

No. _____

In The
Supreme Court of the United States

ROBERT C. LAITY on Behalf of Himself,

Petitioner,

v.

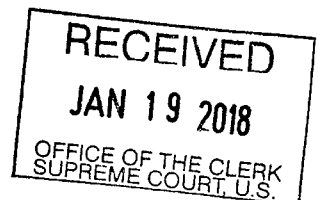
THE STATE OF NEW YORK, RAFAEL "TED" CRUZ,
MARCO RUBIO and PIYASH "BOBBY" JINDAL,

Respondents.

On Petition For A Writ Of Certiorari
To The New York State Supreme Court,
Appellate Division

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

The State of New York Board of Elections, on its official website, continues unabated to flagrantly misrepresent the United States Constitutional mandatory criteria that a President must be a "Natural Born Citizen" as required by Article II, Sec. 1, Clause 5, having unlawfully substituted and continuing to substitute said term of art "Natural Born Citizen" with the words "Born a Citizen". As a result several individuals who do not meet the "Natural Born Citizen" mandate such as Rafael Cruz, et al, came forward to run for said office of the Presidency of the United States in the '08, '12 and '16 Presidential elections in derogation of both the U.S. Constitution and New York State Election Law. These constitutional violations have infringed upon the Petitioner's right to vote for a "qualified candidate" of his choice, further co-opting the Presidential ballot as it did in 2008 when two constitutionally disqualified candidates for President, Barack Obama and John McCain, neither of whom meet the U.S. Supreme Court established legal definition of "Natural Born Citizen", found in *Minor v Happersett*, 88 U.S. 162 (1875), were permitted to be on the ballot. In *Minor*, this court decided unanimously that a "Natural Born Citizen" is one "born in a country of Parents who were its citizens."

1. Did the State of New York circumvent the law by having allowed merely naturalized Citizens who are not "natural born citizens" to be on the New York State Presidential ballot in derogation of New York State Election Law Sec. 6-122(2) and the U.S. Constitution at Article II, Sec. 1, Clause 5?

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A. New York State is in,derogation of federal law, and continues recidivistically and without apparent intent to remedy the illegal variance on their State Board of Elections website, to misrepresent the U.S. Constitutional requirement in Art. II that a President be a “Natural Born Citizen”	
B. New York State has persisted for (8) or more years to State on its Board of Election website that the Presidency requires a candidate to be “born a citizen” when it actually requires one be a “Natural Born Citizen”. The two terms of art are not tantamount	
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PETITION FOR A WRIT OF CERTIORARI

Robert C. Laity, on behalf of himself, respectfully petitions for a writ of certiorari to review the decision of the New York State Court of Appeals in *Laity v. N.Y., Rafael “Ted” Cruz, Marco Rubio and Piyash “Bobby” Jindal*, No. 2017-946.



OPINIONS BELOW

The decision letter of the Hon. Janet DiFiore, Chief Judge Presiding, of the New York State Court of Appeals dismissing the Petitioner’s appeal on November 21, 2017. App. 24.



JURISDICTION

The New York State Court of Appeals dismissed the Petitioner’s appeal, on November 21, 2017 on the grounds “Appellant having appealed and moved for leave to appeal to the Court of Appeals in the above cause; Upon the papers filed and due deliberation, it is ordered, on the Courts own Motion, that the appeal is dismissed, without costs, upon the ground that no substantial constitutional question is directly involved; and it is further ordered, that the motion for leave to appeal is denied”. This Court’s jurisdiction is invoked under 28 United States Code Sec. 1257(a)



STATUTORY PROVISIONS INVOLVED

10 U.S.C. Ch. 47, Sub Ch. X, Art 906, Sec. 106

Any person who in time of war is found lurking as a spy or acting as a spy in or around any place, vessel, or aircraft, within the control or Jurisdiction of any of the Armed forces, or in or about any shipyard, any manufacturing or industrial plant, or any other place or institution engaged in work in aid of the prosecution of the war by the United States, or elsewhere, shall be tried by general court-martial or by a military commission and on conviction shall be punished by death . . .

18 U.S.C. Sec. 912

Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.

18 U.S.C. Sec. 1036(a)

Whoever, by any fraud or false pretense, enters or attempts to enter (1) any real property belonging in whole or in part to, or leased by, the United States (2) any vessel or aircraft belonging in whole or in part to, or leased by the United States; (3) any secure or restricted area of any seaport . . . or any secure area of any airport, shall be punished as provided in . . . this section.

New York State Election Law Sec. 17-106

Misconduct of election officers. Any election officer who willfully refuses to accord . . . to any voter . . . any right given him by this chapter, or who willfully violates any provision of the election law relative to . . . certifying of votes, or who willfully neglects or refuses to perform any duty imposed on him by law, or . . . knowingly permits . . . fraud to be practiced is guilty of a felony.

New York State Election Law Sec. 6-122(2)

A person shall not be designated or nominated for a Public Office . . . who (2) is ineligible to be elected to such office . . .

The Naturalization Act of 1790

The Children of Citizens of the United States that may be born beyond seas, or out of the limits of the United States, shall be considered as Natural-Born Citizens (Repealed in 1795)

The Naturalization Act of 1795

The Provision granting natural-born citizenship upon children born beyond the seas is repealed. Confers the status of Citizen instead of "Natural-Born Citizen".

Constitutional Provisions

The United States Constitution: Article I, Sec. 8

Congress shall have the power to define and punish violations of the Law of Nations.

The United States Constitution: Article II, Sec. 1, Clause 5

The Executive power shall be vested in a President of the United States of America . . . no person except a Natural-Born Citizen . . . shall be eligible to the office of President.

The United States Constitution: Article V

The Congress whenever two thirds of both houses deem it necessary shall propose amendments to this constitution, or, on the application of two thirds of the legislatures of the several states . . . ratified . . . as the one or the other mode . . .

STATEMENT OF THE CASE

I have been before this court before on the same unresolved issue concerning a blatantly fraudulent misrepresentation by the State of New York of a United States Constitutional provision as well as the issue of constitutionally disqualified candidates recidivistically being allowed to run for the Office of the Presidency of the United States in derogation of both federal and State of New York law. My first case before this court, #13-875 (2014) involved usurpation of the Presidency of the United States by Barack Hussein Obama, Jr. who is not an Article II "Natural-Born Citizen". In the 2008 Presidential elections both Major

Party candidates John McCain and Barack Obama were constitutionally barred from being President. Neither Obama or McCain are "Natural-Born Citizens" pursuant to U.S. Supreme Court precedent in *Minor v Happersett* in which this very court unanimously arrived at the definition of what a "Natural-Born Citizen" is. In *Minor*, this court, by a vote of 9-0 said that a "Natural-Born Citizen" is one born in the United States to Parents who are both U.S. Citizens themselves. It has been (9) years since the fraudulent presidential elections held in 2008. Similar fraud occurred in 2012 as well, when Obama ran again. During the 2016 Presidential elections there were three illegal candidates, all three of them, Marco Rubio, Rafael Cruz and Piyash Jindal are ineligible to be President under Article II, Sec. 1. It has become apparent that the powers that be are attempting to institutionalize usurpation of the Presidency by fraud. It first happened with Chester Arthur. He was not a "Natural-Born Citizen". That was in 1881. Before Obama, Arthur was the nation's sole usurper. Arthur did not have two American Citizen Parents. One Hundred and twenty seven years went by before usurpers Obama and McCain attempted usurpation of the Presidency. Obama actually succeeded in his attempt. It is evident by researching Congress's activities that they have been trying for over (40) years to erode the "Natural-Born Citizen" provision by legislation and not Art. V. They have yet to succeed. "We the people" do not want foreigners or people with divided loyalties to be our President. Indeed, it was our nation's first Chief Justice, John Jay, who suggested that the Presidency only devolve on a "Natural-Born

Citizen". In the 2016 Presidential elections at least three naturalized citizens attempted to become President. All three of them are respondents in the instant case. They are Marco Rubio, Rafael Cruz and Piyash Jindal. The constitution's checks and balances are useless if they are not enforced. I demand that the U.S. Government enforce the Constitution. The efforts to repeal Article II is an insidious one. As I said in 2014, it appears as if the Globalists amongst us want to do away with our sovereignty and transition to "global governance, 2025". I thank God that we have a real "Natural-Born Citizen" President now in office, President Donald J. Trump, Sr. The act of usurpation of the Presidency by fraudulent means during time of war amounts to espionage under 10 U.S.C. Ch. 47, Sub Ch. X, Sec. 906, Article 106. It also violates fraud provisions of 18 U.S.C. Sec. 912 and Sec. 1036(a).



REASONS FOR GRANTING THE PETITION

I. ON THE BASIS OF RULE 10(c):

A State Court . . . has decided a federal question in a way that conflicts with relevant decisions of this court. The U.S. Supreme Court determined what a Natural-Born Citizen is in *Venus* and later again in *Shanks v Dupont*. In *Minor v Happersett* this court said unanimously that a "Natural-Born Citizen" is one born in the United States to Parents who are both U.S. Citizens themselves. This court reaffirmed that

unanimously decided definition of what a "Natural-Born Citizen" is in U.S. v Wong Kim Ark.

II. FEDERAL ISSUE OF NATIONAL IMPORTANCE THAT WARRANTS THIS COURT'S ACTION

This court, for the purpose of rectifying a constitutional issue must order the issuance of a Writ of Mandamus enjoining the State of New York from continuing to misapply and misrepresent the U.S. Constitutional requirements to be President and to prevent the institutionalization of the practice of usurpation of the Presidency by fraud based upon said misapplication and misrepresentation of Article II, Sec. 1, Clause 5, by New York State. Furthermore, to reaffirm the unanimous decision in *Minor v Happersett* that a "natural-born citizen" is one born in the United States to Parents who are both U.S. Citizens themselves. For at least the last (9) years the State of New York, in derogation of the U.S. Constitution has been misrepresenting the legal criteria as being "born a citizen" in place of the actual mandatory Constitutional term of art "Natural-Born Citizen", the two terms of art are not tantamount or interchangeable.

III. THE QUESTION PRESENTED IS OF SUCH A GRAVE NATURE THAT FAILURE OF THIS COURT TO REMEDY IT WOULD RESULT IN THE INSTITUTIONALIZATION OF USURPATION OF THE PRESIDENCY BY THOSE WHO ARE NOT "NATURAL-BORN CITIZENS".

From the day of the Signing of the Constitution in 1787 until 1980, almost 200 years, there was one usurper of the Presidency who was not a "Natural-Born Citizen". That was Chester Arthur. From 1885 until 2007 there were no usurpers of the Presidency. That changed drastically in 2008. From 2008 until the Present time, in the last nine years alone, there has been no less than SIX attempts to usurp the Presidency by fraud. One of those people, Barack Obama, actually succeeded. There is now an overt pattern that must not be allowed to continue unabated. See: Art. II, Sec. 1, Clause 5 and NY State Election Law Sec. 6-122(2) and NY State Election Sec. 17-106. The founders understood what the term "Natural-Born Citizen" meant. The Law of Nations referenced at Art. I, Sec. 8 of the U.S. Constitution has a very clear definition of what one is. One born in a country to parents who are its citizens. Respondent Rafael Cruz does not even have U.S. Jus soli. He was born in Canada to a Cuban Canadian. Marco Rubio was born in the U.S. but both his parents were Cuban citizen permanent residents of the U.S. when Marco Rubio was born. John McCain was born in Colon, Panama. Obama's purported Father was a British subject when Obama was born. His Birth certificate has been proven to be forged, in any event. This

assertion is public knowledge substantiated by the former Sheriff of Maricopa County, Arizona, Joseph Arpaio, Cold Case Posse which released the findings of at least two independent forensic document examiners. There is a constitutional question involved, I had a right to review in the New York State Court of Appeals. I appealed to that court as a matter of right and also filed for leave to appeal. The appeal as a matter of right should not have been denied. Finally, quoting Justice Thomas regarding the Obama, et al. ineligibility issue "We [this court] are evading the issue". Evasion of such a constitutional issue is a violation of the Constitutional and Judicial oaths that Justices of this court are required to take upon taking their respective seats on the U.S. Supreme Court.

◆

CONCLUSION

For the foregoing reasons, Petitioner moves this court to grant the Writ of Certiorari petitioned for.

Respectfully submitted,

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