous
10 cases where mixed questions of fact and law are
11 involved, we think you ought to apply the abuse of
12 discretion standard and generally defer to the district
13 court on this question.

14 But to answer your question, we believe the text of
15 the Home Rule Act, operating in conjunction with the
16 U.S. Code provision we cited in the brief does support
17 that because -

18 JUSTICE GORSUCH: Correct me if I am wrong, but did
19 we not overrule the Home Rule Act in its entirety?

20 JUSTICE SUTHERLAND: He is using it as an indication
21 as to what the City Council Act of 2015 contained, not
22 in a legal basis.

23 MR. COFFIN: You did, stripping it of its legal
24 effect, but the fact that it was enacted remains and
25 we're citing it only for factual reasons.

26 JUSTICE SUTHERLAND: Mr. Coffin, are you familiar
27 with the vagueness doctrine?

1 MR. COFFIN: I am.

2 JUSTICE SUTHERLAND: Would you not argue that to
3 fundamentally enact a law that is at best obscurely
4 mentioned, that we have little to no idea if it passed
5 or under what circumstances, and declare what that law
6 says - which, bears repeating, we only think existed -
7 would be quite vague indeed, and not in the province of
8 the Judiciary?

9 MR. COFFIN: Well, Your Honor, if my recollection is
10 correct, the doctrine arises from the Due Process Clause
11 and has to do with fair notice of what may be violated.
12 I don't think any of that doctrine is implicated here.

13 CHIEF JUSTICE HOLMES: Just so I understand your
14 position correctly: You're arguing the Grandfather
15 Clause presents a factual question and not a legal one?

16 And your time's up but please respond.

17 MR. COFFIN: Yes, I do, Your Honor, for a couple
18 reasons. The Grandfather Clause uses the words "in
19 operation" which generally raises a factual question and
20 not a legal one. This case doesn't rest on the
21 interpretation of the laws but instead on whether it was
22 there. And there is pretty clear evidence, including
23 the Congressional statement we cited in the Home Rule
24 Act showing that there was in fact a law in operation
25 (we have no repeal on record) which did so.

26 CHIEF JUSTICE HOLMES: Thank you.

27 Mr. Jones, you have two minutes remaining.

1 MR. JONES: Thank you.

2 To conclude, this case is like dominos, once one
3 falls, the rest goes with it. If this Court were to
4 strike down DCCC and/or the development council's
5 legislative actions and abilities, then so would arrest
6 of the my client, Snowbleed. The petitioner gave
7 several reasons as to why the District of Columbia City
8 Council legislative abilities and actions should be
9 deemed to be unconstitutional, in our brief. So if one
10 of the petitioner's arguments doesn't sit right with
11 you, then you have 2 other reasons to do it.

12 For the aforementioned points, it is the firm
13 belief of the petitioner that the District of Columbia
14 City Council and its Development Council's legislative
15 powers and actions should be deemed to be
16 unconstitutional; therefore the Nevada Highway Patrols'
17 jurisdiction in the District of Columbia, and the arrest
18 of the petitioner should be deemed as such as well.
19 Unless there are any other questions, the petitioner
20 rests.

21 CHIEF JUSTICE HOLMES: Thank you.

22 The case is submitted.

23 (Whereupon, at 8:54 p.m., the case was submitted.)

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