



**An overview of the “We The People” lawsuit to invalidate the  
*Senate-originated “H.R. 3590”***

**The Patient Protection and Affordable Care Act**

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**“We the People” et al lawsuit against Senate-originated “H.R.3590”**

## **“We the People” Lawsuit:**

“We the People” Lawsuit against “H. R. 3590” – “The Patient Protection and Affordable Care” Act filed on September 20, 2010  
Case No. 3:10-cv-04814 (D.N.J)



Plaintiffs are: Donald Laster and Nicholas Purpura *pro se*.  
(*Pro se legal representation means advocating on one's own behalf before a court, rather than being represented by a lawyer* ).

Defendants are: Kathleen Sebelius, Health & Human Services Secretary  
Timothy Geithner, Treasury Secretary and  
Hilda Solis, Labor Secretary.

TRO submitted to: Judge Freda L. Wolfson October 30, 2010  
United States District Court  
District of New Jersey  
402 East State Street Room 2020  
Trenton, NJ 08608

TRO submitted on: October 1, 2010 TROs were never signed, illegally ruled upon in  
October 23, 2010 violation of Judicial Procedures.

Recusal letter submitted on: October 30, 2010

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Unlike many representatives in congress...Messrs. Laster and Purpura have read the entire 2,409 page healthcare bill, completed exhaustive constitutional research and have highlighted (15) counts of how “HR 3590” does not follow the dictates of the U. S. Constitution.

If only one of the 15 Count prove true...the legislation should be defeated.

There is no severance clause in the bill - therefore winning one count defeats the whole bill.

Under the lawsuit, “*We the People*” should be afforded some answers.

We need your help.

H.R. 3200 is irrelevant to the issues at bar – it is not and never has been law.

## Count 1

U. S. Constitution - Article 1, Section 7, Paragraph 1

*“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.”*



## Reality

“HR 3590” is really S.1796 and other Senate proposals “*re-labeled*” as “HR 3590”.

The title of the “real” HR 3590 is entitled “*The Service Members Home Ownership Tax Act of 2009*” proposed by Charles Rangel of New York and is 6 pages long.

The title of the Senate-originated and fraudulent “H.R. 3590” is entitled “*The Patient Protection and Affordable Care Act.*” and is 2,409 pages long.

## Contention

The Senate has essentially taken a bill created by the House known as H.R. 3590 - “*Service Members Home Ownership Tax Act of 2009*”, gutted it (since it had nothing whatsoever to do with healthcare) and inserted its **revenue-raising** bills into the cover of HR 3590 with fraudulent intent giving it a new title of “*Patient Protection and Affordable Care Act*”.

The Senate is not authorized by the US Constitution to originate any revenue raising bills. The difference is between being an author (“originate”) versus an editor (“propose or concur”).

## Count 2

Constitution - Article 1, Section 8, Paragraph 3

*“To regulate commerce with foreign nations, and among the several states, and with the Indian tribes; “*



## Reality

“HR 3590” requires that selected groups of people, companies, and states engage in a specific type of commerce, specifically, it requires a majority, not all, of the citizens to purchase government-specified healthcare insurance. Failure to comply will levy penalties based upon gross income.

## Contention

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 give congress the authority to create vehicles of commerce.

The authority to “*regulate*” is not imply a grant of authority to “*create*” specific forms of commerce and require any person, company or state to engage in the specific form of commerce created. The “Act of Breathing” is not an act of commerce. We agree with the States’ contentions on the Constitution in relation to the “Commerce Clause”.

## Count 3

Constitution - Article 1, Section 8, Paragraphs 12, 14, 15 and 16 and  
“Posse Comitatus” Act”



*“To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;*

*“To make rules for the government and regulation of the land and naval forces;”*

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

*“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;”*

## Reality

Under the guise of healthcare reform, “HR 3590” includes the creation of a private Presidential army to enforce healthcare laws in a Presidential-declared medical emergency.

## Contention

“HR 3590” 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. The brief contains more information related to these violations.

## Count 4

Constitution - Count 4- Article 1, Section 9, Paragraph 4

*“No Capitation or other direct Tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.”*



## Reality

Within “HR 3590” there are various mandates that are direct taxes and are required to be paid by individuals and companies

## Contention

Congress is prohibited from laying direct taxes.

## Count 5

Constitution – Article 1, Section 9, Paragraphs 5 and 6

*“No tax or duty shall be laid on articles **exported from any state.**”*

*“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.”*



## Reality

“HR 3590” incorporates taxes on medical devices exported from the individual states.

## Contention

The Congress of the United States (Senate) is explicitly prohibited from taxing or putting duties on products that are exported from State to State.

To pass “HR 3590” Senators were bribed and given preference into voting “yea” by giving them money for their states, e.g., Cornhusker Kickback, Louisiana Purchase and Gatoraide (Florida) which also violates Amendment 14.



## Count 6

Constitution – Article 2, Section 1, Paragraph 5

*“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.”*



## Reality

“HR 3590” has never been legally and constitutionally signed into law as required by the contract represented by the U.S. Constitution.

## Contention

Mr Barrack H. Obama II does not have the authority to sign bills into law.

The Founding Fathers most assuredly utilized a standard at the time, i.e., the “*Law of Nations*” by Monsieur De Vattel (1758). The definition states that natives, or natural-born citizens, are those born in the country, *of parents who BOTH are citizens*. (see Law of Nations, Book 1, Chapter 19, Paragraph Number 212). The framers of the Constitution when they adopted this requirement excluded dual citizens from serving as President. Mr. Obama Sr. was a British subject. Only one of Barack H. Obama II's parents was a citizen at the time of his birth.

## Count 7

### Constitution – Amendment 16

*“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.”*



### Reality

“HR 3590” unconstitutionally levies an 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.

### Contention

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.

## Count 8

### Constitution – Amendment 4 and HIPAA Legislation

*“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.”*



### Reality

“HR 3590” grants access to the federal government unconditional authority to access and seize the private medical records of individuals and made available to all healthcare bureaucracies without a person’s authorization.

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

### Contention

The Act violates the "Civil Rights" of the citizens of the State of New Jersey by dismissing The “Health Insurance Portability and Accountability Act of 1996” (HIPAA), which was designed to protect patients and their health information to be seen by anyone except one’s own doctor.

## Count 9

Constitution - Amendments 5 and 13

*“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.”*



*“Neither slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”*

## Reality

“HR 3590” unconstitutionally gives access to the federal 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 and American citizens are without recourse to challenge the "taking" or seizure of property.

## Contention

As a result of the tax penalties incorporated into “HR 3590” 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 allows the federal government to ignore the basic principle of Constitutional law to include normal established laws governing taxation .

## Count 10

### Constitution - Amendment 14

*“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.”*



### Reality

“HR 3590” elevates the general government above established Constitutional law that guarantees every citizen be afforded *"equal treatment"* by the granting of special exemptions and treatment to selected classes of citizens and businesses based upon religious, business and/or State affiliations. 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.

### Contention

In the Act is a provision that discriminates and punishes homeowners based upon their income that violates “equal 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 a home the Act allows the government to confiscate a 3.8 percent tax, in addition to any normal "capital gains" tax. The 3.8 percent tax, is fixed and is mandated whether or not there is a profit or loss based on your income. (Reconciliation Act HR 4872 Sec 1411 for “H.R. 3590”)

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## Count 11

### Constitution – Amendment 1

*“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. “*



### Reality

“HR 3590” clearly give access to the federal government to unconditionally grant religious exception's to various sects. In the Act the practitioners of the Islamic or Muslim religion and the Amish religious sects are exempt from the provisions of the bill.

### Contention

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.

## Count 12

Constitution – Amendment 5 and Anti-Trust Laws

*“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.”*



## Reality

“HR 3590” 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.

The "No judicial review" provision inserted into the Act in 8 different places 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.

## Contention

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. This draconian Act is big brother's way of saying whether you like it or not we have our one payer socialist healthcare system and is setting precedence to destroy judicial review! Nowhere in the contract represented by the U.S. Constitution does Congress have the authority to seize property without *"due process"* of law.

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## Count 13

Constitution – Amendment 14, Title VII and Anti-Trust Laws

*‘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.’*



## Reality

“HR 3590” openly discriminates against a majority of the American people by illegally mandating quota programs using the term *"affirmative action programs"*. It incorporates a provision that by its language is indisputably an act of *"Reverse Discrimination"*. The Act signed into law, has a provision that instructs the Department of Education's Federal Direct Loan program to allocates monies for based upon "color" or ethnicity.

## Contention

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. Violates “Univ of California Regents v Bakke, 438 U.S. 265” (1978).

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## Count 14

### Constitution – Article 6

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



### Reality

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. Congressman 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.

### Contention

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.

## Count 15

Constitution – Article 1, Section 8 and Amendment 10

*“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.”*



## Reality

Congress is granted only those powers specified in

Article 1, Section 8

Article 1, Section 10, Paragraphs 2 and 3 (Consent Authority)

Article 3, Section 2, Paragraph 2 (Regulation of Courts)

Article 4, Section 3, Paragraphs 1 and 2 (New States and Property)

Amendment 13, Section 2,

Amendment 14, Section 5,

Amendment 15, Section 2 (Enforcement authority)

Amendment 16 (Income Tax)

Amendment 19, 23, 24, 26 (Enforcement authority)

## Contention

Nowhere in the Constitution of the United States is the federal government granted the authority to issue the mandates specified in the Act.

**REPEAL OBAMACARE**



## How you can help.

Go to: [jerseyshoreteaparty.org](http://jerseyshoreteaparty.org)

Click on “Contact” tab

Click on “Choose Receipt” toggle

Choose “Join Healthcare Lawsuit”

Fill in the requested information on the form and include a statement indicating That you wish to join the action. Supply enough information to prove that you are you if your name is challenged.

Contact your friends, family and associates and get them to join. Their Rights, Freedoms and Liberties are at stake as well.

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Thank you for your time.

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