

**SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, DC 20543-0001**

May 19, 2020

John Medeiros  
227 Green St  
Schenectady, NY 12305-1401

RE: Request

Dear Mr. Medeiros:

The enclosed documents are herewith returned for the following reasons:

All parties to the proceeding in the court whose judgment is sought to be reviewed are deemed parties entitled to file documents in this Court. Rule 12.6. Furthermore, a party not shown on the petition as joined therein at the time the petition is filed may not later join in that petition. Rule 12.4.

Sincerely,  
Scott S. Harris, Clerk

By:



Clara Houghteling  
(202) 479-5955

Enclosures

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In The

Supreme Court of the United States

Peter Bret Chiafalo, Levi Jenet Guerra,

And Esther Virginia John, *Petitioners*,

v.

State of Washington, *Respondent*.

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On Writs of Certiorari to the

Supreme Court of Washington and the

U.S. Court of Appeals for the Tenth Circuit

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REQUESTING THE COURT'S APPROVAL OF  
JOINDER OF PARTY

For Petitioner John Manimas Medeiros to join  
Plaintiff Chiafalo in Chiafalo v Washington

John M. Medeiros, *pro se* (applied for *IFP*)

227 Green Street, Schenectady, NY 12305

(518) 346-8889

**Party to the Proceedings requesting  
permission to join Plaintiff Electors**

The present Party, John Manimas Medeiros, requests permission to join the petitioners Chiafalo, Guerra, and John in Chiafalo v Washington, basing Medeiros's standing on the fact that he is a candidate for the office of President of the United States, FEC #P00014126, supported by John Manimas Campaign FEC #C00724898.

**Question before the Court that justifies**

**joinder of parties:**

The question before the Court is whether the state controls the choice embodied in an elector's ballot or the elector's vote is, according to Constitutional law, the execution of the elector's personal and independent individual judgment. The plaintiffs in #19-465 petition for relief on the basis of their standing as presidential electors; the present petitioner Medeiros petitions for relief on the basis of his standing as a presidential candidate, and requests relief that is the same as the relief sought by the electors.

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**Citations of Law, Constitution of the**

**United States of America**

Article 5: Procedure to amend the Constitution:  
The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States,

shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Appendix A:

The Electoral College, Art. 2, Sect. 1.

Appendix B:

Amendments 12, 13, 16, 17, 18, 21, 22, 25.

Appendix C: Definitions

### **Brief for Candidate John Manimas Medeiros**

Medeiros states his entire argument herein within the limit of 1,500 words, arguing essentially that any ruling for the states discredits the states' exclusive power to amend the Constitution. A ruling for the states in this case would establish

that custom and bureaucratic convenience can serve as a sufficient legal basis to amend the Constitution. The original intent of Article 5 was to provide for a procedure that preserved the final authority over the Constitution in the states, in accordance with a careful and precise procedure that would prevent the Constitution from being modified by volatile political impulses or a lazy desire for convenience. It was intended that the Constitution be amended only after serious consideration of law that would serve the will of the people over long periods of time and change.

Because the Constitutional provision states that the electors "shall meet and shall vote," the freedom of the electors to vote according to their independent individual judgment cannot be modified except by strict adherence to the amendment procedure described in Article 5. The states are the source of authority that created the Constitution and the union of said states. The power of the states to amend the Constitution is complete, total and demonstrated.

Is it possible that the framers of the Constitution intended that each elector's vote be controlled by their appointing state or state legislature? No. The election of the president is described more as a selection process or hiring process that ends with a decision rendered by a responsible search committee. There are two phases or steps

described. In the second phase, each state exercises the power of one vote, and phase two is not employed unless the first phase fails to result in a majority vote for one candidate. Amendment Twelve names the authority to cast each state's single vote as residing in the state's congressional delegation which is apportioned in the House of Representatives. In phase one, the number of electoral votes cast by each state is the sum of the two Senators plus the proper number of Representatives. Our main question applies, therefore, to the electors casting their ballots in phase one.

What is the difference in phase one between the two interpretations of "they shall vote." If the electors exercise their individual judgment and freedom to choose, which the text plainly appears to vest in them, then the clear difference between phase one and phase two is the number of votes cast, whereby phase one lends a significant element of democratic process to the choosing of the president in that the House of Representatives is apportioned by population. Thus, it is easy for any reasonable person to see that the outcome of a phase one selection could be different from a phase two selection where the greater population of a state lends that state no additional power compared to the least populous state or states.

When the electors vote according to individual

judgment, as intended, their significant function is to select the candidate they deem best. Casting electoral ballots by individual judgment makes phase one far more democratic than the single vote per state in phase two. The phase one meetings of the electors in their respective states provides a setting for comparison of the candidates and the development of consensus.

What is different in the electors' role if an elector's ballot choice IS NOT from his individual judgment but as directed or instructed by his state? The difference is enormous, and could not have been the intended meaning. If each elector is to vote as directed or instructed by his state, whatever the mechanism of instruction or direction might be, then the electors are page boys delivering a message from one authority to another. They would not be exercising any meaningful power but acting as petty servants whose role is similar to that of doorman or footman. With this interpretation, the electors perform no meaningful function in phase one. The decision in this instance could have been delivered by the state's Governor, the Secretary of State, the leader of the House, the Commissioner of Elections, or a legislative mail clerk. Would the framers of the Constitution have created a political body and called it a "college" if its function were only decorative? No. This decorative interpretation insults the intelligence of



the framers. If the framers had intended that each state control their electors' choices, the subject section of the Constitution would have said "they shall vote according to the instruction of their respective state legislatures."

The power of the states to amend the Constitution is demonstrated in various amendments. The first ten amendments are commonly known as the affirmation of civil rights as provisions necessary in order to secure the original ratification of the union.

In Amendment 12, the states changed the second phase of "electing" the President by changing the number of candidates considered in phase two from five to three. The method of choosing the Vice President is also changed by Amendment 12.

By Amendment 13, the states ended the practice of legal ownership of one person by another. The power over the union exercised in and through this amendment is complex and immeasurable.

Through Amendment 16, the federal government can impose a tax on household incomes.

In Amendment 17, the states changed the composition of the United States Senate, the upper house of the Legislative Branch, therein modifying one of the three main Departments of the federal government.

By Amendment 18, the states prohibited the manufacture and sale of alcoholic beverages.

By Amendment 21, the states repealed Amendment 18, or "amended an amendment" to reverse a previous policy that had been created by the amendment procedure described in Article 5.

In Amendment 22, the states limited the terms of service permitted for the office of President. Thereby exercising control over the Executive Branch.

Through Amendment 25, the states provided a set of procedures for relieving the President of his duties at such time that he or she is unable to perform the duties of the office. Thereby exercising control over the Executive Branch.

### **Conclusion:**

The states are the ultimate authority that created the union of states and the states are the people who are the only source that can maintain, amend, or revoke or renounce the Constitution that holds them together. Article 5 names the sacred source that must not be discredited, must not be treated as incidental or subsidiary. Efforts to amend the description of the Electoral College and the manner of selecting the President have not been ratified by three-fourths of the states. The clear and precise Constitutional statement that the electors "shall

meet and shall vote" has not been amended. The freedom of the individual electors to vote as they deem best still stands as the law. The federal courts are not vested with the power to amend the Constitution, and the states' exclusive power to amend the Constitution is actually exercised only through clear adherence to the procedures described in Article 5. If the Judiciary should ever sanction an alternative route to amendment, then by that action the Judiciary shall have amended Article 5.

Are there or could there be amendment procedure A, B, and C? If so, how, where are these separate procedures described? The people as states did not exercise their sovereign power as the creators of the union of states only once, and they did not intend that thereafter their original authority would be taken over by another power. The states are still the source of power that can amend the rules or basic laws of their union and those basic laws would include any procedure required to amend those rules, namely, the Constitution. Therefore, either there is one and only one procedure for amending the Constitution, for modifying a provision, rule, or Constitutional law, or, if there shall be two or more procedures for modifying the meaning of the Constitution, then those other procedures must be clearly described in the Constitution in order to preserve the proper place

and respect for the original and continuing source of authority that maintains the union of the states. If there is any procedure for amending the meaning of any section of the Constitution wherein that procedure is fuzzy, or blurred, or subject to debate or loose interpretation, then the source of authority is itself rendered fuzzy, blurred or subject to debate or loose interpretation. There is not and cannot be more than one way to describe the source of the union and the creative power that maintains the Constitution. Whatever words one might choose for such a description, the meaning of that source of authority is the will of the people organized as their respective separate states, and therefore we cannot have more than one way for that original source of authority to change Constitutional law unless other ways to amend the Constitution are clearly and separately described in the Constitution.

### **Appendix A: Description of the Electors**

Article 2. Section 1:

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, Together with the Vice-President chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two persons, of whom one at least shall not lie an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal number of Votes, then the House of Representatives shall immediately choose by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner choose the President. But in

choosing the President, the Votes shall be taken by States, the Representation from each State having one Vote; a quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall choose from them by Ballot the Vice-President.

The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States. (Modified by Amendment 12, cited in Appendix B)

**Appendix B: Selected Constitutional  
Amendments, 12, 13, 16, 17, 18, 21, 22, 25:**

**Amendment 12**

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an Inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President and of the number of

votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;

The person having the greatest Number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of Choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President, shall be The Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

### **Amendment 13**

1. 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.

2. Congress shall have power to enforce this article by appropriate legislation.

### **Amendment 16**

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

### **Amendment 17**



The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

### **Amendment 18**

1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

2. The Congress and the several States shall have concurrent power to Enforce this article by appropriate legislation.

3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

#### **Amendment 21**

1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

3. The article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

#### **Amendment 22**

1. No person shall be elected to the office of the President more than twice,

and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected

President shall be elected to the office of the President more than once. But This Article shall not apply to any person holding the office of President, when this Article was proposed by the Congress, and shall not prevent any person who May be holding the office of President, or acting as President, during the Term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

#### **Amendment 25**

1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon Confirmation by a majority vote of both Houses of Congress.

3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge

the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written Declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty

eight hours for that purpose if not in session. If the Congress, within twenty one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty one days after Congress is required to assemble, determines by two thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

### **Appendix C: dictionary definitions:**

To amend: modify formally.

Amendment: a minor change or addition designed to improve a text, piece of legislation. Similar: revision, alteration, change, modification.

Interpretation: explaining the meaning of something.

**This initial Court document prepared and  
submitted by the Petitioner,**

John Manimas Medeiros

227 Green Street, Schenectady, NY 12305

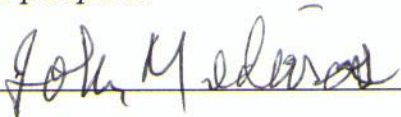
(518)-888-6422,

Email: jmedeiros1234@comcast.net (checked daily)

jmedeiros@jmanimas.com (checked occasionally)

together with application for filing this petition

*in forma pauperis*

  
\_\_\_\_\_

John M. Medeiros

NOTARY: On this 24<sup>th</sup> day of April, 2020,  
before me personally appeared John M. Medeiros to me  
known and known to me to be the individual described  
therein, and who executed the foregoing instrument, and  
acknowledged to me that he/she executed the same  
voluntarily.

Notary Public:

  
\_\_\_\_\_

PHILIPPE G. CRAAN  
Notary Public, State of New York  
Qualified in Schenectady County  
No. 01CR6186388

My Commission Expires 11-7-21