UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Case No. 1:20-civ-02511-EGS

United States, ex rel, Robert C. Laity
-Plaintiff/Relator

v.

U.S. Senator Kamala Devi Harris

PLAINTIFF/RELATOR'S MEMORANDUM OF LAW IN SUPPORT OF MOTION IN OPPOSITION TO DEFENDANT'S MOTION TO DISSMISS

Plaintiff denies that this matter is frivolous. Plaintiff also claims that Kamala Devi Harris is ineligible to be President of the United States under Article II, Sec. 1, Clause 5 which requires that a President must be a "Natural born citizen" of the United States. The plaintiff further claims that the defendant Kamala Devi Harris also constitutionally barred from being Vice-President of the United States by virtue of the 12th Amendments prohibition preventing those ineligible to be President from being Vice-President.

The defendant errantly asserts that the plaintiff "contends wrongly that [the defendant] is ineligible to be Vice-President because [the defendant's parents were not U.S. citizens at the time of [the defendant's birth". Contrary to the defendant's assertion this Complaint is not "misguided". The legally established definition of "Natural Born

Citizen is "one born in the United States to parents who are themselves citizens". This definition was arrived at unanimously by the U.S. Supreme Court in *Minor v. Happersett, 88 US 162.* Several other U.S. Supreme court opinions repeated and affirmed that definition both prior to and in subsequent cases before the U.S. Supreme Court. In *Minor v.Happersett* the court made a concerted effort to define "Natural Born Citizen" since it is not defined in the Constitution itself. They went so far as to say that there was "no doubt" that Children born in the United States to parents who are U.S. citizens themselves **are** "Natural Born Citizens". They further stated that as to other classes of Citizens that there were "doubts" such as to whether or not children born to non-citizen parents are Natural Born Citizens. The stated in the unanimous opinion that there was ***"No doubt"*** that persons born in the U.S. to parents who are both U.S. Citizens themselves are "Natural Born Citizens". Indeed it was our nation's first Chief Justice of the United States Supreme Court John Jay that recommended the insertion of the "Natural Born Citizen" criteria in the Constitution. The draft of the Constitution bore the criteria "Born a Citizen". It was John Jay

who wanted that criteria strengthened in order to "provide a strong check on the admission of foreigners into the administration of our national government" (Letter from John Jay to George Washington July 25, 1787). John Jay's concern that the "Command in Chief of the American Armies shall not be given or devolve on any but a natural born citizen" was the rationale for requiring the president, who would also **be** Commander-in-Chief to meet that standard. It was then a national security concern and it is still a national security concern. The plaintiff has filed the instant complaint citing that usurpation of our Presidency and Vice-Presidency, especially given the fact that the U.S. is now and has been for two decades, engaged in the conduct of war and hostilities against it's enemies, both foreign and domestic. The prime reason that the founders put the "Natural born citizen" criteria in Art. II and strengthened the requirement from "Born a Citizen" to "Natural Born Citizen" ***was for national security reasons.***

There are no less then six U.S. Supreme Court opinions which define, affirm and reaffirm the definition of "Natural Born Citizen" as one born in the United States to parents who are both U.S. Citizens". This

definition conforms with the definition found in a treatise heavily relied upon by the founders, "The Law of Nations" translated by Emmerich de Vattel into French. The English version was available in 1760. The book states that "Natural born citizens are those born in the country to parents who are citizens" (Book 1, Chapter 19, Sec. 212). A historical fact is that French was the official language of diplomacy in the 18th Century. Another historical fact is that the founders were familiar with the French language and that Benjamin Franklin served as Ambassador to France. It was Franklin who brought back a copy of the "Law of Nations" French version. The English version was printed in 1760 and was also ubiquitously referred to by the founders. In several U.S. Supreme Court opinions the court cited word for word the definition of a "Natural Born Citizen" as those born in a country of parents who are citizens". *The Venus, 12 US 8 Cranch 253 253 (1814) Unanimous.* In *Shanks v. Dupont, 28 US 3 Pet 242 242 (1830)* the definition of Natural Born Citizen as found in the Law of Nations was applied in the case. In *Minor v Happersett, 88 US 162 (1874)* the U.S. Supreme Court again Unanimously stated that "The Constitution does not in words say who

shall be natural born citizens. Resort must be had elsewhere to ascertain that. At common law, with the nomenclature of which the founders were familiar, **it was never doubted** that all children who are born in a country of parents who were it's citizens became themselves, upon their birth...natural born citizens". The Court in *U.S. v Wong Kim Ark, 169 US 649 (1898)* did not extend the 14th Amendment to create Natural Born Citizens since the 14th Amendment does not do so. It did however restate on the record the same definition of Natural Born Citizen used in the previously cited U.S. Supreme Court cases. In *Luria v. United States, 231 US 9 (1913)* the Supreme Court said "Citizenship is membership in political society, and implies a duty of allegiance on the part of the member, and a duty of protection on the part of society. These are reciprocal obligations one being a compensation for the other. Under our constitution a naturalized citizen stands on an equal footing with the native citizen in all respects **save that of eligibility to the presidency** *v. Happersett, 21 Wall, 162, 88 US 165; Elk v Wilkins, 112 US 94, 112 US 101; Osborn v Bank of the United States, 9 Wheat, 738, 22 US 824".* The U.S. Supreme Court has

never applied the term "Natural Born Citizen" to any other category then to those born in a country to parents who are citizens thereof".

STANDING

As early as 2009 the Plaintiff formally filed informations against Barack Obama who is not a "Natural Born Citizen" of the United States. I alleged and continue to allege that Obama usurped the Presidency by fraud, during time at which this nation was engaged in hostilities with foreign nations. These informations were filed with then U.S. Attorney Eric Holder and they were subsequently refiled with each and every U.S. Attorney General since then and up to and including my most recent submission in September of this year (2020) "An information in the form of quo warranto" to U.S. Attorney General William Barr (On record in this case). A history of my activities to preserve the integrity of our Constitution is outlined in a book written by me titled " Imposters in the Oval Office", iUniverse Publishing © 2018. I have sued Barack Obama, Ted Cruz, Marco Rubio, Bobby Jindal and the State of New York in two cases that reached the U.S. Supreme Court, *Laity v NY & Obama, USSCt. (2014) and Laity v*

NY, Cruz, Rubio & Jindal (2018). Certiorari was denied in both cases. The previous opinions on what a "Natural Born Citizen" is remain undisturbed by that court. Indeed, Associate Justice Clarence Thomas even testified to Congressman Serrano that "We are evading that issue". Serrano asked if a person from the territory of the U.S. Virgin Islands can be President. The answer is no. Unincorporated territories are not US Soil. A Natural Born Citizen must be born IN the U.S. to two U.S. Citizens. It can be demonstrated factually that ***each and every*** President of the United States since it's inception was a person born in the United States to parents who were both U.S. Citizens themselves. Every one of them except Chester Arthur in (1884), Barack Obama, (124) years later in 2008 and the first (7) Presidents who were grandfathered in by Article II. It can also be factually demonstrated that **since** Obama usurped the Presidency by fraud, no less then (7) persons including Ted Cruz who stated "If Obama can do it so can I" , have attempted to usurp the Presidency by fraud, during time of war. Our National security and sovereignty has been breached. We the People, of I am a member of the class, are under siege by those foreign

and domestic enemies that would see the downfall of the United States and public officials commit misprision of treason and espionage by "evading the issue" for the last twelve years. It is the People that are sovereign in the United States. The right to petition the Government for redress of grievances is my right. It is also my right as a citizen, being sovereign to demand that a candidate for public office is not an impersonator or imposter but one who is not constitutionally barred from holding said office. I have been injured. We the People have been injured. The several U.S. Attorney Generals from Eric Holder to William Barr have standing to pursue these matters. Not one has even so much as looked into whether or not what I claim is actually happening. Our highest offices, the Presidency and the Vice-Presidency are being and have been usurped by ineligible constitutionally barred individuals to my detriment and the nations. The terms of art "Citizen" and "Natural Born Citizen" appear in the Constitution, inter alia. They are not tantamount. As the defendant properly asserts I have conceded that the defendant is a citizen of the U.S. but she is NOT a "Natural Born Citizen" (one born in the U.S. to parents who are both U.S.

citizens themselves). She is a 14th Amendment citizen and not an Article II Natural Born Citizen. She is therefor barred constitutionally from being President or Vice-President. Currently New York State continues, since I first complained about it in 2008, to falsely claim on it's Board of Elections site that the requirement to be President is to be "Born a citizen" inter alia. That is a patent misrepresentation of the Article II mandate that one must be a "Natural Born Citizen".

As one of his major responsibilities the U.S. Supreme Court had the duty and authority to interpret the constitution. Whether or not the Constitution is or is not being adhered to is the Judiciary's purview. *Marbury v Madison, 5 US 137.* That opinion grants the courts the power to strike down unconstitutional actions by the government.

As the defendant correctly states "The attorney general did not respond" to my "Information in the form of quo warrant". Neither has **any public official** to whom I petitioned for redress of this grievance against the United States for it's persistent nonfeasance in "evading this issue" (Clarence Thomas). This amounts to abrogation and dereliction of the government's duty to support and defend the

constitution". The Judiciary at the federal level has subject matter jurisdiction because this case involves a federal question with regard to the interpretation of the Constitution. It has authority over the defendant because she works in D.C. It is a violation of the DC Code to impersonate a public official. I have a legitimate non-frivolous claim that long established U.S. Supreme Court precedents which control with regard to the Natural Born Citizen criteria are not being adhered to. I have met my burden of proof that "sufficient factual...matter to state a claim for relief...plausible on it's face" exists. Because the government allowed this issue to fester without addressing the merits of the claims in the several past cases U.S. Citizens are now living in a nation wherein such things as religious freedom, freedom of speech and widespread anarchy has manifested itself. Joseph Biden was the non-bona fide VP to a usurper President who has now chosen another non bona fide unconstitutional candidate, the defendant to be his non bona fide VP. There is and has been an overt pattern of illegal usurpations an attempts to usurp since 2008. Our current President, Donald Trump ***is*** a Natural Born Citizen. On November 3, 2020 however we may have

another counterfeit Vice-President, the Defendant. Barack Obama opened the floodgates to a pattern of usurpations that cannot and must not be ignored any longer. The cases that the defendant cites have referred to being a "citizen" of the U.S. and does not support a determination by this court that the defendant is a Natural Born Citizen. I have shown by this submission that even in light of no less then (6) previous U.S. Supreme Court opinions supporting the plaintiff's stance that there is sufficient cause of action NOT to dismiss this case. I am a relator. I have filed a proper "Information in the form of quo warranto". The fact that every U.S. Attorney since Eric Holder, who have/has standing, has abrogated his/her responsibility to defend the constitution justifies my furtherance of this matter, in the name of the United States, by default. Government is by consent of the governed. I OPPOSE the dismissal of this case for the reasons cited herein.

October 28, 2020

Robert C. Laity,
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UNITED STATES DISTRICT COURT
FOR DISTRICT OF COLUMBIA

U.S., ex rel, Robert C. Laity
-Plaintiff/Relator

Case #: 1:20-civ-02511-EGS

V.

CERTIFICATE OF SERVICE

U.S. Senator Kamala Devi Harris

I CERTIFY that I have sent a true and correct copy of the attached

PlAINTIFF/RELATOR'S MEMORANDUM OF LAW IN SUPPORT OF MOTION IN OPPOSITION TO DEFENDANTS MOTION TO DISMISS

by U.S. Mail this day, to:

U.S. Attorney for D.C.
Civil Process Clerk
555 4th Street, NW,
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Robert C. Laity

Date: 10/28/20

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