

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF VIRGINIA

ZEBEDEE MILBY

CASE.# 3:17cv590

PLAINTIFF

VS.

CONSTITUTIONAL CHALLENGE

OFFICE OF THE FEDERAL REGISTRAR

ELECTORIAL COLLEGE DIRECTOR

700 Pennsylvania Ave N.W.

Washington, D.C. 20408

Please serve: 

UNITED STATES DEPARTMENT OF JUSTICE

U.S. Attorney General: Jeff Sessions

950 Pennsylvania Ave N.W.

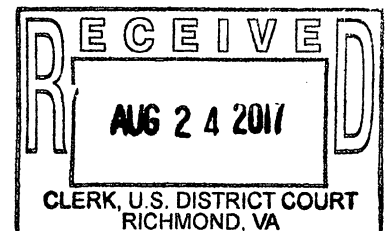
Washington, D.C. 20530

UNITED STATES ATTORNEY

For The Eastern District Of Virginia

Suntrust Bldg. 919 EAST Main Street

Richmond, Virginia 23219



INTRODUCTION

A). This is a “constitutional question challenge” seeking declaratory/injunctive relief from what plaintiff contends is the unconstitutional and miss-placed controlling application of a voting law process/system known as the “electoral college” process (vote tabulation/allocation election system) currently employed as the process and system barometer utilized to elect and seat the president and vice president of the United States of America, as applied in the recent election involving Donald Trump and Hillary Clinton.

B).The bases of plaintiff’s constitutional challenge gives rise to show that it’s controlling application and state vote tabulation system to elect the president and vice president as currently applied clearly amounts to “suppression of the majority voting will of American citizens”, and thereby completely undermines the constitutional/Democratic voting process of (one person/one vote majority vote count winner take all).

C). That in addition to the foregoing, said electoral college process/system is unquestionably susceptible to pre-meditated schemes of conspiratory gerrymandery / manipulation and computer vote fixing, etc.....and must not be allowed to take precedent or controlling application over the constitutional democratic vote process of (one person/one vote majority vote count winner take all), as is the challenged case before this court.

CONSTITUTIONAL CHALLENGE/STATEMENT OF CLAIM(S)

1).That plaintiff institutes this cause as a formal challenge as to the constitutionality of the electoral college system vote process as recently applied in the Clinton/ Trump election result; whereby the vote count winner of the majority popular vote and (collective popular vote) is suppressed and totally disregarded/disenfranchised.

2).That the current electoral college vote tabulation/allocation process aforementioned as applied under the Trump/Clinton case circumstances (as an example), is not in harmony with the United States Constitution and fundamental principles of common law democracy, and voting rights of the general public; and thus said electoral college vote allocation system as referred does not conform to rules of common law and democratic constitutional voting law intent, of justice and fair dealing with the majority of U.S. voting citizens i.e.,(one person/one vote majority vote count winner take all).

3). That plaintiff's constitutional challenge further extends and takes note as referred herein that the current electoral college system is and has become the product of a political manipulatory hijacking and gerrymander maneuver so as to arbitrarily impose a self- serving party interpretation of miss- applied constitutional voting intent; so as to completely undermine the U.S. Constitution, common law and voting rights law intent/system as a whole; and thereby completely usurp controlling constitutional voting authority specifically to disenfranchise and suppress the majority citizen collective vote/voice, and seat a president and vice president with a minority of popular vote totals.

4).That said challenged system/process is akin to taking the State Constitution and giving it absolute controlling authority over the United States Constitution, (putting the wagon before the horse), and arbitrarily forcing it's vote count result upon everyone, irrespective of the majority democratic popular vote count exceeding the loosing candidate vote count by millions.

5).Summarily, plaintiff's constitutional challenge cites that the electoral college system and process and its effect as setout herein is without doubt

unlawful/unconstitutional and undemocratic; in that the majority citizen voting voice /will has been and is crucified and suppressed for the sake of the minority; and clearly violates the Equal Protection & Due Process clause(s) of the fourteenth amendment of the United States Constitution, so as to suppress discount, and completely disenfranchise the majority voting will of the American people; and further give rise to and violate constitutional prohibitions against “Taxation without Representation,” resulting in majority citizen voter suppression and disenfranchisement.

6). That in the foregoing regard this plaintiff and plaintiff class moves this court to strike down said electoral college system/process as UNCONSTITUTIONAL, and thereby define and re-impose (one person one vote/majority vote count winner take all) direct election of the president and vice president of the United States of America; with run-off in case of tie (majority popular vote count winner take all).

HISTORICAL OVERVIEW

7). That at the outset of formation of this democratic government and drafting the foundational bases of the United States Constitution, Bill of Rights and Declaration of Independence, the fundamental building blocks of this system per common law clearly established the constitutional bases of “one person/one vote, majority popular vote winner take all.”

8). That such constituted the bases of said democratic system, as well as constitutional and congressional intent, as is irrefutable upon review of related historical documentation of recorded history.

9). That during the course of human events, extenuating circumstances brought about what is now known as the “electoral college system, of which subsequently usurped and was arbitrarily given controlling authority governing the legality and constitutional intent of the voting rights process and vote tabulation/allocation, of which resulted in the electoral college vote (being used and taking place of) superseding the popular citizen majority vote, to become the barometer and

authority utilized to elect the president and vice president, irrespective of the popular vote count exceeding that of a losing candidate by millions.

10). The electoral college was a contrived institution, created to appeal to a majority of the delegates to the constitutional convention in 1787, who were divided by the issue of Federal versus State powers, big state versus small state rivalries, the balance of power between branches of government and slavery.

11). This system was created before the era of national political parties as now exists. The delegates intended the Electoral College to consist of a group of wise men, and they were all men at that time, appointed by the states, who would gather to select a president based primarily on their individual judgments. Such was a compromise between election of the president by congress and election by popular vote. This process being found to be unlawful, unconstitutionally discriminatory, and has long since out served its' usefulness.

12). That only the president and vice president of the United States are currently elected indirectly by the Electoral College system of challenge, and not by majority will popular vote of citizens of this country. All other elected officials, from local officeholder up to United States Senator/Congressman are elected by the popular voting will of "we the people", as constitutionally intended.

13). Throughout American history, the records are irrefutably clear giving rise to "one person/one vote, majority vote count winner take all." Arguments then and now were the Electoral College is undemocratic, unfair and unconstitutional; and unlawfully undermines the majority voting will of (we the people), and further suppresses their majority vote result.

14). That throughout American history there has been clearly established (one person one vote/majority vote winner take all). And more so as the thirteen colonies were debating if and how to join a "more perfect union", during this era only a privileged few –those with the right skin color, the right gender and the right financial status enjoyed the right to cast votes to select their leaders. Thereafter "we the people" gained the right to choose their Senators by popular vote with ratification of the 17th amendment in 1913.

15). As one unjust barrier after another has fallen, we are on step away from a system that treats all American votes equally, where a ballot cast for president in Virginia or Utah has the same weight as on cast in Florida or elsewhere.

16). That the electoral college process of challenge is the last unjust/unconstitutional barrier preventing this Nation from achieving true democracy within the meaning of the constitution and principles of democracy.

17). Direct popular vote election is the method by which all our elected public officials in this democracy are chosen. It is the only process that is full proof/tamperproof and completely consistent with the true ideals of democracy that we as a Nation believe in and have fought and died to uphold for 200 years.

18). That the electoral college system of challenge is clearly a more risky system than a “direct popular vote majority system, which provides multiple opportunities for manipulation, and suppression of the majority voting will of the American people, at the expense to seat the losing candidate, irrespective of majority popular vote count winner by millions.

CONCLUSION

19). That never should we allow the electoral college system/process to usurp absolute controlling authority of constitutional voting intent resulting in the loser of the majority popular vote count be seated as president and vice president while the majority will of voting citizens be suppressed and totally disregarded/disenfranchised.

20). Clearly, most of the original reasons for creating the Electoral College process have long since out served meaningful usefulness. And after 200 years of experience with democracy, the rationale for replacing it with a” direct popular majority will vote” is clear and legally compelling.

21). That the electoral college process is in fact unlawful /undemocratic and unconstitutional, and undermines as well as unlawfully suppresses the voting will of the majority of (we the people/Americans). Moreover, said system distorts and manipulates the election process, with some votes by design having more

weight than others; whereby a losing candidate with minority vote count can be seated as president against the candidate with the overwhelming majority popular vote by millions.

22). It is upon the citizens that we depend for stability as a democratic government. It is upon the patriotic, common industrious people of this country that the government must always lean in time of danger and distress. To the American people we should give the right of control by direct election and the selection of all our public officials, and particularly our president and vice president who hold the decision/power of life and death, war and /or peace in their hands, representing all Americans.

RELIEF SOUGHT

23). Plaintiff seeks certification of this cause and related question(s) associated herewith as a constitutional challenge as to the constitutionality of the “electoral college voting process/system” currently utilized to elect the president and vice president of the United States of America.

24). That plaintiff seeks specific injunctive relief and de novo court proceedings that specifically define and address the challenged constitutional conflict and related questions created by analysis of the electoral college voting process/system, in analytical comparison with “one person one vote/majority popular vote count winner take all”; and which system bears true controlling system-wide application governing election of the president and vice president of the United States, according to initial constitutional/legislative/common law intent.

25). That said current Electoral College voting process/system be repealed and struck down as unlawful, and one person one vote system (majority popular vote winner take all) vote law be re imposed as an irreversible constitutional mandate.

26). Plaintiff seeks further injunctive relief in the manner of this court declaring and re-instituting the voting system/process of “one person one vote (majority vote count winner take all)”, and further declaring the current electoral college

voting system/process unconstitutional and unlawful upon its' face and arbitrary application; striking such down as unconstitutional as suppressing the majority popular vote of (we the people), and disenfranchising said majority popular vote citizen will.

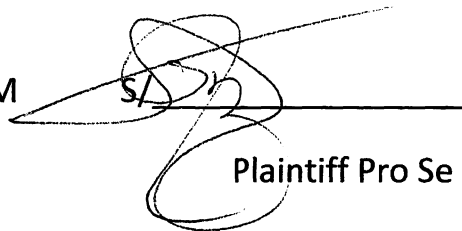
27). That in addition to the foregoing plaintiff seeks a court ordered declaration mandating "direct popular vote election/majority winner take all" election system for election of the president and vice president of the United States of America.

28). And any other injunctive relief as this cause necessitates, inclusive of class. Certification.

RESPECTFULLY SUBMITTED

THIS 24 DAY OF August 2017

I AM

A handwritten signature in black ink, appearing to read 'S/D 2', is written over a horizontal line. The signature is stylized and somewhat illegible.

Plaintiff Pro Se

ZEBEDEE MILBY

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