UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

Cause No.: 8:12-cv-02519-EAK-AEP

HOWSE *ex rel. alia* v. PLANNED PARENTHOOD, *et al*.,	)	Class Action Complaint
Plaintiffs and Defendants,	)	
	)	Injunctive Relief Sought
and,	)	
	)	Constitutional Challenge
HOWSE and *ex rel. alia* v. UNITED STATES,	)	
Cross-Plaintiffs and Cross-Defendant.	)	Demand for Jury Trial

Parallel Petition to Vacate ObamaCare as Procedurally Void

Comes now Relator *ex rel*. the fifty (50) State and Commonwealth Plaintiffs, in light of serious national security matters exposed by contemporaneous Complaint and other relevant matters filed herein, demanding the Patient Protection and Affordable Care Act be vacated as procedurally void, and for all necessarily-related relief thereupon, to-wit:

INTRODUCTION

The 2010 Patient Protection and Affordable Care Act (*hereinafter* "ObamaCare") was originally projected by the CBO to cost America's taxpayers some $938 billion over the initial ten years, an average of $90+ billion/year, with the first years costing roughly $10 billion each as ObamaCare is phased in, but after full implementation, this original CBO estimate put ongoing annual costs at *already* well over $200 billion per year, every year[1].

But, the original 10-year figure was fraud. The new estimate is nearly **double** that. *Id*.

[1] http://www.politifact.com/virginia/statements/2012/mar/26/robert-hurt/robert-hurt-says-900-million-health-reform-price-t

And, those are *just* the always-underestimating-and-going-over-budget *governmental* estimates from the CBO ("Congressional Budget Office"). Estimates from private sector organizations include figures that are yet again double, triple, quadruple, and even much further beyond the typically erred, partisan-controlled, governmental reported numbers.

Worse yet, all of these estimates, public and private, are fundamentally wrong in their approach to calculation, because all of these estimates are based ONLY upon figures for **single person** coverage, when the *reality* is that many employees will also be adding on their spouses and children, DRAMATICALLY increasing costs by something akin to *yet another* $50 billion annually[2] in CBO terms, which is *even higher* in public sector terms.

Of course, nobody can actually say with precision what the exact annual costs will be, but, in any case, it is clear that this monstrosity of legislation, once fully implemented, will easily reach into the $200-300 billion/year range, if not $400 billion/year, or more.

And yet, all of that unfathomable expense, every single year, is just the *direct* costs, because none of that *even starts* to take into account that the Federal Government is still borrowing money just to stay afloat, and incurring exorbitant interest charges to the tune of at least forty (40) cents on every dollar – meaning, every dollar spent costs us $1.40, so this nefarious, ill-fated attempt by the government "reforming" health care and "saving" money will surely end up costing **at least** $300 billion/year, *every single year*, forever...

The mother of Forrest Gump is quoted as saying what must be the most appropriate conclusion about all of this mess, by the immortal words: "Stupid is as stupid does."[3]

It would be *far* less expensive to simply provide medical care **directly** to the needy!

[2] http://dailycaller.com/2011/08/08/researchers-obamacare-cost-estimates-hide-up-to-50-billion-per-year
[3] http://wiki.answers.com/Q/What_is_the_meaning_of_the_saying_'stupid_is_stupid_does'

Fortunately, ObamaCare is absolutely **void**, of <u>no</u> legal effect, whatsoever, and must be as so now declared by this Court, for the entire, ostensible "law" *itself* is the victim of multiple unlawful procedural errors, any one (1) of which invalidates the <u>entire</u> thing.

In addition to all of the following very serious, completely fatal errors in procedure of enacting said ostensible "law" into original motion, the subsequent litigations within the federal courts challenging ObamaCare were improperly handled, by Plaintiffs omitting the most proper defendants, by the Federal Government in unauthorized defense counsel, and by the federal judges in failing to address those core problems, **so** bad that each case could be sent back to its own federal trial court for a complete overhaul and start over.

In chronological occurrence order, we begin the circus parade of fatal errors thusly:

<u>ARGUMENT 1:</u>

THE VERY IDEA IS UNLAWFUL COMMUNISM

Socialism, Marxism, and Communism – with only very slight, negligible differences, the three flavors of this very same poisonous kool-aid <u>all</u> seek two basic goals that are inherently contrary to the good prosperity and opportunity of capitalism: **(1)** to transform ownership and administration of the *means of production* and *distribution of goods* to the working class, but actually controlled either by the state apparatus itself, and/or through 'independent' cooperatives allowed only under the heavy hand and ever-watchful eye of the state apparatus; and **(2)** to redistribute wealth from those who have achieved better, unto the poorer masses which have not achieved better upon their own any initiative, as each such system unfairly resolves to create an "egalitarian" society regardless of effort, a society where each individual is equally provided with *the same exact* standard of living.

In each flavor, the power of law is abused by the state to fundamentally change, limit, impinge, and even outright deprive all individuals of basic freedoms, including especially the right to private property, and the freedom to reasonably conduct one's own affairs with independence, and without undue interference or coercion by the state apparatus.

All three flavors of this same poison are absolutely *guaranteed* to eventually self-implode, at the very least in economic terms, *precisely* because that type of erred society completely and totally takes away all natural incentive for any individual to do better and achieve more than the next individual. When there is no possibility of reward for doing better than the next person, and when everyone is provided the same standard of living regardless of how much effort they personally contribute into the greater good, the results are firmly guaranteed, and those results are *always negative*, since there is no incentive to work and produce or create new value, and the entire society spirals into total welfare.

The ***very idea*** of ObamaCare, *itself*, is a nefariously unlawful attempt at Communistic control and transformation of the entire American health care and all related insurance industries, nationwide, precisely in order to achieve those same two despicable goals in direct opposition to capitalism: **(1)** to completely take over and transform, on an entirely nationwide scale, the full <u>means of production</u> and <u>distribution of goods</u> for *all* things involved within the health care industry, including *all* related insurance programs, and even other aspects of providing medical care; along with **(2)**, the <u>redistribution of wealth</u> from *all* of those that *have* earned it on their own accord, to *all* of those that *have not* earned it yet of their own volition and efforts. Transferring taxes, fines, and/or fees from some, to provide "free" goods and services to others, is clearly *redistribution* of wealth.

And, because ObamaCare attempts to transform and then enforce these two nefarious goals upon the ***entire*** nation and ***all*** of its citizens and people, it is direct Communism.

Moreover, ObamaCare was designed and crafted in *direct conspiracy with* Communist agents, including key influencer John E. McDonough, who was also directly involved in the design and creation of RomneyCare, prior[4]. McDonough is a former chair within the Democratic Socialists Organizing Committee, (since 1982, now known as the Democratic Socialists of America), the largest Marxist-Socialist organization in the U.S.[5], with direct historical and policy ties to their political predecessors, the Socialist Party of America, Social Democrats USA, Socialist Party USA, and etc., i.e., *all came from Communism*[6].

ObamaCare is a *direct* program of Communism, designed, crafted and implemented in conjunction and conspiracy *with* Communist agents, attempting to radically transform America *into* accepting, condoning, resembling and practicing fundamental Communism.

Fortunately, and with thanks to the McCarthy-era Congress, we still have laws on the federal books that cover and protect us from any such ill-fated and unlawful attempts in transforming our American nation into a breeding ground for festering any Communism.

Under Title 50 of the United States Code ("War and National Defense"), Chapter 23 ("Internal Security"), there is Subchapter IV ("Communist Control"), which prohibits all organizations, schemes and attempts to "overthrow" (transform) the present constitutional government of the United States and/or bring it to ruins, including especially by force or violence, but also stating clear and express legislative intent, as: *by any available means*.

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[4] http://www.aim.org/aim-column/the-socialist-behind-romneycare
[5] http://www.trevorloudon.com/2012/08/how-dsa-marxists-influenced-health-policies-for-both-major-presidential-candidates
[6] http://en.wikipedia.org/wiki/Communism

Certainly nobody suggests that ObamaCare implementation either carries or induces violence, but interesting arguments can be offered upon both sides of the "force" aspect in the prohibition, because *enforcement* by the raw power of the state is most certainly a substantial part of ObamaCare, and the power of the state *is* being used to redistribute (steal) property and wealth from some individuals, in order to transfer that value in other forms to other individuals. In the face of a Communistic program like ObamaCare, the individual who doesn't want to play ball will be *expressly* coerced by force of the state in the takings of their personal property (money is property), and force *can* include police.

Irrespective of any connotations of force or violence aspects, there is no question that ObamaCare clearly seeks to unconstitutionally transform the entire American health care and related insurance industries by attempting to implement the two fundamental goals of Communism as the new "law" of America, and deprive all individuals of basic freedoms, especially the rights to private property, and to reasonably conduct one's own affairs with full independence, and without undue interference or coercion by the state apparatus.

ObamaCare has expressly intentioned to completely take over and transform the entire American health care system, including the full means of production and distribution of all goods and services, in a plan that redistributes wealth – the *definition* of Communism.

Obviously, there can never actually be found any constitutionality within a program that fundamentally designs to transform a substantial portion of America's governmental practice, and American enterprise, and basic individual freedoms and rights, into a brand new system and society based upon using both of the primary tenets of Communism.

No program of Communism can be lawful, but the same *is* void. ObamaCare is **void**.

<u>ARGUMENT 2:</u>

NO "MAGIC 60" EXISTED IN THE 2008-2010 SENATE

Every single federal Senator, and every single federal Representative, who has found himself or herself attending session of Congress because of *any* action by some state or federal courthouse, is <u>**not**</u> an actually valid, constitutionally-true Member of Congress…

For example, "Senator" Franken (D-MN) is <u>not</u> a true, constitutionally-*valid* Senator, and his presence and votes are all legally void, of no *binding* lawful effect, whatsoever.

Article 1, Section 5 of the Federal Constitution is clear in its exclusivity language, in that all the "elections, returns and qualifications" of candidates for Congress are the sole province of each respective house. *Only* the U.S. Senate may judge and decide the votes, and proclaim the victor, amongst a tight election for an office in the Senate, and *only* the House of Representatives may judge and decide the votes, proclaiming the victor, from amongst a tight election for a seat in the House. It is an expressly-**exclusive** jurisdiction, and that exclusive jurisdiction is comprehensive to essentially *all* matters of its Members.

In other words, the courts – both state and federal – were absolutely prohibited from ever getting involved with, in the first place, or getting anywhere near, *any* election for *any* federal Senator or *any* federal Representative, whatsoever. Each such action is **void**, as violating not only the express constitutional bounds, but also Separation of Powers, because the *Judicial* Branch has no true business within any *Legislative* Branch election.

Some may be mistakenly confused by the language within Article 1, Section 4, which directs that state legislatures determine the time, place and manner of *holding* elections for seats in the federal Congress, but that is just *the setup and holding of* elections, <u>not</u> the

ultimate power as final arbiter in determining the "elections, returns and qualifications" of federal candidates when necessary. That power is exclusively reserved for Congress.

Of course, the relationship between these constitutional provisions was bastardized by the enactment of the 17th Amendment, fundamentally changing the selection process of federal Senators from the *same* state legislatures – as originally written – to the people.

Regardless, the big point is that "Senator" Franken (D-MN) is **not** the *only* ostensible Member of Congress who is *not really* a constitutionally-valid Senator or Representative, and that therefore, the Democratic Party actually did not have a valid, true supermajority of sixty (60) valid, true Senators on their side for passing ObamaCare, casting valid, true votes during the various parliamentary procedure (sub-committees and committees, etc.), and/or during any floor votes. In other words, every time the news media outlets reported yet another "close" vote that was somehow won again by another "supermajority" vote that took sixty (60) Senators, *some* of those Senators – and their *votes* – were not valid.

Without an actually valid vote, by an actually constitutionally-valid set of sixty (60) Senators, multiple of these critical votes did *not* actually pass by a ***valid*** supermajority, and therefore ObamaCare is procedurally **void** for *failing* multiple parliamentary votes.

ARGUMENT 3:

TAXATION WITHOUT REPRESENTATION

Will anyone ever forget the infamous line actually foisted by Nancy Pelosi to induce her fellow Members of Congress into passing the ObamaCare bill? Highly doubtful. In a March 9, 2010 Washington speech to the National Association of Counties, she said, "*But we have to pass the bill so that you can find out what is in it....*" This infamous line went

immediately viral nationwide, exactly during the highly fervent public anxiety and media frenzy over the moment-by-moment, constantly-last-minute Congressional negotiations.

Whether or not former Speaker Pelosi criminally intended to induce that a majority of both houses of Congress then openly conspire in willful high treason may be arguable, but, regardless, she hit the nail on the head in her fated description, because that is *exactly* the constitutional problem – not a single Member of Congress can say they actually read the ObamaCare bill, let alone comprehended its real effects and cost, *before* voting on it.

Indeed, for many months *after* ObamaCare was "passed" and "signed" into "law", this monstrous legislation package was **still** being figured out, and new controversial aspects were **still** being discovered and debated every so often for their each own future impact.

Of course, this was all to be expected in advance by any reasonable person, regarding such a nightmarish underworld of proposed new legislation that it would actually take an unbelievable 2,700 pages just to package that *temporary*-sized Pandora's Box, while the lawyers had already drafted up 13,000 new pages of regulations by July 5th of this year[7].

Moreover, there is **no time** for Members of Congress to actually read bills anymore.

Within just one (1) hour's drive of the Beltway, there are over 35,000 lobbying firms, and that doesn't even count all of the other lobbying organizations across the rest of the entire nation. Even only assuming *just one (1)* lobbyist from each of the organizations with an hour's drive of DC, *and* that each of these same local lobbyists limits their own contact to just a *single* Member of Congress, that is still an average over sixty-five (65) lobbyists each focusing on competing for the exclusive time of **every** single Senator and

[7] http://www.thegatewaypundit.com/2012/07/lawyers-have-already-drafted-13000-pages-of-regulations-for-new-obamatax-law

the same precious time of **every** single Representative. But lobbyists rarely, if ever, limit their activities to any single Member of Congress, and these firms usually have more than just a single lobbyist in play… let alone the thousands of *other* firms across the nation.

The sad fact of the matter is, that our modern Congress is generally far too busy and knee-deep in *just the act of scheduling* all of the lobbyists lining up to give them all each various gifts, vacations, stock options, and so forth…. The simple fact is that our modern Congresses don't even bother to actually serve America's interests, or actually fix things, because – what with all the lobbying-friendly laws – they just *don't have* the extra **time** left available in which to do their *original* job (read and understand the bills) anymore.

Justice Scalia instantly realized the core problem, during oral arguments even asking, if albeit sarcastically, if any of the high court's Justices were actually expected to read the full bill, comparing its length to the Eighth Amendment's cruel and unusual punishment.

Accordingly, without even remotely the time to begin, let alone finish, a whopper of a bill that was 2,700 pages in length, nor even possibly with actual comprehension and/or reasonable and effective understanding of the bill, *especially* when the lawyers still had not yet released well over 13,000 future pages in the accompanying regulations (*id*.), it is entirely and factually impossible that any Member of Congress that voted "yea" upon the ObamaCare bill *actually* knew and understood the totality of effect they were voting for.

In other words, it is impossible that the requirements of ethics, due diligence, and of reasonable fiduciary duties were even remotely fulfilled. At the very extreme *least*, each such same voting Member of Congress is absolutely guilty, and liable, for clearly gross dereliction of duties, breach of duties, gross negligence, willful fraud, and etc. But, the

most important point is that there was not even a scintilla of *meaningful* "representation" by our Congress in this matter. They **didn't even read the bill** (too busy being lobbied), *let alone* have any remote clue as to totality of actual effects yet – in fact, *nobody* did yet.

Therefore, the (Communist program) ObamaCare bill, which everyone knew was the largest planned tax increase in history, long before the recently-confusing Supreme Court ruling was issued, passed by Congress *without* any true and meaningful representation, was exactly and unconstitutionally that – an unlawful taxation without representation.

This is a similar nature of evil that sparked the American Revolutionary War, with King George's equivalently-decadent set of Lords legislating yet more outstanding taxes upon Americans, without even bothering to investigate the true and honest ramifications.

ObamaCare was an act of taxation *without* (meaningful) representation, so it is **void**.

ARGUMENT 4:

THERE WAS NO VALID PRESIDENTIAL SIGNATURE INTO LAW

Relator *ex rel*. the fifty (50) State and Commonwealth Plaintiffs herein and now does incorporate by reference, the same as if it had been fully set forth, the contemporaneous *Declaration on Obama Ineligibility for the U.S. Presidency* filed with the Court. (H.I.).

Because, in his earlier life, Barack Obama's any prior higher level of U.S. citizenship, if any he actually had, was at least *twice* forfeited away and lost forever, the only possible form of U.S. citizenship he could even *remotely* have now is mere "naturalized" status, at best, which is the *lowest* of the three (3) levels [natural born, native born, naturalized].

Having forfeited all claim to the required "natural born" level of U.S. citizenship, he was never eligible, he is *not* a valid President, and his signature upon ObamaCare is **void**.

ARGUMENT 5:

EVERY OBAMACARE CASE SHOULD BE REMANDED TO ITS TRIAL COURT

Every ObamaCare case that failed to involve the most proper and necessary party, i.e., our federal Congress, or rather, each of the two houses of Congress, that is to say both the Senate and the House of Representatives, was an invalid and improperly handled case.

In the vast majority of argument made by both sides in each of the several such cases, it was the actual ObamaCare bill, *itself*, the legislation package *itself*, that was on trial in challenging and determining constitutionality or unconstitutionality. Sebelius and HHS, as well as Geithner and the U.S. Treasury (and IRS), were **not** the proper defendants for challenges made directly against the constitutionality of the ObamaCare legislation bill.

Sebelius, HHS, Geithner, the Treasury, the IRS, and similar units, are all enforcement agents of the **Executive** Branch. They can be sued for failures in complying with specific provisions of an Act of Congress, they can be sued for misapplication, they can be sued for exceeding any enforcement limits, they can be sued for patterns and practices of civil rights violations, and so forth and so on, but they can't be sued over the very *existence* of the ostensible ObamaCare "law" itself. The *Executive* Branch did not create this bill, and the Executive Branch is not responsible for the creation or existence of this bill, either.

It is the **Legislative** Branch of our Federal Government that unconstitutionally created and enacted this nefarious bill into its very existence, and then also improperly forwarded the same to the White House for signature into "law" (*however*, *see* Argument 4, *supra*).

It is the *Legislative* Branch that is responsible for, and must answer to, ObamaCare, and it is, therefore, the Legislative Branch that is the most proper and necessary party.

Federal Rules of Civil Procedure are clear: Pursuant to Rule 13, each of the previous Defendants (Sebelius, HHS, Geithner, the Treasury, IRS, or etc.) could have, and *should have*, moved for diversion of all constitutionality challenges of the ObamaCare bill under a crossclaim filed against the Senate and House. Rule 17 mandates that an action must be prosecuted *in the name of the real party in interest*, and that a court may not dismiss an action, such as an ObamaCare case until giving the real party in interest, the Legislative Branch, i.e., the two houses of Congress, an opportunity first to either ratify, join, or be substituted into the action. Rule 19 actually **requires** the joinder of the two Senate and House of Representatives parties into each and every ObamaCare case. Rule 21 affirms that the court may, at any time, on motion or on its own, add or drop parties on just terms, and may sever claims improperly directed towards a party, hence the constitutionality and very continued existence or not of ObamaCare *should* have been severed away from any enforcement agents of the Executive Branch, and redirected properly unto the Legislative Branch. Pursuant to Rule 24, any party – plaintiff or defendant – could have, and *should* have – moved for immediate intervention by the Senate and House of Representatives as the real parties in interest. Further, any previous ObamaCare plaintiff could now file a motion under either Rule 60(b) or Rule 60(d), using the material herein, to start all over.

Moreover, the federal judges, themselves, are also responsible for even allowing these cases to proceed beyond the initial filing and motions stages, *in the first place*, without promptly correcting for proper parties, *long* before reaching the trial stage. Are all the judges of our federal trial courts, appellate courts, and even our highest Justices, so blind that they do not recognize differences between our Executive and Legislative branches?

However, an easily identifiable fault under direct statutory authority is attributed to the Federal Government's defense. Pursuant to the mandates under 28 U.S.C. § 530D(a)(1), every one of the individual defense teams, appearing in *each* of the different ObamaCare cases, was required to formally report their undertaking in regards to the constitutionality of said same bill, directly to both and each: the Senate and the House of Representatives.

The ObamaCare bill's enormous swath of attempted power grabbing (*as a full-blown program of Communism would be*) also therefore interjects itself into a variety of issues upon both sides of the "lawful and constitutional" question. As ostensible counsel in the defense of ObamaCare continuing unchecked, the AG/DOJ's position was **necessarily** in conflict against, or as "contest[ing] affirmatively" and/or "refrain[ing] from defending or asserting", various well-established statutory and constitutional laws and/or rights, i.e., including both the First Amendment and Religious Freedom Restoration Act[8] of 1993's "religious conscience" issues (contraceptives), the issue of upholding the Anti-Injunction Act or not, the well-established judicial case law limitations upon the Commerce Clause power of Congress, core federalism issues involving plenary police powers, and more.

Accordingly, AG/DOJ teams *were* to report. 28 U.S.C. § 530D(a)(1)(B)(i) and/or (ii).

The Federal Government is well aware that each house of the Congress has its own formal counsel, just like the Executive Branch has the AG/DOJ, and the Judicial Branch has its own counsel. Indeed, the very same statute provides serving such required report upon the Senate Legal Counsel and the General Counsel of the House of Representatives as an option for ensuring full statutory compliance. *See*, 28 U.S.C. § 530D(a)(2)(D).

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[8] Pub. L. No. 103-141, 107 Stat. 1488, codified at 42 U.S.C. § 2000bb, et seq. (also known as RFRA)

Upon receipt of each such required report submitted by the AG/DOJ, the Senate Legal Counsel would have been (and was) required to intervene and take over all defense of the constitutional challenge against their ObamaCare bill, in each and every single one of these cases, on behalf of the full Congress. *See*, 2 U.S.C. § 288h. The General Counsel of the House of Representatives would also take official notice (2 U.S.C. § 130f), and is presumed with endowment of substantially relevant powers and duties as the Senate.

Moreover, the law would then require the Senate Legal Counsel to formally tell the AG/DOJ to withdraw out of the case and hand over all materials, 2 U.S.C. § 288k, since the Attorney General and the AG's DOJ lawyers have no authority in such cases. *Id*.

Further, the AG/DOJ lawyer teams in erred appearance within every ObamaCare case were then required to file their official Declarations therein, 28 U.S.C. § 530D(d), letting the entire world clearly know that any presence of the AG/DOJ within these ObamaCare cases would be strictly limited to expressing **only** opinions of the **Executive** Branch (as anyone who realizes the necessity of *proper parties* in these cases would expect to see).

If a party within a legal case uses formal professional counsel for representation, the law requires that said attorneys are duly authorized to act on behalf of said party, so that the pleadings and/or other filings made in said party's interest within the case are *valid*.

If an attorney is *not* authorized in a given situation, his/her pleadings are *not* valid, they cannot be considered by the court, and must also be stricken from the court record.

Unfortunately for the Federal Government, it made a legally fatal mistake in utilizing its AG/DOJ lawyers for any defense of the *constitutionality* of ObamaCare, because they were not valid for that subject matter, and so **all** defense filings should now be stricken.

Of course, striking ALL of the legal papers ever filed by any AG/DOJ lawyer team, in each and every single one of these several large ObamaCare cases, from top to bottom, including the federal appeals courts and the high court, will cause dramatic ramifications, including arguable possibility of instant default legal victories for *each* of the plaintiffs.

By the way, all the same general aspects above do apply equally against the Solicitor General's filings in these ObamaCare cases, because the Solicitor General is also under the Department of Justice. Regardless, legal representation by the Senate Legal Counsel on the behalf of any constitutionality of ObamaCare was, and is, mandated by statute.

Still, the plaintiffs failed to name the most proper parties (the Senate and the House), but the AG/DOJ had all kinds of mandatory duties and ethics issues requiring that those two most proper parties be intervened in replacement, and yet even all of the federal court judges failed to recognize the difference between the Executive and Legislative Branches.

In any event, all of these same ObamaCare cases are **void** for lack of proper parties.

CONCLUSION

The monstrous legislation package colloquially known as ObamaCare, once it is fully implemented, will cost certainly no less than $300 billion per each year, forever, perhaps substantially more. It has already defeated its *own* reason for existence: 'saving' money.

Moreover, ObamaCare proposes to dramatically increase the nationwide incidence of abortion-on-demand and state-sponsored contraception. Hence, these substantial parts of ObamaCare cannot possibly be reconciled to the fundamental economic devastation that those issues have caused America. *See*, Verified Complaint herein, *passim*. To that end, ObamaCare cannot *possibly* be deemed 'reasonable' legislation. It <u>must</u> be struck down.

Fortunately, ObamaCare is not even in the least lawful or constitutional, for various procedural reasons that supersede all else, and therefore it must *actually* be struck down.

First, ObamaCare is – by definition – a direct program of Communism, attempting to implement both of the two (2) basic tenets of a Communism program, i.e., fundamentally altering the *means of production* and *distribution of goods* within the entire health care and related insurance industries, within a plan that necessarily commits an illegal scheme to *redistribute the wealth* of millions to others, hence federal law prohibits its existence.

Second, the Senate never *actually* had a full and constitutionally-valid sixty (60) such Senators in a *valid* "supermajority" to overcome various parliamentary procedure hurdles during highly contested and controversial, partisan-infused negotiations and early votes, to even see if this nefariously bloated piece of legislation would be brought to full vote.

Third, and whether or not actually induced by seditious speech of Nancy Pelosi, the bill known as ObamaCare was treasonously 'passed' in direct violations of fundamental prohibition against any taxation without representation. They didn't bother to read it, *let alone* comprehend its meaning, i.e., there was no *meaningful* representation. It is void.

Fourth, Barack Obama is simply not a constitutionally-valid President, and never was, hence his any signature put upon the ObamaCare legislation is worthless, void, and of no legal effect, whatsoever. Without a valid Presidential signature, the legislation is not law.

There is no question by anyone that the legal challenges to ObamaCare filed in several different federal trial courts around the nation were made as *constitutional* challenges to one (1) or more provisions of the monstrous bill, i.e., the cases were *constitutional* cases, and the various and numerous plaintiffs argued the *unconstitutionality* of ObamaCare.

Hence, federal law absolutely required both houses of Congress, i.e., the Legislative Branch that created ObamaCare, as the most proper and necessary parties to any federal court litigation, bar none. Without having the most important parties directly involved, all such ObamaCare cases are void, let alone revealing terrible mess in parade of error.

ObamaCare is not even valid, actual law. Any one of the multiple errors in just basic procedure renders it null and void, of absolutely no lawful effect, whatsoever. Moreover, the sheer calamity of improper parties within all subsequent ObamaCare litigation fails to satisfy having even a modicum in one, single, solitary civil action that was properly tried.

Accordingly, ObamaCare is unlawful, and must now be struck down in its entirety.

WHEREFORE, Relator *ex rel*. the fifty (50) State and Commonwealth Plaintiffs now and hereby do urge, petition and actively demand this Honorable Court for an order thus declaring the Patient Protection and Affordable Care Act vacated as procedurally void, plus all relevant portions from, if not all of, its two major amendments, the Health Care and Education Reconciliation Act of 2010, and also the Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011, and further also do move for any and all other relief deemed true and worthy within the premises.

Respectfully submitted,

/s/ Torm Howse

Torm Howse, Relator-Plaintiff
16150 Aviation Loop Drive
Box 15213
Brooksville, FL 34604
(317) 286-2538 Office
(888) 738-4643 Fax
indianacrc@earthlink.net