

No. 20-17

SUPREME COURT OF THE UNITED STATES

Zuri Kurta,

Petitioner,

vs.

Governor Michael D. Grant

in his official capacity as Governor of the Republic of Frémont,

Respondent.

On Petition for a Writ of
Certiorari to the Supreme Court
of the Republic of Frémont.

BRIEF IN OPPOSITION OF A WRIT OF CERTIORARI

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I. Question Presented

Whether Governor Grant (hereinafter “The Governor”) had the authority to order an extraordinary sitting of the Assembly under Fr. Const. Art. III § 3 cl. B to debate the Seal Alteration Act of 2022?

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III. Table of Authorities

Other Authorities

[Executive Order 17: Governor-Ordered Sitting of the Assembly](#)

[Proclamation by Governor Schwarzenegger for a Special Election \(Dated June 29th, 2005\)](#)

[Proclamation No. 2833 by Governor Reagan for a Special Session of the Assembly \(Dated October 9th, 1967\)](#)

[Proclamation by Governor Schwarzenegger for a Special Session of the Assembly \(Dated November 2003\)](#)

[Proclamation No. 2598-C by Governor Reagan to Amend his previous Proclamation for a Special Session of the Assembly \(Dated November 6, 1967\)](#)

[Proclamation No. 5573 by Governor Knight to for a Special Session of the Assembly \(Dated March 30, 1958\)](#)

[A Brief Chronology of the House of Commons \(Dated August 2010\)](#)

Constitutional Provisions

[Constitution of the Republic of Frémont at Art. III § 3 cl. B](#)

[Constitution of the United States at Art II § 3](#)

[Constitution of the Republic of California at Art. IV § 3 cl. B](#)

IV. Brief in Opposition to Certiorari

On April 12th, 2022, the Governor issued Executive Order 17: Governor-Ordered Sitting of the Assembly. In order to address legislative issues the Governor deemed extraordinary under the Republic of Frémont's Constitution, the Assembly was convened in a special session to debate and vote on the Seal Alteration Act of 2022 and the Fremont Crime and Law Enforcement Act of 2022.

Petitioner alleges that under the Constitution of the Republic of Frémont, a “extraordinary occasion” must be present for the Governor to issue a proclamation assembling the Assembly. As the Petitioner judges that no such extraordinary occasion arose, the Executive Order should be voided, and the bills passed by its order voided as well. This is contrary to the history of the Special Session in United States Common Law, as well as contrary to the powers of the executive in English Common Law dating to the signing of the Magna Carta.

V. Powers of the Governor

The Constitution of the Republic of Frémont lays out the manner by which Governors may call a Special Sitting of the Assembly in Art. III Sec. 3 (b):

“On extraordinary occasions the Governor by proclamation may cause the Legislature to assemble in special session. When so assembled it has power to legislate only on subjects specified in the proclamation but may provide for expenses and other matters incidental to the session.”

This section is similar to sections found within the United States Constitution at Art. II Sec. 3, and the former state of California's Constitution at Art. IV Sec. 3 (b) which the Frémont Constitution is based. It grants the

Executive, in this case the Governor, the ability to call Special Sessions of the legislature by proclamation for “extraordinary occasions.” As far as Respondent is aware, there exists no further legislation, legal cases, or even rules of the assembly regarding this matter from the former state of California, or from the Republic of Frémont. The entirety of the legal authority regarding this issue rests upon this singular section of the Constitution. As such, determining what constitutes an extraordinary occasion has in history been the decision of the Governor alone.

VI. Special Sessions

Special Sessions may be called by the Governor for whatever purpose they see fit. There exist no specific limits on what they may be called for other than they must be by proclamation, and they must specify the purpose of the legislative session. In the past Governors of California, which the Republic of Frémont is based, have called Special Sessions for a myriad of reasons. Governor Reagan called a session of the Assembly and Senate to “consider and act upon legislation relative to the reapportionment of the State’s congressional Districts.” *See Proclamation 2598*. Other times, the Governor has called Special Sessions for “Workers Compensation Legislation,” *See Proclamation by Governor Schwarzenegger Dated November 17th, 2003*, or for legislation relating to California Universal Health Care Policy, *See Proclamation 2598-C*. Most often, however, Special Sessions are called for budget matters. *See Proclamation 5573*. Unlike Proclamations for Special Elections, there exists no code section regulating what a Special Session may be called for. *See Proclamation by Governor Schwarzenegger Dated June 29th, 2005*. As such,

whether or not to call a Special Session of the legislature appears to be a power of the Governor which can be expressed at any time, for any reason.

There exists no requirement that a State of Emergency be called, and the legislative session must be related to that State of Emergency. There exists no codified list of reasons why a Special Session may be called. There exists no limit on the governor or his power to call a Special Session for whatever he deems fit. In truth, “extraordinary occasion” only denotes that this session is outside the ordinary for the regular course of the Assembly. It does not denote any special reason required. A special Session may be called at any time at the pleasure of the Governor in order to have the assembly debate policy. It is a standard power of the Governor in both American Common Law, and a power of the Executive in English Common Law. Should the Assembly wish to limit such power, they may do so through legislation.

VII. Conclusion

Petitioner’s suit lacks merit and presents no constitutional violation for which the Court should take into consideration. The power of the Governor to call Special Sessions for situations he deems extraordinary is an axiom of American law. Whether to call a Special Session is a policy decision of the Governor, and there are no limits on what he may call them for. No limit exists from the legislator, or to the knowledge of the Respondent, adjudicated by this Court or the Supreme Court of the Former State of California. As such, Respondent requests the Court **DENY** the Petition for Certiorari.

DATED this 7th day of June, 2022.

Respectfully Submitted,

Brosef Libney

Brosef Libney
Counsel for the Respondent