

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

FEB 29 2016

JAMES W. McCORMACK, CLERK
By: Wesley DEP. CLERK

DAVID LIBRACE, INDIVIDUALLY,)
AND/OR AS (B) CLASS)
REPRESENTATIVE AND/OR)
BEHALF OF ALL ELIGIBLE)
ARKANSAS AND NOTIONALLY)
UNITED STATES REGISTERED (C))
ELIGIBLE AND/OR QUALIFIED)
VOTERS FOR VOTING IN THE 2016)
FIFTY STATE ELECTION)
PRIMARIES AND IN THE)
NOVEMBER 8, 2016 GENERAL)
PRESIDENTIAL AND VICE)
PRESIDENT 2016 ELECTIONS)

.....Plaintiffs)

V.)

Civil Action:4:16-CV-57-BSM/JTR

MARK MARTIN, in is official)
capacity as Secretary of State)
for the State of Arkansas,)
REPUBLICAN PARTY OF)
ARKANSAS EXECUTIVE)
COMMITTEE, SENATOR TED CRUZ)
OF TEXAS, SENATOR MARCO)
RUBIO, OF FLORIDA)

.....Defendants)

PLAINTIFF'S BRIEF FOR DECLARTORY JUDGMENT

COMES NOW, Plaintiff David Librace, Pro-se files Plaintiff's Brief for Declaratory Judgment.

Recognizing that Ted Cruz and Marco Rubio are NOT a "natural born Citizen" of the United States and is NOT constitutionally eligible to be President or VP.

Whereas, as put into the Constitution of the United States in Article II Section 1 Clause 5 by our founding fathers and framers, it requires that to be eligible for the Office of the President and Commander in Chief of our military forces, a person alive at the time of the adoption of the Constitution had a “grandfather clause” therein, and only had to be a “Citizen” of the United States, but that in the future a person born after the adoption and ratification of our U.S. Constitution they had to be more than just a “Citizen” of the United States, but must be a "natural born Citizen" of the United States;

Whereas Ted Cruz and Marco Rubio were not alive at the time of the adoption of the U.S. Constitution and cannot avail himself of the “grandfather clause” therein available to only the original “Citizens” and therefore has to meet the more restrictive “natural born Citizen” clause;

Whereas the founders and framers considered in the summer of 1787 in an early draft of the Constitution the term requiring the President to be simply only a “Citizen”, and then per Alexander Hamilton’s suggestions he proposed strengthening the requirement a bit more by requiring the person who would be a future President be “born a Citizen” for the presidential eligibility clause, the framers did not adopt either of those less restrictive citizenship terms as strong enough protection against “foreign influence”, but required instead at the written letter suggestion by John Jay (who became the 1st U.S. Supreme Court Chief Justice) to George Washington that the future Presidents had to be a “natural born Citizen” to be the President and Commander in Chief as a "strong check" against "foreign influence" by birth upon a future President and Commander in Chief once the founding generation had passed; Whereas the term "natural born Citizen", as that term appears in Article II, Section 1, Clause 5 is not specifically defined in the Constitution of the United States (since the Constitution does not include a glossary but was written in terms as noted in the Federalist Papers using language and terms that were clearly understood by them and the people of the USA who were called upon to adopt and ratify it), and thus we must look elsewhere outside the Constitution to what the people of founding and framing era understood said term to mean (as is mentioned in the U.S.

Supreme Court Case of (1875) *Minor v Happersett*), in order to determine its “originalist” meaning to those that chose that term and those that voted for and adopted and ratified our U.S. Constitution;

Whereas the Laws of Nature and Natural Law as evidenced by the Preamble of our Declaration of Independence strongly influenced our revolution and break away from England and the writing of our founding documents;

Whereas, per the preeminent legal treatise much read by the founders and framers, the "Principles of Natural Law" by Emer de Vattel (1758/1775/1797) and the colonial common law familiar to the founders and framers, they and the people of the founding and framing era understood that a "natural born Citizen" was a person born in the country to parents who were BOTH Citizens (born or naturalized Citizens as long as they are both Citizens) of the country when their child was born in the country, and that term was chosen as a future national security clause as a "strong check" against "foreign influence" by or at birth on the person who would be eligible to be President and Commander in Chief of our military forces once the founding generation had passed;

Whereas that Natural Law definition provided by Vattel's founding era legal treatise was cited in the U.S. Supreme Court “Venus” case decision of 1814 in the citizenship discussion in that case as the best on citizenship and was quoted in that case, and that a person born in the country to parents who were both citizens (born or naturalized) when their child was born in the country were the facts at birth conferring “natural born Citizenship” on a person was cited in several subsequent U.S. Supreme Court decisions including *Perkins v Elg*, 307, U.S. 325 (1939) when the citizenship status of a party to a case was a key matter in determining a case before that court;

Whereas Ted Cruz was clearly and admittedly NOT born in the USA but was born in Alberta, Canada as evidenced by his Canadian birth certificate and said Ted Cruz was admittedly born to a non-U.S. Citizen (Cuban Citizen) father and a U.S. Citizen mother, that said Ted Cruz was thus born with “foreign influence” upon himself via citizenship at

birth in more than one country and thus he was born with multiple foreign allegiances and divided allegiances and national loyalties at and by birth, exactly what the founders and framers did NOT want for the person who would be President and Commander in Chief of our military forces in the future after the founding generation, the Original Citizens, had passed away;

Whereas Canada while a neighbor and friendly is a foreign country and is not part of the United States or its territorial jurisdictions;

Whereas Ted Cruz's parents were NOT in the diplomatic service or military service of their country while they were residing and domiciled outside the United States or its territorial jurisdictions in a foreign country when their child Ted Cruz was born, and thus they are not recognized under the Principles of Natural Law and Law of Nations exceptions covering parents who are out of their country under the direction of and in the service of their country;

Whereas Marco Rubio was born in the United States; however both parents were not naturalized citizens at the time of his birth but were citizens of Cuba. Per Chapter II **ARTICLE 32** Cuban Articles Constitution

Cubans may not be deprived of their citizenship save for established legal causes. Neither may they be deprived of the right to change citizenship.

Dual citizenship is not recognized. Therefore, when a foreign citizenship is acquired, the Cuban one will be lost.

Formalization of the loss of citizenship and the authorities empowered to decide on this is prescribed by law.

Whereas Congress under its powers granted to it in the U.S. Constitution in Article I can only create naturalized Citizens, either at birth or after birth subject to certain

precedent and subsequent conditions outlined in said laws, and that any law or congressional act that Ted Cruz and Marco Rubio may point to past or present to try and claim eligibility, said law can only make him a "Citizen" at birth and not a "natural born Citizen" at birth. Adjectives mean something;

That Ted Cruz and Marco Rubio are NOT a "natural born Citizen" under Article II, Section 1, Clause 5 of the Constitution of the United States and is NOT constitutionally eligible to be President or Vice-President.

Ted Cruz has declared himself a "natural born citizen" with his only proof is his Canadian Birth Certificate stating his mother was born in the United States of America, nothing about her past or current status on citizenship. Ted Cruz had all his records sealed and his mothers in order to control the truth of his citizenship. Furthermore, Ted Cruz makes claims his name was legally changed from Rafael Edward Cruz to Ted Cruz at the age of thirteen; however, no records reflect his legal name change or the amending his birth certificate, Selective Service Registration, Certificate of Renunciation of Canadian Citizenship, and real property which is homesteaded in Harris County, Texas. (Exhibits A, B, C) to reflect this name change

Marco Rubio has declared himself a "natural born citizen" by claiming this status was obtained by his actual birth in the United States. Neither parent was a naturalized at the time of his birth but citizens of Cuba and married. Citizenship is passed at birth from parents status and not where the child was born.

Mark Martin in the Official Capacity of Secretary of State Arkansas and the Republican Party of Arkansas have a official duty to confirm the nominations that a placed on the ballots for the citizens of Arkansas. Both Mark Martin and the Republican Party of Arkansas have a conflict of interest in this matter due to Mark Martin personal endorsement of Ted Cruz and the Republican Party of Arkansas trying to present viable candidates on the 2016 Presidential Ballot.

Whereas, the Plaintiff ask the Court to issue a Declaratory Judgment to prevent Ted Cruz and Marco Rubio to be placed on the Arkansas Primary and General Election for the 2016.

Dated this 29th day of February, 2016

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Librace', written over a horizontal line.

David Librace, Pro-se
203 South 7th Street
West Helena, Arkansas 72390
(786) 342-4032
dlibrace@yahoo.com

CERTIFICATE OF SERVICE

I do hereby certify that on the date set forth below, I have served a copy of the foregoing via first class mail to A J Kelly, Deputy Secretary of State, Post Office Box 251570, Little Rock, Arkansas 72225-1570, L. Justin Tate, Associate General Counsel, Martha Adock, General Counsel, Secretary of State, Suite 256- State Capitol, 500 Woodlane Avenue, Little Rock, Arkansas 72201, Ted Cruz 3333 Allen Parkway, Unit 1906, Houston, Harris County, Texas 77019 (residence), Ted Cruz 808 Travis, Suite 1420, Houston, Harris County, Texas 77002, Marco Rubio 6060 SW 13th Court, West Miami, Dade County, Florida 33144-5714 (residence) Marco Rubio, 8669 NW 36th Street, Suite 110, Doral, Dade County, Florida 33166, and the Republican Party of Arkansas, 1201 West 6th Street, Little Rock, Arkansas 72201.

Dated this 29th day of February, 2016.

A handwritten signature in black ink, appearing to read 'D. Librace', with a long horizontal flourish extending to the right.

David Librace, Pro-se
203 South 7th Street
West Helena, Arkansas 72342
(786) 342-4032
dlibrace@yahoo.com

$$\exists x \in A. \neg \phi(x)$$



*Certificate
of Renunciation
of Canadian Citizenship*

*Certificat de
Répudiation de la
Citoyenneté Canadienne*

Name - Nom

RAFAEL EDWARD CRUZ

Place of birth - Lieu de naissance

ALBERTA, CANADA

*This is to certify that the person
named above has formally renounced
Canadian citizenship and pursuant to
the Citizenship Act will cease to be a
citizen on*

Birth date - Date de naissance

D - J		M	Y - A				
2	2	1	2	1	9	7	0

*Ce certificat atteste que la personne
nommée ci-dessus a formellement
répudié la citoyenneté canadienne et,
selon la Loi sur la citoyenneté, cessera
d'être citoyen le*

D - J		M	Y - A				
1	4	0	5	2	0	1	4


Minister - Ministre

No. N° 6278



Government
of Canada

Gouvernement
du Canada

Canada

Exhibit B



Selective Service System

National Headquarters / Arlington, Virginia 22209-2425

<http://www.sss.gov>

April 13, 2015

Ms. Sharon Rondeau Editor
The Post & Email
Post Office Box 195
Stafford Springs, Connecticut 06076

Dear Ms. Rondeau:

This replies to your Freedom of Information Act letter dated March 24, 2015, to the Selective Service System National Headquarters, arriving in this office today for action. You are seeking a copy of the Agency's registration from Mr. Rafael Edward Cruz currently of Texas.

Because Mr. Cruz was born after 1960, his record is in our possession; a copy of his automated record is enclosed. Firstly, there is no registration form because Mr. Cruz was registered from a Pell Grant Application Form provided by the U.S. Department of Education. Secondly, he is registered with us effective April 18, 1989, and was assigned Selective Service Number 70-16668881-9. Thirdly, Mr. Cruz has satisfied the Federal registration requirement as mandated under the Military Selective Service Act. And finally, he was never subject to induction into military service because the draft ended in 1973 and was not since reinstated.

Thank you for your inquiry. If you have any further questions, please feel free to contact the Office of Public and Intergovernmental Affairs at the above address. Our telephone number is (703) 605-4100.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard S. Flahavan".

Richard S. Flahavan
Associate Director of Public &
Intergovernmental Affairs

Enclosure

Registration

Page 1 of 1



Registration, Compliance, and Verification Web Portal

User ID: 15 | [Logout](#) |[Account](#) | [Help](#)[My Work](#) | [Search](#) | [Data](#) | [Compliance](#) | [Correspondence](#) | [Workflow](#) | [Reporting](#)

Refreshed: 4/13/2015 10:11:29 AM

Registration

RECORD

REQUIRED * ACTION:
FIELD

ACKNOWLEDGMENT LETTER REQUEST - ACKNOWLEDGMENT

[Registration](#)[Go](#)[History](#)

SSN: 70-1668881-9 RELATED SSN:
SSAN: REGISTRATION DLN: 99000400000
LAST NAME: CRUZ
FIRST NAME: RAFAEL E
MIDDLE NAME: SUFFIX:
GENDER: M - MALE TELEPHONE:
DOB: 12/22/1970 (MMDDYYYY)

REGISTRATION DATE: 03/24/1989 STATUS: ACTIVE REGIST
LAST ACTION DATE: 08/20/1990 MODIFIED BY: H
ACCESSION DATE: 04/18/1989
CLASSIFICATION: CURRENTLY NOT SUBJECT TO INDUCT
STREET:
CITY: HOUSTON
STATE: TX - TEXAS ZIP: 77240
COUNTRY: UNITED STATES

[Reset](#)[Submit](#)



Tax Year: 2015 ▼

**HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
1268220000167**

Print E-mail

File A Protest | Similar Owner Name | Nearby Addresses | Same Street Name | Related Map 5357A |

Ownership History

Owner and Property Information

Owner Name & **CRUZ HEIDI S & RAFAEL E**
Mailing Address: **3333 ALLEN PKWY UNIT 2606**
HOUSTON TX 77019-1852

Legal Description: **UNIT 1906**
.0049 INT COMMON LAND & ELE
ROYALTON AT RIVER OAKS
CONDO 3RD AMEND
Property Address: **3333 ALLEN PKY # 1906**
HOUSTON TX 77019

State Class Code

A1 -- Condo - High Rise

Land Use Code

1006 -- Condo Land

Land Area	Total Living Area	Neighborhood	Neighborhood Group	Market Area	Map Facet	Key Map®
0 SF	2,049 SF	5503.12	1852	198 -- 1H High Rise General	5357A	492M

Value Status Information

Value Status
Noticed

Notice Date
03/31/2015

Shared CAD
No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2014 Rate	2015 Rate	Online Tax Bill
Residential Homestead	001	HOUSTON ISD	137,482	Certified: 08/14/2015	1.196700	1.196700	View
	040	HARRIS COUNTY	112,482	Certified: 08/14/2015	0.417310	0.419230	View
	041	HARRIS CO FLOOD CNTRL	112,482	Certified: 08/14/2015	0.027360	0.027330	
	042	PORT OF HOUSTON AUTHY	112,482	Certified: 08/14/2015	0.015310	0.013420	
	043	HARRIS CO HOSP DIST	112,482	Certified: 08/14/2015	0.170000	0.170000	
	044	HARRIS CO EDUC DEPT	112,482	Certified: 08/14/2015	0.005999	0.005422	
	048	HOU COMMUNITY COLLEGE	56,241	Certified: 08/14/2015	0.106890	0.101942	
	061	CITY OF HOUSTON	112,482	Certified: 08/14/2015	0.631080	0.601120	

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the

Exhibit C

age of a property owner on our website. You can inspect this information or get a copy at HCAD's information center at 13013 NW Freeway.

Valuations

Value as of January 1, 2014			Value as of January 1, 2015		
	Market	Appraised		Market	Appraised
Land	143,572		Land	157,411	
Improvement	612,069		Improvement	671,070	
Total	755,641	511,280	Total	828,481	562,408

5-Year Value History

Land

Market Value Land

Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	1006 -- Condo Land	--	GR	0	1.00	1.00	1.00	--	1.00	0.00	0.00	0.00

Building

Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	2003	Residential Condo	106 -- Condominium (Common Element)	Excellent	2,049 *	Displayed

* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above *attached* garages is included in the square footage living area of the dwelling. Living area above *detached* garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

Building Details (1)

Building Data			Building Areas	
Element	Details		Description	Area
Cost and Design	Condo Code 2		BASE AREA PRI	2,049
Physical Condition	Average		OPEN MAS PORCH PRI	96
Grade Adjustment	X			
Foundation Type	Slab			
Heating / AC	Central Heat/AC			
Exterior Wall	Brick / Veneer			
Cond / Desir / Util	Average			
Element	Units			
Room: Bedroom	2			
Room: Total	6			
Room: Full Bath	2			
Room: Half Bath	1			
Room: Rec	1			