

20-1503

No. _____

ORIGINAL

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SUPREME COURT, U.S.

In The
Supreme Court of the United States

U.S., ex rel., Robert C. Laity,

Petitioner,

v.

Purported Vice President Kamala Devi Harris,

Respondent.

**On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The District Of Columbia Circuit**

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

The U.S. Constitution requires that a President and Vice-President of the United States be a “Natural Born Citizen” of the United States pursuant to Article II, Sec.1, Clause 5 and the 12th Amendment. It is the right of the Sovereign to demand of any public official, whose bona-fides is in question, to prove that he or she is entitled by law to occupy the particular public office he or she now occupies. In the U.S. it is “We the People” who are sovereign. The Petitioner properly filed an “Information in the form of Quo Warranto at Common Law” in the proper venue for such actions, the U.S. District Court for D.C., after then Attorney General of the United States William Barr declined to pursue the issue. Subsequent permission was sought from Acting U.S. Attorney General Rosen after Barr resigned from office. The courts below have denied standing to the Petitioner. The Petitioner filed legal briefs in which he provided sufficient grounds in order to establish standing to pursue this matter in the name of the United States. Petitioner asserts that Kamala Devi Harris is in office unconstitutionally by virtue of not being a “Natural Born Citizen” of the United States.

1. Can a Constitutionally barred individual remain in office if he/she does not meet a constitutionally mandated criteria for being in said office?
2. Does the fact that the U.S. Attorney General declined to pursue this matter in the name of the United States incontrovertibly preclude an interested third party

QUESTIONS PRESENTED – Continued

with proven injury from proceeding on his own, in the name of the United States as a relator?

3. Is it not in the authority of the Judiciary to grant standing to interested third parties in such cases and/or to take action sua sponte to remedy usurpation of our nation's highest offices, by fraud?

RELATED CASES

U.S., ex rel, Robert C. Laity v. U.S. Senator Kamala Devi Harris, #1:20-cv-02511-EGS, U.S. District Court District of Columbia, Minute Order entered November 10, 2020.

U.S. ex rel, Robert C. Laity v. Kamala Devi Harris, #20-7109, U.S. Court of Appeals for the D.C. Circuit, Panel Order entered February 5, 2021

U.S. ex rel, Robert C. Laity v. Purported Vice-President Kamala Devi Harris, # 20-7109, U.S. Circuit Court of Appeals for D.C. Circuit, en banc Order entered March 18, 2021

U.S., ex rel, Robert C. Laity v. Purported Vice-President Kamala Devi Harris, # 20-7109, Panel Order entered March 18, 2021.

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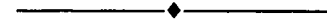
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PETITION FOR WRIT OF CERTIORARI

Robert C. Laity, on behalf of himself and in the name of the United States of America, respectfully petitions for a writ of certiorari to review the decision of the United States Court of Appeals for the D.C. Circuit in *U.S. ex rel. Robert C. Laity v. Purported Vice-President Kamala Devi Harris*, No. 20-7109.

**OPINIONS BELOW**

The decision and order of Chief Judge Srinivasan and Circuit Court Judges Henderson, Rogers, Tatel, Millett, Pillard, Wilkins, Katsas, Rao and Walker denying the petitioner's petition for rehearing en banc dated March 18, 2021.

The decision and order of Circuit Judges Tatel, Millett and Rao dated March 18, 2021 discharging its show cause order why sanctions should not be imposed.

**JURISDICTION**

The U.S. Court of Appeals for the D.C. Circuit denied the petitioner's petition for rehearing en banc and further ordered that "upon consideration of the court's February 5, 2021 order to show cause why sanctions should not be imposed against appellant, and the response thereto, it is ordered that the order to show cause be discharged." This court's jurisdiction is

invoked under 28 United States Code Sec. 1254(1). See also: 81(a)(4) FRCivP and the Act of March 3, 1901, Stat. 1419, Title 16, Sec. 1601 of the D.C. Code.

◆

STATUTORY PROVISIONS INVOLVED

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 title or imprisoned not more than three years, or both.

10 U.S.C., Chapter 47, Sub. Ch. X, Art. 903, Sec. 103 – Spies

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 control or jurisdiction of any of the armed forces, or in and 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. 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.

DC Code Chapter 14, Sec. 22-1404:

“Whoever represents himself or herself to be a . . . public officer . . . and attempts to Perform the duty or exercise the authority pertaining to any such office or character . . . shall suffer imprisonment in the penitentiary for not less than 1 year nor more than 3 years . . . in addition to any other penalty, provided under this section.”

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, 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

Article I, Sec. 2

No person shall be a representative who shall not have . . . been . . . a citizen of the United States . . .

Article II, Sec. 1, Clause 5

No person except a natural born citizen . . . shall be eligible to the office of President.

The 12th Amendment

No person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

Article V, The United States Constitution

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

There is ongoing a demonstrable pattern of illegal usurpation of our nation's highest offices, the

Presidency and the Vice-Presidency of the United States of America that has become quite evident since the year 2008. See: *Laity v. New York, Obama and McCain*, #17-1006, U.S. Supreme Court (2014) and *Laity v. N.Y., Cruz, Rubio and Jindal*, #13-875, U.S. Supreme Court (2018). More usurpations have occurred in the last 13 years than in the (221) years prior to 2008. In 1881 Chester Arthur usurped the Presidency. He was not born in the U.S. to parents who were both U.S. Citizens themselves. Since the first Presidency of the United States there have been just (2) constitutionally barred purported Presidents, Chester Arthur in 1881 and Barack Obama in 2008. The Defendant, Kamala Devi Harris is constitutionally barred from being vice-president and/or President. She does not meet the now longstanding and established definition of "Natural Born Citizen" as determined, affirmed and reaffirmed by this court in several past cases before it. See: *Minor v. Happersett*, 88 U.S. 162 (1874). *Shanks v. Dupont*, 28 U.S. 3 Pet. 242, 242 (1830), *The Venus*, 12 U.S. 8 Cranch 253, 253 (1814), *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898), *inter alia*. See: Amicus brief of U.S. Allegiance Institute in appendix for additional case precedents.

The Courts below have denied standing to the Petitioner/Relator contrary to law and the Court below, the U.S. Court of Appeals for the D.C. Circuit, in its Order States that "Laity's response to this court's order to show cause [dated February 5, 2021] does not challenge the district court's ruling that he lacks standing". The Appellant's reply to show cause order proposing

sanctions clearly cited “the legal arguments by the appellant” that were already, of record, in which the appellant most assuredly and without any doubt certainly did “challenge the district court’s ruling that he lacked standing”. The same (3) Judges on the U.S. Court of Appeals for D.C. panel Tatel, Millet and Rao were privy, as members en banc, of those arguments for legal standing which the Petitioner made in his Petition for Rehearing en banc dated February 12, 2021 as well as in his Motion in Opposition to summary affirmance dated December 1, 2020. It was in the power of the courts below to grant permission to the Petitioner to sue in the name of the United States. *Newman v. U.S. ex rel. Frizzell*, 238 U.S. 537 (1915). Leave was requested.

Furthermore, the panel of the U.S. Court of Appeals for D.C. erroneously labeled this matter as “frivolous”, threatened sanctions and otherwise tried to discourage the petitioner from appealing this case. Furthermore, as per arguments made by the Petitioner, which are of record, the U.S. District Court for D.C. wrongly dismissed this case “with Prejudice” without proper grounds for doing so. Dismissal for lack of standing should generally be without prejudice. *University of Pittsburgh v. Varian Med Systems*, Case #2008-1441-1454, Federal Circuit (2009).

The Petitioner has not failed to allege a distinct and palpable injury having nexus to the imminent threats that present themselves due to the ascent of Kamala Devi Harris, a constitutionally barred person to the Vice-Presidency and/or Presidency of the United

States of America. Petitioner has a legal interest to living free, pursuing happiness and exercising the blessings of liberty enshrined in the U.S. Constitution. Kamala Devi Harris has expressed her plans to move this nation into socialism and tyranny. The injury I have suffered is both concrete, particularized, actual and imminent. There is a nexus between the Injury and the illegal conduct of Kamala Devi Harris in usurping the Vice-Presidency. A favorable and appropriate decision and remedy for the Petitioner by this court will redress the injury.

“Article III makes no mention of “standing” Neither do the writings of the framers. The definition of standing in Lujan was apparently pulled out of thin air. There is no support in Lujan for any historical or originalist foundations for standing. It is time to either overhaul the standing requirements or abandon them entirely. The current standing requirements of showing a concrete and particularized injury have little to do with constitutional law. It is emphatically the duty of the Judicial Department to say what the law is regardless of the concreteness or particularity of a plaintiff’s injury” – *Rethinking Article III Standing Requirements* by Max Kennerly, Esq., Attorney Magazine (2017).

In the United States “We the People” are the Sovereign. The Petitioner has a share in the nature of that Sovereignty as a member of the people. The Writ of Quo Warranto is a right of the Sovereign. The rights not delineated to Congress, the Executive and to the Judiciary or the States are reserved for the People.

“The origin of all power is in the people, and they have an incontestable right to check the creatures of their own creation” – Mercy Owen Warren.

“The subjective and intangible interests of [Living in a free nation] are sufficient to permit [the Petitioner] to attack actions that threatened or harmed those interests” – *Trafficante v. Metropolitan Life Insurance Co.*, 409 U.S. 205 (1972).

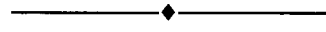
“Injuries required for standing need not be actualized. A party facing prospective injury has standing where the threatened injury is real, imminent and direct” – *Davis v. Federal Elections Commission*, 554 U.S. 724, 724 (2008).

Threats that have materialized since Kamala Harris usurped the Vice-Presidency includes an open border, doing away with deportations, reprisal of President Trump supporters (I’m one), the introduction of socialism, inter alia. These are all encroachments on the individual rights of the Petitioner to enjoy the blessings of liberty, such encroachments being perpetuated by usurper[s] acting ultra vires. The Petitioner has “Made a showing that a substantial issue exists” warranting leave of this court to pursue the instant case “an Information in the form of Quo Warranto at common law”. *U.S. ex rel. State of Wisconsin v. First Federal Savings and Loan Association and Federal Home Loan Bank Board*, 248 F.2d 804 (7th Cir. 1957).

There is a void that needs to be filled by this court. The “Implement[ing]” of “Procedural rules that would expedite presidential eligibility cases for review to

The U.S. Supreme Court” – Eugene D. Mazo, *Rethinking Presidential Eligibility*, 85 Fordham L. Rev. 1045 (2016).

This court can remedy this by recognizing the importance of defining, once and for all, who is eligible to be President or Vice-President. However, according to a statement made by U.S. Supreme Court Justice Clarence Thomas in testimony before Congress said that “we are evading the issue”. This court defines what the law IS. There is no rationale for evading an issue of such great magnitude, the result of such evasion leads to the detriment of the Republic. See: *Marbury v. Madison*, 5 U.S. 137 (1803). The issuance of a Writ of Quo Warranto against Kamala Devi Harris, and an ORDER to vacate the Office of the Vice-Presidency upon determination that she is not a “Natural Born Citizen” would make it likely, as opposed to speculative, that those court actions would redress the Petitioner’s injuries by abating current violations and preventing future ones. *Friends of the Earth v. Laidlaw Environmental Services*, 528 U.S. 167, 187 (2000).



REASONS FOR GRANTING THE PETITION

I. ON THE BASIS OF LAW.

The Onus is on the Defendant to prove that she is constitutionally Eligible to be Vice-President pursuant to the 12th Amendment as it pertains to Article II, Sec. 1, Clause 5 of the U.S. Constitution requiring her to be a “Natural Born Citizen” of the United States. This

case is brought in the name of the United States which has a vested interest established by law that its highest offices not be usurped by constitutionally barred persons, foreigners or infiltrators.

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

The Petitioner has demonstrated by very strong evidence that there is now an established pattern of usurpations of our Nation's highest offices by constitutionally barred individuals and that the current occupant of the office of Vice-President of the United States is constitutionally barred from said office by virtue of not being an Article II, Natural Born Citizen of the United States. That this longstanding pattern of usurpation has a nexus to this court's past evasion of this issue of grave national import. The issuance of a Writ of Quo Warranto against the Defendant is warranted. The grant of a Writ of Certiorari in the instant case is a matter of National Security import that should no longer be evaded by this court.

III. THE QUESTIONS PRESENTED ARE A MATTER OF VERY GRAVE NATURE.

The Petitioner has met his burden of proof with regard to standing. This issue is of such extremely grave nature that the very survival of the American Republic is in the balance.



CONCLUSION

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

Respectfully submitted,

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