No. 20-__

IN THE

Supreme Court of the United States

THE STATE OF DIXIE,
Petitioner,
v.
COMPED,
Respondent.

SECOND BRIEF IN RESPONSE ON THE MERITS

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Your Honours,

And if it may please the Court, now comes /u/Comped, a member of the Bar of this Court in preeminently good standing, as respondent, to file his second brief on the merits of this case on appeal from the Supreme Court of the State of Dixie, in response to the previous brief by the petitioner.

Much has been made during this trial's questionings about the possible absurdity of the arguments of the respondent so far - but they are indeed affixed soundly in precedent and legal principles. Take for example why I have spent so much time on a particular word in section 3C - import. As previously discussed, the Court has a long history of the meaning of the word import in its common meaning. Similarly, it has come to rely on the common meaning of words throughout its history. "The common understanding of the terms 'labor' and 'laborers' does not include preaching and preachers, and it is to be assumed that words and phrases are used in their ordinary meaning. So whatever of light is thrown upon the statute by the language of the title indicates an exclusion from its penal provisions of all contracts for the employment of ministers, rectors, and pastors." (Rector, Holy Trinity Church v. United States, 143 U.S. 457 (1892)) Further noted, " What is 'not unusual' is using the ordinary meaning of the term being defined for the purpose of resolving an ambiguity in the definition. When, for example, 'draft,' a word of many meanings, is one of the words used in a definition of “breeze,” we know it has nothing to do with military conscription or beer." (Bond v. United States, 572 U.S. 844 (2014), J. Scalia, concurring) And, as I have outlined previously, there are issues with the petitioner claiming the market participation rules - as noted by at least one Associate Justice of the Court, the state cannot imply market participation in a market which it decides not to participate. "Nothing in the purposes animating the Commerce Clause prohibits a State, in the absence of congressional action, from participating in the market and exercising the right to favor its own citizens over others." Hughes v. Alexandria Scrap Corp., 426 U.S. 794 (1976). However, when it does not participate in the market, it holds no protection - much like a man deciding that he ought to be protected from being accosted by missionaries when there are no missionaries in his region, or a child wanting not to do mathematics homework when school is not in session. If the state chooses not to participate in a market, they cannot claim protection from being a market participant.

Further, the petitioner claims that I have not impugned the Dormant Commerce Clause, but respondent disagrees. "Although the criteria for determining the validity of state statutes affecting interstate commerce have been variously stated,

the general rule that emerges can be phrased as follows: where the statute regulates evenhandedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incidental, it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits. ... If a legitimate local purpose is found, then the question becomes one of degree. And the extent of the burden that will be tolerated will, of course, depend on the nature of the local interest involved, and on whether it could be promoted as well with a lesser impact on interstate activities." (Pike v. Bruce Church, Inc., 397 U.S. 137 (1970)) Could there be a lesser impact on interstate activities? Yes there could be. A policy not to execute anyone, enshrined in law, is enough. To ban the purchase of those 3 specific chemicals, while still having an active ban which has been upheld by the lower court, is quite odd and bordering on discriminatory due to non-market participation and favorability of in-state producers, or the state producing said drugs themselves. As for international activities? Absolutely. And that is, without question, ignoring the issue of considering the use of the word "import" as is relates to interstate commerce. See Whiteley v Chappell (1868-69) LR 4 QB 147.

"In the absence of a specific indication to the contrary, words in the statutes will be given their common, ordinary and accepted meaning, and the plain language of the statute should be afforded its plain meaning." U.S. v. Lehman, 225 F. 3d 426 (4th Circ. 2000) "These precedents make clear that it is appropriate to refer to basic principles of federalism embodied in the Constitution to resolve ambiguity in a federal statute. In this case, the ambiguity derives from the improbably broad reach of the key statutory definition given the term—“chemical weapon”—being defined; the deeply serious consequences of adopting such a boundless reading; and the lack of any apparent need to do so in light of the context from which the statute arose—a treaty about chemical warfare and terrorism." (Bond v. United States, 572 U.S. 844 (2014)) - the context of section 3b, a ban on any speech assisting police, be they within the boundaries of the United States or not (something which, I might note is not under dispute here, even by the petitioner), is similarly contextually wrong. In context, there is no specified wording implying that a state employee is only barred to cooperate with the police when they are doing their official duties alone. A plain reading reads this as an all-encompassing requirement - don't help out the police in a case involving the death penalty, no matter where in the world (of off it, if there is such a place off this Earth that has a police department) you happen to be, or you will lose your job. "For example, we presume that a criminal statute derived from the common law carries with it the requirement of a culpable mental state—even if no such limitation appears in the text—unless it is clear that the Legislature

intended to impose strict liability." (Id.) As noted by this Court, the legislature made clear no intent on either side of the issue, whether it knew of the limitations set by this Court previously (or not), and so it must default to the plain reading and its context. "Had Congress intended 'tangible object' in §1519 to be interpreted so generically as to capture physical objects as dissimilar as documents and fish, Congress would have had no reason to refer specifically to 'record' or 'document.' The Government's unbounded reading of "tangible object" would render those words misleading surplusage." (Yates v. United States, 574 U.S. 528 (2015)) Had the legislature intended a reading in any other way that the plain wording it put in the act, such as that it might apply only to official duties, it would have written it specifically so.

As J. Scalia noted in a concurrence " To say that the best reading of the text conformed to those principles is not to say that those principles can render clear text ambiguous. ... The immediate product of these interpretive novelties is a statute that should be the envy of every lawmaker bent on trapping the unwary with vague and uncertain criminal prohibitions." (Bond v. United States, (2014)) . And, notably, this law even applies outside the United States! Courts have decided that US laws cannot apply outside the United States.(See Rasul v. Bush, 215 F. Supp. 2d 55 (2002).) Also see Brief for Petitioners in Sale v. Haitian Centers Council, Inc., O. T. 1992, No. 92–344, p. 31, Vermilya-Brown Co. v. Connell, 335 U. S. 377, 380 (1948), Jones v. United States, 137 U. S. 202 (1890), and Williams v. Suffolk Ins. Co., 13 Pet. 415, 420 (1839). "Even when the United States acts outside its borders, its powers are not 'absolute and unlimited' but are subject 'to such restrictions as are expressed in the Constitution.'" (Boumediene v. Bush, 553 U.S. 723 (2008), quoting Murphy v. Ramsey, 114 U. S. 15, 44 (1885)) To the best of the respondent's knowledge, the United States, nor any other country, will arrest you for cooperating, willingly or otherwise, with a police force from another country (or even within its own), with this law as perhaps the only exception. Also note noscitur a sociis, and ejusdem generis. Specific words must be read in context - and the context does not imply any exemptions for time when not preforming official duties (which reasonably would be at least 8 hours per working day).

It would be patently absurd to, while in line with conservative judicial principles, apply a narrow view to a particular section to forcibly put it in line with the Court's idea of how a statute should be construed, at least in the opinion of the respondent. With no language otherwise implying that the speech limitation is all encompassing, and discriminatory against a particularly wide set of workers for no particular reason, from police officers to accountants to janitors, the test in Garcetti

v. Ceballos, 547 U.S. 410 (2006) must apply, and as the lower court noted, this law fails each and every part of that test, This Court should find the same here. The section cannot stand when it regulates free speech of public concern, while off the clock, where the state has no reason to treat such a wide group of non-specific state employees, in a different way than members of the general public assembled. Were this a limit on the general public in general, this would most likely be more clear in its unconstitutionality, but as this is particularly about state employees, this issue requires a bit more finesse. Both sections of the law are bad, but this section in particular flies in the face of established precedent and should be handled accordingly, as the lower Court did at the time of their opinion. While at times, the respondent's reasoning and arguments may be seen as a bit odd, and disagreeable with what many of the justices might think (or at least what they imply in their numerous lines of questioning), the respondent is merely sticking to trying to continue to prove the arguments that the lower court believed were valid, and little more, except to attempt to disprove the arguments made by the petitioner.

Respectfully submitted,

/u/Comped,
Member of the Bar of this Court in Good Standing.