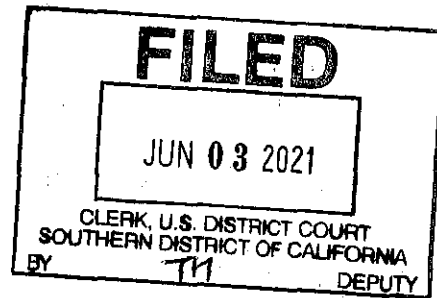


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Attorney for Constitution Association, Inc.
2 GEORGE F. X. ROMBACH, PhD, JD, CPA,
3 27636 Ynez Road, Suite L-7 #111
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6 *Plaintiffs, In Propria Persona*



7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11
12 CONSTITUTION ASSOCIATION, INC., by
its founders, GEORGE F. X. ROMBACH
13 and DOUGLAS V. GIBBS as well as other
14 officers and members of the Association et. al.

15 Plaintiffs,

16
17 vs.

18
19 KAMALA DEVI HARRIS,
20 Defendant.

Case No. 20CV2379 TWR BLM

**RESPONSE TO THE EX PARTE APPLIC-
ATION and CAUSE WHY THIS ACTION
SHOULD NOT BE DISMISSED**

Judge: Hon. Todd W. Robinson

Department: Courtroom 3A

Complaint Filed: December 7, 2020

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22
23 **INTRODUCTION**

24 The government of the United States of America, that is **NOT** a party of this action and
25 has no standing therein, has brought an Ex Parte Application interfering in this action. The
26 government's interference is seeking to set aside the Entry of Default that was properly entered
27 against Defendant Kamala Devi Harris as an individual for personally committing an
28

1 unconstitutional action of running for the office of Vice President of the United States of America
2 for which Plaintiffs allege she is not eligible to hold. Defendant is not being sued for any act or
3 omission occurring in connection with duties performed on the United States' behalf.

4
5 **I**

6 **THIS IS NOT A POLITICAL QUESTION**

7 The sole issue in this action is whether the Defendant, a member of the Democratic Party,
8 is not constitutionally eligible to hold the Office of President or Vice President. In the Complaint
9 in this action, Plaintiffs also allege that three Republican candidates were likewise not eligible to
10 hold the Office of President, but withdrew from the race before the commencement of this action.
11 Plaintiffs have no issue with the political affiliation of any candidate, they are simply seeking that
12 the Constitution be complied with. The issue of eligibility to hold either the Office of President or
13 Vice President is **NOT** a task constitutionally assigned to any other branch of government. The
14 eligibility issue was established by the Framers of the Constitution when it was written and
15 ratified, and they gave no other branch of government any authority in the matter of eligibility to
16 serve as President or Vice President whatsoever. Nowhere in the Constitution is any authority
17 given to Congress regarding the issue of eligibility to hold either the Office of President or Vice
18 President. Accordingly, this action does not in any way make it necessary to interfere in a
19 political matter that is within the dominion of any other branch of the government. The issue
20 before this Court is does the Defendant meet the eligibility required by the Constitution or not.

21 **II**

22 **DEFENDANT WAS SERVED**

23 In the Ex Parte Application the United States Attorney's Office failed to disclose that the
24 Complaint was in fact signed for on March 9, 2021, the proof of service of which was filed with
25 this Court. Plaintiffs' are unaware of the reason for this omission.

26 **III**

27 **DEFENDANT DID NOT RESPOND**

28 Defendant has not yet plead, defended or otherwise responded in any way to the Complaint

1 on file in this action. In the Ex Parte Application the United States Attorney's Office clearly
2 indicates that they are representing the United States and NOT the Defendant.

3 **IV**

4 **UNITED STATES NOT REQUIRED TO BE SERVED**

5 Plaintiffs are NOT required to serve the United States government because Defendant was
6 not a 'United States officer or employee' when the actions alleged in the Complaint on file herein
7 were committed. At the time of filing, December 7, 2020, the defendant was not at that time
8 officially an inaugurated member of the U.S. Government as Vice President of the United States.
9 Therefore, when the complaint was served on April 26, 2021 the service was not required to
10 include the United States because at the time of filing the complaint was only against the
11 defendant, Kamala Devi Harris, who was at the time merely Vice President Elect. In the argument
12 by the United States alleging that the "Plaintiffs Have Not Effectuated Service of Their Complaint" it
13 is argued that Fed R. Civ. P. Rule 4(i) sets forth the requirements for serving the United States and
14 its agencies, officers, and employees. "To serve a United States officer or employee sued in an
15 individual capacity for an act or omission occurring in connection with duties performed on the
16 United States' behalf (whether or not the officer or employee is also sued in an official capacity), a
17 party *must serve the United States and also serve the officer or employee* under Rule 4(e), (f), or
18 (g)."

19 The application of the rule listed by the United States is not applicable because the
20 defendant is not an officer or employee of the United States Government. According to the final
21 clause of Article II, Section 3 of the United States Constitution, the President "shall Commission
22 all the Officers of the United States." The Vice President does not receive a commission from the
23 President, therefore, since all Officers of the United States shall receive a commission, the lack of
24 commission provides the conclusion that the Vice President is not an officer of the Government of
25 the United States. The Vice President is also not an employee of the government, for according to
26 Article I, Section 6 of the U.S. Constitution officers and those appointed to civil Office under the
27 Authority of the United States receive an emolument. However, Article I, Section 6, Clause 1
28 states that "The Senators and Representatives shall receive a Compensation for their Services,"

1 and Article II, Section 1, Clause 8 states that “The President shall, at stated Times, receive for his
2 Services, a Compensation.” S.103 on January 11, 1949. (U.S. Congress, Senate Committee on
3 Post Office and Civil Service, President, Vice President and Speaker of the House—
4 Compensation and Expenses) provides that the Vice President, along with the President, and the
5 Speaker of the House, receives a compensation for their services. According to the United States
6 Constitution officers and employees receive an emolument for their services, but representatives
7 receive a compensation. Since the Vice President receives a compensation the conclusion is that
8 Vice President Kamala Harris is not an officer or employee of the Government of the United
9 States, but a representative.

10 **V**

11 **IMPORTANCE OF CORRECTING UNCONSTITUTIONAL ACTIVITIES**

12 The Supreme Court, under the early years of the John Marshall’s tenure as Chief Justice of
13 the United States, offered in its 1803 decision in *Marbury v. Madison* 5 U.S. (1 Cranch) 137
14 (February 24,1803) that “All laws which are repugnant to the Constitution are null and void.”
15 Laws are not constitutional simply because Congress passed them. If shown to be inconsistent
16 with the Constitution, those laws should no longer be followed. Should not the same basic
17 principle apply to the actions of the federal government, as well as other constitutional concepts
18 such as eligibility for office?

19 If an unjust law is no law at all, would not an ineligible candidate for office be no
20 candidate at all?

21 The American people and the Constitution they ratified provides the standard for the
22 conduct of the United States Government regarding all of its laws, actions, and if an authority is
23 granted regarding laws and actions in the first place. If we cannot even follow the proper rules
24 regarding eligibility, are we not embracing all other demonstrably erroneous interpretations of that
25 Constitution once those ineligible people take office?

26 **VI**

27 **GOVERNANCE OF PRECEDENT**

28 In *Gamble v. United States*, No. 17-646, 587 U.S. (June 17, 2019) Supreme Court Justice

1 Clarence Thomas wrote a concurring opinion to “address the proper role of stare decisis,” the idea
2 that the court should generally follow its prior decisions. While Thomas joined six of his fellow
3 justices in the decision not to overrule precedent, Thomas in his opinion provided a view that
4 “When faced with a demonstrably erroneous precedent, my rule is simple: We should not follow
5 it”

6 In his argument, Justice Thomas simply wanted to let the Constitution, the real
7 Constitution, be the supreme law of the land.

8 In 1949, Justice William O. Douglas wrote a Columbia Law Review article stating that “a
9 judge remembers above all else that it is the Constitution which he swore to support and defend,
10 not the gloss which his predecessors may have put on it.”

11 The United States Constitution, and precedents about the Constitution, are not the same
12 thing.
13

14 VII

15 NATURAL BORN CITIZEN

16 The United States Attorney asserts that Defendant has multiple defenses to the Complaint.
17 The first such defense is the Defendant’s birth certificate establishes that she “is a ‘natural born
18 citizen’ within the meaning of the U.S. Constitution”. The birth certificate is NOT evidence of
19 their assertion nor have they presented any evidence to support their claim. Further, they have not
20 presented any authority whatsoever for why the definitions put forth by the Supreme Court of the
21 United State of American in the six cases cited in the verified complaint should be disregarded.
22

23 VIII

24 ARTICLE III STANDING

25 It is acknowledged that Plaintiff have had their voting rights disenfranchised or diluted
26 when Defendant sought an office for which she is not eligible. It is argued that Plaintiffs have no
27 greater stake in having the Constitutional provisions abided by than any other United States
28

1 citizen. That provision assumes that if all of the citizens are wronged, then there is no legal
2 recourse and Defendant's actions are then somehow deemed to be proper. Article III of the
3 Constitution does not address the issue of 'standing'.

4
5 **IX**

6 **CONCLUSION**

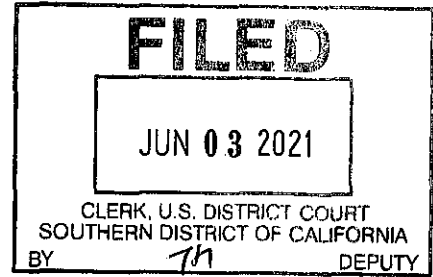
7 The United States of America is not a party in this action and has no standing in it, and on
8 that basis alone its Ex Parte Application should be disregarded. Plaintiffs have addressed the
9 issues raised in the Application and demonstrated them to be without merit. Accordingly,
10 Plaintiffs respectfully request that the Court sustain the default and find that there is good cause
11 for the action.

12
13
14
15 Executed on June 3, 2021, at Temecula, California

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17
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19 

20 GEORGE F. X. ROMBACH, PhD, JD, CPA,
21 Plaintiff, In Propria Persona and
22 and Co-Founder of Constitution Association, Inc.

1 GEORGE F. X. ROMBACH, PhD, JD, CPA,
2 27636 Ynez Road, Suite L-7 #111
3 Temecula, CA 92591
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6 *Plaintiffs, In Propria Persona*



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16 Plaintiffs,

17 vs.

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19 KAMALA DEVI HARRIS,
20 Defendant.

Case No. 20CV2379 TWR BLM

**DECLARATION OF SERVICE of the
RESPONSE TO THE EX PARTE APPLIC
ATION and CAUSE WHY THIS ACTION
SHOULD NOT BE DISMISSED**

Person Served:
Defendant KAMALA DEVI HARRIS

Date Served: May 28, 2021

Judge: Hon. Todd W. Robinson

Department: Courtroom 3A

Complaint Filed: December 7, 2020

21
22
23 STATE OF CALIFORNIA)
24 COUNTY OF RIVERSIDE)

25
26 I, Beau Harley Watson, a private individual who resides and is employed in the County
27 of Riverside, State of California, being duly sworn, depose and say:

28 I have been duly authorized to make service of the documents listed herein in the above

1 entitled case. I am over the age of eighteen years, and not a party to the within action or otherwise
2 interested in this matter.

3 On June 3, 2021, I served the following pleading described as **RESPONSE TO THE EX PARTE**
4 **APPLICATION and CAUSE WHY THIS ACTION SHOULD NOT BE DISMISSED** by
5 placing true copies thereof enclosed in a sealed envelope addressed to the person(s) as follows:

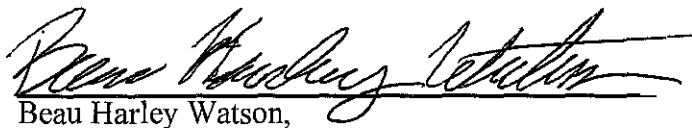
6
7 Kamala Devi Harris
The White House
Office of the Vice President
8 1600 Pennsylvania Avenue, NW
Washington, DC 20500

9
10 Randy S. Grossman,
Acting United States Attorney
Brett Norris
11 Assistant U.S. Attorney
Office of the U.S. Attorney
12 880 Front Street, Room 6293
San Diego, CA 92101

13
14 And by depositing same on that same day in a facility for the collection mail that is regularly
15 maintained by United States Postal Service with postage thereon fully prepaid at Temecula,
16 California. I am aware that on motion of a party served, service is presumed invalid if postal
17 cancellation date or postage meter date is more than one day after the date of deposit for mailing
18 affidavit.

19 I declare under penalty of perjury, under the laws of the United States of America
20 and the State of California that the foregoing is true and correct.

21 Executed on June 3, 2021, at Temecula, California

22
23
24
25 
26 Beau Harley Watson,
27
28