

United States District Court  
District of New Jersey

Civil Docket No. \_\_\_\_\_

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Nicholas E. Purpura, *Pro Se*  
Donald R Laster Jr, *Pro Se*  
et al.  
(Named separately on separate page)

Plaintiffs

VIOLATION

v.

Title 28 U.S.C. 1331  
&  
CIVIL RIGHTS  
Request For  
Declaratory Judgment  
Trial by Jury

Individually & in their Official Capacity

KATHLEEN SEBELIUS and the  
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Secretary of the United States Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

TIMOTHY F. GEITHNER and the  
UNITED STATES DEPARTMENT OF THE TREASURY  
Secretary of the United States Department of the Treasury;  
1500 Pennsylvania Avenue, NW  
Washington, D.C. 20220

HILDA L. SOLIS and the  
UNITED STATES DEPARTMENT OF LABOR  
Secretary of the United States Department of Labor  
200 Constitution Ave., NW  
Washington, DC 20210

Defendants.

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Donald R Laster Jr  
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## COMPLAINT

Plaintiffs, the citizens of the STATE OF NEW JERSEY, by and through NICHOLAS E. PURPURA and DONALD R LASTER JR, *Pro se*, representing as plaintiffs and/of affiliate organizations, listed in separate sheet attached and open to citizens willing to join in this Petition, against Defendants, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS); KATHLEEN SEBELIUS, in her official capacity as the secretary of HHS; UNITED STATES DEPARTMENT OF THE TREASURY (Treasury); TIMOTHY F. GEITHNER, in his official capacity as the Secretary of the Treasury; UNITED STATES DEPARTMENT OF LABOR (DOL); and HILDA L. SOLIS, in her official capacity as the Secretary of DOL, and state;

## PARTIES

### Plaintiffs:

NICHOLAS E. PURPURA  
1802 Rue De La Port,  
Wall New Jersey 07719

DONALD R LASTER JR.  
25 Heidl Ave  
West Long Branch, New Jersey 07764

### Defendants

KATHLEEN SEBELIUS and the  
UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Secretary of the United States Department of Health and Human Services  
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200 Constitution Ave., NW  
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## STATEMENT OF FACT

*We the people*, come before this Honorable Court, as a matter of right, "*to petition the Government for redress of grievances*":

1. Plaintiffs respectfully request this Honorable Court address this Petition and/or any other action for "Declaratory Relief" submitted by the citizens of New Jersey prior to any other action pending on the Constitutional validity of the "*Patient Protection and Affordable Care*", labeled H.R. 3590. Hereafter the "Act" currently on the law books of the United States of America as Public Law 111-148 and the Laws, regulations, taxes and other items created from this Act.
2. *We the people* of these United States of American (United States) are the true voice of government, and respectfully request we be granted precedence and let all other actions be consolidated within this action. The people feel they can no longer depend upon public officials that have been repeatedly usurping the will of the people, being subservient to political parties rather than the will of the majority and the Constitution of these United States of America.
3. Plaintiffs allege the combined actions against H.R. 3590 (hereafter the "Act") instituted by the 14 States' of these United States, Case No. 3:10-cv-91. before the federal Judiciary unmistakably fails to fully articulate numerous violations of the Constitution of the United States (hereafter Constitution) and Amendments incorporated therein be heard jointly, since said actions involve issues of common fact:
4. In the *interest of substantial justice*, the people's action demonstrates the arguments before the federal Court instituted by the Attorney Generals' are lacking and limited, omitting compelling law and fact on the question at bar concerning the unprecedented act of encroachment on the Constitutional liberties of citizens of all States in the Union.

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## NATURE OF ACTION

5. The Act is one of the most significant pieces of legislature enacted by the legislature of these United States of America (US) in recent history. Before this Honorable Court is not whether the majority of the American people oppose this Act; but whether the legislature illegally created a law that blatantly violates the Constitution of these United States of America.
6. The material facts herein demonstrate the Healthcare Reform Act not only illegally and unconstitutionally expands government, in an attempt by a majority party to take control of one-sixth of the U.S. economy, but an intentional fraudulent scheme was concocted by those in the legislature to intentionally circumvent the Constitution and Amendments attached thereto.
7. Essentially absent from each petition previously brought before various District Courts is "material fact" set forth in this Class-action present by "We the people" that by law, requires judicial scrutiny to come to a fair and just outcome to rightly determine the issue at bar. Each Count presented herein articulates Constitutional questions essential to the case that must be addressed since each action presented by the Attorney Generals of the various States failed to present said arguments.
8. For example Count One in-of-itself is an issue of first impression, upon which no previous precedent has been found to exist. To pass this Act the majority in the legislative branch of government played foot-loose and fancy free with Articles of the Constitution and the laws of this Republic.
9. Before this Honorable Court Plaintiffs action does have the same two arguments as presented by the Attorney Generals of various States, but not one action before those District Courts presents the Constitutional questions presented herein that must be addressed. In the interest of substantial justice it is incumbent on this Honorable Court to address each Constitutional violation.
10. What has been lost over the last century is that the General Government was created by the sovereign States of these United States of America by contract to serve the States and the people. The time is long overdue for the Federal Courts and States to return the General Government to its boundaries established by the Constitution and its agencies to adhere to the letter of the law as clearly enumerated in the Constitution.

## QUESTIONS PRESENTED

11. Incorporated in this "Petition" are Constitutional challenges and questions that must not go unanswered if "*equal protection*" and "*due process*" are to have meaning. Therefore, Plaintiffs Nicholas E. Purpura and Donald R Laster Jr, on behalf of themselves and the citizens of the State of New Jersey, respectfully request this Honorable Court address entirely whether the Act is unconstitutional and overly intrusive based upon violation of:

1. Article 1, Section 7, Paragraph 1, of the U.S. Constitution;
2. Article 1, Section 8, Paragraph 3, of the U.S. Constitution;
3. Article 1, Section 8, Paragraphs 12, 14, 15 of the U.S. Constitution as well as the "*Posse Comitatus*" Act;
4. Article 1, Section 9, Paragraph 4 of U.S. Constitution;
5. Article 1, Section 9, Paragraph 5 of U.S. Constitution;
6. Article 2, Section 1, Paragraph 5 of U.S. Constitution;
7. Amendment 16 of U.S. Constitution;
8. Amendment 4 of U.S. Constitution and Civil Rights;
9. Amendment 5 of U.S. Constitution;
10. Amendment 13 of the U.S. Constitution;
11. Amendment 14 of U.S. Constitution and Discriminatory Taxation;
12. Amendment 1 of U.S. Constitution;
13. Anti-Trust Laws of the U.S. that results in a violation of Amendment 5;
14. Title VII and Amendment 14 of the U.S. Constitution;
15. Article 6 of the U.S. Constitution; and,
16. Article 1, Section 8 of the U.S. Constitutional and Amendment 10.

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## COUNT ONE

### **Violation of Article 1, Section 7, Paragraph 1 of the U.S. Constitution**

12. Plaintiffs re-allege, adopt, and incorporates by reference paragraphs 1 through 11 above as though fully set forth herein.
13. In 2009 the Senate of the Congress of the United States originated a number of revenue raising bills under the guise of health care reform in violation of Article 1, Section 7, Paragraph 1 of the contract defined by the U.S. Constitution that created the General Government. Specifically the contract states:

*All Bills for raising Revenue shall originate in the House of Representatives;  
but the Senate may propose or concur with Amendments as on other Bills.*

14. The Senate of the Congress of the United States (Senate) is explicitly prohibited from originating revenue generating bills by the constitutional contract. The House of Representative of the Congress of these United States (House), at the same time the Senate was originating its revenue raising bills, passed and delivered a number of bills that raised revenue, specifically H.R. 3200 and the actual H.R. 3590, to the Senate.
15. The Senate's Finance Committee with the assistance of the Senate's Leadership originated a variety of revenue raising bills related to the health care reform and adopted these bills by individual Senate votes. When the Senate received the Bill House Resolution 3200 (H.R. 3200) the Senate refused to consider this bill in any fashion. The Senate neither proposed Amendments or concurred with the bill as specifically allowed by Article 1, Section 7, Paragraph 1. The Senate rejected H.R. 3200 in its entirety. Then at the behest of Barack H. Obama Jr, the Senate and House concocted a scheme to pass the combined versions of the Senate's various health care reform legislation.
16. Then the Senate in order to circumvent Article 1, Section 7, Paragraph 1 inserted the revenue raising bills that the Senate had originated into the actual H.R. 3590, a bill that contained revenue provisions, replacing all of the original H.R. 3590's provisions even to the point of giving said House bill a new name.
17. What the Senate did in order to attempt to circumvent Article 1, Section 7, Paragraph 1 must be addressed whether the Senate and House acted with fraudulent intent in the conveyance of this legislation by giving the appearance of proper Constitutional procedure was the equivalent of taking the book Frankenstein, written by Mary Shelley, removing all of the pages from inside of the book, then inserting the pages of the book Dracula, written by Bram Stoker, and then

fraudulently presenting the book as Frankenstein written by Mary Shelley.

18. In a charade, the Senate has essentially taken a bill created by the House known as H.R. 3590, titled "Service Members Home Ownership Tax Act of 2009", gutting it since it had nothing what so-ever to do with health care, and inserted the revenue raising bills originated by the Senate into the cover of H.R. 3590 giving it a new title of "Patient Protection and Affordable Care Act". The resultant bill is not an amended version of H.R. 3590 "Service Members Home Ownership Tax Act of 2009" but the Senate's "Patient Protection and Affordable Care Act", a bill which is a revenue raising bill that originated in the Senate of the Congress of the United States of America. This can further be seen in that the real H.R. 3590 titled "Service Members Home Ownership Tax Act of 2009", which is a total of 6 pages long, passed by the House of Representatives deals with home ownership and has nothing whatsoever to do with health care or health care related insurance and the "amendments" to said bill are not home ownership related. This Senate bill is clearly not an amended version of the real H.R. 3590 "Service Members Home Ownership Tax Act of 2009".
19. This is clearly a violation of Article 1, Section 7, Paragraph 1 of the contract defined by the U.S. Constitution that created the General Government since the Senate bills inserted into the shell of H.R. 3590 was originated by the Senate without any regards to any existing House bills that had been presented to the Senate. The Senate bills were originated completely independent of any House bill. The Senate may not originate revenue raising bills. This action is specifically and unconditionally reserved to the House of Representatives.
20. The Senate may only propose Amendments or concur with revenue raising bills after they are passed by the House and delivered to the Senate. This is not what the Senate's Finance Committee and Senate Leadership did. They pretended they were amending a House bill knowing this to be false in order to pass and send a bill to the House to be voted upon that was originated in violation of Article 1, Section 7, Paragraph, 1 of the United States Constitution.
21. WHEREFORE, Plaintiffs respectfully prays that this Honorable Court:
  - i. Declare the "Patient Protection and Affordable Care Act", Public Law 111-148, to be in violation of Article 1, Section 7, Paragraph 1 of the Constitution of the United States of America;
  - ii. Declare Defendants to have violated the Plaintiffs rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as aforesaid;

- iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States of America from enforcing the Public Law 111-148 against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violations deriving from any such actual or attempted enforcement; rendering H.R. 3590 "null and void," and
- iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court may deem just and proper.

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## COUNT TWO

### Violation of Article 1, Section 8, Paragraph 3 of the U.S. Constitution

22. Plaintiffs re-allege, adopt, and incorporates by reference paragraphs 1 through 21 above as though fully set forth herein.

Please take Special Judicial Notice: The usage of the '*Commerce Clause*' by the government in this Act requires immediate judicial review as a question of first impression. Since for the first time in United States history, the federal government is attempting to use the '*Commerce Clause*' for a non-activity other than being a citizen. In essence the government is saying breathing is an act of commerce.

23. In 2009 the Senate of the Congress of the United States originated a number of revenue raising bills under the guise of health care reform in violation of Article 1, Section 8, Paragraph 3 of the contract defined by the U.S. Constitution that created the General Government. Specifically the Contract states:

*To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;*

24. Congress is granted broad authority to regulate commerce in its various forms and this action does not challenge this specific grant of authority. However, the grant of authority does not grant Congress the authority to dictate, order or force any person, company or State to engage in commerce. Nor does the contract represented by the U.S. Constitution that created the General Government give Congress the authority to create vehicles of commerce. The authority to regulate does not imply a grant of authority to create specific forms of commerce and then require any person, company or State to engage in the specific form of commerce created.
25. The word "regulate" is defined as in Webster's Universal Encyclopedic Dictionary 2002 as

**1** a to govern or direct according to rule, b to bring under the control of law or constituted authority (2) : to make regulations for or concerning <regulate the industries of a country>

**2** : to bring order, method or uniformity to <regulate one's habit>

**3** : to fix or adjust the time, amount, degree or rate of (regulate the pressure of a tire>

and the online dictionary at <http://dictionary.reference.com/browse/regulate> defines the word as

**1** to control or direct by a rule, principle, method, etc.;

**2** to adjust to some standard or requirement, as amount, degree, etc.;

**3** to adjust so as to ensure accuracy of operation;

**4** to put in good order.

Webster's New Twentieth Century Dictionary of the English Language Unabridged 1953 defines the word the same as does Samuel Johnson's 1849 Dictionary of the English Language and Noah Webster's 1828 American Dictionary of the English Language both of which are available on-line. Nowhere in any of these definitions of "regulate" do the definitions allow a dictate of commerce or a mechanism to force any commerce to be performed. It specifically allows the creation of guidelines of how to perform commerce.

26. In 1995, for the first time in nearly 60 years, the U.S. Supreme Court held that Congress had exceeded its power to regulate interstate commerce. In *United States v. Lopez*, 514 U.S. 549, 115 S. Ct. 1624, 131 L. Ed. 2d 626 (1995), the Court ruled 5-4 that Congress had exceeded its "*Commerce Clause*" power in enacting the Gun-Free School Zones Act of 1990 (18 U.S.C.A. § 921), which prohibited the possession of firearms within 1,000 feet of a school.
27. In reaching its decision, the Court took the various tests used throughout the history of the "*Commerce Clause*" to determine whether a federal statute is constitutional, and incorporated them into a new standard that specifies three categories of activity that Congress may regulate under the clause:
  - (1) the channels of interstate commerce,
  - (2) persons or things in interstate commerce or instrumentalities of interstate commerce,
  - (3) activities that have "a substantial relation to interstate commerce i.e., those activities that substantially affect interstate commerce.

The Court then applied this new standard to the 1990 Gun-Free School Zones Act and found that the statute could be evaluated under the third category of legislation allowed by the Commerce Clause.

28. The Supreme Court noted that the act was a criminal statute that had nothing to do with commerce and that it did not establish any jurisdictional authority to distinguish it from similar State regulations. Because the statute did not "*substantially affect interstate commerce*", according to the Court, it went beyond the scope of the "*Commerce Clause*" and was an unconstitutional exercise of Congress's legislative power.
29. The Act requires that selected groups of people, companies, and the States engage in a specific type of commerce as dictated by "Act." Specifically, the Act now Public Law 111-148, unconstitutionally requires a majority, not all, of the citizens to purchase Government specified Health Care Insurance. Failure to comply with the mandates of the Act levies penalties based

upon gross income in what has now become a specific act of "commerce" to justify the unconstitutional mandates in the Act.

30. The Act selectively penalizes selected group of people, companies, and States who may or may not engage in what is now deemed an act of commerce regardless of whether the only activity is the equivalent of breathing. The Act selectively requires individuals and companies (required to offer insurance or a public option) to meet the requirements of the government. Those not complying are subject to punishment and fines if their insurance is superior or inferior to the specified requirements of the Act. Therefore, because all citizens are not equally required to meet the same requirements said Act violates "*equal protection and treatment*" as well.
31. Above all this Honorable Court must first address whether breathing and refusing to comply with a mandated to participate in an activity is an act of "commerce in these United States" Therefore, this Honorable Court has before it a question of first impression.
32. WHEREFORE, Plaintiffs respectfully prays that this Honorable Court:
  - i. Declare the "Patient Protection and Affordable Care Act", Public Law 111-148, to be in violation of Article 1, Section 8, Paragraph 3 of the Constitution of the United States of America;
  - ii. Declare Defendants to have violated the Plaintiffs rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as aforesaid;
  - iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States of America from enforcing the Public Law 111-148 against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violations deriving from any such actual or attempted enforcement; rendering H.R. 3590 "null and void," and;
  - iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court may deem just and proper.

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## COUNT THREE

### **Violation of Article 1, Section 8, Paragraph 12, 14, 15 and 16 of the U.S. Constitution and the "Posse Comitatus" Act**

33. Plaintiffs re-allege, adopt, and incorporates by reference paragraphs 1 through 32 above as though fully set forth herein.

#### Violation of Article 1, Section 8, Paragraph 12:

34. In 2009 the Senate of the Congress of the United States originated a number of revenue raising bills under the guise of health care reform that includes the creation of a private Presidential Army to enforce health care laws in a Presidential Declared medical emergency (Section 203, 5210) in violation of Article 1, Section 8, Paragraph 12 of the contract defined by the U.S. Constitution that created the General Government. Specifically the Contract states:

*To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;*

35. Therefore, it is irrefutable H.R. 3590, also known as the Act is noticeably a violation of Article 1, Section 8, Paragraph 12 which restricts all funding of Armies to a maximum of 2 years at one time. The Act specifically and unconstitutionally calls for funding of this specific Army for 4 years for which no constitutional authority exists.

#### Violation of paragraph 14:

36. Under the guise of health care reform that creation of a private Presidential Army to enforce health care laws in a Presidential Declared Medical emergency violates of Article 1, Section 8, Paragraph 14 of the contract defined by the U.S. Constitution that created the General Government. Specifically the Contract states:

*To make Rules for the Government and Regulation of the land and naval Forces;*

37. The Act is clearly in violation of Article 1, Section 8, Paragraph 14 since it authorizes the Surgeon General of the United States to force individuals to active duty without any emergency declaration of War. Nor does any provision exist in the U.S. Constitution that allows the special units of the U.S. Army created under the auspices of the U.S. Constitution to be used for "routine public health". If such a need were warranted it would be the function of the sovereign States involved that comprise these United States of America to call upon their National Guards only. One could also argue the use of federal troops in any State violates the *Posse Comitatus* Act void Congressional approval. Further evidence of this violation of the U.S. Constitution can be seen in the requirements and procedures that the General Government must follow in responding to

natural emergencies such as the land fall of the hurricane Katrina. Before the General Government could act the Governor of the sovereign States of Louisiana, Mississippi and Alabama had to formally request aid from the General Government.

Violation of paragraph 15:

38. Article 1, Section 8, Paragraph 15 of the contract defined by the U.S. Constitution that created the General Government. Specifically the Contract states:

*To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;*

39. The Act violates Article 1, Section 8, Paragraph 15 (see section 203) since it places into the hands of the Executive Branch and Surgeon General of the United States the ability to force individuals (Draft) to active duty without any emergency declaration of war. Nowhere in the U.S. Constitution does authority exist for Presidential Armies to be created under the auspices of the U.S. Constitution to be used for "routine public health." Again, this is a function of the sovereign States to activate their National Guard that are the first responders for the States of these United States of America in time of a State crisis.

Violation of paragraph 16:

40. Article 1, Section 8, Paragraph 16 of the contract defined by the U.S. Constitution that created the General Government. Specifically the Contract states:

*To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;*

41. H.R. 3590, also known as "Act", is clearly in violation of Article 1, Section 8, Paragraph 16. H.R. 3590 (see, section 203) places into the hands of the Executive Branch and Surgeon General of the United States the ability to force individuals to active duty without an emergency declaration. Again, the U.S. Constitution does not allow for Armies created under the auspices of the U.S. Constitution to be used for "routine public health." Only a sovereign State's governor has the legal authority to activate to duty its National Guard in time of emergency, other than a time of war. The executive branch of the federal government by contract is obligated to first obtain Congressional approval outside an act of war.

Please Take Special Judicial Notice: The Act as written allows the Executive branch of government to circumvent Congressional approval to implement a draft. [See, section 203, b through d]. It behooves this Honorable Court to consider the utterance on July 2, 2008 by Barack

H. Obama Jr prior to occupying the office of the Presidency when coupled with this unconstitutional provision that was inserted in the Act 24-hours before passage, I quote:

***We cannot continue to rely on our military in order to achieve the national security objectives that we've set," he said. "We've got to have a civilian national security force that's just as powerful, just as strong, just as well-funded.***

42. WHEREFORE, Plaintiffs respectfully prays that this Honorable Court:
- i. Declare the "Patient Protection and Affordable Care Act", Public Law 111-148, to be in violation of Article 1, Section 8, Paragraph 12, 14, 15 and 16 of the Constitution of the United States of America as well as violating the provisions of the Posse Comitatus Act ;
  - ii. Declare Defendants to have violated the Plaintiffs rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as aforesaid;
  - iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States of America from enforcing the Public Law 111-148 against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violations deriving from any such actual or attempted enforcement; rendering H.R. 3590 "null and void," and,
  - iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court may deem just and proper.

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## COUNT FOUR

### Violation of Article 1, Section 9, Paragraph 4 of U.S. Constitution

43. Plaintiffs re-allege, adopt, and incorporates by reference paragraphs 1 through 42 above as though fully set forth herein.

44. In 2009 the Senate of the Congress of the United States originated a number of revenue raising bills under the guise of health care reform in violation of Article 1, Section 9, Paragraph 4 of the contract defined by the U.S. Constitution that created the General Government. Specifically the Contract states:

*No Capitation or other direct Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.*

45. Congress is prohibited from laying direct taxes. The various mandates in the Act are direct taxes that are required to be paid by individuals and companies in violation of Article 1, Section 9, Paragraph, 4 of the U.S. Constitution.

46. WHEREFORE, Plaintiffs respectfully prays that this Honorable Court:

- i. Declare the "Patient Protection and Affordable Care Act", Public Law 111-148, to be in violation of Article 1, Section 9, Paragraph 4 of the Constitution of the United States of America;
- ii. Declare Defendants to have violated the Plaintiffs rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as aforesaid;
- iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States of America from enforcing the Public Law 111-148 against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violations deriving from any such actual or attempted enforcement; rendering H.R. 3590 "null and void," and,
- iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court may deem just and proper.

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## COUNT FIVE

### Violation of Article 1, Section 9, Paragraph 5 and 6 of U.S. Constitution

47. Plaintiffs re-allege, adopt, and incorporates by reference paragraphs 1 through 46 above as though fully set forth herein.
48. In 2009 the Senate of the Congress of the United States originated numerous revenue raising bills under the guise of health care reform in violation of Article 1, Section 9, Paragraph 5 of the contract defined by the U.S. Constitution that created the General Government. Specifically the Contract states:

*No tax or duty shall be laid on articles exported from any State.*

49. The Congress of the United States (Senate) is explicitly prohibited from taxing or putting duties on products that are exported from State to State. The Act placed taxes on medical devices exported from the individual States. The final bill passed by the legislature and signed by the Executive branch is currently in violation of the Constitution since it specifically levies tax on products that are exported from the States.
50. The Act in its present form also violates of Article 1, Section 9, Paragraph 6 of the contract defined by the U.S. Constitution that created the General Government. Specifically the Contract states:

*No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: Nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties, in another.*

51. More glaring, no constitutional authority exists that allows the Congress of these United States (Senate) to grant 'special preference' on any commerce and/or financial incentives to selective States. The Act blatantly violates this provision by granting special treatment and preferences on commerce for the various States in an act of bribery to obtain the needed vote for passage of this Act.
52. WHEREFORE, Plaintiffs respectfully prays that this Honorable Court:
- i. Declare the "Patient Protection and Affordable Care Act", Public Law 111-148, to be in violation of Article 1, Section 9, Paragraph 5 and 6 of the Constitution of the United States of America;
  - ii. Declare Defendants to have violated the Plaintiffs rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as aforesaid;

- iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States of America from enforcing the Public Law 111-148 against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violations deriving from any such actual or attempted enforcement; rendering H.R. 3590 "null and void," and,
- iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court may deem just and proper.

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## COUNT SIX

### Violation of Article 2, Section 1, Paragraph 5 of U.S. Constitution

53. Plaintiffs re-allege, adopt, and incorporates by reference paragraphs 1 through 52 above as though fully set forth herein.
54. In 2009 the Senate of the Congress of the United States originated a number of revenue raising bills under the guise of health care reform that was then signed into law by Barack Hussein Obama Jr in violation of Article 2, Section 1, Paragraph 5 of the contract defined by the U.S. Constitution that created the General Government. Specifically the Contract states:

*No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.*

55. It is asserted and alleged by Plaintiffs that the Act has never been legally and constitutionally signed into law as required by the contract represented by the U.S. Constitution.
56. It is indisputable and not denied that Mr. Barack Hussein Obama Jr's father was a citizen of the British Commonwealth. By law, it is undeniable Mr. Barack Hussein Obama Jr is ineligible to hold the office of President of this United States. The framers of the Constitution when they adopted the requirement they excluded dual citizens from qualifying as natural born. Mr. Obama was born of a father who is a British subject/citizen and Obama himself was the same. The term "natural born citizen" is defined, at least since 1758, as "a child born in the country of parents who are citizens." Only one of Barack Hussein Obama Jr's parents was a citizen at the time of his birth; in this case his mother who was/is a U.S. Citizen.

Please take Special Judicial Notice: Plaintiff's are not arguing whether Mr. Obama was or was not born in Hawaii, though it is incumbent for this Honorable Court to also address that question. Mr. Obama has expended in excess of one point seven million dollars to have the State of Hawaii seal his records. The question that mandates an answer, why is Mr. Obama above the law, when by law you need a birth certificate to obtain a driver's licenses, Social Security card and/or passports. They are also used extensively for employment purposes, to obtain benefits or other documents, to assist in determining eligibility for public assistance and other benefits, to enroll children in school and as proof of age eligibility for sports and other age-restricted activities. There are other questions that demand answers; why does Mr. Obama have scores of Social security numbers, and those numbers it has been discovered were issued by the State of Connecticut. If a fraud was perpetrated upon the American people it is a crime. Regardless, based upon the Constitution and the British citizenship of Mr. Obama's father, he, Mr. Barack Obama Jr, is constitutionally ineligible to hold the office of the President of this United States. Not being eligible to be president and Commander in Chief, Mr. Obama is currently acting without constitutional authority which is causing plaintiffs injury in fact.

57. The Supreme Court of these United States, in "*Minor v Happersett*" when deciding an issue of citizenship issued a decision on March 29, 1875 specifically held:

*The Constitution does not, in words, say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that. At common-law, with the nomenclature of which the framers of the Constitution were familiar, it was never doubted that **all children born in a country of parents who were its citizens became themselves, upon their birth, citizens also.** These were natives, or natural-born citizens, as distinguished from aliens or foreigners. Some authorities go further and include as citizens children born within the jurisdiction without reference to the citizenship of their [p168] parents. As to this class there have been doubts, but never as to the first. For the purposes of this case it is not necessary to solve these doubts. It is sufficient for everything we have now to consider that all children born of citizen parents within the jurisdiction are themselves citizens. The words "all children" are certainly as comprehensive, when used in this connection, as "all persons," and if females are included in the last they must be in the first. That they are included in the last is not denied. In fact the whole argument of the plaintiffs proceeds upon that idea.*

58. The Supreme Court specifically referenced and acknowledge the meaning of "natural born citizen" as defined by Monsieur De Vattel's "Law of Nations" Book 1, Chapter 19, Paragraph Number 212, (online at [http://www.constitution.org/vattel/vattel\\_01.htm](http://www.constitution.org/vattel/vattel_01.htm)) which states:

*The citizens are the members of the civil society; bound to this society by certain duties, and subject to its authority, they equally participate in its advantages. **The natives, or natural-born citizens, are those born in the country, of parents who are citizens.** As the society cannot exist and perpetuate itself otherwise than by the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights. The society is supposed to desire this, in consequence of what it owes to its own preservation; and it is presumed, as matter of course, that each citizen, on entering into society, reserves to his children the right of becoming members of it. The country of the fathers is therefore that of the children; and these become true citizens merely by their tacit consent. We shall soon see whether, on their coming which they were born. I say, that, in order to be of the country, it is necessary that a person be born of a father who is a citizen; for, if he is born there of a foreigner, it will be only the place of his birth, and not his country.*

59. In the Supreme Court ruling "**PERKIN," Secretary of Labor, et al. V ELG. ELG v. PERKINS, Secretary of Labor, et al.**" which was decided on May 29, 1939 discussed the differences between a natural born citizen and a native born citizen. From the decision

*Fifth.-The cross petition of Miss Elg, upon which certiorari was granted in No. 455, is addressed to the part of the decree below which dismissed the bill of complaint as against the Secretary of State. The dismissal was upon the ground that the court would not undertake by mandamus to compel the issuance of a passport or control by means of a declaratory judgment the discretion of the Secretary of State. But the Secretary of State, according to the allegation of the bill of complaint, had refused to issue a passport to Miss Elg 'solely on the ground that she had lost her native born American citizenship.' The court below, properly recognizing the existence of an actual controversy with the defendants Aetna Life Ins. Co. v. Haworth, 300 U.S. 227, 57 S.Ct. 461, 81 L.Ed. 617, 108*

*A.L.R. 1000), declared Miss Elg 'to be a natural born citizen of the United States' (99 F.2d 414) and we think that the decree should include the Secretary of State as well as the other defendants. The decree in that sense would in no way interfere with the exercise of the Secretary's discretion with respect to the issue of a passport but would simply preclude the denial of a passport on the sole ground that Miss Elg had lost her American citizenship.*

60. In the Supreme Court ruling of "THE VENUS, 12 U. S. 253 (1814)" the Court referenced the definition of "natural born citizen" and cited Book 1, Chapter 19, Paragraph Number 212 of Vattel's Law of Nations.

*The citizens are the members of the civil society; bound to this society by certain duties, and subject to its authority, they equally participate in its advantages. The natives or indigenes are those born in the country of parents who are citizens. Society not being able to subsist and to perpetuate itself but by the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights.*

61. Due to the dual citizenship status of the Barack Hussein Obama Jr, Barack Hussein Obama Sr was a British citizen and gave his son British citizenship, Barack Hussein Obama Jr does not meet the "natural born citizen" requirement of Article 2, Section 1, Paragraph 5 of the contract represented by the US Constitution nor was he, Barack Obama Jr, alive and a citizen of the United States of America at the time the US Constitution was adopted. Barack Hussein Obama Jr is a native born or statutory citizen and is therefore ineligible to exercise the authority of the office of President of the United States and can not sign bills into law.

62. WHEREFORE, Plaintiffs respectfully prays that this Honorable Court:

- i. Declare the "Patient Protection and Affordable Care Act", Public Law 111-148, to be in violation of Article 2, Section 1, Paragraph 2 of the Constitution of the United States of America and has never been signed into law;
- ii. Declare Defendants to have violated the Plaintiffs rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as aforesaid;
- iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States of America from enforcing the Public Law 111-148 against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violations deriving from any such actual or attempted enforcement; rendering H.R. 3590 "null and void," and,
- iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court may deem just and proper.

## COUNT SEVEN

### Violation of Amendment 16 of U.S. Constitution

63. Plaintiffs re-allege, adopt, and incorporates by reference paragraphs 1 through 62 above as though fully set forth herein.
64. In 2009 the Senate of the Congress of the United States originated a number of revenue raising bills under the guise of health care reform in violation of Amendment 16 of the contract defined by the U.S. Constitution that created the General Government. Specifically the Contract states:

*The Congress shall have power to lay and collect taxes on incomes, from whatever sources derived, without apportionment among the several States, and without regard to any census or enumeration.*

65. The Act unconstitutionally levies additional tax based on "gross income" for not complying with the Act. In effect, Congress created a tax based upon gross income for a 'non-activity' other than breathing and being a citizen of this United States. Basically, such a provision can be described as legal extortion under the "*color of law*." You either comply or we will punish you.
66. Nowhere in the contract represented by the U.S. Constitution does Congress have the authority to make laws that tax the same income multiple times or tax income that does not exist.
67. WHEREFORE, Plaintiffs respectfully prays that this Honorable Court:
- i. Declare the "Patient Protection and Affordable Care Act", Public Law 111-148, to be in violation of Amendment 16 of the Constitution of the United States of America;
  - ii. Declare Defendants to have violated the Plaintiffs rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as aforesaid;
  - iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States of America from enforcing the Public Law 111-148 against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violations deriving from any such actual or attempted enforcement; rendering H.R. 3590 "null and void," and,
  - iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court may deem just and proper

## COUNT EIGHT

### Violation of Amendment 4 of U.S. Constitution and HIPPA Legislation

68. Plaintiffs re-allege, adopt, and incorporates by reference paragraphs 1 through 67 above as though fully set forth herein.
69. In 2009 the Senate of the Congress of the United States originated a number of revenue raising bills under the guise of health care reform in violation of Amendment 4 of the contract:

*The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*

70. The Act, grants access to the General Government unconditionally authority to access and seize the private records of individuals in violation of Amendment 4 of the U.S. Constitution. This is clearly prohibited by Amendment 4.
71. Specifically, all medical records will be forwarded to a government bureaucracy without the legal consent of the citizen or a valid Court order. This act can have a detrimental effect on a citizen civil rights. Said Act also violate current legislation still on the books

Please Take Judicial Notice: The Act also violates the "Civil Rights" of the citizens of the State of New Jersey by dismissing existing legislation enacted in 1996, known as "The Health Insurance Portability and Accountability Act of 1996" (HIPAA) "nullifying" said protection. If this Act is held to be constitutional, all medical records will be open to government bureaucrats at the Department of Justice who can without legal justification or "due process" deem these individuals a threat or burden to society and revoke a citizen civil rights void any "due process."

At the time of this writing the Office for "Civil Rights" is charged with enforcement of the HIPAA Privacy Rule, which protects the privacy of individually identifiable health information. The HIPAA Security Rule, which sets national standards for the security of electronic protected health information; and the confidentiality provisions of the Patient Safety Rule, which protect identifiable information being used to analyze patient safety events and improve patient safety.

72. In addition, the Act, allows the federal government to have direct, real-time access to all individual bank accounts for electronic funds transfer. This invades citizen's privacy, and violates the "search and seizure protection" afforded by the Constitution's Amendment 4.

Special Note: The Supreme Court's prior precedent concerning legal constrains related to "privacy" are critical. The concept of privacy rights according to the Court in Roe v Wade, allowed mothers the right to "kill" their unborn children. Since, "constitutionalization" of "social issues" are now acceptable and have become the norm, one could rightly argue there should be no distinction between either health related issue. Should not an individual have a right to the same privacy (and in the case at bar, here, no one is being killed). Constitutionally the government has no legal right to have access to health records that are private. Plaintiffs are unaware of any

constitutional authority that grants the Congress to over-ride the HIPPA legislation, related to "privacy" of one's papers or for that matter to have access to one's bank account to make "electronic fund transfers" for healthcare costs? Especially if one chooses not to purchase healthcare! None! Amendment 4 protects; *"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated."*

73. In short, nowhere in the contract represented by the U.S. Constitution does Congress have the authority to seize records, medical or otherwise, without Warrants being issues for specific reasons.

74. WHEREFORE, Plaintiffs respectfully prays that this Honorable Court:

- i. Declare the "Patient Protection and Affordable Care Act", Public Law 111-148, to be in violation of Amendment 4 of the Constitution of the United States of America;
- ii. Declare Defendants to have violated the Plaintiffs rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as aforesaid;
- iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States of America from enforcing the Public Law 111-148 against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violations deriving from any such actual or attempted enforcement; rendering H.R. 3590 "null and void;" and,
- iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court

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## COUNT NINE

### **Violation of Amendment 5 and 13 of U.S. Constitution**

75. Plaintiffs re-allege, adopt, and incorporates by reference paragraphs 1 through 74 above as though fully set forth herein.
76. In 2009 the Senate of the Congress of these United States originated a number of revenue raising bills under the guise of health care reform in violation of Amendment 5 of the contract defined by the U.S. Constitution that created the General Government. Specifically the Contract states:

*No person shall be held to answer for ..., nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.*

77. The Act unconstitutionally gives access to the General Government to criminalize citizens and seize the property of those individuals who do not purchase the mandated health insurance coverage or do not purchase the specific type of health insurance that the government specifies. By this Act American citizens are without recourse to challenge the "taking" or seizure of property.
78. As a result of the tax penalties incorporated into the Act the constitutional civil right to "due process" is rendered "null and void." The Act deprives citizen of property (based upon gross income) by a "taking" in which no trial or appeal process is available to contest said seizure: which allow the federal government to ignore the basic principle of Constitutional law to include normal established laws governing taxation. Thereafter, reducing citizens to forced servitude.

#### The Thirteenth Amendment:

79. The 13th Amendment prohibits "involuntary servitude" except for crimes. The Act IN-OF-ITSELF is criminal, since it classifies one class\* of citizens criminals if they refuse to succumb to the involuntary requirement to either obtain Healthcare or be subject to penalties. This is tantamount to a "governmental extortion scheme".

Note: To be addressed in a separate count is the violation of the Amendment 14, since the Act unconstitutionally exempts certain class of citizens based upon religious sects. Therefore, it could also be argued the Act violates the Amendment 1 since it respects selected religions over others.

80. Clearly by the language in the Act any refusal to buy the product, in the case at bar, insurance, constitutes criminal behavior. It is incontrovertible, if one is forced to buy a product, that individual is being subjected to a form of 'involuntary servitude" to an all powerful federal government? This is not the limited government as specified by the contract entered into by the sovereign State of New Jersey and the other sovereign States in the creation of the Union, nor

does the U.S. Constitution allow such mandates or punishments.

81. WHEREFORE, Plaintiffs respectfully prays that this Honorable Court:

- i. Declare the "Patient Protection and Affordable Care Act", Public Law 111-148, to be in violation of Amendments 5 and 13 of the Constitution of the United States of America;
- ii. Declare Defendants to have violated the Plaintiffs rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as aforesaid;
- iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States of America from enforcing the Public Law 111-148 against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violations deriving from any such actual or attempted enforcement; rendering H.R. 3590 "null and void;" and,
- iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court may deem just and proper.

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## COUNT TEN

### Violation of Amendment 14 of U.S. Constitution

82. Plaintiffs re-allege, adopt, and incorporates by reference paragraphs 1 through 81 above as though fully set forth herein.
83. In 2009 the Senate of the Congress of the United States originated a number of revenue raising bills under the guise of health care reform in violation of Amendment 14 of the contract defined by the U.S. Constitution. Specifically the Contract states:
- No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;...nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*
84. The Act enacted by Congress elevates the general government above established Constitutional law that guaranties every citizen be afforded "equal treatment" by the granting of special exemptions and treatment to selected classes of citizens based upon religious affiliations and/or State of residence is therefore discriminatory. At the same time the Act criminalizes other citizens based upon their religious beliefs for refusing to comply with a forced mandate to purchase healthcare insurance.
85. The Act grants the government the unconstitutional authority to seize the property of those individuals who do not purchase the mandated health insurance coverage or do not purchase the specific type of health insurance that the government specifies. The Act's provision denies citizens who refuse to comply with the Act no recourse to challenge the "taking" or seizure of property.
86. As a result of the tax penalties incorporated into the Act the constitutional civil right to "due process" is rendered "null and void." Depriving any citizen of property (based upon gross income) by a "taking" in which no trial or appeal process is available to contest said seizure: ignores the basic principle of Constitutional law and normal established laws governing taxation. The Act in reality is tantamount to a "governmental extortion scheme," [As alleged in Count Nine] reducing Americans citizens to forced servitude.

#### Discriminatory Taxation:

Please take Special Judicial Notice: Newly discovered in the Act is a hidden provision that discriminates and punishes homeowners that violates "unequal treatment." The Act gives the government a partial ownership in every individual's capital investment, (their home) purchased with after tax dollars. On the sale of every home the Act allows the government to confiscate a 3.8 percent tax, in addition to any normal "capital gains" tax. Said 3.8-percent Tax, is fixed and is

mandated whether or not there is a profit or loss. Clearly, this constitutes an illegal "taking" that in essence makes the government a 3.8% partner in a homeowners capital investment outside normal taxing. What is also outrageous is the government will "take" your monies void "due process" leaving the citizen without recourse. Therefore, being a homeowner, you are selectively being discriminated against and punished, for attaining the American dream and are exempt if you rent.

87. WHEREFORE, Plaintiffs respectfully prays that this Honorable Court:

- i. Declare the "Patient Protection and Affordable Care Act", Public Law 111-148, to be in violation of Amendment 14 of the Constitution of the United States of America;
- ii. Declare Defendants to have violated the Plaintiffs rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as aforesaid;
- iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States of America from enforcing the Public Law 111-148 against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violations deriving from any such actual or attempted enforcement; rendering H.R. 3590 "null and void;" and,
- iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court may deem just and proper.

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## COUNT ELEVEN

### Violation of Amendment 1 of U.S. Constitution

88. Plaintiffs re-allege, adopt, and incorporates by reference paragraphs 1 through 87 above as though fully set forth herein.
89. In 2009 the Senate of the Congress of the United States originated H.R. 3590, the Act under the guise of health care reform which on its face violates Amendment 1 of the contract defined by the U.S. Constitution that created the General Government. Specifically the Contract states:

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

The word respecting means "regarding" or "concerning."

90. The Act clearly give access to the General Government to unconditionally grant religious exception's to various sects. The U.S. Constitution prohibits Congress from making laws regarding religion; nowhere in the U.S. Constitution does Congress have the authority to make laws that grant exemptions or other special rules for religious sects. Nor does the Constitution allow granting preferences or other special considerations. In the Act the practitioners of the Islamic or Muslim religion and the Amish religious sects are exempt from the provisions of the bill.
91. WHEREFORE, Plaintiffs respectfully prays that this Honorable Court:
- i. Declare the "Patient Protection and Affordable Care Act", Public Law 111-148, to be in violation of Amendment 16 of the Constitution of the United States of America;
  - ii. Declare Defendants to have violated the Plaintiffs rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as aforesaid;
  - iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States of America from enforcing the Public Law 111-148 against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violations deriving; and,
  - iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court may deem just and proper.

## COUNT TWELVE

### Violation of Anti Trust Laws of the U. S. that results in a violation of Amendment 5 of U.S. Constitution

92. Plaintiffs re-allege, adopt, and incorporates by reference paragraphs 1 through 91 above as though fully set forth herein.
93. In 2009 the Senate of the Congress of the United States originated H.R. 3590 Act under the guise of health care reform which on its face triggers violation of Amendment 5 of the U.S. Constitution that created the General Government, and the Anti-Trusts Laws of this United States. Specifically the Contract states:

*No person shall be held to answer for ..., nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.*

94. Inarguably, the Act blatantly violates the "**anti-trust**" laws of this United States making a mockery of American "*jurisprudence*". The Act by its language exempts the federal government from the anti-trust laws and allows the federal government to create a monopoly by "price fixing" and would eventually force out of business all private entities related to healthcare.
95. Thus, the federal government has stealthily inserted that provision to create an all powerful governmental "single-payer system," which neither the Senate nor the House of Representatives contemplated or agreed upon. Thereafter, the government will be in total control of 1/6th of the American economy. Proof of this illegal and unprecedented "anti-trust violation" can be found on page 124 of said "Act" that effectively says:

*No company can sue the government for price fixing. No "judicial review" is permitted against the government monopoly.*

96. The Act's exempting from granting the government permission to become a "monopoly," illegally allows "price fixing," was stealth-fully inserted among 2,400 pages prior to passage leaving little or no time for review. The Act's devious purpose of allowing "price fixing" was inserted to eventually force private insurance companies out of existence, to create a single payer government run system. Both the House of Representative and Senate originally rejected any "single payer system".
97. The "anti-trust" exemption clearly puts the federal government above established "anti-trust law" that strictly disallowed monopolies to be created to protect the citizens of the United States' against non-competitive markets.
98. The "No judicial review" provision inserted into the Act erases the "*separation of powers*"

rendering the Judicial Branch unable to protect the Constitution and the people of the United States as contemplated by the Founding Fathers in the creation of our limited Constitutional government. By so doing the Act renders Amendment 5 irrelevant. No longer are the American people protected by "checks and balances" as established by the Founding Fathers.

99. In essence, the Act says to the Judicial branch of government and the American people your Constitutional protections are irrelevant. We the legislative and executive branch of government will decide what is Constitutional, go to hell! This draconian Act is big brother's way of saying whether you like it or not we have our one payer socialist healthcare system!
100. Again, this Act in-of itself is tantamount to "*governmental extortion scheme*", with numerous sections that contain taxes. For example, any business who's payroll exceeds \$400,000.00, that does not offer the "public option," will be forced to incur an 8-percent tax on that payroll, those with payrolls of \$250-400 thousand who fail to offer the public option, must pay a 2 to 6% tax on payroll. Any employer with 50 or more workers would pay \$2,000 per worker if they don't offer health insurance. Such disproportional the tax penalties violate "equal treatment" for which no judicial review is available or allowed under provisions of the Act.
101. Nowhere in the contract represented by the U.S. Constitution does Congress have the authority to seize property without "*due process*" of law.
102. WHEREFORE, Plaintiffs respectfully prays that this Honorable Court:
  - i. Declare the "Patient Protection and Affordable Care Act", Public Law 111-148, to be in violation of Amendment 5 of the Constitution of the United States of America;
  - ii. Declare Defendants to have violated the Plaintiffs rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as aforesaid;
  - iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States of America from enforcing the Public Law 111-148 against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violations deriving from any such actual or attempted enforcement; rendering H.R. 3590 "null and void;" and,
  - iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court may deem just and proper.

## COUNT THIRTEEN

### Violation of Title VII and the Amendment 14 Anti Trust Laws of the U.S. Constitution

103. Plaintiffs re-allege, adopt, and incorporates by reference paragraphs 1 through 102 above as though fully set forth herein.
104. In 2009 the Senate of the Congress of the United States originated H.R. 3590 Act under the guise of health care reform which on its face violates Title VII of the Civil Rights Laws concerning "*equal protection and treatment*" and significantly violates the original intent of Amendment 14 of the U.S. Constitution.

#### Reverse discrimination:

105. The Act openly discriminates against a majority of the American people by illegally mandating quota programs using the term "*affirmative action programs*". It is incontestably incorporated therein is the student loan provision that by its language is indisputably an act of "Reverse Discrimination". The Act signed into law, has a provision that allows Department of Education's Federal Direct Loan program that will originate all new student loans beginning in 2011 allocates monies for one particular race of citizens based upon "color" or ethnicity:

***The bill allocates \$2.55 billion in federal funding to historically black and minority serving colleges, ...***

106. The grant of "special funding", mandated by the "Congressional Black Caucus", unquestionably "separates the races" by granting "special treatment" to one particular race of citizen violating Amendment 14 that assures equality. No one race or ethnic group of people is entitled to special privileges or funding over another class of American citizen. The Supreme Court has unambiguously found that "preferential treatment" and "Affirmative Action Programs", actually quota based programs misusing the term, are unconstitutional, and violate Title VII of the Civil Rights provision.

Special Note: Recently the Supreme Court, in *Ricci v. DeSefano*, held there must be evenhanded treatment of the law, citing Title VII's prohibition against discrimination based on race. There can be no uncertainty, any provision in the Act that favors one race based upon ethnicity is "intentional discrimination" that violates Amendment 14!

#### Selective Discrimination:

107. In addition, the Act contains discriminatory "taxation of one class of citizen based upon ethnicity" that effects services predominately provided to "White" Americans; "Tanning Salons" by the imposition of a tax of 10% upon citizens patronizing business punishes one class of citizen, defacto "*exempts citizens of color*" that have no need or desire to purchase said services. This is a

discriminatory Tax pure and simple!

108. The Act imposes regulations on larger corporation with more than 10 operating facilities, and exempts smaller business with less than 10-operating facilities, again, on its face is discriminatory! Since the Act unfairly penalized growth and success by "selective regulation" under threat of punishment the Act is discriminatory.
109. As written the Act vests the Government authority to discriminate against chain restaurants by requiring them to publish the calories of each item on their menu (an unjust increase in operating expenses) and exempts smaller restaurants. By law, all businesses must be required or all exempt, if equal justice treatment is to prevail.
110. The Act, contained therein, deliberately exempts all federal branches of government from the same healthcare mandates forced upon the citizens they supposedly represent elevating themselves above those they serve with "special" and better services than those Americans that are being forced to accept government defined Healthcare Plans, violates "equal treatment and protection" granted by Amendment 14, and violates Title VII.
111. The Act discriminates and penalizes citizens with existing "healthcare policies" that offer better coverage than those mandated by the Act by the implementation of the so-called the "*Cadillac Plan*". Those individuals will incur an additional tax while other policies are exempt is patently discriminatory and unfair.
112. This Act's granting of special benefits to certain groups of citizens, as well exemption as written subsidizing all unions' retirees and community organization healthcare plans, at the expenses of the individual taxpayers is discriminatory, unfair, and violates "*equal treatment*".

Unconstitutional State Discrimination:

113. This entire Act discriminates against most States. For example, the State of New Jersey and a majority of her sister States are required to unequally fund Health Care. The leadership of the Senate selectively granted special financial packages and exemptions to various States to secure passage of this Act (political bribery). Therefore, any State not granted those same special privileges are forced to incur a larger share of the costs. Any "special exemptions," and/or "special financial packages" constitutes "unequal treatment." One could rightfully argue the Act violates Article 4, Section 2, Paragraph 1, that protects against "special treatment".

*The Citizens of each State shall be entitled to all the privileges and Immunities of the Citizens in several States.*

Said Article unambiguously requires all states to be granted the same treatment.

114. WHEREFORE, Plaintiffs respectfully prays that this Honorable Court:

- i. Declare the "Patient Protection and Affordable Care Act" to be in violation of, Title VII, and Amendment 14 to the Constitution of this United States;
- ii. Declare Defendants to have violated the Civil Rights Plaintiffs rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as aforesaid;
- iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States from enforcing the Act against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violations deriving from any such actual or attempted enforcement; rendering H.R. 3590 null and void; and,
- iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court may deem just and proper.

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## COUNT FOURTEEN

### Constitutional Violation of Article 6 of U.S. Constitution

115. Plaintiffs re-allege, adopt, and incorporate by reference paragraphs 1 through 114 above as though fully set forth herein.

116. Article 6, Paragraph 3: unambiguously states:

*The Senators and Representatives ... and executive and judicial Officers, shall be bound by the Oath or Affirmation, to support the Constitution.*

117. By law, those who voted for the Healthcare Bill are guilty of dereliction of duty, which constitutes a "high crime and misdemeanor" which are impeachable offenses, though not a incarceration offense. Article 6 and Amendment 14 clearly established that a reasonable official in their position would have clearly understood that they were under an affirmative duty to refrain from any unconstitutional conduct. The entire Act unquestionably fails to comply with the Constitution and Amendments incorporated therein. Of great importance plaintiffs allege Congress failed to follow the Constitution, which; (1) provides that Congress must fully qualify the candidate 'elected' by the Electoral College Electors; and, (2) each and every Count set forth in this petition.

118. It is the fiduciary duty of every legislator to scrutinize every Act or bill to address whether the legislation complies with the United States Constitution. The Chairman of the House publicly admitted he didn't understand it, yet he voted for passage. The speaker of the House, Nancy Pelosi stated publicly, they had to pass the "Act" to find out what was in it. Congressmen John Conyers stated on public television: "who can read a bill of that size and understand it, it would take two lawyers to explain what's in it." These statements on their face testify to the dereliction of a fiduciary duty of Congress to the citizens of this United States.

Please Take Judicial Notice: More troubling, by law, all legislation must be drafted by those duly elected by the people. In the case at bar, instead of the Congress drafting the Act, it has become public knowledge and undeniable that the Healthcare Reform Act was drafted by outside non-governmental organizations that admittedly favor a socialist form of government. No constitutional authority exists for any group or special interest advocates to draft legislation to be enacted upon the American people!

119. Since no precedent exists in American history to validate any legislation drafted by "outside" non-governmental organization, especially to create "Acts for raising Revenue"? As stated in Count One, any Act voted and passed "originating" in the Senate, indisputably violates Article 1, Section 7, Paragraph 1 of the Constitution, that states: "*All Bills for raising Revenue shall originate in the House of Representatives.*"

120. WHEREFORE, Plaintiffs respectfully prays that this Honorable Court:

- i. Declare the "Patient Protection and Affordable Care Act" to be in violation of Article 6, to include but not limited to the Constitution of this United States;
- ii. Declare Defendants to have violated the Plaintiffs rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as a foresaid;
- iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States from enforcing the Act against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violate
- iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court may deem just and proper.

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## COUNT FIFTEEN

### Violation of Article 1, Section 8 of the U.S. Constitution and Amendment 10 of the U.S. Constitution

121. Plaintiffs re-allege, adopt, and incorporate by reference paragraphs 1 through 120 above as though fully set forth herein.
122. Amendment 10 of the Constitution of these United States of America unambiguously states:

*The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people.*
123. Nowhere in the Constitution of these United States is the General Government granted the authority to issues the mandates specified in the Act.
124. The Act mandates all residents of the State of New Jersey and sister states to acquire healthcare insurance under penalty of law! Failing to comply with the General Government's directive, a citizen will be subject to an increasing penalty through the year 2016, reaching \$750.00 per-year to a maximum of three times that amount \$2,250 per-family, or 2-percent or more of the household income, whichever is greater. After 2016, the penalty increases annually based on cost-of-living adjustments. In addition, to the putative penalties, the Act violates the Amendment 14 by provisions that allow exemptions to putative penalties to specified individuals and groups [Addressed in above Counts].
125. The Act alters the prior federal-state relationship and voluntary “contract” to the detriment of the State specifically with respect to prior Medicaid programs in existence and healthcare coverage generally.
126. The Act mandates the State of New Jersey to massively expand its Medicaid program, forcing the State to create insurance exchanges through which individuals can and must purchase healthcare insurance that is only partially funded up until 2015, for the creation of the exchanges. Even if New Jersey were to opt out, the State is still required to provide coverage for the uninsured with incomes between 133-percent and 200-percent of the federal poverty level, which is a penalty since that is a higher level than states that participate under the Act.
127. The only alternative for the state to avoid the Act's mandate is to opt out of the Medicaid program that would unfairly leave millions of people uninsured. Yet, even then, the Courts have ordered that anyone in need of medical treatment must receive it; all hospitals are required to render that service at the expense of the State and the residence residing therein. Either way the citizens of the State by virtue of existing law are force to incur financial hardship void of any federal

assistance.

128. Therefore, the State is left with no alternative but to participate in the Act and required to expend Medical coverage to include all individuals under the age of 65 with incomes up to 133-percent of the federal poverty level. Once again, the mandated coverage creates a financial burden that will continually increase after 2016 in actual dollars and in proportion to the contributions of the federal government that are in no way guaranteed.
129. Especially relevant, the federal government by this Act has mandated an "appropriation" conveniently exempting itself from providing the necessary funding or recourses to administer this requirement, leaving the cost to be passed on to the citizens of the State of New Jersey and its sister States. In Machiavellian fashion the Act in essence mandates involuntary servitude to the general government by requiring; (1) the State to provide oversight of the newly created insurance markets; (2) to include inter alia, instituting regulations, consumer protections, rate reviews, solvency, and reserve fund requirements to include premium taxes.
130. The State is required by the Act to enroll all newly-eligible Medicaid beneficiaries, many of whom will be subject to a penalty if they fail to enroll, coordinate enrollment with the new exchanges, and implement other specified changes. The State is mandated to establish an office of the healthcare insurance consumer assistance, or an ombudsman program to advocate for the people in the new program. The forced policing of the required policies set forth in the Act are to be incurred at the expense of the State that sheds the sovereignty of the State to an all-powerful central government! Again, the citizen taxpayers of the State of New Jersey allege this is tantamount to "involuntary servitude".

Please take judicial Notice: Not to over burden the Court with repetition, Plaintiffs rely upon the example presented in the Civil Action Case No. 3:10-cv-91 submitted by the States of Florida, South Carolina, Nebraska, Texas, Utah, Louisiana, Alabama, Michigan, Colorado, Commonwealth of Pennsylvania, Washington, Idaho, South Dakota, against defendants see Copy of which is attached as Exhibit A.

131. The Act's unprecedented encroachment on the sovereignty of the State by mandating the citizens of New Jersey immeasurably broaden its Medicaid eligibility standards to accommodate upwards of 50 percent more enrollees, many of whom must enroll or face a tax penalty under the Act, and imposes onerous new operating rules upon the State. The Act requires the State (taxpayer) to spend billions of additional dollars, and shifts substantial administrative costs to the state, inter alia, hiring and training new employees, as well as requiring that new and existing employees devote a considerable portion of their time to implementing the Act.

132. This onerous encroachment occurs at a time when the State of New Jersey is facing a budgetary crisis and deficit as of April 7, 2010 of 10.7 billion dollars. New Jersey is a State in which the citizens (plaintiffs) are subject to the highest property taxes in the nation. The State can neither afford any additional tax burdens or expenses, nor by law withdraw from participating in the Medicaid programs already in existence, as they have become customary and necessary for citizens throughout New Jersey because individual enrollment in respective Medicaid programs, which presently cover millions of residents, can only be accomplished by their continued participation in Medicaid.
133. The Act converts what had been a voluntary federal-state partnership into a compulsory top-down "command and control" federal program in which the discretion of the State is removed, in derogation of the core Constitutional principle of federalism upon which this Nation was founded. This Act in-of-itself violates the contract between the State of New Jersey and the other Sovereign States of these United States that created the general government as specified by the Constitution of these United States. The Act exceeds the vested powers granted by the Constitution, and violates Article 1, Section 8 and Amendments 10 incorporated therein.
134. The Act contains numerous unfunded mandates that will financially burden the taxpayers of the State of New Jersey and the State's ability to operate significantly. The Act includes dumping huge new financial obligations on the State of New Jersey that has yet to balance its budget, nor will be able to any time soon. Said costs would amount to billions of dollars of additional debt. Nor does the Act address the expected 2016 insolvency of Medicare that creates an inequity among the citizens of New Jersey for the insurance programs available.
135. New Jersey is in a financial crisis, over-taxed and over-burdened with a collapsing infrastructure that makes it impossible to discharge sufficiently all the mandates necessary to implement this unconstitutional Act. To meet the requirements related to the increased Medicaid enrollment under the Act, and operate the "healthcare insurance exchange" mandated by Act is patently harmful to the citizens of the State of New Jersey.
136. The Act is intentionally evasive, in its language; first the government will make funds available, but only at the discretion of federal agencies, leaving the State at the mercy of a bureaucracy. Therefore (admittedly) acknowledging the immediate burden on the State of New Jersey and Plaintiffs who reside therein to provide for the implementation of the Act, but provides no assurance or guarantees the State will receive funds. Or that the Act's implementation cost will be fully met by the mandates set forth within.

137. Contained in the Act under the "*color of the law*", this legislation signed into law erases guaranteed protections set forth in the Constitution. Plaintiffs seek declaratory and injunction relief against the Act's operation to preserve their respective sovereignty and solvency to protect the individual freedom, liberty, public health, and welfare of the citizens of the State of New Jersey.

138. WHEREFORE, Plaintiffs respectfully prays that this Honorable Court:

- i. Declare the "Patient Protection and Affordable Care Act" to be in violation of the Constitution of these United States of America and specifically Amendment 10 and Article 1, Section 8 of the Constitution of these United States of America;
- ii. Declare Defendants to have violated the Plaintiffs rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as aforesaid;
- iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States from enforcing the Act against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violate
- iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court may deem just and proper.

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## IN CONCLUSION

139. Plaintiffs re-allege, adopt, and incorporate by reference paragraphs 1 through 138 above as though fully set forth herein.
140. Plaintiffs could fill volumes, with the violations and questionable mandates contained in this unconstitutional Act.
141. In truth, the Act fails to provide affordable health care choices. Instead it is a masterpiece of creativity for the most massive transfer of power to the Executive Branch of General Government that has ever occurred, or had even been contemplated in the history of the Republic that creates in excess of 150 new federal bureaucracies.
142. If this Act, or anything similar is adopted, not only the will of the American people will be violated, the Constitution of these United States of America will.
143. While much of the political dialog is dominated by an agenda to "*fundamentally transform*" America, we the Plaintiffs (citizens) of the State of New Jersey are cognizant as should be this Honorable Court of the rhetoric and real motives behind this legislation (Act H.R. 3590) and dismiss this unconstitutional command-and-control government expansion that will effectively shred and destroy the Constitution of these United States forever.
144. Under the provisions of this Act, and its subsequent amendments, neither the people of the State of New Jersey, or the sovereign State of New Jersey itself, will any longer enjoy the rights, privileges and powers that they have possessed since before the founding of these United States of America and which have been never granted to the General Government by the contract represented by Constitution of the United States of America which the sovereign States of the United States of America created and ratified.
145. This attempt by a one party majority of radical ideologues surrounding this legislation surrenders not only our freedoms, state sovereignty, instead nationalizes the economy and condemns future generations to decades of unsustainable debt.
146. Therefore, it is incumbent upon this Honorable Court "*in the interest of substantial justice*" to protect the "limited" government created as static, authoritative, and restrictive "contract" entered into by the signers of the Constitution and ratified by the States. As crafted the Act totally violates the Constitution, without moral or legal authority, by forcing the American people into a "collective society" contrary to a Republic form of government, established by our Founding Fathers. The "Free Healthcare" espoused by the Act, H.R. 3590, is anything but free, it's

government control that steals America's freedom and liberty. Therefore must be deemed "null and void," as unconstitutional.

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## DECLARATORY JUDGMENT

(28 U.S.C.)

147. Plaintiffs re-alleges, adopt, and incorporate by reference paragraphs 1 through 146 above as though fully set forth herein.
148. There is an actual controversy of sufficient immediacy and concreteness relating to the legal rights and duties of the Plaintiffs and their legal relations with the Defendants to warrant relief under 28 U.S.C. 2201.
149. The immediate harm to Plaintiffs as a direct result of the Act is sufficiently real and imminent to warrant the issuance of a conclusive declaratory judgment clarifying the legal relations of the parties.
150. WHEREFORE, Plaintiffs respectfully prays this Honorable Court grant the following Declaratory Relief:
- i. Declare the "*Patient Protection and Affordable Care Act*" to be in violation of Article 1, Sections 2, 7, 8, and 9, Article 2, Section 1, Article 4, Section 2, Article 6, and to include Amendments 4, 5, 9, 10, 13, 14 and 16, violation of Title VII, and in violation of the "*Anti-trust laws*" and "*Posse Comitatus*" Act of these United States;
  - ii. Declare Defendants to have violated the States rights as sovereigns and protectors of the freedom, public health, and welfare of the citizens and residents, as a foresaid;
  - iii. Enjoin Defendants and/or any other agency or employee acting on behalf of the United States from enforcing the Act against the State of New Jersey, their citizens and residents, and any of their agencies or officials or employees, and to take such actions as are necessary and proper to remedy their violations deriving from any such actual or attempted enforcement; rendering H.R. 3590 "null and void," and,
  - iv. Award Plaintiff their reasonable fees and costs, and grant such other relief as the Court may deem just and proper.

Respectfully submitted

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Nicholas E. Purpura,  
*Pro se*

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Donald R Laster Jr,  
*Pro se*

Sworn before me this day \_\_\_ of September 2010

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Public Notary