

The De Facto Vice-President

A “LINGERING CLOUD OF DOUBT”

by Joseph DeMaio, ©2019



If Obama usurped the office of the president, what does that make Joe Biden and the Obama cabinet?

(Jun. 8, 2019) — Riddle me this: if Barack Hussein Obama II was a usurper of the presidency – and, yes, Virginia, the evidence continues to mount daily that, eventually, the “smoking gun” proving his constitutional ineligibility will finally be exposed – how does that affect the claim of Joe (“your-hair-smells-GREAT!”) Biden that he was legitimately elected and served as vice-president in the Obama regime? The only reason that Biden became vice-president was because Obama was elected president, not the obverse of same.

If that election were to be declared void because of Obama’s constitutional ineligibility, why should Biden’s claim to have been properly “elected” vice-president survive? The voters did not “elect” Joe Biden: they “voted” for the combined and blended “package” of Obama *and* Biden and the Electoral College thereafter placed them into office.

Memo to P&E readers: a scenario voiding the 2008 and 2012 elections of Obama to the presidency will never happen, of course, but it is fair game for discussion. There are far too many downsides to a declaration that Obama’s election was void, even assuming that a feckless Supreme Court would discover the collective backbone (even in a 5-4 split decision) to hold that which the historical record seems plainly to support. You know: potentials for riots in the streets; Goebbels-media talking heads screaming “constitutional

crisis,” without even knowing what that means; Hollywood elites setting their hair on fire..., wait..., would that last one really be that bad...?

On the other hand, and from a purely hypothetical perspective, the question is not as “out there” as one might think. Assuming, for the moment, that Monsieur Obama could be deemed to have been only a “*de facto*” president, would that have made Mr. Biden a “*de facto*” vice-president?

The Latin term “*de facto*” refers to situations which exist in actuality, but without the sanction or support of law. Indeed, Webster’s [defines](#) it as “exercising power *as if* legally constituted.” (Emphasis added) Webster’s use of the qualifier “as if” is important, because it underscores that the described exercise of power – contrary to appearances – is *not* legally constituted.

Moreover, the term “*de facto*” is normally contrasted with another Latin maxim, “[de jure](#),” meaning “based on law.” Stated otherwise, the required predicate for the existence of a legitimate or “*de jure*” vice-president is a lawful or legitimate president. Accordingly, if Obama was fraudulently elected because he was constitutionally ineligible, can Biden properly claim that he was a “*de jure*” vice-president? Logic compels the answer: no.

Seriously, think about it. Under the Constitution, a vice-president is not independently elected. He/she runs on a single “ticket” which welds two persons – a presidential candidate and a vice-presidential candidate – into a single “team” in an effort to capture the White House. The Electoral College casts its votes for the “team” which garners 270 or more electoral votes in the general election. That “team” gets sworn into office, one member taking up residence in the [White House](#), the other member taking up residence at [Number One Observatory Circle](#).



Does Biden know anything about Obama’s constitutional eligibility?

But if the first team member is constitutionally ineligible to serve as president, and is thus a usurper of the office, can it be said that the second team member is nonetheless eligible to serve as vice-president? Stated otherwise, if Barack Hussein Obama II was a usurper of the presidency, can it be said that his *sine qua non* partner, Joe Biden, remained untainted by that usurpation? Moreover, because of the “ticket/team” nature of how

people campaign for the office of the presidency, if the team “leader” is constitutionally ineligible, can it be rationally posited that the No. 2 member, although not directly or similarly impaired, is nonetheless entitled to hold the office? Worse yet, if Biden knew that Obama was ineligible, yet “went along to get along,” would that impact his current effort to run for the presidency?

This is the stuff of law review articles and bar exams (and, yes, conspiracy theorists) and has only limited relevance today in a PC-dominated culture where appearances become reality and truth is relegated to the back seat of the bus. But consider this scenario: if a president is successfully impeached for a “high crime or misdemeanor” *other* than constitutional ineligibility, the Constitution provides that the vice-president shall assume the office of the president. Thus, if Bill (“Slick Willie”) Clinton had been successfully convicted by the Senate on a referral of impeachment from the House of Representatives, Al (“Is-it-just-me-or-is-it-really-warm-in-here?”) Gore (yikes...) would have taken over the office. Horrible result, but no constitutional “eligibility” issue.

On the other hand, if Obama had been impeached by the House and convicted by the Senate for having falsified his constitutional eligibility prior to being elected, would Biden have properly been sworn in to replace him? Moreover, because of the growing tide of empirical evidence that a usurper of the office of the presidency may have been one of the key players in the evolution of the Deep State now attempting to cripple President Trump (and why do these efforts not amount to [sedition](#)?), why would this *not* impact Biden’s claims that he was the vice-president in “the most transparent administration in history?”

These questions could cloud Biden’s *bona fides* even as a “*de facto*” vice president and thereby affect whether he could secure his party’s nomination to run for the presidency. His claim that he was “vice-president” without the modifier “*de facto*” to the title could constitute false advertising and a fraudulent misrepresentation.



In this regard, take a look at what Monsieur Obama said in his January 21, 2009 [address](#) to the nation. If he meant what he said in that speech – that even he would adhere to the requirements of the Freedom of Information Act – why would it not be appropriate for Joe Biden to request directly from Obama (1) the sealed, certified copy of his original Hawaiian birth certificate purportedly delivered to him by Perkins Coie lawyer Judith Corley in [2011](#), and (2) a letter instructing the Kapi’olani Hospital in Honolulu to provide written confirmation that he was, as claimed, actually [born there](#)?

While this, of course, would not establish Obama’s status as a natural born Citizen, as required by the Constitution (and as faithful P&E readers well know), at least it might reinvigorate the discussion. In addition, it could serve to remove that lingering cloud of doubt as to the legitimacy of Biden’s claim that he served as “vice-president” in the Obama regime as opposed to what the more accurate title would have been: “*de facto* vice-president.”

Who knows, maybe Attorney General Barr or even President Trump gets involved. Just sayin’....