

SUPREME COURT OF THE UNITED STATES

IN THE SUPREME COURT OF THE UNITED STATES

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UNITED STATES,)

Petitioner,)

v.)

DISTRICT OF COLUMBIA,)

Respondent.)

- - - - -

Pages: 1 through 10

Place: Washington, D.C.

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

2 (4:19 p.m.)

3 CHIEF JUSTICE HOLMES: We'll hear argument this
4 afternoon in No. 05-43, United States v. District of
5 Columbia.

6 Mr. Jaden.

7 MR. JADEN: Mr. Chief Justice, and may it
8 please the Court,

9 The Federal Government has interest into the
10 proceedings of the District of Columbia's prosecution of
11 criminals in the federal courts. The question presented
12 to this court is as follows, "Can the District of
13 Columbia prosecute criminals, with original
14 jurisdiction, for laws within the Title 18 Code." The
15 Federal Government shows interest into this matter,
16 specifically the Justice Department, due to the
17 aforementioned issue conflicting with Justice
18 Department's prosecutorial proceedings within the
19 federal courts.

20 The District of Columbia Home Rule Act, also
21 known as the "DC Home Rule", states, "...has
22 jurisdiction of any civil action or other matter (at law
23 or in equity) brought in the District and of any
24 criminal case under any law applicable exclusively to
25 the District."

26 Clearly stated in said act, The DC Home Rule
27 Act only applies to 'civil action [suits]' and 'law(s)

1 applicable exclusively to the District [of Columbia]'.
2 In the case, District of Columbia v. Mindermast¹, 3:18-
3 7939, a case in which was filed within the Federal
4 District Court, the defendant was charged with murder.
5 The Federal Government argues that unless there is "a
6 state somewhere that murder is legal in, murder is not
7 exclusive to the District of Columbia." Here, in which,
8 the Supremacy Clause goes into effect and the crime
9 should be prosecuted by the Federal Department of
10 Justice as 18 U.S. Code § 1111 - Murder. Herein, the
11 District of Columbia is not within its jurisdiction to
12 prosecute under a different title.

13 Moving forward, The District of Columbia does
14 indeed have a City Attorney. However, the jurisdiction
15 of this individual has been violated.

16 The City Attorney Act states, "...shall
17 prosecute those who commit misdemeanors or violations of
18 municipal law..." and "...shall prosecute violations
19 under the jurisdiction of the City of Washington,
20 District of Columbia.." The Petitioner wishes for the
21 Court to acknowledge that the City Attorney Act
22 specifically states, "Misdemeanors or Violations of
23 Municipal Law." Last I recall, murder is not a
24 misdemeanor or violation of municipal law.

25 CHIEF JUSTICE HOLMES: What if municipal law
26 prohibits murder?

1 MR. JADEN: Well, in that case, the Supremacy
2 Clause will take into effect, since there is a U.S. Code
3 for murder.

4 CHIEF JUSTICE HOLMES: So, in essence, what you
5 are saying is that field preemption applies?

6 GEN. KOLIBOB: Your Honor, unlike real life,
7 where federal intervention mostly happens in cases such
8 as cross-border cases or highly sophisticated cases
9 where the government has an interest in, the DC (and
10 municipalities as a whole) simply do not have the man-
11 power to deal with as many cases as we do.

12 In the case that they create cross-existing
13 laws for their respective municipalities, we expect,
14 just like real, that if we have an interest in the case,
15 we will simply have the right to take it.

16 CHIEF JUSTICE HOLMES: So, is this argument
17 based on the Supremacy Clause?

18 MR. JADEN: Yes, Your Honor.

19 GEN. KOLIBOB: No, Your Honor.

20 JUSTICE KAGAN: No? Yes? General, what is the
21 answer?

22 MR. JADEN: Yes, Your Honor.

23 CHIEF JUSTICE HOLMES: Okay, so what you are
24 saying is that because federal and municipal law cover
25 the same things here, municipal law must give way to
26 federal law?

27 MR. JADEN: Yes, due to the Supremacy Clause.

1 CHIEF JUSTICE HOLMES: That answers my
2 question. Continue, please.

3 MR. JADEN: Your Honor, if I may add on to the
4 answer.

5 CHIEF JUSTICE HOLMES: Go ahead.

6 MR. JADEN: In the case of Altria Group, Inc.
7 v. Good, the Supreme Court stated a federal law that
8 conflicts with a state law will trump, or "preempt,"
9 that state law.

10 GEN. KOLIBOB: However, we are not looking to
11 absolutely abolish concurrent power, of course.

12 MR. JADEN: Continuing on with the argument,
13 the petitioner moves for the court to recognize that the
14 City Attorney does not have jurisdiction to prosecute
15 for felony crimes in a federal court. The controversy
16 at hand is "not the District of Columbia indicting
17 individuals, but that the District of Columbia is
18 indicting individuals for municipal laws when a federal
19 law trumps it." Along with the District of Columbia
20 Home Rule Act and the City Attorney Act, we cite the
21 Dual Sovereignty Doctrine.

22 The aforementioned doctrine basically states
23 that states are allowed to prosecute individuals in
24 municipal courts for "felonies and serious crimes."
25 Although, as stated in Article III of the United States
26 Constitution, "the Trial of all Crimes, except in Cases
27 of Impeachment, shall be by Jury or, with consent of the

1 defendant or defendants, Bench; and such Trial shall be
2 held in a federal district Court"; municipal courts do
3 not exist in this United States of America and the Dual
4 Sovereignty Doctrine is "not a factor in this [case]."

5 To conclude our arguments, the United States
6 argues with the above arguments that the District of
7 Columbia should not be able to prosecute in a Federal
8 Court without federal oversight. We ask that the Court
9 takes action to return jurisdiction over the matters to
10 the United States. I'll reserve the remainder of my
11 time.

12 CHIEF JUSTICE HOLMES: Thank you.

13 Mr. Caldwell.

14 MR. CALDWELL: Mr. Chief Justice, and may it
15 please the Court,

16 As the petitioner claims in his arguments, in
17 the case District of Columbia v. Mindermast, 3:18-7939,
18 is a case which the District of Columbia is not
19 prosecuting for a violation under 18 U.S. Code § 1111 -
20 Murder. The District of Columbia however is prosecuting
21 for a violation of the District of Columbia Criminal
22 Code § 22-2101 - Murder in the first degree -
23 Purposeful killing; killing while perpetrating certain
24 crimes.

25 CHIEF JUSTICE HOLMES: So it's a municipal law
26 equivalent?

27 MR. CALDWELL: Correct.

1 CHIEF JUSTICE HOLMES: Do you think it
2 conflicts with the federal law version?

3 MR. CALDWELL: No, it does not go against
4 federal law, it criminalizes the killing of another
5 person in the District of Columbia. We are not
6 prosecuting for a violation of federal law as the
7 petitioner claims.

8 CHIEF JUSTICE HOLMES: Alright, thank you.
9 Please continue.

10 MR. CALDWELL: To move on to what the
11 petitioner argues later on that the Federal Government
12 has the exclusive right to prosecute charges of murder.
13 To find out about murder trials happening in real life
14 we can look at People of the State of California v.
15 Orenthal James Simpson. A case in which the State of
16 California had charged the defendant Orenthal James
17 Simpson with 2 counts of murder, criminalized by
18 municipal law.

19 The State of California did not charge
20 Orenthal James Simpson with a violation of a federal
21 law, this as the petitioner claims would be in direct
22 violation of the Supremacy Clause. Now as the
23 petitioner keeps on claiming that the City Attorney for
24 the District of Columbia does not have jurisdiction to
25 indict and prosecute individuals with murder stating
26 "murder is not a misdemeanor or violation of municipal

1 law." The petitioner is just clealry wrong on this
2 point.

3 CHIEF JUSTICE HOLMES: The title of that case
4 raises an interesting question.

5 MR. CALDWELL: How so, Your Honor?

6 CHIEF JUSTICE HOLMES: One of the problems
7 which has been mentioned is that our Constitution says
8 all cases where a Municipality is a party, the Supreme
9 Court must have original jurisdiction unless federal law
10 provides otherwise. It is argued that because of that,
11 Municipalities cannot bring criminal cases (since all
12 criminal cases must occur in district court).

13 But those cases you referenced, the State
14 wasn't a party directly. It was bringing the case in
15 the name of its people, right?

16 MR. CALDWELL: You could say so, yes.

17 CHIEF JUSTICE HOLMES: So could that be applied
18 here? Would the municipality bringing cases in the name
19 of its people fix that part of the problem?

20 MR. CALDWELL: It definitely would, Chief
21 Justice. But, the District of Columbia does not want to
22 go against the stay that the Supreme Court has issued on
23 all of our criminal cases. Doing so would only further
24 our problems.

25 CHIEF JUSTICE HOLMES: I guess what I'm asking
26 is, even if it is not explicitly stated, is there a
27 difference between a State bringing a lawsuit to

1 vindicate its own sovereign interests (as in a civil
2 case) and bringing a criminal prosecution to vindicate
3 the interests of its people?

4 MR. CALDWELL: Yes, there is a difference.

5 CHIEF JUSTICE HOLMES: Alright, thank you.

6 MR. CALDWELL: Especially in a civil suit
7 brought on by a municipality in which the people are not
8 represented due to only the city having a concern with a
9 specific party. As I was saying before, the District of
10 Columbia has criminalized murder in the first degree
11 pursuant to DC Criminal Code § 22-2101.

12 CHIEF JUSTICE HOLMES: Counsel, that'll be all
13 your time. Thank you.

14 Mr. Jaden, you have two minutes remaining.

15 MR. JADEN: We'd like to start off with one of
16 the most obvious things - the fact that the District of
17 Columbia is prosecuting for a federal crime in federal
18 court, you may see the exact law in their criminal code.
19 The law being cited by Mr. Caldwell is a real life law
20 which has no place in our land (as per the Const., as
21 per the Charter and as per the law they actually
22 passed).

23 It seems clear to the United States that they
24 are prosecuting in federal court for a federal crime,
25 clearly overstepping their initial authority. With the
26 inclusion of the fact that the persons that they are
27 trying, they're trying in federal jurisdiction, which

1 means that dual sovereignty doctrine simply does not
2 apply. In the sense that, in real life, a person could
3 be tried for the same crime once in State (such as in
4 the case of Michael Vick for running an interstate dog-
5 fighting business) and then tried federally. This, in
6 real life, does not go against the double jeopardy
7 clause because the Double Jeopardy Clause simply
8 prevents multiple prosecutions or punishments by the
9 same "sovereign." Successive state and federal
10 prosecutions don't violate the clause because state and
11 federal governments are separate sovereigns.

12 However, in this United States, we do not have
13 multiple "sovereign courts," making it so that double
14 jeopardy would apply in the case that we wished to
15 prosecute on our own laws, for the same fact. It is key
16 to remember that in real life, municipalities have their
17 own courts where they try their own facts - in here,
18 simply put, the Constitution prevents that, with all
19 crimes (both municipal & federal) being forced to be
20 tried on our level, giving the U.S. Government oversight
21 on all matters.

22 That is all. Thank you, Your Honor.

23 CHIEF JUSTICE HOLMES: Thank you, counsel.
24 The case is submitted.

25 (Whereupon, at 5:02 p.m., the case was
26 submitted.)

27