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STATE OF ISRAEL
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Supreme Court of the United States
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(Article III Original Jurisdiction)
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USA

IN THE SUPREME COURT OF THE UNITED STATES
ARTICLE III ORIGINAL JURISDICTION
Serious Breaches of State Obligations under Peremptory Norms of General International Law

STATE OF ISRAEL LORD TSEMACH YADA BEN DAVID (SPECIAL APPEARANCE), **PLAINTIFF**	* * * * *
Vs.	* *
UNITED STATES JOSEPH ROBINETTE BIDEN, **DEFENDANT**	* * * *

Tuesday, October 24, 2023

Therefore fear thou not, O my servant Jacob, saith the Lord; neither be dismayed, O Israel: for, lo, I will save thee from afar, and thy seed from the land of their captivity; and Jacob shall return, and shall be in rest, and be quiet, and none shall make him afraid. Jeremiah 30:10

STATEMENT OF CLAIM

COMES NOW THE "STATE OF ISRAEL" IN THE PERSON OF LORD TSEMACH YADA BEN DAVID, PLAINTIFF, *appearing specially*, seeking Reparation for and to bring an end to serious breaches of State obligations arising under peremptory norms of general international law; viz., Slavery and Genocide of the ancient Hebrews or Children of Israel, ("ISRAELITES"), by THE "UNITED STATES", DEFENDANT.

Notice of the claim has been given to DEFENDANT in the person of JOSEPH ROBINETTE BIDEN who has refused to cooperate to bring to an end through lawful means these serious breaches.

Claim is brought pursuant public international law. *American Well Works v. Layne*, 241 U.S. 257, 260 (1916) ("A suit arises under the law that creates the cause of action.")

JURISDICTION AND VENUE

Original and exclusive jurisdiction for this Case under law of nations. United States Supreme Court has original and exclusive jurisdiction, under Article III, Section 2, United States Constitution. [(1)(2)] *Martin v. Hunter's Lessee*, 14 U.S. 304, 333-34 (1816) ("In what cases (if any) is this judicial power exclusive, or exclusive at the election of congress? It will be observed that there are two classes of cases enumerated in the constitution, between which a distinction seems to be drawn. The first class includes cases arising under the constitution, laws, and treaties of the United States; cases affecting ambassadors, other public ministers and consuls, and cases of admiralty and maritime jurisdiction. In this class the expression is, and that the judicial power shall extend to *all cases*")

U.S. Constitution determines jurisdiction of Courts, not the legislature.[3] Judiciary Acts carried U.S. Constitution into effect but did not amplify its provisions; federal question jurisdiction deals with cases *under* treaties in private international law, not cases of *public* international law.[4]

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[1] "Because of the problems … inherent in making one sovereign appear against its will in the courts of the other, a restriction upon the exercise of the federal judicial power has long been considered to be appropriate". *Employees v. Missouri Public Health Dept*, 411 U.S. 279, 293-94 (1973)

[2] This concurrent jurisdiction which the national government necessarily possesses to exercise its powers of sovereignty in all parts of the United States is distinct from that exclusive power which, by the first article of the Constitution, it is authorized to exercise over the District of Columbia, and over those places within a State which are purchased by consent of the legislature thereof, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." *Ex Parte Siebold*, 100 U.S. 371, 395 (1879)

[3] "If it had been intended to leave it in the discretion of the legislature to apportion the judicial power between the supreme and inferior courts according to the will of that body, it would certainly have been useless to have proceeded further than to have defined the judicial power, and the tribunals in which it should be vested … When an instrument organizing fundamentally a judicial system, divides it into one supreme, and so many inferior courts as the legislature may ordain and establish; then enumerates its powers, and proceeds so far to distribute them, as to define the jurisdiction of the supreme court by declaring the cases in which it shall take original jurisdiction, and that in others it shall take appellate jurisdiction; the plain import of the words seems to be, that in one class of cases its jurisdiction is original, and not appellate; in the other it is appellate, and not original. If any other construction would render the clause inoperative, that is an additional reason for rejecting such other construction, and for adhering to their obvious meaning." *Marbury v. Madison*, 5 U.S. 137, 175 (1803)

[4] "The judiciary act was only intended to carry the constitution into effect, and cannot amplify, or alter, its provisions … The jurisdiction of the federal Courts (Const. art. 3. s. 2.) is not where a question arises, that may be affected by a treaty, but where a case arises under a treaty; and if a question on the validity of a treaty, arises in a state Court, there is a special provision for transfering it to the Supreme Court; 1 vol. 61. s. 22." Mossman v. Higginson, 4 U.S. 12, 13-14 (1800)

International law is a federal concern. *Filartiga v. Pena-Irala*, 630 F.2d 876, 877-78 (2d Cir. 1980) ("Upon ratification of the Constitution, the thirteen former colonies were fused into a single nation, one which, in its relations with foreign states, is bound both to observe and construe the accepted norms of international law, formerly known as the law of nations. Under the Articles of Confederation, the several states had interpreted and applied this body of doctrine as a part of their common law, but with the founding of the "more perfect Union" of 1789, the law of nations became preeminently a federal concern.")

Cases arising under international law are within the judicial power of the United States. *Banco Nacional de Cuba v. Sabbatino,* 376 U.S. 398, 422 (1964) ("The traditional view of international law is that it establishes substantive principles for determining whether one country has wronged another … Although it is, of course, true that United States courts apply international law as a part of [their] own in appropriate circumstances") [5]

U.S. Supreme Court must administer the law as it is. *The Paquete Habana*, 175 U.S. 677, 700 (1900) ("International law is part of [their] law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction, as often as questions of right depending upon it are duly presented for their determination. For this purpose, where there is no treaty, and no controlling executive or legislative act or judicial decision, resort must be had to the customs and usages of civilized nations; and, as evidence of these, to the works of jurists and commentators, who by years of labor, research and experience, have made themselves peculiarly well acquainted with the subjects of which they treat. Such works are resorted to by judicial tribunals, not for the speculations of their authors concerning what the law ought to be, but for trustworthy evidence of what the law really is.")

International system requires application of international law. *Doe I v. Unocal Corp.*, 395 F.3d 932, 949 (9th Cir. 2002) ("First, 'the needs of the . . . international system' are better served by applying international rather than national law. Second, 'the relevant policies of

[5] *See* The Nereide, 13 U.S. (9 Cranch) 388, 423 (1815) (Marshall, C.J.) ("[T]he Court is bound by the law of nations which is a part of the law of the land.). *See also* WILLIAM BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND 67 (1769) ("[T]he law of nations . . . is here adopted in its full extent by the common law, and is held to be a part of the law of the land.").

the forum' cannot be ascertained by referring — as the concurrence does — to one out-of-circuit decision which happens to favor federal common law and ignoring other decisions which have favored other law, including international law.")

International peremptory norms take precedence over U.S. laws. *Estate of Hernandez-Rojas v. United States*, No. 11-cv-0522-L(DHB), at *6 (S.D. Cal. Sep. 24, 2013) ("First, a *jus cogens* norm of international law is binding law … As defined in the Vienna Convention on the Law of Treaties, a *jus cogens* norm, also known as a 'peremptory norm' of international law … 'embraces customary laws considered binding on all nations,' and 'is derived from values taken to be fundamental by the international community, rather than from the fortuitous or self-interested choices of nations[.]' Whereas customary international law derives solely from the consent of states, the fundamental and universal norms constituting jus cogens transcend such consent.") *See* Colombia v. Peru, 1950 I.C.J. 266 (Nov. 20, 1950); United Kingdom v. Norway, 1951 I.C.J. 116 (Dec. 18, 1951).

Customary rules of international law must be applied. Articles on the Responsibility of States for Internationally Wrongful Acts adopted by the International Law Commission (ILC) in 2001, ("ARSIWA"), are reflective of customary international law. *de Csepel v. Republic of Hung.,* Civil Action 10-1261 (JDB), at *11 (D.D.C. Sep. 28, 2023) ("Where applicable, the Court will primarily analyze the parties' arguments through reference to the International Law Commission's Articles on the Responsibility of States for Internationally Wrongful Acts ("ARSIWA"), which … details the customary rules of international law for determining state responsibility. ")

PARTIES

The United States are without sovereign immunity. International law does not recognize an act that violates *jus cogens* as a sovereign act. *Sampson v. Federal Republic of Germany*, 250 F.3d 1145, 1149-50 (7th Cir. 2001) ("A *jus cogens* norm" 'is a special type of customary international law. A *jus cogens* norm 'is a norm accepted and recognized by the international community of states as a whole as a norm from which no derogation is permitted

and which can be modified only be a subsequent norm of general international law having the same character.' …'The universal and fundamental rights of human beings …— rights against genocide, enslavement, and other inhumane acts . . . — are the direct ancestors of the universal and fundamental norms recognized as *jus cogens.'"*) United States cannot claim exemption from a case that involves a federal question.[6]

State of Israel is the *de jure* moral and legal international Person. Proceeded forth from the midst of Israel in the latter days (*see* Jeremiah 30:21 & 24), Lord Tsemach Yada ben David is the Christ prophesied of from the beginning[7]— the Lawgiver,[8] whom God Almighty has set upon Tsiyon,[9] to set forth justice in the Earth.[10]

> Behold my servant, whom I uphold; mine elect, in whom my soul delighteth; I have put my spirit upon him: he shall bring forth judgment to the Gentiles. Isaiah 42:1

Lord Tsemach Yada ben David is the King of Israel, "The Lord Our Righteousness"; Hebrew: Yahuah Tsidqenu. *Jeremiah 33:16* ("In those days shall Judah be saved, and Jerusalem shall dwell safely: and this is the name wherewith she shall be called, The Lord our righteousness.")

Lord Tsemach Yada ben David is the Holy Sovereign and Owner of the Land of Israel, as the legal heir of Joseph to whom the Hebrew Birthright was given through his son Ephraim.

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[6] "[A] State can claim no exemption from suit, if the case is really one arising under the Constitution, laws or treaties of the United States. It is conceded that where the jurisdiction depends alone upon the character of the parties, a controversy between a State and its own citizens is not embraced within it; but it is contended that though jurisdiction does not exist on that ground, it nevertheless does exist if the case itself is one which necessarily involves a federal question". Hans v. Louisiana, 134 U.S. 1, 4-10 (1890)

[7] "Then said I, Lo, I come (in the volume of the book it is written of me,) to do thy will, O God." Hebrews 10:7

[8] "Then said I, Lo, I come: in the volume of the book it is written of me, I delight to do thy will, O my God: yea, thy law is within my heart." Psalms 40: 7-8

[9] "Yet have I set my king upon my holy hill of Zion." Psalms 2:6

[10] "Behold, the days come, saith the LORD, that I will perform that good thing which I have promised unto the house of Israel and to the house of Judah. In those days, and at that time, will I cause the Branch of righteousness to grow up unto David; and he shall execute judgment and righteousness in the land." Jeremiah 33:14-15

(11)(12)(13)(14)(15). Agreeable with the right of primogeniture, Joseph was given a double portion. *Davis v. Rowe*, 27 Va. 355, 373 (Va. 1828) ("right of primogeniture … the Hebrew principle … give[s] a double portion to the eldest son.")[16]

> "Now the sons of Reuben the firstborn of Israel, (for he was the firstborn; but forasmuch as he defiled his father's bed, his birthright was given unto the sons of Joseph the son of Israel: and the genealogy is not to be reckoned after the birthright. For Judah prevailed above his brethren, and of him came the chief ruler; but the birthright was Joseph's:)." 1 Chronicles 5:1-2

Lord Tsemach Yada is the descendant of King David of the Tribe of Judah according to the flesh, *and* that of Joseph through the Tribe of Ephraim according to the Levarite marriage between Ruth and Boaz, pursuant Hebrew law. She is *Shiloh*, The Christ, into whose hands the sceptre of Judah has come, (17)(18) the singular person in whom is fulfilled the legal requirements that: 1) reunify the Twelve Tribes of Israel[19], and 2) make the Holy Land descendible.[20]

> And David my servant shall be king over them; and they all shall have one shepherd: they shall also walk in my judgments, and observe my statutes, and do them. And they shall dwell in the land that I have given unto Jacob my servant, wherein your fathers have dwelt; and they shall

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[11] "Thou hast with thine arm redeemed thy people, the sons of Jacob and Joseph. Selah." Psalms 77:15
[12] "They shall come with weeping, and with supplications will I lead them: I will cause them to walk by the rivers of waters in a straight way, wherein they shall not stumble: for I am a father to Israel, and Ephraim is my firstborn." Jeremiah 31:9
[13] "And Israel stretched out his right hand, and laid it upon Ephraim's head, who was the younger, and his left hand upon Manasseh's head, guiding his hands wittingly; for Manasseh was the firstborn." Genesis 48: 14
[14] "And he blessed them that day, saying, In thee shall Israel bless, saying, God make thee as Ephraim and as Manasseh: and he set Ephraim before Manasseh." Genesis 48: 20
[15] "And now thy two sons, Ephraim and Manasseh, which were born unto thee in the land of Egypt before I came unto thee into Egypt, are mine; as Reuben and Simeon, they shall be mine." Genesis 48:5
[16] "Thus saith the Lord God; This shall be the border, whereby ye shall inherit the land according to the twelve tribes of Israel: Joseph shall have two portions. And ye shall inherit it, one as well as another: concerning the which I lifted up mine hand to give it unto your fathers: and this land shall fall unto you for inheritance." Ezekiel 47:13-14
[17] "The sceptre shall not depart from Judah, nor a lawgiver from between his feet, until Shiloh come; and unto him shall the gathering of the people be." Genesis 49:10
[18] "The blessings of thy father have prevailed above the blessings of my progenitors unto the utmost bound of the everlasting hills: they shall be on the head of Joseph, and on the crown of the head of him that was separate from his brethren." Genesis 49:26
[19] "And say unto them, Thus saith the Lord God; Behold, I will take the children of Israel from among the heathen, whither they be gone, and will gather them on every side, and bring them into their own land: And I will make them one nation in the land upon the mountains of Israel; and one king shall be king to them all: and they shall be no more two nations, neither shall they be divided into two kingdoms any more at all." Ezekiel 37:21-22
[20] "Joseph is a fruitful bough, even a fruitful bough by a well; whose branches run over the wall: The archers have sorely grieved him, and shot at him, and hated him: But his bow abode in strength, and the arms of his hands were made strong by the hands of the mighty God of Jacob; (from thence is the shepherd, the stone of Israel:)" Genesis 49:22-24

> dwell therein, even they, and their children, and their children's children for ever: and my servant David shall be their prince for ever. Ezekiel 37:24-25

Lord Tsemach Yada ben David *is* King David, Prince of Israel, in fulfillment of the Davidic Covenant (*see* 2 Samuel 7:12-17); by divine appointment of God Almighty, She is also Administrator and Beneficiary of the Estate bequeathed through the Abrahamic Covenant.[21][22] (*See* Genesis 12:1-3)

State of Israel meets four criteria for statehood. *Estates of Ungar and Ungar v. Palestinian Authority*, 315 F. Supp. 2d 164, 22-23 (D.R.I. 2004) ("The 1933 Montevideo Convention on the Rights and Duties of States sets forth the legal standard for evaluating an entity's claim to statehood. Convention on the Rights and Duties of States, Dec. 26, 1933, art. 1, 49 Stat. 3097, T.S. No. 881, 165 L.N.T.S. 19(entered into force Dec. 26, 1934) (hereinafter "Montevideo Convention"). See also, Dajani, supra, at 81. Under the Montevideo Convention, an entity is a State when it possesses: 1)a permanent population; 2)a defined territory; 3)a government and 4)the capacity to enter into relations with other states. Id. The United States adopted these criteria and codified them in Section 201 of the Restatement Third on Foreign Relations Law. Federal courts consistently apply the four criteria to determine whether or not an entity is a State") Millions of Israelites resident in the Holy Land as well as abroad are the permanent population; defined territory of the State of Israel is laid out in Genesis 15:18-21; Har Tsiyon is the Government of Israel; and, Israel has the capacity to enter into relations with other states.[23]

CAUSE OF ACTION

[21] "I the Lord have called thee in righteousness, and will hold thine hand, and will keep thee, and give thee for a covenant of the people, for a light of the Gentiles; To open the blind eyes, to bring out the prisoners from the prison, and them that sit in darkness out of the prison house." Isaiah 42:6-7

[22] "And so all Israel shall be saved: as it is written, There shall come out of Sion the Deliverer, and shall turn away ungodliness from Jacob: For this is my covenant unto them, when I shall take away their sins." Romans 11:26-27

[23] *See also Convention Between the United States of Am. & Other Am. Republics on Rights & Duties of States., 49 Stat 3097 (Jan. 18, 1935).*

Israelites are biological descendants of Abraham, Isaac, and Jacob subjected to Slavery and Genocide by the United States from 1619 A.D. to 1776, and from 1776 unto the present day. *See* Clark, Tamah Jada (2022): The Final Exodus. Jewish Anti-Shemitism and Ethnic Supplantation: Aphoristic Prolegomena on Cultural Holocaust in the Holy Land and Surrounding Region; Mandating Reparation and Restitution for Descendants of the Transatlantic Slavetrade; containing A Criminal Indictment of The United States, et. al.; comprising An Outline of The Final Exodus: by Tamah Jada Clark. figshare. Book. https://doi.org/10.6084/m9.figshare.21731057.v1

Public international law is part of U.S. common law. Garcia-Mir v. Meese, 788 F.2d 1446, 1453 (11th Cir. 1986) ("The public law of nations was long ago incorporated into the common law of the United States … To the extent possible, courts must construe American law so as to avoid violating principles of public international law …. 'where there is no treaty and no controlling executive or legislative act or judicial decision. . . .'")

I. COMMON LAW

Common law only recognizes an estate as descendible to offspring of the testator. *Bennett v. Toler*, 56 Va. 588 (Va. 1860) ("We have an instance in the Epistle to the Hebrews from which we infer that the word 'sons' in common parlance at that day meant only legitimate sons—'Then are ye bastards, and not sons.' But doubtless the controlling motive in giving such a construction to the word 'children' was, as we have stated, that in a great majority of cases the testator is presumed to prefer, as objects of his bounty, legitimate children to bastards. Such a preference tends to discourage vice--to encourage purity and chastity.")

II. NEUTRAL RIGHTS

Congressional acts are to be interpreted as favorable to international law and neutral rights. *Murray v. Schooner Charming Betsy*, 6 U.S. 64, 118 (1804) ("It has also been observed that an act of Congress ought never to be construed to violate the law of nations if any other possible construction remains, and consequently can never be construed to violate neutral rights")

III. DOMICILE

Israelites are a Nation domiciled in Jerusalem. [24] in whose King rests absolute Divine Sovereignty. The domicile of Israelites is distinct from their residence. *Strader et al. v. Graham*, 51 U.S. 82, 91-92 (1850) ("The only true distinction is between domicile, on the one hand, and mere residence, whether for a short or for a long time, on the other. Various words have been applied to express the idea, such as *sojourning, commorancy, residence*, c. Many persons pass their whole lives in a strange land. The Israelites sojourned in Egypt for four hundred years; yet it was not their home.") Though residing in the Holy Land, United States of America, and divers other places, their domicile is Jerusalem and they are all subjects of the King of Israel. *The Venus*, 12 U.S. 253, 257 (1814) ("'It is always to be remembered, 'that the native character easily reverts, and 'that it requires fewer circumstances to constitute domicil' in the case of a native subject, than to impress 'the national character on one who is originally of 'another country.' ")

IV. INVALID AGREEMENTS

International agreements that adversely affect the fundamental rights of Israelites are invalid *ab intio*. *Siderman de Blake v. Republic of Argentina*, 965 F.2d 699, 715-16 (9th Cir. 1992) ("Because *jus cogens* norms do not depend solely on the consent of states for their binding force, they "enjoy the highest status within international law." *CUSCLIN,* 859 F.2d at 940. For example, a treaty that contravenes *jus cogens* is considered under international law to be void *ab initio. See* Vienna Convention, art. 53; Restatement § 102 Comment k. Indeed, the supremacy of *jus cogens* extends over all rules of international law; norms that have attained the status of *jus cogens* "prevail over and invalidate international agreements and other rules of international law in conflict with them."")

[24] "However, I will enlarge no more upon this point; because I believe, in one view and in one only, if at all, they are or may be deemed a state, though not a sovereign state, at least while they occupy a country within our limits. Their condition is something like that of the Israelites, when inhabiting the deserts. Though without land that they can call theirs in the sense of property, their right of personal self government has never been taken from them; and such a form of government may exist though the land occupied be in fact that of another. The right to expel them may exist in that other, but the alternative of departing and retaining the right of self government may exist in them. And such they certainly do possess; it has never been questioned, nor any attempt made at subjugating them as a people, or restraining their personal liberty except as to their land and trade." The Cherokee Nation v. the State of Georgia, 30 U.S. 1, 27 (1831)

It is unnecessary to formally define an act as violative of the law of nations if it was in fact contrary to international law. *United States v. Arjona*, 120 U.S. 479, 488 (1887) ("if the thing made punishable is one which the United States are required by their international obligations to use due diligence to prevent, it is an offence against the law of nations".)

V. VOID LAWS

U.S. "acts" that caused enslavement of Israelites were contrary to [colonial charters and] the U.S. Constitution and Laws.[25] *Ferguson v. Skrupa*, 372 U.S. 726, 730-31 (1963) ("It is now settled that States 'have power to legislate … in their internal commercial and business affairs, so long as their laws do not run afoul of some specific federal constitutional prohibition, or of some valid federal law.'")[26]

Israelites are neither Africans nor Negroes, but Semites. *Ex parte Newman*, 9 Cal. 502, 505 (Cal. 1858) ("[There is a] universally admitted rule which requires a law to be construed according to the intention of the law-maker, and this intention to be gathered from the language of the law, according to its plain and common acceptation.") *See* Clark, Tamah Jada (2022): Race as a Social Construct and an Ethnic Reality: Uncovering the Genetically "Black" Aborigines of Ancient Israel, Legal Heirs to the Holy Land. figshare. Journal contribution. https://doi.org/10.6084/m9.figshare.21400800.v1

VI. FREE WHITE PERSONS

[25] "In Europe, the Executive is almost synonymous with the Sovereign power of a State; and, generally, includes legislative and judicial authority. When, therefore, writers speak of the sovereign, it is not necessarily in exclusion of the judiciary; and it will often be found, that when the Executive affords a remedy for any wrong, it is nothing more than by an exercise of its judicial authority. Such is the condition of power in that quarter of the world, where it is too commonly acquired by force, or fraud, or both, and seldom by compact. In America, however, the case is widely different. Our government is founded upon compact. Sovereignty was, and is, in the people. It was entrusted by them, as far as was necessary for the purpose of forming a good government, to the Federal Convention; and the Convention executed their trust, by effectually separating the Legislative, Judicial, and Executive powers; which, in the contemplation of our Constitution, are each a branch of the sovereignty." Glass v. Betsey, 3 U.S. 6, 13 (1794)

[26] See, e.g., 1 Op. Att'y Gen. 26, 27 (1792) ("The law of nations, although not specially adopted by the constitution or any municipal act, is essentially the law of the land."); 1 Op. Att'y Gen. 69, 69 (1797) ("[T]he common law has adopted the law of nations in its full extent, made it a part of the law of the land.); 5 Op. Att'y Gen. 691, 692 (1802) ("[T]he law of nations is considered as part of the municipal law of each State.").

Slaves and free negroes were unknown to the common law. *State v. Jowers*, 33 N.C. 555 (N.C. 1850) ("Such a being as a slave or a free negro did not exist when the ancient common law was in force.")

Israelites are "free white persons". As stipulated in Statistical Policy Directive No. 15 of the Executive Office of the President, Office of Management and Budget (OMB), "White" is defined as "[a] person having origins in any of the original peoples of Europe, the Middle East, or North Africa".

> The adjective 'free' need not have been used, because the words 'white persons' alone would have excluded African, whether slave or free, and Indians. Still effect must be given to the words 'white persons.' The Congressmen certainly knew that there were white, yellow, black, red, and brown races. If a Hebrew, a native of Jerusalem, had applied for naturalization in 1790, we cannot believe he would have been excluded on the ground that he was not a white person. (United States v. Balsara, 180 F. 694 (1910)).

Irrespective of skin tonality, which is not conclusively indicative of race,[27] natives of the Holy Land are members of the "white race". *Rice v. Gong Lum*, 139 Miss. 760, 783 (Miss. 1925) ("the court discusses the divisions of the human race and adopts that of Blumenbach, who classifies the races as follows: "(1) The Caucasian, or white race, to which belong the greater part of the European nations and those of Western Asia; (2) the Mongolian, or yellow race, occupying Tartary, China, Japan, etc.; (3) the Ethopian, or negro (black) race, occupying all Africa, except the North; (4) the American, or red race, containing the Indian of North and South America; and (5) the Malay, or brown race, occupying the islands of the Indian Archipelago."")

VII. INTERNATIONALLY WRONGFUL ACTS

Christian Nations recognize that the ancient Hebrews are entitled to fundamental rights. *The Antelope*, 23 U.S. 66, 75 (1825) ("When [a] practice [is] adopted by the *general*, not *universal assent*, of civilized nations, it [becomes] a part of the law of nations. ")

[27] "Indeed, it does not appear certainly that she belongs to the class or race of persons who 'might be lawfully naturalized;' for, although she is a native of Switzerland, it does not follow from that fact that she is either a free white person, or one of African descent or nativity." Leonard v. Grant, 5 F. 11, 18 (9th Cir. 1880).

Enslavement and Genocide of Israelites are internationally wrongful acts even absent definition. *United States v. Smith*, 18 U.S. 153, 159 (1820) ("Offences, too, against the law of nations, cannot, with any accuracy, be said to be completely ascertained and defined in any public code recognised by the common consent of nations.") These prohibited acts are still punishable. *Chisholm Ex'r. v. Georgia*, 2 U.S. 419, 422 (1793) ("The common law has established a principle, that no prohibitory act shall be without its vindicatory quality; or, in other words, that the infraction of a prohibitory law, although an express penalty be omitted, is still punishable.")

Reasoning not the decisions determine law.[28]

DAMAGES AND RELIEF

PLAINTIFF is seeking damages and relief in accordance with ARSIWA:

Article 30: Cease the wrongful acts of Slavery and Genocide, notwithstanding Articles of Amendment 13, 14, and 15 to the U.S. Constitution, state laws, or any other municipal (or international) provisions to the contrary. Offer appropriate assurances and guarantees of non-repetition.

Article 31: Make full reparation for the injury caused by the internationally wrongful acts of Slavery and Genocide. Injury includes all damage, material and moral, caused by the internationally wrongful acts. Full reparation for the injury caused by the internationally wrongful act shall take the form of restitution, compensation, and satisfaction in combination—with interest on any principal sum due.

[28] "Because we have differed from other judges upon the question before us, we cannot allow that we are departing from the settled law, although it may be admitted that decided cases are in some sense, evidence of what the law is. I say in some sense, because it is not so much the decision, as it is the reasoning upon which the decision is based, which makes it authority, and requires it to be respected." *Bryan v. Berry*, 6 Cal. 394, 398 (Cal. 1856)

DEFENDANT may not rely on the provisions of its internal law as justification for failure to comply with its obligations.

Thus saith the Lord God; Because the enemy hath said against you, Aha, even the ancient high places are ours in possession: Therefore prophesy and say, Thus saith the Lord God; Because they have made you desolate, and swallowed you up on every side, that ye might be a possession unto the residue of the heathen, and ye are taken up in the lips of talkers, and are an infamy of the people: Therefore, ye mountains of Israel, hear the word of the Lord God; Thus saith the Lord God to the mountains, and to the hills, to the rivers, and to the valleys, to the desolate wastes, and to the cities that are forsaken, which became a prey and derision to the residue of the heathen that are round about; Therefore thus saith the Lord God; Surely in the fire of my jealousy have I spoken against the residue of the heathen, and against all Idumea, which have appointed my land into their possession with the joy of all their heart, with despiteful minds, to cast it out for a prey.Prophesy therefore concerning the land of Israel, and say unto the mountains, and to the hills, to the rivers, and to the valleys, Thus saith the Lord God; Behold, I have spoken in my jealousy and in my fury, because ye have borne the shame of the heathen: Therefore thus saith the Lord God; I have lifted up mine hand, Surely the heathen that are about you, they shall bear their shame. *Ezekiel 36:1-7*

/s/

STATE OF ISRAEL,
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THIS PLEADING HAS BEEN SERVED UPON DEFENDANT, THE “UNITED STATES”, IN THE PERSON OF UNITED STATES PRESIDENT JOSPEH ROBINETTE BIDEN, ON TUESDAY, OCTOBER 24, 2023 VIA USPS CERTIFIED MAIL.