

A Republic or a Monarchy?

“WE CAN RESIST”

by Joseph DeMaio, ©2012



King George III of England was ruler over the American colonies when the Revolution began over taxation without representation and other grievances.

(Nov. 9, 2012) — OK, listen up, all you patriots out there. Yes, I am talking to those of you who voted for the adult running for president, not the “[narcissistic amateur](#)” who has (thus far) prevailed. The obots who voted for Obama (and not likely reading this at The P&E...) now hold the undisputed, yet undistinguished title of the “Useful Idiots of the 2012 General Election.” They must be very proud. They also must believe that the battle was won and that the war is over.

They are mistaken. This battle is not over yet. Not by a long shot.

Earlier today, there appeared at The P&E a new post by one [Leonard Daneman](#). If you are short on time to read what follows here, at least read the Daneman post, because it identifies in a much shorter article what follows here in more detail. The article much

more succinctly steals this post's thunder and correctly focuses on one of the few remaining avenues available to the nation to defend against the coming onslaught of a second Barack Hussein Obama term in office. That avenue is a challenge to certification of the electoral college vote results in Congress under a federal statute designed for that specific purpose, 3 U.S.C. § 15.

Invocation of that law, however, may be a long-shot, because it may be difficult to find any Senator or House member willing to come to the defense of the Republic and the Constitution. Senators and House Members are, after all, politicians. Implementation of the option will take courage on the part of at least one Senator (more would be good) and at least one Representative (more would be good), so the likelihood of success might be small, there being a sad deficit in that characteristic these days. And even then, concurrence after debate may be lacking.

Still, the only way to assure failure is if no attempt is made at all, which is exactly what Obama, his minions and his extensive propaganda support group is counting on. Given the catastrophically dark future now confronting the nation – one welcomed by the obots, of course, because they will not be called upon to foot the bill for the damage – all available options should be on the table. “All” available options doesn't mean only those that are “easy;” or “safe;” or “comfortable.” It means “all” options.

Look at it this way: if they were here today and had witnessed what has happened to the nation over the past four years – let alone the past 213 years – Washington, Jefferson, Madison, Jay, Mason, Franklin, Hamilton and the rest of those guys would be advocating the same thing, only they would be screaming it in the streets rather than typing it out on a computer.

The core component of the long-shot, of course, remains the “eligibility issue” and the fact that, with a high degree of likelihood, Barack Hussein Obama is today just as constitutionally ineligible to hold the office of the president as he has been since his birth, wherever that was and whenever that was. Obama could have garnered 100% of the popular vote (*q.v.*, Saddam Hussein, Hugo Chavez and Fidel Castro) as well as 100% of the 538 Electoral College votes, and *still*, he would be, with an extremely high degree of certainty, ineligible to serve as president.

Federal law allows Senators and U.S. Representatives to challenge and object to the counting of Electoral College votes, which, if enough members of Congress would do, would guarantee the issue heading into the U.S. Supreme Court for the “eligibility” decision that the Court has thus far “evaded,” but could no longer avoid. And even if the ultimate decision confirmed his eligibility (stranger things have happened recently, with “penalties” being redefined as “taxes”...), at least the question will have been answered and the fog surrounding his status will have been lifted. And as a bonus, such a decision declaring him eligible will further confirm that this is now truly a nation of men rather than laws.

Curious? Got time? Read on.

As P&E readers and all rational adults holding an interest in the Constitution know, Article 2, Section 1, Clause 5 of that document prohibits and precludes any person other than a “natural born Citizen” from holding the office of president of the United States of America. These matters have been exhaustively discussed here at The P&E and elsewhere.

Moreover, people – including 100 Senators and 435 Members of the House who have previously been misled by the Congressional Research Service on the issue – need to get past the “red herring” of Obama’s place of birth as being dispositive of the issue. Even if it were established with 100% certainty that he was born in Honolulu as he claims, even if the newspaper birth announcements are authentic, and even if a hard copy of his original birth certificate even exists....yet to be confirmed... that would *not* be sufficient to establish his eligibility as a natural born Citizen. The existing Supreme Court decision in *Minor v. Happersett*, 88 U.S. 162 (1875) confirms this.

The fable that a “native born citizen” is the same as a “natural born Citizen” as claimed by various Congressional Research Service memoranda and reports has been debunked [here](#); [here](#); [here](#) and [here](#), among other places.

Bottom line: since Obama himself concedes that his father, Barack Obama, Sr., was a citizen of Kenya and never a U.S. citizen, Barack Hussein Obama cannot properly be deemed to be a “natural born Citizen” for presidential eligibility purposes under either the U.S. Constitution or congressionally-enacted statutes. Recall as well that while all natural born Citizens are also native born citizens, not all native born citizens are natural born Citizens. While the former, smaller class of persons is constitutionally eligible, the latter class is not, no matter *what* Snopes.com or the Congressional Research Service or Chris Matthews say to the contrary.

As P&E readers are also aware, efforts to seek a redress of the grievance from the judicial branch of government – from state administrative law and judicial departments to the federal district courts and courts of appeals all the way up to the United States Supreme Court – have been thus far singularly unsuccessful. All of the prior efforts have been turned away in a cloud of citations to cases on “standing” or “justiciability” or Internet websites supporting Obama. Even Supreme Court Justices have stated that the Court is “[evading](#)” the issue.

On the other hand, as noted by Mr. Daneman, a challenge to Obama’s eligibility under 3 U.S.C. § 15, invoked in writing by at least one Senator and one Representative during the process of counting and certifying the votes cast in the Electoral College, will bring the issue “front and center.” The gathering will take place in Washington, D.C. in early January, 2013, so there is no time to waste if the option is to be considered.

Article 2, Section 1, Clause 3 of the Constitution, as modified by the Twelfth Amendment, provides that following a general election, the various electors from the states 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 certificates and the votes shall then be counted.”

3 U.S.C. § 15 then applies and provides, in pertinent part, that when the President of the Senate announces the results of the electoral college vote, he/she thereafter “... *shall* call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received.” (Emphasis added).

Thus, if at least one Senator and one Representative with the courage to stand up for what the Founding Fathers fought and died for..... perhaps the veil of secrecy that Obama has thus far successfully cloaked around him may begin to lift. And since the statute says “shall,” Vice-President Biden will have no discretion to refuse to have the bodies proceed to address the challenge.

In *Robinson v. Bowen*, 567 F. Supp. 2d 1144 (N.D. Cal. 2008), the plaintiffs sought to challenge the presidential constitutional eligibility of Senator John McCain on the grounds that he was not a “natural born citizen.” The facts established that Senator McCain was born in the Panama Canal Zone in 1936 to parents who were both U.S. Citizens. Citing both Article 2, Section 1, Clause 5 of the Constitution, the Fourteenth Amendment and the Supreme Court’s decision in *United States v. Wong Kim Ark*, 169 U.S. 649 (1898), the court held (567 F. Supp. 2d at 1147):

“Issues regarding qualifications for president are quintessentially suited to the foregoing process. *Arguments concerning qualifications or lack thereof* can be laid before the voting public before the election and, once the election is over, *can be raised as objections as the electoral votes are counted in Congress. The members of the Senate and the House of Representatives are well qualified to adjudicate any objections to ballots for allegedly unqualified candidates.* Therefore, this order holds that the challenge presented by plaintiff is committed under the Constitution to the electors and the legislative branch, at least in the first instance. *Judicial review—if any—should occur only after the electoral and Congressional processes have run their course.*” (Emphasis added).

Accordingly, there is no question that the constitutional eligibility of Barack Hussein Obama could be put in issue and the matter debated. And even if no agreement was reached formally recognizing that, under existing Supreme Court authority (*Minor v. Happersett*), he is ineligible, the issue could then be brought directly to the Supreme Court for determination.

Specifically, one of the other provisions of 3 U.S.C. § 15 states that “... if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted.” Thus, if after debate, no concurrence between

the Senate and the House is reached, if the electors have been certified by the State executive authorized to do so, the votes "... shall be counted."

However, as soon as that happens, any Senator or House Representative still having doubts as to Obama's eligibility would under the *Bowen* decision clearly have standing to bring suit in court. And whoever lost in that litigation would have appeal rights, and eventually, in a matter of this constitutional gravity, rights of appeal in the U.S. Supreme Court unencumbered by the "dodges" of asserted lack of standing or justiciability. Eventually, the U.S. Supreme Court will be forced to rule, one way or the other, on what, exactly, is meant by the term "natural born Citizen" in the Constitution in the context of a "ripe" challenge to certifying Obama's election to the presidency.

Again, however, this course of action would take courage. And character. And a thick skin to weather the taunts and denigrations from not only the obots and a sycophantic media, but from a lot of people on the "friendly" side who have been so inculcated in the dogma that if one is simply born here, one is eligible to the presidency. If that were the case, why did the Founders use a term other than merely "citizen" to describe the limitation on the presidency?

All indications point to an even more cataclysmic second Obama term in office. We can decide to accept it, or we can resist. There are plenty of good and viable reasons to resist if only one or two or, hopefully more, Senators and Congressmen determine that the Republic is worth saving.

As noted [here](#) and [here](#), when Benjamin Franklin departed the final day of deliberations of the Constitutional Convention in Philadelphia in 1787, he was asked by a lady: "Well, Doctor, what have we got, a republic or a monarchy?" Franklin responded: "A republic, if you can keep it."

Readers of The P&E might want to consider contacting their respective Senators and Congressmen, educating them a bit on the issues, and then asking them whether they would prefer keeping the Republic, or abandoning it to something even worse than a monarchy. And remember, January 2013 is less than two months away. Happy Thanksgiving.