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RE: DOCKET NO. OAG 157

I, Earnest Bradley Hall, want to state the following concerning DOJ proposed changes to the SORNA laws:

1. First, SORNA laws and the Sex Offender Registry (SOR) violate the United States Constitution in so many ways.
2. SORNA laws and the (SOR) imposes more punishment on the person(s) being force to register but it also imposes ~~just~~ punishment on the families and friends of the person being force to register as a sex offender.
3. The case Marbury v. Madison, in this case the United States Supreme Court upheld the supremacy of the Constitution and stated unequivocally that the Supreme Court had the power of "Judicial Review" - to strike down actions taken by American federal or state legislative bodies which, in opinion, offended the Constitution. The legal profession generally considers this case as the most important milestone in the history of American law since the Constitution, (1803).

4. The SORNA laws and the SOR's offend the United States Constitution.

5. The American Bill of Rights, 1791. Four years after the signing of the Constitution, America's statesmen amended their supreme law by declaring the rights of free speech, freedom of the press and religion, a right to trial by one's peers (jury), protection against "cruel and unusual punishment" or unreasonable searches or seizures, and other rights. The first ten amendments received the name "Bill of Rights".

Our "Bill of Rights" lists prohibitions of the government, and it defines uses of power that the people grant and don't grant to public officials. In America, people in public office receive permission instead of give permission. Public officials are to act as servants, and not the masters, of the people.

The SORNA laws and the SOR's violates a person's rights and imposes "cruel and unusual punishment" upon the person(s) being forced to register, additionally, it also imposes punishment on the families and friends of the person(s) being force to register as a sex offender.

6. The SORNA laws and The SOR's subjects Person(s) being force to register to more imposed punishment, harassment even after completion of a term of prison.

7. The SORNA laws are NOT even in the power of Congress's limited power to enforce under the United States Constitution, *McCulloch v. Maryland*, 4 Wheat. 316, 416-17 (1819), which ART. I, § 8, cls. 6 and 10 enumerate, and limit Congress to—Counterfeiting the securities and current coin of the United States; piracy and felonies committed on the high seas, and offenses against the law of nations, and NO other conduct ~~at~~ at all. Declared by Chief Justice Marshall.

To illustrate this maxim of constitutional limits on Congress's power, and the limits placed on federal power by the Constitution, Justice Thomas made very clear when he wrote: "From the time of the ratification of the Constitution to the mid-1930's, it was widely understood that the Constitution granted Congress only limited powers, notwithstanding the Commerce Clause."

United State v. Lopez, 514 U.S. 549, 599 (1995)
(Thomas, J., concurring).

He pointed out:

"Thus, whatever effect ordinary murders, or robbery, or gun possession [or sex offenses] might have on interstate commerce (or on any other subject of federal concern) was irrelevant to the question of congressional power."

Id., 514 U.S. at 596-97, and n. 6 (Thomas, J., concurring).

Because none of the statutory provisions within Chapter 110 of Title 18 of the United States defines conduct for which the Constitution confers on Congress legislative powers to enact any of those federal criminal laws, those laws remain out of the domain "of federal concern" and renders all my and other's convictions under such unconstitutional provisions completely void, and demonstrates that there are a lot of prosecutions and "so called laws" being enforced that are unfair and totally illegal and unconstitutional.

8. The SORNA LAWS are good examples of tyrannical and arbitrary power, "because the police power is not one national sovereign, but under the controlled by 50 different states. The Federalist No. 45, at 293 in the Sebelius Court (J. Madison) stated: The independent power of the states also serves as a check on the power of the Federal Government! "by denying any one government complete jurisdiction

over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power." *Bond v. United States*, ... 131 S. Ct. 2355 ["Bond I"], 2364, ... (2011)."

Thus, before the Federal Government may take nationwide enforcement of ANY of its laws - civil or criminal, and be able to enforce and prosecute such violations thereof in a district court of the United States, an amendment of the Constitution must be in place authorizing such enforcement, prosecution, and punishment thereof, as the principle was illustrated by the Court, when it wrote: "Before 1919, the Temperance movement fought to curb the sale of alcoholic beverages one state at a time. But in 1933, the 18th Amendment was repealed by the 21st Amendment."

Therefore, in the absence of a properly passed constitutional amendment, "*U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 838 (1995), conferring upon the Federal Government, thus Congress, the power to enforce any commerce-related prohibitions enacted by Congress in a nationwide manner is prohibited by the strict limits placed on the Government by the Constitution all Members of Congress; the Executive Branch of law enforcement

agencies; and the federal courts are sworn to uphold, and establish, under those circumstances, the district courts are want of both subject-matter and personal jurisdiction over such cases, and "[n]either consent nor submission by the States can enlarge the powers of Congress; none can exist except those which are granted," *Ashton v. Cameron County W.I., Dist. No. One*, 298 U.S. 513, 531 (1936) (citations omitted), by the Constitution and the people who voted for it. Accord, *Sebelius*, 132 S. Ct., at 2577-78 (2012).

9. The significance of all this is that there are currently thousand of federal prisoners who are incarcerated in federal institutions who should NOT be there, on the simple reason that the Government had, and has, no Authority to have them sentenced on convictions the Government has no constitutional authority to prosecute in the federal courts, since the Government has no authority to enforce its federal criminal laws in a nationwide manner, where the mass majority of those purported federal offenses were committed within the States, and NOT within any area the Government has legislative jurisdiction over, such as: bank robbery; forgery; drug-related offenses; firearm-related offenses; kidnapping;

Computer crimes; and child pornography offenses, just to name a few of the thousands of federal criminal laws that have their so-called federal nexus some form of effect on interstate commerce.

The Government has NO constitutional authority to even charge federal offenses against those prisoners if the offenses are not within the kind expressly enumerated and provided for in the CONSTITUTION.

Read: Zivotofsky v. Clinton, 137 S. Ct. 1421, 1478 (2013) Judiciary, since that "duty will sometimes involve the "[r]esolution of litigation challenging the constitutional authority of one of the three branches," but courts cannot avoid their responsibility merely "because the issues have political implications."

Bond v. United States, 131 S. Ct. 2355 ("Bond I"), 2366-67 (2011) "The principles of limited national powers and state sovereignty are intertwined. While neither originates in the Tenth Amendment, both are expressed by it. Impermissible interferences with state sovereignty is NOT within the enumerated power of the National Government, ... and action that exceeds the National Government's

power's undermines the sovereign interests of states....

...The unconstitutional action can cause concomitant injury to persons in individual cases."

With all this being said, the SORNA law and the sex offender Registry (SOR) are punitive and impose violate the 8th Amendment of the U.S. Constitution.

Date: 09-14-2020

Respectfully Submitted
E. B. Hall
Earnest B. Hall