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11  
12 **UNITED STATES DISTRICT COURT**  
13 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
14 **SANTA ANA (SOUTHERN) DIVISION**

15 CAPTAIN PAMELA BARNETT,  
16 et al.,

17 Plaintiffs,

18 v.

19 BARACK HUSSEIN OBAMA, et  
20 al.,

21 Defendants.

22 ) CIVIL ACTION NO:  
23 ) SACV09-00082-DOC (Anx)

24 ) **PLAINTIFFS' POINTS AND**  
25 ) **AUTHORITIES IN OPPOSITION TO**  
26 ) **DEFENDANTS' MOTION TO**  
27 ) **DISMISS**

28 ) DATE: October 5, 2009  
TIME: 8:30 a.m.  
CTRM: 9D

) Hon. David O. Carter

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1 **MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO**  
2 **DEFENDANTS' MOTION TO DISMISS**

3 **I.**

4 **INTRODUCTION**

5 This action is brought by, among others, Plaintiffs Dr. Wiley Drake and  
6 Markham Robinson (hereinafter referred to as "PLAINTIFFS"). Dr. Wiley Drake  
7 was the Vice-Presidential nominee for the American Independent Party in the 2008  
8 Presidential Election on the California ballot. Markham Robinson was a pledged  
9 Presidential Elector for the American Independent Party in the 2008 Presidential  
10 Election for the California ballot and is currently the Chairman of the American  
11 Independent Party. Dr. Orly Taitz is representing Plaintiff Dr. Alan Keyes, herein,  
12 who was the Presidential nominee for the American Independent Party in the 2008  
13 Presidential Election on the California ballot.

14 This response to Defendants' Motion to Dismiss is limited to the issues  
15 affecting PLAINTIFFS. The issues regarding Quo Warranto, 42 U.S.C. § 1983 and  
16 § 1988, and the Freedom of Information Act are not addressed in this response  
17 because it is our understanding that Dr. Orly Taitz will be addressing these issues in  
18 her response to this Motion to Dismiss.

19 **II.**

20 **STATEMENT OF THE CASE**

21 This case, filed on January 20, 2009, is brought by, among others, a Vice-  
22 Presidential candidate and a Pledged Presidential Electoral for the 2008 United  
23 States Presidential election, who seek a determination by this Court as to whether  
24 Defendant Barack Obama has met all of the Constitutional requirements for  
25 eligibility for the office of President of the United States.

26 **III.**

27 **SUBJECT MATTER JURISDICTION**

28 Federal Question jurisdiction refers to the subject matter jurisdiction of

1 federal courts for claims arising under the U.S. Constitution, treaties, federal  
2 statutes, administrative regulations or common law. U.S. Constitution, Article III, §  
3 2; 28 United States Code (hereinafter referred to as “U.S.C.”) §1331. Here, the issue  
4 is one arising under the Constitution, whether Barack Obama meets the eligibility  
5 requirements for the Office of President of the United States, as required under  
6 Article II, § 1 of the United States Constitution.

7 A case arises under the Constitution, as opposed to a federal statute, in the  
8 unconventional circumstance where the plaintiff's attorney cannot find any federal  
9 legislation that applies to the defendant's misconduct. For example, when there was  
10 no applicable provision in the Federal Tort Claims Act for suits against federal  
11 agents, their desecration of the plaintiff's rights would have been a wrong without a  
12 remedy. These agents had violated the Fourth Amendment's prohibition of  
13 unreasonable search and seizure. Plaintiff's attorney sought money damages from  
14 those agents, alleging a private right of action, arising directly under the  
15 constitutional protection afforded by the U.S. Constitution. *Bivens v. Six Unknown*  
16 *Agents*, 403 U.S. 388 (1971).

17 Because this case presents an issue regarding a Federal Question arising out  
18 of the Constitution, this Court has Subject Matter Jurisdiction over the issues raised  
19 in this case, and the Court should deny this ground for dismissal.

#### 20 IV.

#### 21 STANDING

#### 22 A. INJURY AND CAUSATION

23 Standing generally requires a showing that a plaintiff has suffered actual loss,  
24 damage, or injury, or is threatened with impairment of his or her own interests.  
25 *Gladstone Realtors v. Village of Bellwood*, 441 U.S. 91, 100 (1979); *Bullfrog Films,*  
26 *Inc. v. Wick*, 847 F.2d 502, 506 (9th Cir. 1988). This tends to assure that a plaintiff  
27 has a sufficient stake in the outcome of the suit to make it a real “case or  
28 controversy.” *Id.*

1 The “injury in fact” requirement must involve “an invasion of a legally  
2 protected interest which is (a) concrete and particularized... and (b) actual or  
3 imminent, not conjectural or hypothetical...” *Lujan v. Defenders of Wildlife*, 504  
4 U.S. 555, 559-560 (1992)(internal quotes and citations omitted). Second, there must  
5 be a causal connection between the injury and the conduct complained of-the injury  
6 has to be “fairly ... trace[able] to the challenged action of the defendant, and not ...  
7 th[e] result [of] the independent action of some third party not before the court. *Id.*  
8 at 560. This standard for injury has been extended to political candidates. The Court  
9 in *Hollander v. McCain* held “a candidate or his political party has standing to  
10 challenge the inclusion of an allegedly ineligible rival on the ballot, on the theory  
11 that doing so hurts the candidate's or party's own chances of prevailing in the  
12 election.” *Hollander v. McCain*, 566 F.Supp.2d 63 (D.N.H. 2008). Here, Dr. Wiley  
13 Drake was a candidate for Vice-President of the United States running against  
14 Defendant Barack Obama in the 2008 election. As a Vice-Presidential candidate,  
15 Dr. Drake has an interest in having a fair competition for that position. This interest  
16 is akin to the interest of an Olympic competition, where one of the competitors in an  
17 athletic competition is found to be using performance enhancing drugs, but is not  
18 removed despite a violation of the rules, and all of the athletes who had trained for  
19 the event legitimately are harmed if that disqualified contestant remains as the  
20 contestants would not be competing on a level playing field. Defendant Obama  
21 entered this race without having met the eligibility requirements for the office of  
22 President of the United States and, as a result, Dr. Drake, as the Vice-Presidential  
23 candidate on the American Independent Party ticket, has been injured because he  
24 did not have fair competition for the office of Vice-President of the United States,  
25 and, thus, was not given a fair opportunity to obtain votes for Vice-President of the  
26 United States.

27 Here also, Mr. Robinson was a Presidential Elector in the 2008 election. As  
28 an Elector, and as head of a political party, he had an interest in there being a fair

1 competition between the candidate he pledged to vote for, and the political party he  
2 heads, and the other candidates for the office of President of the United States and  
3 the political parties that they represent. Mr. Obama entered this race without having  
4 met the eligibility requirements for the office of President of the United States and,  
5 as a result, Mr. Robinson has been injured because the candidate he pledged to vote  
6 for, and the political party he heads, did not have a fair competition for the office of  
7 President and Vice-President of the United States, thus preventing Mr. Robinson  
8 from casting a vote for the candidates he pledged to vote for as Elector.

9 As a result, PLAINTIFFS have suffered a concrete injury in fact, and the  
10 Court should deny this ground for dismissal.

## 11 **B. REDRESSABLE BY THE COURT**

### 12 **1. Political Question**

13 Defendants assert that the issue of whether Mr. Obama is eligible for the  
14 office of President of the United States is a political question that is not within the  
15 power of this Court to adjudicate. Defendants cite *Baker v. Carr* in their Motion,  
16 which states:

17 Prominent on the surface of any case held to involve a political question is  
18 found a textually demonstrable constitutional commitment of the issue to a  
19 coordinate political department; or a lack of judicially discoverable and  
20 manageable standards for resolving it; or the impossibility of deciding  
21 without an initial policy determination of a kind clearly for nonjudicial  
22 discretion; or the impossibility of a court's undertaking independent  
23 resolution without expressing lack of the respect due coordinate branches of  
24 government; or an unusual need for unquestioning adherence to a political  
25 decision already made; or the potentiality of embarrassment from multifarious  
26 pronouncements by various departments on one question. *Baker v. Carr*, 369  
27 U.S. 186 (1962).

28 Although quoted in, essentially, all political question cases, the *Baker v. Carr*



1 standard does not give clear guidelines to the Court as to which matters are  
2 non-adjudicable political questions. Defendants further allege that there is a  
3 “textually demonstrable constitutional commitment” of the issue of eligibility for  
4 the office of President. However, Defendants fail to adequately support their  
5 assertion that there is a “textually demonstrable constitutional commitment”  
6 regarding eligibility for the office of President of the United States, because the  
7 section of the Constitution cited by Defendants refers to the appointment of Electors  
8 by the States and the direction of the same by Congress. Defendants’ Motion to  
9 Dismiss 12:6-10. As subsequently discussed, Congress has oversight to determine  
10 whether an Elector was properly elected or appointed and whether an Elector  
11 properly cast a vote for President. However, neither Congress, nor the Electoral  
12 College, has the authority, as a result of either the Constitution or a Federal Statute,  
13 to make determinations of eligibility or to exclude a candidate who fails to meet the  
14 eligibility requirements as such requirements are not political in nature.

15 “The political question doctrine excludes from judicial review those  
16 controversies which revolve around policy choices and value determinations  
17 constitutionally committed for resolution to the halls of Congress or the  
18 confines of the Executive Branch. The Judiciary is particularly ill suited to  
19 make such decisions, as ‘courts are fundamentally underequipped to  
20 formulate national policies or develop standards for matters not legal in  
21 nature.’” *Japan Whaling Ass'n v. American Cetacean Soc.*, 478 U.S. 221, 230  
22 (1986).

23 Thus, while there are issues which the Court is ill equipped to determine,  
24 when an issue is one that does not “revolve around policy choices and value  
25 determinations constitutionally committed for resolution to the halls of Congress or  
26 the confines of the Executive Branch,” the Court then has the jurisdiction to make a  
27 determination of that issue. *Id.* The mere fact that the issue of eligibility is an issue  
28 related to elections does not remove it from the Court’s jurisdiction. The mere fact

1 that an issue has political elements also does not preclude the Court from hearing a  
2 case. The Court in *Japan Whaling Ass'n v. American Cetacean Soc.* also held,  
3 “[b]ut under the Constitution, one of the Judiciary's characteristic roles is to  
4 interpret statutes, and we cannot shirk this responsibility merely because our  
5 decision may have significant political overtones.” *Id.* at 230. This issue of whether  
6 Mr. Obama is eligible to serve in the office of President of the United States is one  
7 that has “significant political overtones,” given that it has a direct relation to the  
8 election of the most political office in the United States, but it is nonetheless an  
9 issue which the Court can make a determination on, because the requirements are  
10 clearly stated in Article II, Section 1 of the U.S. Constitution, and the Court  
11 routinely decides questions of law and of fact such as the issue in this case.

12 Defendants allege, on page 9 of their Motion to Dismiss, that “the political  
13 question doctrine precludes redress to any Plaintiffs because such redress would  
14 improperly arrogate to this Court jurisdiction over political questions as to the  
15 fitness and qualifications of the President which the Constitution entrusts  
16 exclusively to the House and the Senate.” Defendants further allege, on page 12 of  
17 their Motion to Dismiss, that “issues related to a candidate’s eligibility for the office  
18 of president rest, in the first instance, with the voters and with the Electoral College,  
19 the Constitutionally created body responsible for selecting the President of the  
20 United States.” This assertion is incorrect in a number of ways. First, a provision  
21 of the Constitution may not be disregarded by means of a popular vote of the  
22 people, as there are specific guidelines for amending the Constitution of the United  
23 States. The United States Constitution requires a two-thirds vote of both Houses of  
24 Congress and a ratification by three-fourths of all State legislatures in the United  
25 States. U.S. Constitution, Article V. Even if the people of the United States voted to  
26 elect as President a candidate who did not qualify for the position, that vote would  
27 not be sufficient to overcome the Constitutional requirements for office and make  
28 that candidate eligible. U.S. Constitution, Article II. Section 1. Because voters can

1 and do vote for candidates that are liked by the voters, even if those candidates may  
2 not be eligible for the position, the voters do not have the power or the right to  
3 determine the eligibility of a candidate.

4 Thus, because this matter is not a political question best left to another branch  
5 of the government, and, as discussed above, PLAINTIFFS have suffered concrete  
6 injuries, PLAINTIFFS have standing and the Court should deny this ground for  
7 dismissal.

8 V.

9 **THE ELECTORAL COLLEGE LACKS THE POWER TO MAKE**  
10 **ELIGIBILITY DETERMINATIONS**

11 Defendants cite in their Motion to Dismiss, the concurring opinion in  
12 *Williams v Rhodes* as support for their contention that it is the exclusive role of the  
13 Electoral College to decide whether a presidential candidate is eligible for the  
14 office. Defendants' Motion to Dismiss, 12:10. However, the concurrence instead  
15 indicated the concerns that the founders had regarding the fact that the nation was  
16 too spread out for the average citizen to be able to make an informed decision about  
17 whom to vote for as president, "[t]he [Electoral] College was created to permit the  
18 most knowledgeable members of the community to choose the executive of a nation  
19 whose continental dimensions were thought to preclude an informed choice by the  
20 citizenry at large." *Williams v. Rhodes*, 393 U.S. 23 (1968)(Harlan, J., concurring).

21 This concern is no longer relevant because, while the original intent for the  
22 Electoral College was to have a set number of "knowledgeable members of the  
23 community" make the decision of whom to elect as president, the modern function  
24 of the Electoral College is to simply cast a vote for the Presidential Candidate who  
25 received the majority of the vote from the State which each Elector represents. This  
26 change in the nature of the Electoral College has taken place because information  
27 about each candidate is now available for every voter in the country, which allows  
28 each and every voter to be "knowledgeable members of the community" capable of

1 making informed decisions of whom to elect president. In twenty-six States, and  
2 the District of Columbia, Presidential Electors are prohibited by statute from voting  
3 in variance with their pledges, or, if they do, they face civil or criminal penalties and  
4 fines.

5 Furthermore, the Electoral College is not empowered with the authority to  
6 determine the eligibility of any candidate. As discussed above, in twenty-six States  
7 and the District of Columbia, Presidential Electors are prohibited by statute from  
8 voting in variance with their pledges, or, if they do, they face civil or criminal  
9 penalties and fines. The act of determining eligibility is one that requires  
10 discretionary authority, so that a candidate found to be ineligible may be removed.  
11 However, any discretionary authority of the majority of the State's Presidential  
12 Electors has been removed by statute, and the Presidential Electors, instead, perform  
13 a ministerial function of casting their votes in accordance with the popular vote of  
14 the State that each Elector represents. The assertion of Defendants that the Electoral  
15 College has the authority to make any determination of a Presidential candidate's  
16 qualifications is unpersuasive because, while the historical intent of the of the  
17 Electoral College was to make such determinations, the modern majority trend of  
18 the States is to limit the duties of the Electors to the ministerial role of casting a vote  
19 for the candidate chosen by the popular vote of their respective States.

20 Further, other than a Concurring Opinion, Defendants offer no modern  
21 precedent for the claimed power of the Electoral College. Thus, the Electoral  
22 College lacks the authority to make a determination of a candidates eligibility, and  
23 the Court should deny these grounds for dismissal.

## 24 VI.

### 25 POLITICAL BODIES LACK THE POWER TO MAKE ELIGIBILITY 26 DETERMINATIONS

27 In similar disputes over eligibility of candidates at the State level, political  
28 bodies have been held to be not the proper venue for making determinations of

1 eligibility. According to a 2006 Arkansas Attorney General Opinion, the Baxter  
2 County Board of Election Commissioners could not properly omit names of  
3 candidates who had failed to meet all the requirements for office:

4 As a preliminary matter, I should note that the Baxter County Board of  
5 Election Commissioners is not empowered to omit from the ballot the  
6 names of any candidates who have complied with the filing  
7 requirements for the office. When questions arise as to a candidate's  
8 eligibility prior to an election, the proper remedy is resort to the courts,  
9 by virtue of an action for a declaratory judgment and mandamus. Ark.  
10 Op. Atty. Gen. No. 2006-153, 2006 WL 2474743 (Ark.A.G.).

11 Further, in *State ex rel. Robinson v. Craighead County Bd. of Election*  
12 *Com'rs*, the Appellate Court reversed the lower court's determination that "the  
13 Board of Election Commissioners had the power to make factual determinations  
14 concerning a candidate's eligibility and that, once that determination was made,  
15 mandamus could not compel an opposite result" *State ex rel. Robinson v. Craighead*  
16 *County Bd. of Election Com'rs*, 779 S.W.2d 169, 171 (Ark. 1989) holding that, "the  
17 board does not have the authority to declare a candidate ineligible and remove his  
18 name from the ballot when there is a dispute concerning the facts or the law" *Id.* at  
19 171. Political boards, committees, and panels, such as the United States Congress,  
20 are not proper bodies for making determinations of eligibility because of the  
21 significant risk of "corrupt and partisan action" *Irby v. Barrett*, 163 S.W.2d 512,  
22 514 (Ark. 1942). The court in *Irby v. Barrett* held that:

23 If the Chairman and Secretary of the Committee have the right to say that  
24 because of the decision of this court petitioner is ineligible to be a candidate  
25 for office, they may also say, in any case, that for some other reason a  
26 candidate is ineligible. For instance, it has been held by this court in many  
27 election contests that one must pay his poll tax; that he must do so after  
28 proper assessment in the time and manner required by law, and that otherwise

1 he is not eligible even to vote, and unless he were a voter he could not hold  
2 office. So with other qualifications, such as residence. May this question be  
3 considered or decided by the Chairman and Secretary of the Committee? It  
4 may be that such power can be conferred upon them by laws of this State or  
5 the rules of the party; but it is certain that this has not yet been done. If this  
6 can be done, and should be done, the door would be opened wide for corrupt  
7 and partisan action. It might be certified that a prospective candidate has  
8 sufficiently complied with the laws of the State and the rules of a political  
9 party to become a candidate, and, upon further consideration, that holding  
10 might be recalled; and this might be done before that action could be  
11 reviewed in a court of competent jurisdiction and reversed in time for the  
12 candidate to have his name placed on the ticket. It would afford small  
13 satisfaction if, after the ticket had been printed with the name of the candidate  
14 omitted, to have a holding by the court that the name should not have been  
15 omitted. *Id.*

16 Because of the risk of “corrupt and partisan action,” the proper remedy for  
17 eligibility disputes is to bring such disputes to a Court for determination, rather than  
18 to Congress or the Electoral College, and, because this Court has the power to make  
19 determinations of fact and law regarding controversies over the eligibility of a  
20 political candidate, this Court has the power to redress the injury suffered by  
21 PLAINTIFFS.

22 Thus, since political bodies are not the proper venue to determine whether a  
23 candidate is eligible for the office of President of the United States, the Court  
24 should deny these grounds for dismissal.

25 // //

26 // //

27 // //

28 **VII.**

1                   **CONGRESS LACKS THE POWER TO MAKE ELIGIBILITY**  
2                   **DETERMINATIONS**

3           Defendants allege, on Pages 13 through 15 of their Motion to Dismiss, that in  
4 addition to the matter of Barack Obama’s eligibility being a “Political Question”,  
5 Federal legislation has already provided a remedy for disputes over a candidate’s  
6 eligibility for office. As support for this position, Defendant’s cite the United States  
7 Code as the only mechanism after an election by which to challenge the  
8 qualifications of a candidate. 3 U.S.C. § 15. Defendant’s interpretation is incorrect,  
9 however, as the text of the statute cited does not support Petitioner’s conclusion that  
10 the United States Congress has the authority to challenge any aspect of a  
11 Presidential Election. The Congressional authority over a Presidential election is as  
12 follows:

13           First, the certificates or papers from each State are presented, read, and  
14 entered on the Journals of the two houses:

15           Two tellers shall be previously appointed on the part of the Senate and two on  
16 the part of the House of Representatives, to whom shall be handed, as they are  
17 opened by the President of the Senate, all the certificates and papers  
18 purporting to be certificates of the electoral votes, which certificates and  
19 papers shall be opened, presented, and acted upon in the alphabetical order of  
20 the States, beginning with the letter A; and said tellers, having then read the  
21 same in the presence and hearing of the two Houses, shall make a list of the  
22 votes as they shall appear from the said certificates; and the votes having  
23 been ascertained and counted according to the rules in this subchapter  
24 provided, the result of the same shall be delivered to the President of the  
25 Senate, who shall thereupon announce the state of the vote, which  
26 announcement shall be deemed a sufficient declaration of the persons, if any,  
27 elected President and Vice President of the United States, and, together with a  
28 list of the votes, be entered on the Journals of the two Houses. 3 U.S.C. § 15.



1 Next, the President of the Senate calls for objections, if any, which are to be  
2 made in writing:

3 Upon such reading of any such certificate or paper, the President of the  
4 Senate shall call for objections, if any. Every objection shall be made in  
5 writing, and shall state clearly and concisely, and without argument, the  
6 ground thereof, and shall be signed by at least one Senator and one Member  
7 of the House of Representatives before the same shall be received. 3 U.S.C. §  
8 15.

9 The objections may not, however, be made on any matter concerning the  
10 Presidential Election. The statute limits the objections to “any vote or paper from a  
11 State”:

12 “When all objections so made to **any vote or paper from a State** shall have  
13 been received and read, ...” 3 U.S.C. § 15 [emphasis added].

14 Finally, the remedy for the objections made is for each House of Congress to  
15 examine the Electors from that State, and determine whether the Electors were  
16 properly elected or appointed and whether those Electors had properly cast their  
17 votes:

18 ... the Senate shall thereupon withdraw, and such objections shall be  
19 submitted to the Senate for its decision; and the Speaker of the House of  
20 Representatives shall, in like manner, submit such objections to the House of  
21 Representatives for its decision; and no electoral vote or votes from any State  
22 which shall have been regularly given by electors whose appointment has  
23 been lawfully certified to according to section 6 of this title from which but  
24 one return has been received shall be rejected, but the two Houses  
25 concurrently may reject the vote or votes when they agree that such vote or  
26 votes have not been so regularly given by electors whose appointment has  
27 been so certified. If more than one return or paper purporting to be a return  
28 from a State shall have been received by the President of the Senate, those



1 votes, and those only, shall be counted which shall have been regularly given  
2 by the electors who are shown by the determination mentioned in section 5 of  
3 this title to have been appointed, if the determination in said section provided  
4 for shall have been made, or by such successors or substitutes, in case of a  
5 vacancy in the board of electors so ascertained, as have been appointed to fill  
6 such vacancy in the mode provided by the laws of the State; but in case there  
7 shall arise the question which of two or more of such State authorities  
8 determining what electors have been appointed, as mentioned in section 5 of  
9 this title, is the lawful tribunal of such State, the votes regularly given of  
10 those electors, and those only, of such State shall be counted whose title as  
11 electors the two Houses, acting separately, shall concurrently decide is  
12 supported by the decision of such State so authorized by its law; and in such  
13 case of more than one return or paper purporting to be a return from a State, if  
14 there shall have been no such determination of the question in the State  
15 aforesaid, then those votes, and those only, shall be counted which the two  
16 Houses shall concurrently decide were cast by lawful electors appointed in  
17 accordance with the laws of the State, unless the two Houses, acting  
18 separately, shall concurrently decide such votes not to be the lawful votes of  
19 the legally appointed electors of such State. But if the two Houses shall  
20 disagree in respect of the counting of such votes, then, and in that case, the  
21 votes of the electors whose appointment shall have been certified by the  
22 executive of the State, under the seal thereof, shall be counted. When the two  
23 Houses have voted, they shall immediately again meet, and the presiding  
24 officer shall then announce the decision of the questions submitted. No votes  
25 or papers from any other State shall be acted upon until the objections  
26 previously made to the votes or papers from any State shall have been finally  
27 disposed of. 3 U.S.C. § 15.

28 Because the language of the code section only allows for objections regarding

1 “any vote or paper from the State,” Defendants’ assertion that this Federal law is the  
2 “remedy for disputes over a candidate’s eligibility for office” is incorrect. 3 U.S.C. §  
3 15. Since this action is a dispute over the eligibility of Barack Obama for the office  
4 of President of the United States, and not a dispute over whether the Electors  
5 properly cast their vote, this Court has jurisdiction over this dispute and should deny  
6 this ground for dismissal.

7 **VIII.**

8 **CONCLUSION**

9 Since PLAINTIFFS have established subject matter jurisdiction, the elements  
10 of standing, and the lack of any remedy from the political branches of the U.S.  
11 government, this Court may hear this case on the merits. For these reasons, the  
12 Court should deny Defendant’s Motion to Dismiss on all the grounds raised by  
13 Defendants.

14 Respectfully submitted,

15 DATED: September 18, 2009

/s/ Gary G. Kreep

GARY G. KREEP

UNITED STATES JUSTICE FOUNDATION

17 Attorney for PLAINTIFFS Dr. Wiley Drake and  
18 Markham Robinson