



THE PATRIOT POST®

VOICE OF ESSENTIAL LIBERTY

ALEXANDER'S ESSAY

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THE OATH ACCOUNTABILITY CIVIL ACTION

A Legal Remedy for Restoration of Constitutional Integrity

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America. ... Done ... the seventeenth day of September, in the year of our LORD one thousand seven hundred and eighty seven."
--George Washington and the Signers

On the eve of Constitution Day, and the 15th anniversary of *The Patriot Post*, we are preparing to launch a legal battle in support of our mission to reinstate Rule of Law as enshrined in our Constitution. This legal action, unlike others before it, regards Breach of Oath -- breach of the contract established by our Constitution between the elected and appointed members of the Executive, Legislative and Judicial branches of our government, and We the People. It seeks remedy for the lack of any proscription against, and penalty for such breach.

A Civil Action to Restore Constitutional Integrity

To enforce our Constitution's limits on the central government, we believe a formal legal action is necessary. This action, if successful, would require that all members of the Executive, Legislative and Judicial branches, first and foremost, abide by their oaths "to support and defend" our Constitution, under penalty of law, and comport with its enumerated limitations on the federal government. The current scope of federal activities provides abundant evidence that many members of those three co-equal branches have long since abandoned their oaths, and, at present, there is no recourse for prosecution to enforce compliance.

This civil action is predicated on three questions concerning Rule of Law as enshrined in our Constitution:

First, are elected and appointed members of the Executive, Legislative and Judicial Branches of the central government required, under penalty of law, to abide by

their oaths "to support and defend" our Constitution, as specified in its original language in Article II, Section 1 and Article VI, clause 3, as ratified?

Second, in respect to their oaths, do *all* members comport with our Constitution's prescribed method for amendment as specified in Article V, rather than disregard that constitutional prescription in favor of legislative actions based upon judicial diktats redefining those limits in accordance with the errant so-called "living Constitution"?

And, third, if the answers to questions 1 and 2 are "no," then does breach of oath, which is not currently subject to legal redress, constitute a breach of trust with the American people -- a violation of the contract established by our Constitution between those in the Executive, Legislative and Judicial branches, and the American people? Consequently, does Breach of Oath impose harm and injustice upon citizens, who are subject to the government's laying and collecting of taxes, and accumulating of debt, for expenditures not expressly authorized by our Constitution?

The first step in seeking legal remedy to restore the integrity of our Constitution is to establish whether "We, the People," have legal standing to require all members of the three branches of our central government to abide by their oaths.

To that end, please register your support for this action, and join Patriots across the nation in this effort to establish legal standing as citizens, particularly those in our Armed Services who defend their oaths with blood and life. If we are unsuccessful in our effort to seek remedy for the lack of any proscription against, and penalty for breach of oath, it is because the judiciary refuses any such accountability regarding the wanton violation of our Constitution. Such rejection would, in effect, render Americans, once again, condemned to the abuse previously characterized in American history as "Taxation Without Representation."

[Register Your Support for Oath Accountability](#)

Background

This civil action to restore the integrity of our Constitution and its enumerated limits upon the role and activities of the central government is funded by The Essential Liberty Project and promoted by *The Patriot Post*.

We are seeking to answer the question of whether “We, the People,” have legal standing to require all members of the three Branches of our central government to abide by their oaths. We will determine the appropriate venue and ask the court to certify this action once we have reached a sufficient number of plaintiffs to impress upon the court, and supporting members of Congress, that The People demand recourse.

We believe that this complaint complies with Federal Rules of Civil Procedure and thus should be provided a federal hearing, an assertion that, if denied by the courts, we will seek on appeal. We may also opt to file in one or more state courts should the federal courts reject this action. And last but not least, if enough Americans sign this action, the legislative option becomes viable.

We will reject the notion that the power to vote constitutes fair “representation,” where there is no assurance that representatives will abide by their oaths of office and, instead, use the treasury as an instrument to perpetuate their re-election by special interest constituencies, whose allegiance is secured with confiscated and redistributed wealth.

If American citizens are rightly found to have legal standing, then the second order of business will be to question congressional authority to lay and collect taxes, and to accumulate debt, for expenditures not expressly authorized by our Constitution, with the objective of defunding such expenditures.

We will seek to renew congressional requirements for enumeration of constitutional authority for each and every piece of legislation proposed by the Executive and Legislative branches.

Our United States Constitution, as written and ratified, stipulates in its preface that it is “ordained and established” by the people to “secure the Blessings of Liberty to ourselves and our Posterity.” To that end, it established a republic, not a popular democracy, which is to say it affirmed the primacy of Rule of Law over rule of men.

Accordingly, the first order of business for those elected to national office is that they be bound by oath to “preserve, protect and defend” the Constitution under which they were duly elected.

For those elected to the presidency, Article II, Section 1, specifies: Before he enter on the Execution of his Office,

he shall take the following Oath or Affirmation: “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

Likewise, Article VI, Clause 3 specifies: “The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution...”

The key words here are “shall be bound by oath or affirmation.” Bound how and by whom? And with what penalty for violation? Currently, we believe they are bound solely by their conscience, and there is no statutory mandate for abiding by their oaths.

Our Founders intended that elected officials and judges, by way of their oaths, would be constrained by Rule of Law. However, they also assumed that those elected and appointed would be, uniformly, men and women of sufficient character to honor their oaths.

Our Founders were clear about our Constitution’s Rule of Law and its prescribed method for amendment as specified in Article V, but the enforcement of that prescription is predicated on being bound by oaths.

George Washington: “The basis of our political systems is the right of the people to make and to alter their Constitutions of Government. But the Constitution, which at any time exists, ‘till changed by an explicit and authentic act of the whole People is sacredly obligatory upon all. ... Should, hereafter, those incited by the lust of power and prompted by the supineness or venality of their constituents, overleap the known barriers of this Constitution and violate the unalienable rights of humanity: it will only serve to show, that no compact among men (however provident in its construction and sacred in its ratification) can be pronounced everlasting and inviolable, and if I may so express myself, that no Wall of words, that no mound of parchment can be so formed as to stand against the sweeping torrent of boundless ambition on the side, aided by the sapping current of corrupted morals on the other.”

John Adams: “Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other. ... The only foundation of a free Constitution is pure Virtue, and if this cannot be inspired

into our People. ... [T]hey may change their Rulers, and the forms of Government, but they will not obtain a lasting Liberty. ... A Constitution of Government once changed from Freedom, can never be restored. Liberty, once lost, is lost forever.”

Thomas Jefferson: “Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction. ... To consider the judges as the ultimate arbiters of all Constitutional questions [is] a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. ... The Constitution has erected no such single tribunal, knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots. ... The opinion which gives to the judges the right to decide what laws are Constitutional and what not, not only for themselves in their own sphere of action but for the Legislature and Executive also in their spheres, would make the Judiciary a despotic branch. ... On every question of construction carry ourselves back to the time when the Constitution was adopted, recollect the spirit manifested in the debates and instead of trying what meaning may be squeezed out of the text or invented against it, conform to the probable one in which it was passed. ... In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.”

Alexander Hamilton: “[T]here is not a syllable in the [Constitution] which directly empowers the national courts to construe the laws according to the spirit of the Constitution, or which gives them any greater latitude in this respect than may be claimed by the courts of every State. ... The Judiciary ... has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society, and can take no active resolution whatever. It may truly be said to have neither force nor will. ... If it be asked, ‘What is the most sacred duty and the greatest source of our security in a Republic?’ The answer would be, an inviolable respect for the Constitution and Laws -- the first growing out of the last. ... A sacred respect for the Constitutional law is the vital principle, the sustaining energy of a free government. ... [T]he present Constitution is the standard to which we are to cling. Under its banners, bona fide must we combat our

political foes -- rejecting all changes but through the channel itself provides for amendments.”

James Madison: “I entirely concur in the propriety of resorting to the sense in which the Constitution was accepted and ratified by the nation. In that sense alone it is the legitimate Constitution. And if that is not the guide in expounding it, there may be no security for a consistent and stable, more than for a faithful exercise of its powers. ... If Congress can do whatever in their discretion can be done by money, and will promote the General Welfare, the Government is no longer a limited one, possessing enumerated powers, but an indefinite one, subject to particular exceptions.”

Those members of the Executive, Legislative and Judicial branches, who have abandoned their oaths, believe they are above the mandates established by our Founders, and thus, above the law.

Our constitutional rights are being violated, and that violation is sustained by unjust taxation for purposes not expressly authorized by our Constitution. Consequently, our nation is on the precipice of insolvency, and the bill is coming due. It will most certainly be repaid in the currency of tyranny unless Liberty with its inherent Rule of Law prevail.

The time has come that all American Patriots must, “with a firm reliance on the protection of divine Providence, mutually pledge to each other our Lives, our Fortunes and our sacred Honor,” as we endeavor to restore Rule of Law and our Constitution’s limits on the central government.

[Register Your Support for Oath Accountability](#)

Veritas vos Liberabit -- Semper Vigilo, Fortis, Paratus, et Fidelis! Mark Alexander, Publisher, for *The Patriot Post*’s editors and staff. Read online at <http://patriotpost.us>

(Please pray for our Armed Forces standing in harm’s way around the world, and for their families -- especially families of those fallen Soldiers, Sailors, Airmen, Marines and Coast Guardsmen, who granted their lives in defense of American liberty.)