

Some reflections to the ongoing US Presidential Elections

However, under the US-Constitution, which clearly sets forth an indirect election for Presidency, one would judge the NPVIC also clear is that article II Section 1 para 3 US-Constitution provides that the *Electors shall meet in their respective States, and vote by Ballot for two Persons.*

To vote, after OXFORD Dictionary and in the context given here, means **to express one's will** in favour of a person. If an Elector should be responsible to anything else than his or her conscience, he or she is responsible to the population to cast his or her vote in the College only for a person who, after his or her conviction, is qualified to perform the duties of the Presidency. To this obviously the XXth amendment refers, when it makes the inauguration of the president elect dependent on, he or she has *not failed to qualify*. For article II Section 1 para 5 US-Constitution speaks of being *eligible*, as does the last sentence of the XIIth amendment, *to qualify*, as cited before, must have a distinct, a farther meaning than this.

The XXth amendment came into force 1933, at a time, may be influenced by Hitler, when experience with party determined candidates has already been sufficient to see that there would have to be an official, a federal mechanism to separate the wheat from the chaff. Thus, the constitutionally provided *qualification* of a president elect must comprise not only his or her eligibility, but also his or her qualified capacities to be generally determined by federal law, what never has happened, and to be individually determined for each president and vice president elect by a competent authority.

The place of this authority meanwhile is taken by the two political parties which dominate the choice of candidates, what is a deeply partisan but not, in its best meaning, a political procedure, obviously judged by the constitutional legislative to be unreliable, otherwise the wording of the XXth amendment would not have needed to read like it does.

To speak of the Elector as a faithless one, therefore is unconstitutional; and several States' laws imposing fines or even imprisonment to "*faithless Electors*" either!

Given the lack of any legislation providing for the qualification of the president elect or the vice president elect, it seems to be the President who, as the supreme executive, has to decide over the determination of such qualification, what is significantly stressed by the fact that in this regard, there is no legislative reservation provided in the XXth amendment.

The XXth amendment does not provide for the eventuality that someday and finally a President will express his doubts about the legitimacy of election procedures and makes a move to execute the constitution's provisions in the sense discussed herein.

But there is a lack of provision in the Constitution who then shall be the acting president, when no valid electoral vote has taken place, because of, as shown above, illegal binding of Electors to a unconstitutional commitment for voting for a special candidate: for all cases for which the XXth amendment provides a functional consecution for the Presidency obviously require such a valid election by Electors or, as it seems, a Court judgement that declares it invalid.

So now it is clear that we have a precedence which is not ruled by the Constitution. And as it seems, this is the case by intention. So, to find a solution to the question who will be acting president until a new election will have been conducted, we have to access to international law, i. e. the right of the peoples to self-determination, as set forth in the UN Charter, and the *Universal Declaration of Human Rights* which, in its article 21 laid down that the people have the right to, *either directly or through freely chosen representatives, take part in the government.* As I have already proven at some other place this bolded *directly* means, that a brave and qualified man or woman is eligible to take the initiative to take part in the government by his or her own, when High Treason like circumstances require it. Who should be more eligible to this than an elected President in office!

To make it clear it is still to say that the passage *universal and equal suffrage* in article 21 UDHR or, respectively, in 25(b) of ICCPR (provided with a reservation as not self-executive) in connection with *free and genuine elections* does not necessarily mean *directly*; to the contrary, the word *equal* understood as having the meaning of *having a just relation or proportion, correspondent, commensurate*, as given by WHITNEY, <https://archive.org/stream/centurydictipt700whituoft#page/1980/mode/1up>, it results that these preconditions are met if only every citizen of right age and reputation is allowed to vote, and if the politicians to be chosen are voted for by equal electors; so that indirect elections are not contradicting international law.

The result is that President Donald Trump is entitled to stay in office, until the legal inadequacies will have been eliminated.

Arthur H. Lambauer

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Part II

The fact that the XXth amendment provides for a precondition for the inauguration, of having not failed to qualify, which obviously has to be determined after the Electors' vote, admits the deduction that the latter shall consist of votes casted for as many several candidates as the Electors may find to be qualified. Therefore, the pre-elections, dominated by political parties and producing parties' candidates whom to elect the Electors shall commit to, are unconstitutional! Because the post-election determination whether a president elect has qualified does make sense only if persons were elected who did not run as candidates but were chosen by the Electors due to their capacities. This, too, is a second reason why calling "faithless Electors" who does not abide by his or her voting commitment, is unconstitutional.

Electors must be free in casting their votes! They must have the opportunity to cast their votes in favour of any person held for eligible. Only afterwards, there shall be a determination of qualification, by a federal authority.

Results, that this election will be rigged, if these conditions won't be met.

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