

# On the unconstitutionality of the procedure to elect the President and the Vice-President as presently practiced in the United States of America

A concise outline  
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*In this paper I will set forth the facts upon the unconstitutionality of the US-procedure to the election of President and Vice-President, based on, first, the constitutionally incompatible commitment of the members of the Electoral College to vote for the party candidate respectively and, second, the unlawful procedure by mail-in ballot; which both results in a constitutional right and duty of the sitting President to undertake to necessary steps, including insurrection against the Congress, to put an end to the political Parties' unconstitutional practices that amount to High Treason.*

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## 1. The voting commitment of the Electors.

Article II Section 1 paragraph 2 of the United States Constitution (US-C) reads in its original version as follows:

*Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: **but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.***

This clause partly superseding, the XII. Amendment provides:

*The Electors shall meet in their respective states, and **vote by ballot** for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall **name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; [...]. The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers **not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President.** [...].***

Now, the practise of choosing the Electors is well known: Both the main political parties name, on a slate, several potential Electors which the people may vote for. Article III-1 of the NPVIC (*National Popular Vote Interstate Compact*) sets it forth:

*Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each **presidential slate** in each State of the United States and in the District of Columbia in which votes have been cast in a state-wide popular election and shall add such votes together to produce a "national popular vote total" **for each presidential slate.***

Chosen by the respecting party to be put onto the slate is only, who swears that he/she will vote for the party's candidate. Some States provide for serios punishment of Electors, who do not abide with this.

*To name the persons voted for*, as provided in the XII. Amendment has nothing to do with this procedure described before. Because, *to vote* means to express one's own will to give one's vote to a specific person found worthy **by the elector** to be voted for; but it does not mean to give one's vote to a person determined by some other body.

Moreover, the fact that this amendment provides for a secret casting of the Elector's votes shows that the procedure of casting votes by the Electors must not become a farce through which the public knows the winner in advance.

The referral to the number of not more than three persons (with the most votes) in the XII. Amendment (as marked in bold above) compels to the conclusion that the number of persons listed by the Electors of each State shall be open towards the upper side, i. e. it would be a curious instance if all the Electors in all the States would have given their votes to only two persons for President (or Vice-President, respectively).

Thus, it is clear, that after the US-C not only the determination of the candidate by the political parties is inadmissible, but also the pool of eligible persons to vote for by the Electors must be, between the lines of constitutional conditions, open!

This, too, is required by the rule of article II, cited above, that no Senator or Representative is eligible for Elector: The determination of the candidate by the political parties practically, and due to the influence of these persons to the party-regime, is the same as if they would have been appointed an Elector.

NPVIC, in fact, renders the presidential election a direct ballot by the people, which not only is not provided for by the US-C, but, too, is not compatible with The US's duties after international law to choose genuine *representatives* for their government posts, but not mainstream actors, as required by the UN-principle of the right to self-determination of peoples.

A *representative* is somebody who stand for all the people in the country, including to most educated and the most intelligent ones, which only a person is able to do, who themselves are most educated and intelligent, what you cannot claim regarding the usual candidates whose only skills, supported by corrupt mass media, are photogenic ability to grin into the camera and read texts from the teleprinter.

Here is no space to further elaborate on the colossal meaning of those representative capabilities of government officers after the requirements of international law; but it should be self-understanding.

## 2. The incompatibility of mail-in voting with the constitutional requirement of voting on special places.

In several Amendments (e. g. XIV/2, XV/1, XIX and XXIV/1), there is, regarding the elections of presidential Electors, referred to the requirement that the people do vote for them.

The meaning of voting has already been given above.

The said requirement is not guaranteed if no state institution has an eye on the freedom of casting one's vote, as

it happens when the elector casts its vote in the ballot cabin: Nobody shall influence the voter in casting his/her vote.

This is why article I section 4 paragraph 1 US-C takes concerns the place, too, at which the votes are cast. That the US-C provides that only regarding the congressional elections is obviously caused by the fact, that the voting procedure falls within the states' competence, which does and can not mean that this important requirement of some state control over the process of casting by free will of the elector could not be imperative for elections in the States, eighter.

It is well known that a wide range of especially rural people live under social conditions which not at all guarantee their opportunity to cast their votes freely and independently, by mail-in ballot. The reasons therefor reach from patriarchal family systems until mafia and other organized criminal conditions.

And it is absolutely impossible and even more unnecessary to prove that logical conditions, for the sake of gaining some argument for the unconstitutionality of mail-in ballots!

Obviously, this has been what President Trump meant by saying, in his short statement after congressional certification procedures, the US-election law must be revised concerning securing the identity of electors.

The identity of electors, who have marked the mail-in ballot regarding the presidential slates is not secured, because no one really knows whose will thereby is represented.

The conclusion is that mail-in ballots are unconstitutionally.

### **3. The right and duty of the sitting president to revolt against this election procedure.**

The history of amending the US-C clearly shows the immense efforts of the founding fathers (and mothers) to, by amending the constitution, to weave the pattern into this basic law which I had the honour to elaborate herein. The reason why many things thereby are not put more decisively is easy to realize: the pattern had to be hidden before the eyes of High Treason, of betrayal reactionism by the enemies of the United States who abuse its forces and milk its capacities.

So, may well be that it is no unwanted coincidence that in article XIV section 3 of the amendments to the US-C the President is not mentioned, if it reads as follows:

*No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, [...].*

That the president himself, due to his capacity as incarnation of one of the three power branches provided for in the US-C, is not an officer under the United States, I yet have proven elsewhere.

Moreover, it is indeed questionable, whether a revolt over Traitors is an insurrection or rebellion, at all.

At stake is not only peanuts, but the democracy of a nuclear power, so that this is a question which is of concern for the international community itself.

President Trump has done what was necessary: He provoked an impeachment procedure where all those questions elaborated herein, are to be discussed and considered wisely, with the conclusion that he is a hero, but no criminal!

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