

WHEREAS, Mr. Obama has been less than forthcoming to those who have continually and consistently requested certain documentation to ensure his eligibility for the Office of the President under Article II, and

WHEREAS, Mr. Obama, on the contrary, signed Executive Order 13489 claiming executive privilege blocking the release of personal documents by the National Archives and Records Administration immediately following his inauguration, and further, has expended large sums of public money to pay for attorneys necessary to frustrate those who simply wish to ensure that our President is eligible for the Office he holds under the Constitution for the United States, and

WHEREAS, Mr. Obama, with respect, has engaged in conduct unbecoming of the President of the United States, in which reasonable doubt can be raised as to his fidelity to the United States; and

WHEREAS, the delegates of the Continental Congress 2009 believe the People, regardless of their level of support of Mr. Obama, are interested, desirous, and in need of a resolution regarding the eligibility of Mr. Obama under the Constitution for the United States;

THEREFORE, BE IT RESOLVED THAT THE DELEGATES OF THE STATES PARTICIPATING IN THE CONTINENTAL CONGRESS 2009:

1. Call upon State and Federal Judges, Congress, and any others with appropriate power, authority and jurisdiction, to uphold your oath to the Constitution and investigate, to the fullest extent of the law, power and authority vested in you, the truth concerning the natural born citizenship status of Mr. Obama; and
2. Order a Grand Jury investigation of the matter of Mr. Obama's eligibility and the prosecution of any who may have committed fraud and/or conspired to commit fraud; and
3. Remove Mr. Obama from the Office of President, according to Constitutional provisions available for such action, should it be discovered, in Truth and Substance, that Mr. Obama is not a natural born Citizen.

ARTICLE 14.

ILLEGAL IMMIGRATION AND THE OATH OF OFFICE CLAUSE OF ARTICLE 2, SECTION 1, AND THE FAITHFULLY EXECUTE CLAUSE OF ARTICLE 2, SECTION 3 OF THE CONSTITUTION¹⁴

¹⁴ Learn more about the subject matter of this Article. Read the [OATH OF OFFICE](#) and the [FAITHFULLY EXECUTE](#) Clauses. Read the [PETITION for Redress of Grievances Regarding the Failure of the President to Enforce the Immigration Laws](#). See the related CC 2009 video presentations: Jeff Lewis, National Director of the Federal Immigration Reform and Enforcement Coalition ("FIRE")- [Introduction](#); Cory Voorhis and John Sampson, former agents, federal Immigration and Customs Enforcement ("ICE")- [Border Realities](#); ["Drug Wars: Silver or Lead" \(film\)](#).

The Constitution of the United States of America is being violated. It has been violated over many years, by many administrations, by every branch of government, by each party.

Pursuant to the First Amendment of the Constitution, the We the People Foundation submitted petitions for Redress of Grievance, not once, but twice (in June of 2008, and again in August of 2009) which were duly served on all members of the Congress of the United States Government, and the Presidents. (Find attached documents A and B)

The recipients, including the President, responded only with silence.

Under these facts and circumstances, it is well settled in American jurisprudence that silence is an admission. By its silence, the government has admitted to its violations of the Constitution.

Wherefore, we the People now find the government to be in violation of the Constitution in the manner described below.

We the People do hereby declare the following:

A. REMEDIAL INSTRUCTIONS TO THE PRESIDENT

WHEREAS, the Executive Powers are vested in the President of the United States of America;

WHEREAS, the President must take an Oath or Affirmation before executing his office;

WHEREAS, pursuant to Article II, Section 1 of the Constitution, the Oath or Affirmation reads, "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",

WHEREAS, the People have served their government officials with Petitions for Redress regarding the failure of the government to execute the immigration laws, only to have those Petitions ignored;

WHEREAS, Article II, Section 3 of the Constitution requires the President to "take Care that the laws be faithfully executed";

WHEREAS, in May of 2007, on the Floor of the House, Representative Ric Keller (R) stated: "It is estimated that there are currently more than 20 million illegal immigrants in this country. The cost of illegal immigration to our health care system, public education system, prison system and social services continues to rise without any sign of stopping or slowing.";

WHEREAS, the presence of no less than 20 million illegal aliens* in the United States is self-evident that the immigration laws are not being enforced,

**"Definition. For purposes of the Immigration and Nationality Act (INA), any person who is not a citizen or a national of the United States. There are different categories of aliens: resident and nonresident, immigrant and nonimmigrant, asylee and refugee, documented and undocumented ("illegal")." Additionally, "According to the Immigration and Nationality Act (INA), an alien is an individual who does not have U.S. citizenship and is not a U.S. national. The INA defines a national of the United States as one who, while not a citizen, owes permanent allegiance to the*

United States. One owes personal allegiance to the United States if that person has taken an oath of naturalization." Cornell University Law School;

WHEREAS, among the laws not being enforced are USC Title 8, Section 237; Section 1324 and Section 1325, and Article IV Section IV which reads: "The United States shall guarantee to every State in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence."

WHEREAS, the failure of enforcing these laws has cost the nation hundreds of billions of dollars in the last decade alone, and have put the nation at risk of terrorism, crime, and disease,

THEREFORE, We the People instruct you to fulfill your sworn responsibilities as President to commit the necessary resources to Faithfully Execute all the current immigration laws.

B. REMEDIAL INSTRUCTIONS TO CONGRESS

WHEREAS, current statutes prescribe the various penalties for violations of the immigration laws; among those penalties are deportation, which is found at 8 USC § 1227 and INA § 237; anything less than the application of these statutory penalties would constitute a forgiveness of Civil Penalties, and

WHEREAS, the effect of the President's failure to fulfill his duty has resulted in great cost to the nation due to undue strain on society and the economy in the form of terrorism, crime, and disease. This also results in the blurring of the distinction between legal and illegal immigration, which penalizes those who have gone through the naturalization process lawfully,

THEREFORE, BE IT RESOLVED THAT:

1. Congress shall remind the President by whatever means necessary of his mandated duty to take "Care" that the immigration "Laws be faithfully executed" as mandated in Article II Section 3 Paragraph 1 of the Constitution, and
2. Congress shall appoint an Investigative Committee for the purpose of determining whether the President has faithfully upheld the Constitution, in accordance with Article II, Section 3 Clause 5.
3. If the President fails to fulfill said obligation cited above after the instructions from Congress, by default he has violated his Oath of Office as under Article II Section 1 Paragraph 8 of the Constitution and can be subject to impeachment proceedings and criminal or civil action.
4. Congress shall not enact any legislation that provides Social Services or any form of amnesty for illegal aliens.

C. REMEDIAL INSTRUCTIONS TO EACH OF THE SEVERAL STATES

WHEREAS, the President has demonstrated his failure to faithfully execute the current immigration laws, specifically, 8 USC § 1227 and INA § 237,

WHEREAS, the President and the Executive Branch of the Federal government have failed to enforce the aforementioned immigration laws,

WHEREAS, State Law Enforcement Officers must take an Oath or Affirmation to faithfully execute the Constitution and applicable laws enacted thereto,

WHEREAS, that in *United States v. Santana-Garcia*, 264 F. 3d 1188, 1194 (citing *United States v. Vasquez-Alvarez*, 176 F. 3d 1294, 1295), a United States Court of Appeals upheld the Right of the States to enforce Federal immigration laws by stating, “*State and local police officers [have] implicit authority within their respective jurisdictions ‘to investigate and make arrests for violations of Federal law, including immigration laws.’*”

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Governors of each State shall direct the Law Enforcement Officers of their State, by whatever means necessary, to honor their Oaths of Office and to take “*care*” that the immigration “*laws be faithfully executed*” to their fullest extent, and
2. The Legislatures of each State shall take steps to sanction or impeach the Governor, and/or any Law Enforcement Officer who fails to honor his Oath of Office or otherwise fails to fulfill his obligations to enforce State and federal immigration laws.

D. RECOMMENDED CIVIC ACTIONS BY THE PEOPLE

We, the Continental Congress 2009, declare that the President of the United States of America has failed to “*take care to faithfully execute the laws*”, and we encourage the People of the several States, in their legitimate capacity, to engage in the following civic actions:

1. Educate yourself, your family, and your community about your government officials’ duties and all of the current immigration laws.
2. Meet with your county Sheriff and ask him to execute the current Federal and State immigration laws for which he is authorized.
3. Lobby your State legislator/legislature to demand your State Governor to execute all of the current immigration laws, where applicable.
4. Lobby your Congressman to bring impeachment proceedings against the President of the United States of America for failing to assure execution all of the current immigration laws.

ARTICLE 15.

**ANCILLARY REPORT BY THE FOREIGN POLICY AND
GENERAL WELFARE COMMITTEE REGARDING THE WELFARE STATE**

WHEREAS, the mention of “General Welfare” in the Preamble to the Constitution for the United States as a principal goal of the Constitution, conveys no specific powers to government, and the