

No. 3:08-CV-1164-J-20TEM

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In The
11Th District Federal Court
Jacksonville Division

Susan Herbert,

Applicant,

v.

Barack Obama
And
The United States Of America,

Respondents.

Emergency Application For A Stay Of Enforcement Of
The Judgment Below Pending The Filing And Disposition Of A Complaint And/Or
Pending The Disposition Of An Already Pending Petition For An Extraordinary Writ
Currently Before US Supreme Court

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Questions

Did the US Supreme Court violate Marbury by refusing to accord In Re Susan Herbert oral argument as it is a case that is pro se, constitutional authority and original jurisdiction thus hearing is then automatically both reading and oral argument, and as her claim is that she was and is denied any appearance in person in any court as a plaintiff or petitioner and so this court only compounded the injury?

Have all offices of government been unchecked as both cases known as In Re Susan Herbert proved as does her life as she is her case? If Marbury is violated and all offices are unchecked, then is a Presidential election legal, binding and valid?

What does the phrase “natural born citizen” mean? Must a citizen be born within the US or does it mean one or both of his or her parents must be natural born American citizens? Does Barack Obama fulfill this requirement? What must a citizen produce to then prove they are a “natural born citizen” as only that and age 35 is a named requirement to then legally hold this office? Is a registration of birth certificate acceptable or must a person produce an actual birth certificate issued by a state and so not a registration only?

Is Susan Herbert the acting legal President and Commander as proven by her two cases both of which are pro se, constitutional authority and original jurisdiction, was she at the time this election was held and if so was it unconstitutional and a crime for court officers, attorneys and federal judges to conspire alone or in conjunction with others to keep her name off of the Presidential ballot in all states?

Is the office of President and Commander the protected right of mothers and veterans only and a privilege for all others? If so have women who are mothers been illegally kept off of the ballot while men who have no right and have not earned the privilege or even proven their willingness and ability been placed on it? Is this the direct result of discrimination and the past effects of discrimination and unfair, unjust rules meant to protect a two party monopoly and predominantly male, Judeo-Christian system?

Is the drafting of women unconstitutional as it constitutes double jeopardy as women are always subject to death via sex and childbirth while men are not thus women shed blood and risk their lives in defense of the Constitution each time they give birth? Is “Don’t Ask Don’t Tell” unconstitutional as it yet denies even women who are gay some combat positions namely Commander in Chief and as it encourages lying from a time before you enter the military?

Is it legal for any member of the current Congress to be on the ballot and/or be elected to the office of President as Congress creates legislation, impeaches and declares war, as it is a Congress that refused to impeach and publicly announced it did not have to do its duties so it would not as it was above the law, and who refused to accord women justice by creating legislation always citing money as excuse and who declared a war upon bad evidence and did not then address that bad declaration and who later used money in the form of a denial of funding for equipment and troop requests in order to prevent the Commander from discharging his duties and so effectively commanding thus violated the separation of powers and abused the War Powers Act, or, is this a conflict of interest so great no member of the Congress can ever overcome to then act as President and Commander?

Is a President and Commander in Chief to be held not only to the highest standard, US law, but the strictest standard, actual reality, and does Barack Obama meet these standards? Does he have the ability as "to the best of my ability" is named to fulfill the oath of office as he cannot resolve the injustices women face nor can he resolve any of the issues Bush V Gore then caused? Was he unable from a time before he was even nominated by the Democratic Party due to the unique facts of his life such as being a sitting member of the Congress that did not address a bad declaration of war and his inability to reason Bush v Gore for what it is thus he cannot preserve, protect and defend the Constitution?

Did both major parties engage in the buying and selling of the office of the Executive as evidenced by a reputed \$5.3 billion dollar price tag? Did the voters? Does this massive influx of money and the almost total lack of regulation as this money cannot be traced then make it impossible for any person not willing to violate our law or the spirit of our law to then become the elected President and Commander? Does it harm women due to the past effects of discrimination? Did Barack Obama violate the spirit of the law by using only private funding so he could then raise and spend an unlimited amount and so did he purchase this office? Does our law make campaign financing as it exists now unconstitutional as recent reform only served to make it more difficult for independent and third party candidates not less so while actually favoring incumbents and major party candidates?

Table Of Authorities Cited

See Appendix L “US Case Law”

Bush V Gore

Marbury

Monell V DSS

Brown V Topeka

Stankowsky V Kramer

Nicholson V Scopetta

Lucas V Townsend 486 U.S. at 1301 and at 1304

In Re Susan Herbert, 07-9804 and 08-6622

Mermelstein V IHR, et al

1 Cranch, R. 175.

Other

The Federalist Papers 9, 10, 23-28, 41- 43, 46, 48, 52-66, 67- 77, 84, 85

Introduction

This is the most extraordinary case in all of US history as the law no longer exists in actual reality but only upon paper. I am Susan of In Re Susan Herbert, Supreme Court of the United States Case #'s 07-9804 & 08-6622. Upon first hearing Marbury was violated and upon second hearing? A response was due on November 5th, 2008 and no response came; as of Friday, November 7th, 2008 there was still no response. The violation of Marbury and failure to respond by the US led me to then be forced to appear in local district family court, Rennselaer County, NY, on October 24th, 2008 in the state and in the exact court with the exact persons that violated me wholly and absolutely and upon the same claim now before US Supreme Court. This local district family court action was filed within my 25 day window to petition to be reheard and it was then held even after the US Supreme Court acted to address the violation of Marbury by re-docketing my case. This local court then attempted to ungrant motions the Supreme Court had already granted, and unhear a case the Supreme Court had heard and is now hearing. Several of my rights were violated by this local court some of which rise to acts of crime. As the plaintiffs cited my human ability to enter the Supreme Court and the Court itself for refusing to accord me any and all remedy and relief so this court and the Chief Justice himself and now the solicitor general aka the US for failing to respond are at fault for my most recent injuries. These injuries are unending and ceaseless until addressed. See In Re Susan Herbert attached as Exhibit B and see Exhibit K for a list of all recent acts against me by local district family court.

Due to perjured statements and due to this court's failure to award me any remedy and relief when it is available, and then due to the actions of local police, I was then forced to file for an emergency change of venue in Duval County FL on the very day I was denied by this court in April of 2008. Thus I have an action open in Duval County FL that has sat and sat as Duval refuses to allow me to appear pro se and as FL is attempting to avoid my case at all costs as it began here in 1995 and 1996 with a federal and state violation of my rights and the rights of both of my sons one of whom was unborn at the time.

By appearing simultaneously in two local district local district courts in two states and in US Supreme Court upon the same claim I then appeared in all US courts simultaneously as all fall in between as US Supreme Court is our national family court. Two courts in two states is beyond extreme; three courts one of which is our court of constitutional authority or was, is beyond anything in this nation in all of US history. This has never happened to a citizen before and is due to all citizens - the voters - failing me over and over since before I was born including Barack Obama himself. If Barack Obama had not

violated the law or had not ignored my notice of suit then I might never have been harmed further as I first contacted him in June of 2007 – before I filed in US Supreme Court.

In over ten years of acting to enforce the law on my behalf I have never once been accorded any relief at all. I have exhausted all other options and all other courts. I have almost exhausted this court and may be headed for an International Human Rights Court.

Both of my cases now before this court as one are inextricably linked to the 2008 election of the President and Commander in Chief which then resulted in Barack Obama becoming the President elect when he is a person who is guilty of harming me by failing to act for me or to answer a notice of suit I served upon him, or to answer a summary of my suit or to answer an emergency letter I sent him concerning a constitutional challenge regarding this war and my person. Barack Obama refused over and over to acknowledge me, my children, our plight or my case in any way and I cannot ignore this is due to the very nature of my suit and my legal claim: I am the person Obama had to unseat or defeat to then act as President and Commander not John McCain and not George Bush Jr. as I am the acting legal President while Bush Jr. actually sits and our law names the difference between legal and actual reality.

Barack Obama, now representing the US as President elect, let injury befall my person and my children's persons and allowed innocent citizens some of who are mothers and enlisted service members to die. I alone am the only citizen able to bring this suit as I lived to tell.

Opinions

The result of the 2008 Presidential election has been reported as 364 electoral votes for Obama to McCain's 163. The popular vote is estimated at Obama 65,412,231 and McCain 57,414,049. See Exhibit A. No other candidate had an actual opportunity as only the two major parties are on all ballots – 51 in total. The two major parties always receive the top two slots. Ralph Nader is the closest contender at 678,683 votes and although he has run over and over has yet to make it on all 51 ballots; the Libertarians have not made it on all 51 ballots after more than 25 years of making the attempt. Nothing about this election is remotely constitutional. The more than one billion dollar price tag cannot be ignored. I am the only acting legal President not placed upon the ballot and who never voluntarily withdrew my name as proved by my cases. See Exhibit A. The Solicitor

General then failed to respond to a second suit filed before this election was held. See Exhibit B . Other federal decisions and orders some of which rise to a crime are within my first suit now belatedly being conferenced upon December 5th in US Supreme Court as it was reconsidered as the failure of the Solicitor was then addressed; all kept me off of the ballot as did even the original denial of the Supreme Court. Judges not Justices and others conspired alone and together in order to keep my suit and my person out of court, to silence me and to keep my name off of the ballot as that is the award I asked for – placement upon all 51 ballots. Many were motivated to do so in order to then avoid prosecution as some committed crimes against me. See Exhibit L & M. All opinions are against me exactly and only as I am first thus unique in US history due to all of my unique facts and these opinions cause my children and me irreparable injury and injury that is ceaseless; these opinions will end the lives of women, children, enlisted service members and innocent Iraqi civilians.

Jurisdiction

This is a application for an emergency stay of enforcement of a judgment made by the people and against me which is not valid as it is an impossible standard as it requires me to act unethically, to violate US law, to give away all of my rights including custody of my person and my children, to sell the office of President and to be afraid of perceived power. Ultimately it will cause my death in defense of an institution and not any constitution/s and to the death of this nation. This judgment is unconstitutional and was so before it was made. The judgment I seek to stay is the 2008 Presidential election. This application is inextricably linked to Bush V Gore and two other cases of original jurisdiction which are also constitutional authority cases and are pro se unlike Bush V Gore: In Re Susan Herbert 07-9804 in which the US Supreme Court violated Marbury and discriminated against me only as I am a woman and In Re Susan Herbert 08-6622, which addresses these violations and which was not answered in the 30 days that is our law and our rule as the law is contract law. The response was due on November 5th, 2008 and was not then forthcoming. As the solicitor general waived the right the first time there was no reason then to delay a response. As of this writing on November 8th it is still not entered.

I, Susan, am a case of constitutional authority and original jurisdiction. I alone float our law and our nation as only I acted to enforce our law when no state and no man, nor any court or any person at all would or could. I acted to preserve, protect and defend our law and I am treated like no other litigant or natural born citizen in all of US history. I am injured and this injury led to our law being overthrown, as it constitutes a coup as all

offices went unchecked and all separation of power was and is violated in a gross manner. Currently the Supreme Court and the office of the Executive are exerting the power reserved to the exactly named Creator as they are awarding the death of the innocent to the states, to individual men only because they privileged and to Congress and some of these persons are guilty of crimes.

Only the Creator can and may kill the innocent without it being murder as that is what an act of God is. We do not call it an act of the Chief Justice or an act of the President nor should we call it an act of Barack Obama for actual constitutional reasoning.

A Presidential election is not legal, binding and valid if Marbury has been violated and if all offices are now unchecked and were at the time of the election. It is also illegal if two choices, both unjust, were shoved down our throats, as “liberty” is a choice from among some just choices.

Only the US Supreme Court and the Chief Justice who is exactly named as Chief and as John Roberts the individual in my pending suit can and may address an injury it perpetrated upon me and so all citizens as I am an absolute class of one then representing the whole class which is all Americans or the Constitution. Whether by mistake or with deliberation as innocence or guilt is not the question and so matters not Marbury is violated. Our law is the Supreme Court like any institution or any citizen is to be self-governing and so self-adjudging. A Chief Justice can and may address an injury he and this court is responsible for as there is no conflict of interest as our interest is to be both governing documents. As this application for an emergency stay is the result of three cases of original jurisdiction this too begins and ends here. Attached is Bush v Gore and In Re Susan Herbert #'s 07-9804 & 08-6622 along with the docket proving no timely response to the latter was made. As recently as July 1st, 2008 a federal judge ruled that my case was “frivolous” as if injury had not occurred, my children are not with a third party in NY for no reasoning other than hate or I was not a real person and that there was “no basis in fact or law” for the Supreme Court, John Roberts or the Declaration and Constitution. He had as evidence rising to proof this court’s docket, In Re Susan, Bush V Gore, my birth certificate, bios of the Justices taken off of the government website and a copy of the Iroquois Constitution. See Exhibit B. Thus this injury and harm is inescapable in any other court save a court of human rights – which this court used to be.

As my case In Re Susan Herbert 08-6622 then proved that the law no longer exists in actual reality but only upon paper, a claim I will also prove in the below “Reasons”, I was instructed to apply for this stay in a lower or other court even though Roberts already

acted upon reading this by setting my case for conference thus over riding the Solicitor General aka the US as I did not directly sue Obama as it was assumed I would be heard long before the election as I first filed in April of 2007 and as the Solicitor General waived the right of the US once already; as the claim is the same the right should have been automatically waived once more. Thus although no law or rule or precedent may ever cover this exigent emergency Federalist 23 does thus this court and myself have jurisdiction (any pro se authority case is one of issue and jurisdiction being one and the same thus I am the issue and I am the authority aka jurisdiction) and this court must act.

Constitutional And Statutory Provisions

As this is a unique case and is pro se, constitutional authority and original jurisdiction then the whole of both governing documents is involved but especially:

Sec. II Art. I "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." Additionally, the 12th Amendment to the Constitution states that: "[N]o person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States."

The 14th Amendment to the United States Constitution provides an additional source of constitutional doctrine stating that birth "in the United States" and subjection to U.S. jurisdiction at the time of birth, entitles one to citizenship: "All persons born or naturalized in the United States and subject to the Jurisdiction thereof, are Citizens of the United States and of the State wherein they reside. . ." and "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."

The Civil Rights Act

“SEC. 703. (a) It shall be an unlawful employment practice for an employer— (e) Notwithstanding any other provision of this title, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise...”

NY Agriculture & Market Act Art.26: Animal cruelty

353. Overdriving, torturing and injuring animals; failure to provide proper sustenance.

A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or to another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a misdemeanor, punishable by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or by both.

Nothing herein contained shall be construed to prohibit or interfere with any properly conducted scientific tests, experiments or investigations, involving the use of living animals, performed or conducted in laboratories or institutions, which are approved for these purposes by the state commissioner of health. The state commissioner of health shall prescribe the rules under which such approval shall be granted, including therein standards regarding the care and treatment of any such animals. Such rules shall be published and copies thereof conspicuously posted in each such laboratory or institution. The state commissioner of health or his duly authorized representative shall have the power to inspect such laboratories or institutions to insure compliance with such rules and standards. Each such approval may be revoked at any time for failure to comply with such rules and in any case the approval shall be limited to a period not exceeding one year.

353a. Aggravated cruelty to animals.

1. A person is guilty of aggravated cruelty to animals when, with no justifiable purpose, he or she intentionally kills or intentionally causes serious physical injury to a companion animal with aggravated cruelty. For purposes of this section, "aggravated cruelty " shall mean conduct which:
 - i. is intended to cause extreme physical pain; or
 - ii. is done or carried out in an especially depraved or sadistic manner.
2. Nothing contained in this section shall be construed to prohibit or interfere in any way with anyone lawfully engaged in hunting, trapping, or fishing, as provided in article

eleven of the environmental conservation law, the dispatch of rabid or diseased animals, as provided in article twenty-one of the public health law, or the dispatch of animals posing a threat to human safety or other animals where such action is otherwise legally authorized, or any properly conducted scientific tests, experiments, or investigations involving the use of living animals, performed or conducted in laboratories or institutions approved for such purposes by the commissioner of health pursuant to section three hundred fifty-three of this article.

3. aggravated cruelty to animals is a felony. A defendant convicted of this offense shall be sentenced pursuant to paragraph (b) of subdivision one of section 55.10 of the penal law provided, however, that any term of imprisonment imposed for violation of this section shall be definite sentence, which may not exceed two years.

Florida 741.28 Domestic violence; definitions

(1) "Department" means the Florida Department of Law Enforcement.

(2) "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

(3) "Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

(4) "Law enforcement officer" means any person who is elected, appointed, or employed by any municipality or the state or any political subdivision thereof who meets the minimum qualifications established in s. 943.13 and is certified as a law enforcement officer under s. 943.1395.

NY Domestic Violence Law

§ 459-a. Definitions. As used in this article: 1. "Victim of domestic violence" means any person over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, menacing, reckless endangerment, kidnapping, assault, attempted assault, or attempted murder; and

(i) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and

(ii) such act or acts are or are alleged to have been committed by a family or household member.

2. "Family or household members" mean the following individuals:

- (a) persons related by consanguinity or affinity;
- (b) persons legally married to one another;

(c) persons formerly married to one another regardless of whether they still reside in the same household;

(d) persons who have a child in common regardless of whether such persons are married or have lived together at any time;

(e) unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; or

(f) any other category of individuals deemed to be a victim of domestic violence as defined by the department in regulation.

3. "Parent" means a natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

PA Domestic Violence Law

§ 6102. Definitions

(a) General rule.--The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Abuse."

The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

1. Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.
2. Placing another in reasonable fear of imminent serious bodily injury.
3. The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).
4. Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).

Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

CA Evidence Code: In California, the *Evidence Code* permits the Court to take judicial notice of "facts and propositions of generalized knowledge that are so universally known that they cannot reasonably be the subject of dispute."

Also in play is an extraordinary law of this universe known as entropy, the tendency of a system in disorder to become more disordered until chaos reigns. In order to arrest and even reverse entropy one must act to break the chain of causation and then act to 'correct' the cause: Mistaken beliefs men have of this universe, the Creator and of women.

Statement of Case

I, Susan Herbert, a natural born citizen who is innocent, has been abandoned by this nation and forced to live in exile within my own country for doing nothing more than acting to enforce the law on behalf of all who are yet vulnerable and/or defenseless. I am injured and harmed like no other citizen ever for using the law as a weapon in my defense pro-actively, as I am the first mother ever to invoke both governing documents in her defense as well Stankowsky V Kramer against a state before my children were injured, before one was born even but was a person with rights and later, after several states caused injury to come to my children and more injury to come to my person I invoked Nicholson V Scopetta thus forcing the states to apply the law to women and/or obey federal rulings as the states could not then cite me as at fault or charge me with being a child abuser for failing to protect. By doing so I forced the states to accept liability. The states found a way to charge me and so avoid liability; to do so they broke the law repeatedly, lied, tampered with evidence and witnesses, used nasty word games and nasty lawyer tricks against me, refused to stop those persons harming me with deliberation when they are court officials and/or licensed attorney, passed my case back and forth between judges and across the FL, NY and PA state lines and now the solicitor general has failed to respond to my case. A thin black line exists and denies me access to any court as a plaintiff/[petitioner; I have been allowed on to one court only, US Supreme Court, and that is on paper only when paper is not adequate and offers me no remedy and relief. These acts and others were committed against me upon all levels from my nuclear family then to the local municipal and upon a federal level. This was and is only possible as I am left for dead by the United States, now a dead institution itself, as all authorities failed me up to this very court as did the Chief Justice himself as I stood all aside or down via the invocation of chain of command and directly via lawsuit due to Bush V Gore and In Re Susan Herbert. The denial of oral argument and now the failure of the solicitor general to respond make my case and prove all I claim for me for if even one

office remained checked or even one other person was obeying both the law and the spirit of the law then I would not be writing this as my case would be resolved or it never would have gone on for ten years across several states until it landed in United States Supreme Court – a court I am convinced did not bother to actually read my case as this court then turned around and committed an exact violation of our law which I cited as I saw it coming due to the discrimination of women.

Monell V DSS upheld a citizen's right to sue to enforce the law; Bush V Gore set precedent allowing me to sue for legal power and custody of the US; Marbury, never applied to women, states I must defy illegal, unethical and immoral orders of commanding officers and that I am equal to all other citizens up to and including the President as my one vote, denied me since before 2000, is equivalent to Executive Order; Brown proved discrimination causes a physical and emotional injury to the class and proof was life not science and not the exact words of our law as "black" appears nowhere in our law. I am a woman and a member of the only injured class still denied a federal ruling in their favor as Brown. As a woman the 19th amendment, the equal protection clauses and the exact words of our law as written in 1776 & 1787 clearly state I am to be accorded equal legal power but this legal power has not once been realized so my vote has been nothing more than an appearance as I went through the motion of voting when it was meaningless. Since before 2000 I was and am denied my vote; I have been lied to by those holding office, the law has never protected me at all as it is renegotiated against my will via force and as I was born into harm in both this national family and my own nuclear family as women are subjected to unsafe conditions and so as safety is denied us as is liberty, as liberty is an emotion and a protected right and liberty is realized as justice, then I nor any woman is safe.

Today I have been subjected to even newer injury since the re-docketing of my first case: The citizens have acted to elect a person to the office of President based only upon an appearance – "black" – as they have reasoned and decided that appearance then equals justice when it does not and when their decision flies in the face of actual reality and our law. A man who cannot possibly fulfill the oath of office and who has a conflict of interests he can never overcome, who stated he would not because he could reason constitutional law on behalf of women and their children as defining life was beyond him, who refused to answer the notice of suit I sent him, who refuses to let any citizen see his original birth certificate as if it contains some kind of super-secret information and who has announced he will break the law and even subject women to double jeopardy is now the President elect. See my Reasoning below. The citizens have then committed treason as Bush V Gore which remains a tie as it is not 9 as 5-4 as 1 as that is bad math

and not our law and In Re Susan Herbert went unjudicated as did the violation of Marbury at the time the citizens voted for President and all had notification their vote for Obama or McCain would then rise to an act of treason as it would *become* treason as we are at actual war and as it would result in the death of our nation both legally and physically if either man was then installed as President. They had access to the docket and I myself made several attempts to inform them. There exists a write in space for just such an emergency. The voters did not "believe" our written law nor my case as the Supreme Court denied me oral argument and the citizens have been led to mistakenly believe our law is our law only if the Supreme Court says so, or that injury is only if the Supreme Court says so, which is not truth, which defies reality and which is not our law itself as the federal court does not make law.

What's good for the goose is good for the gander; equal protection and due process then means if Bush and Gore were able to address the vote and if Bush was then able to overturn it, then I, Susan, the injured party and a member of the injured class known as woman or female may then press suit seeking to drive what is now endemic corruption and discrimination out of our institutions by informing the people and being awarded constitutional remedy and relief, this stay, rather than unconstitutional remedy and relief as Bush was awarded thus injuring all Americans as it is now the effects of Clinton's perjury and failure to resolve a tied decision of this court and Bush V Gore with all of its effects that harms us as does the denial of justice to my own person, as there is no actual reason or cause other than woman. I intend to file a Petition as soon as the cases I have before this Court are disposed of as both now combined as one are inextricably linked to this application for an emergency stay. I can file a Petition within the next 10 days or together with the disposition of the pending cases before this court, as I can argue it orally based upon this very application.

Proof would be I am the only citizen ever to be accorded the standing of pro se, constitutional authority and original jurisdiction once then twice over. I am the only citizen ever to be of the ability to name the Chief Justice as an office holder and as an individual citizen as well as the whole court then the whole nation. I am the only citizen ever to hold the entire judiciary, legislative and executive branches at fault as I stood all down. All other authority cases and all other original jurisdiction cases were brought by men on behalf of men and I alone, a woman exactly named Susan Herbert, was denied oral argument when I specifically asked for hearing as remedy and relief and hearing in a case of my standing is then automatically both reading *and* oral argument. This court denied me oral argument without any reasoning or just cause; the family court then cited my injury was "forever". I entered this unconstitutional finding to this court upon

entering In Re Susan a second time. Thus In Re Susan Herbert became a Bill of Attainder as I alone am unique and have been treated like no other natural born citizen ever in US history; the refusal of this court to address injuries it has partially caused is then a Bill of Attainder in my case as it is in my name only, and it is treason, as it works a corruption of blood and as it then causes incalculable injury to not only my immediate biological descents but to my national family which is all citizens, past, present and future. To be clear, Austin V Herbert and Bush v Gore became In Re Susan Herbert thus I became subject to what constitutes a Bill of Attainder as my name alone appears on my case as I have no legal representation and this was deemed to be “forever”. As I am my own attorney then this means I will forever be banned from appearing in court in person as a petitioner or plaintiff and so forever be banned from adjudicating my injury. “Forever pro se” means I am the last American citizen standing in defense of our law, as I am also forever constitutional authority and original jurisdiction.

If there is any light at the end of this tunnel the Chief Justice and the Supreme Court may partially fault the other citizens as I made every attempt to inform them and as my case was docketed as In Re Susan Herbert once again when I did not name it that as I attached the original In Re Susan Herbert so then the court set the clock back; it traveled back in time to April of 2007 as other federal court refused to obey the law and send a case of original jurisdiction to the Supreme Court and even committed crimes against me to then prevent me from ascending into the Supreme Court, or, giving the citizens the most leeway to April of 2008 as that is when I was denied any and all remedy and relief as hearing via reading is moral authority, one half of my vote, and I entered this court with that already thus the court has acted to hear my case as if it was never heard the first time to then unviolate Marbury and re-secure this court’s constitutional authority. Thus as the violation of Marbury is but the court did act and so it is the solicitor general that then failed and that office is the citizens or the US then no permanent damage has yet occurred and this injury may still be addressed and relieved. That is, there is still a way out and so a way home, back to who and what we once were as a nation and a way to what we can yet become.

US law? It is the art of becoming as you become the living embodiment of the law via self-actualization; you become what you were born to be as authored by the Creator and in conjunction with your own self as you design your life and then make it reality. You are both the experiment and experiementer. I know as I’m an expert: I drew up this blueprint – entry to US Supreme Court – when I was in 7th grade as I wrote it down on a piece of paper, first acted upon it in 8th grade, then fine tuned it in 10th grade as I tweaked that blueprint by adding something: I reasoned and decided I would need to become a

CIA agent as I would need mad spy skills to solve this problem as men and almost all others lied to me and hid their deception well. Some committed seemingly unsolvable crimes against me. I made one mistake as I reasoned I would be acting as the attorney on behalf of another person or that I would secure representation. I did not realize I would be acting on my own behalf as a pro se litigant until mid 2007.

This idea was always with me since birth as US Supreme Court is the place an American goes if he or she wishes to achieve American knighthood as it is the only way to become a living constitution who is also a living institution by becoming a ruling issued by the Supreme Court with your name upon it, as a paper ruling is an institution of government but you are the constitution that gave birth to it. It matters not if you win or lose. The highest rank an American knight achieves? A unanimous decision upon a case regarding our very humanity which I did receive as in my case this court violated Marbury 0-9 against me thus against its own self as an institution and so I not only secured my place in history which is everlasting life but also secured my standing to then press this suit if I was failed once more as I was and I am. An actual American, who has been knighted, is not so easy to defeat no matter what they are forced to suffer as an actual American always finds a way as it is not possible to deny me liberty absolutely unless you murder me. But then an American can exert will and so secure justice even in death thus you have still not defeated me, have you? As this application and my petitions remain, as does the memory of me within my children as proof of life – my life.

I am In Re Susan Herbert, an American knight, whose invincible armor is composed of will and liberty as I never fail to act and as I wear that emotion upon my sleeve for all to see in the form of Supreme Court petitions like no others as I write what I know to be the truth of this universe based upon US law as it is elegant plus federal precedent and my own life as this is also elegant, without obsessing over technical perfection as I am not a licensed attorney and am human and working all alone so am not perfect and with the inviolate true belief I am the equal of any other person. It not once occurred to me that I was anything else other than a Chief Justice, President and Commander as I was born with equality as an inviolate true belief and lacking the human ability to fear irrationally or to act unethically, immorally or unconstitutionally. Thus my very birth is elegant as conditions were perfect as the Creator decided and ordered the issue is America and jurisdiction is America and so is an act of God itself. My case and so my person as my life is my case is an act of God both legally and actually. The only possible way to improve upon I, Susan Herbert? Change my name to “America” but then I would not be a “Lily, Brought forth in the glory of war” and so my actual name itself already is elegant in this case.

God created me first and America created me secondly thus my injury can never be made separate or apart from my person as my injury was then the cause of my recovery, as my attempt became my recovery. The absolute and whole violation of my person became my salvation and redemption. I am the Philadelphia Experiment come to fruition and so I am an actual power of one.

Upon first petitioning the Supreme Court of the United States I had no idea several thousand others had not hoped and so had faith in the law before me; I had no idea I was first. I may be the only American alive who has actual faith in US law and so will act as others claim they truly believe in the law but the state of our nation proves this false as does my being the first woman 221 years into this nation.

Reasoning To Grant Stay

Some of but not all of the constitutional reasoning which invalidates the results of this election, as appearances are deceiving and 'black' is not the issue the voters should be citing. Instead voters should be citing my injury, the discrimination of women, lies made to seem like the truth and illegal actions that are made to seem as if they are legal:

1. A majority, the whole court even, is likely to rule for me thus securing their constitutional authority once again by upholding Marbury on behalf of myself then all women and their children both male and female thus all Americans and applicant is likely to prevail on the merits as it is math and exact words of our law plus the exact words of prior federal precedent as well as actual biology. My case is supported by proven scientific fact, my own experience of this American life and eyewitness testimony. I am the only person ever to be granted the standing of pro se, authority and original jurisdiction and I have done it twice over. *I have chosen to say too much rather than not enough thus proving I can make this case if this stay is granted and win on the merits of my case* so that my cases now before Supreme Court as one are adjudicated and so I am able to file a complaint in support of this stay. The granting of this stay would then prevent a situation whereby the Supreme Court grants me requested writs and/or oral argument but I am then forced to file yet a third case. I know one usually would not outline the case to be filed in a application for a stay but my case is unique in all of US

history and judges have ignored all of the case law as well as actual reality: I am not a lawyer. This application may be accepted as the complaint also. Due to the time factor involved. The caseload I am now forced to assume all alone would crush any other pro se litigant or any licensed attorney acting alone. It would crush several firms of attorneys working together. Time may run out or the injury may become too severe to then be addressed as irreparable injury, possibly the physical death of my person or my children, may occur. My children have already had their will broken and so their injury is; they have died emotionally and are no longer recognizable. I have already had bones broken and was physically dead once; my injury is now; my death is imminent but not inevitable. Currently the clerks of the Supreme Court stated they do not understand the legal principle that my case became as if **you are the person in which Marbury was violated then you may enter US Supreme Court without entering any lower court**; they do not understand that as this has never, ever happened before and is unique so they cannot overcome their mistaken belief – that it is not possible when it is possible. If it was not possible? Roberts would not have acted upon receipt of my application (we can assume it was Roberts who acted as I addressed the application to him and only a Justice may then place it on the conference list and only the Chief Justice may over ride the US by over riding Solicitor General). I cannot fight a prejudice born of discrimination or a mistaken belief that a clerk refuses to examine it is a clerk invoking personal policy and applying the law and the rules to me in a manner it has never been applied to any other person; it is an impossible standard and it subjects me to more injury. The court once granted a like stay to a man who would not have suffered irreparable injury although he claimed he would and when a team of attorneys with all the resources of a firm was working on his behalf yet he, not they, sought the office of President. This application fully satisfies the criteria that govern the propriety of granting a stay, because (1)* there is “a reasonable probability that four Members of the Court will consider the issue sufficiently meritorious to grant certiorari[an extraordinary writ],” *Graves v. Barnes*, 405 U.S.1201, 1203 (1972) (Powell, J., in chambers); (2) there is “a fair prospect that five Justices will conclude that the case was erroneously decided below,” *Lucas v. Townsend*, 486 U.S. 1301, 1304 (1988) (Kennedy, J., in chambers); and (3) it is likely that irreparable injury will result if a stay is denied. *Id.*; *California v. American Stores Co.*, 492 U.S.1301, 1304-07 (1989) (O’Connor, J., in chambers). In appropriate cases, the Circuit Justice may “balance the equities to determine whether the injury asserted by the applicant outweighs the harm to other parties or to the public.” *Lucas*, 486 U.S. at 1304. *From Bush V Gore.

2. This election was never legal as Bush V Gore was not legal and remains a tied decision. No Presidential election and indeed, no election at all, is legal and so valid unless Bush V Gore is addressed. By addressing Bush V Gore and In Re Susan and now Susan V Obama, you then address all others. Bush V Gore is an extreme test of chain of command theory which is how and why it became an illegally waged war; Bush V Gore is the citizens unchecking all offices up to Chief Justice by refusing to obey the law, reason their vote and/or obey the spirit of our law; it is the citizens reasoning and deciding they are powerless victims and so actually becoming powerless victims.
3. Bush V Gore is a Chief Justice unchecking himself, the Justices voting twice for President, 9 as 5-4 as 2 not 1, or, 5 as 1 V 4 as 1, a tie, and an illegal third party custody award of my person to lawyers – men – not on the ballot. It is also two persons proving they cannot fulfill the oath of office, as they did not act pro se. The only form of the power of one the Supreme Court may invoke is 9 as 1 or 1 alone but never per curiam especially in the case of a Presidential election as any dissent means the math will never match the exact words of our law or federal precedent. See Exhibits L & M. [A sitting President does decide ties in US Supreme Court; a case of original jurisdiction has no lower or other court ruling plus authority cases by their very nature are challenging the people and the Congress as the inherency or implication is the people and Congress have failed to act or failed to fulfill duty already thus the case enters Supreme Court, so if tied it then goes to the President as a tie then is a case thrown to the people who are embodied by the sitting President as he or she is their one vote realized as executive order. A President and Chief Justice are equivalent legal authorities; a President enforces the law and/or the correct application of it *not* a lower court. Remember both litigants have entered an honor bond and so it is accepted as fact they voted and so accessed chain of command and secured federal standing thus they are to trust the decision of a sitting President aka their own self and their fellow citizens. A President calls the tie by issuing his or her own reasoned decision, as we do not vote on our law as *it is*. If a President issues an unconstitutional decision? Then Congress can and may act, then a citizen may press another suit or then a citizen may even refuse to obey, as may all citizens. This is WHY you are to reason your vote. I have no idea where, why or how men came to possess the mistaken belief a tie is decided by a lower court. If that has happened? It is incorrect. It was done in error as it then strips a citizen of authority over their own person and robs their vote of legal power.]

4. Bush V Gore then became a never legal President then unchecking the office of President, Chief and the whole court as the only legal appointment of a new Chief Justice must be one that is arbitrary like old age in this unique case as the only way to recheck the offices is by arbitrary appointment. Thus, all offices of government were then unchecked; no person is in charge and/or all separation of power is grossly violated; not one authority is fulfilling his or her oath of office or discharging their duties and no person knew the actual reasoning to then overturn Bush V Gore when ignorance is not an excuse. Whole schools of law failed. Not one authority I contacted obeyed the law and some even broke it. The citizens violated Marbury first as they obeyed the unconstitutional, unethical and immoral orders of their commanding officers thus they are then liable as proven by their willingness to continue to pay taxes levied unjustly (w/o representation) and their willingness to suffer the Bush administration; they began volunteering to die in defense of the invention of the institution, office of Chief Justice and President who is also Commander, as all male. As a government and law they became dead institutions. The election of 2004 was no good as Bush should not have been on the ballot. I had no choice so had no liberty and my right to vote was denied me yet again. It is still denied me.
5. Congress enacted Resolution 511, which is nothing short of Congress acting to overthrow the law by overthrowing the office of the Executive; 511 states that persons who do not meet the qualifications to then fulfill the requirement of natural birth may run and be elected. This then changes the form of our government to one that is an oligarchy not a republic. Congress not only committed what is an overt act of treason as I informed all 100 senators and many Reps – dozens even and same twice over – but this Resolution was sponsored by person who knew they did not meet this qualification thus members of Congress acted to change our law and our form of government only to then benefit members of Congress as only members of Congress were on the ballot in all 50 states and in the district of Columbia. See Exhibit D.
6. The declaration of war is no good as it is based upon bad evidence. Congress declares war therefore Congress is to address this declaration by issuing a new one based upon good evidence, invalidating the bad one and not re-issuing it and/or presenting new evidence to then support the bad one thus making it good. Congress did no such thing thus our Constitution was violated in an absolute fashion. May a Congress declare a war upon bad evidence and then act as the

Commander? Congress has acted to usurp the duties of the commander via commanding by committee – a vote of Congress and abuse of the War Powers Act – and this is not legal nor practical. You do not command via committee; Barack Obama has already said he cannot and will not make decisions alone. See Exhibit G *'no decisions re "Don't Ask" by himself'*.

7. Congress then used money to prevent the person the voters believed to be the legal Commander when he is not from discharging his duties and from waging 'effective' war. Thus enlisted service member's lives were traded upon the dollar. Enlisted service members are the innocent children of women who are mothers; they are all volunteer and the military is controlled by the civilians – us. We even have a civilian Commander. Congress is supposed to represent or be WE, the people. It does not and is not; one of the most grievous offenses any office holder can commit is trading the lives of the innocent upon money, especially enlisted service members and mothers then all women and children and so all Americans. Not one member fulfilled his oath of office thus NO MEMBER OF CONGRESS CAN THEN OVERCOME THE CONFLICT OF INTERESTS TO THEN ACT AS COMMANDER. Obama and McCain equally then were automatically excluded from the ballot as YOU do not get to amend our law in a manner not legal or to elect persons not able to fulfill the Presidential oath of office. The voters are creating a situation that is not only absolutely and wholly unconstitutional but that then denies enlisted service members, mothers and all other women and children their liberty rights and so zero opportunity. No liberty then no justice. Our common interest is to be the law; obviously Congress has reasoned and decided then forced it upon the voters as the voters allowed it and even condoned it: *Congress no longer obeys the law at all; it does not have to so it will not*. It only seems as if and even that façade is quickly deteriorating. Recently Congress has been printing up or creating energy – money – that does not exist and doing so to protect private interests at my expense. Congress' interest is money and the privilege they are accorded via a title. It is perceived power. The voters have given them power that is not theirs by voting them into office over and over even when they admit they have behaved criminally and/or do not know the law. The voters violated the separation of powers first.
8. Neither major party candidate has clean hands and neither can actually do anything they have promised to do, as it is humanly impossible for them. For instance, to institute any kind of economic recovery plan? First you must name the exact problem – the cause – and all of its effects and then you must know

what our dollar actually is and what standard supports it. Neither candidate does. Obama has no clue; he can hope all he wants but nothing he claims will actually happen as ideas are the cause of things and he has none but the same old, tired and used ideas that have not worked and will never work when it comes to money. He truly believes we do not control things like inflation and deflation and that we can legally and actually conduct business with nations who can never return the honor bond and not suffer for it. This extends to every area and every problem our nation faces. If a “plan” of his does seem to make things better? He violated the laws that rule this universe, he violated our written law and/or it only seems as if; it is not an actual solution but may be a temporary ‘fix’.

9. Unity is not possible unless you can reason and apply the equal protection clauses to women and their children. The promise of Brown will never be realized unless this occurs, as all actual rights are human rights as there is no such thing as women’s rights. Money does not resolve this issue. You must define when life and so personhood or the right comes into being. A man cannot do this ever, ever, ever as he will not give birth thus he can never own as fact the knowledge. The only way he can do this is by asking a woman for help as in voting for her for President or appointing her Chief Justice. Obama missed the boat when it came to securing the office of chief Justice by rechecking it. This woman? I have no desire to be Chief Justice or even a Justice as I have been sitting and thinking about the universe for 40 years. Justices do a lot of that – sitting and thinking –but they do not make law unless they stand down a sitting President. Obama has already said it is “above [his] paygrade” to reason this thus he cannot and so will not reason and apply the equal protection clauses to women and their children and he failed when it came to standing down this illegal federal government. It is not legal to subject me to the moral authority of a man who has none as he will not name it; no man is safe if he refuses to define his beliefs on when life begins and this issue affects women and children only. It is my life and/or the quality of my life that is at stake not his.
10. Only mothers and veterans have a protected right to hold this office; all others have the privilege as only mothers and veterans have proven they can and will shed their blood and risk their life in defense of the Constitution or WE, the people. Obama then claimed for himself a right that he does not possess at the expense of able and capable persons who do have a protected right. McCain? As a veteran he then may be held to a higher standard, as he then should possess this knowledge re chain of command theory and illegal war. I am an equal opportunity

petitioner as I held both major party candidates equally at fault as no third party could or would win as they lacked the funds to buy the office and so hold them equally unable and incapable.

11. Obama claimed he is a constitutional law professor when he is not. An argument began over the fine differences in words. He also snuck into and out of Jacksonville and never stated his reasoning for doing so. This was purposely done as he engineered a situation whereby later in the day he made a splash in Tampa thus the papers did not carry the Jacksonville story as a reporter caught him in the act but only carried his Tampa appearance. This is not an accident or mistake and Floridians are sick of being a doormat for these kinds of antics in regards to Presidential elections. FL was denied justice in 2000 and we were denied justice once again as our delegates to the Democratic Convention thus our vote did not count as the Democrats were censured for holding the primary too early. It matters not if a Democrat then won the national election, as we will never know what might have been as FL delegates could have cast their votes for another Democratic candidate based upon moral authority and the law and because two parties one of which is the Democratic Party have been given control of the ballot. These two parties have overly broad power in violation of the law and prior federal court rulings that sanctioned them for playing fast and loose with votes and state no party may be favored over another. If these two parties were not favored they then would not be the only two on all 51 ballots and they would not appear in the first two slots on all ballots I have seen so far; they would not hold almost all offices and would not have owned the office of President for the last century and a half or so.
12. Obama did not keep an honor bound contract and in fact absolutely and wholly violated at least three by going against his word to run for this office using public funds only becoming the first person since 1976 to use private money thus this election was bought. There is no polite way to say this: If you cannot keep an honor bound contract, if you default before you enter the office of President, you may not then be legally elected, as taking the oath is then a lie as Obama had the human ability to keep that contract but did not as he was greedy for the office. I have no way to trace all of that money and this privatization of the election gives large businesses and their interests an unfair advantage.
13. Obama ignored several notices of suit as he is named in my federal lawsuit now before US Supreme Court. He refused to respond over and over. He also kept

inundating my mailbox with requests for money thus enticing me to break the law and harassing me, which is a crime. I cannot overlook this due to the very nature of my suit: Justice is, as fact w/o question, now bought and sold as that is what buying an election and violating Marbury and so unchecking all offices is. I repeatedly sent him cease and desist orders all of which went ignored.

14. Corinne Brown who was so vociferous in her opposition to Bush V Gore and stated repeatedly that she felt as if her vote had been stolen ignored me, as did the NAACP. I was told to my face by a citizen who appears to be black that this most likely happened as no black person or black organization was going to help me, no matter how tragic my personal situation was, to unseat a Presidential candidate who was black. I was stunned, as this thought had not once entered my mind. Now I must consider it. Not only must I consider my appearance as white and Obama's as black may have caused a part of my legal situation to become worse but I know as fact 'woman' did as the person answering the phones for the Jacksonville ACLU told me this. They said that word: 'woman', as a reason I might not be called back. The NYACLU, when informed of NY's unconstitutional unwritten policy re emotional abuse and the details of my federal claim deliberately, knowingly and willingly waited to answer me until November 20th, but served me notice on November 23rd. Their answer? It is an exact lie as the very case now before the Supreme court was said to be unsupported by evidence or proof when I gave them exactly what I gave the US Supreme court with one exception: I gave the NYACLU even more evidence as I also included written, personal testimony. The NYACLU is guilty of malpractice, several crimes according to NY code and US law and a violation of their ethics plus the public trust. I find this especially offensive as most of the ACLU's agenda is unconstitutional, it harms women and I have been subjected to their actions in federal court over and over. There is no reasoning whatsoever which actually reasons why and how the ACLU and atheists enter federal court all of the time even if the claim violates our law and/or actual reality but I am yet denied. Not one organization or single person I asked for assistance would do so and almost all of them receive public money of some kind. Three Senators including one from NY where my case sits in family court wrote to me when I stood them down and said that they could not help me, as I was not their "constituent". My FL Senators also refused to help me with one saying he could not interfere with a federal case - when I was no longer in federal court and when Senators interfere all of the time for their friends or in cases that garner them 'good' publicity. See Exhibit N.

15. In my unique case the Supreme Court of the United States and its Chief Justice then reasoned and ordered themselves out of existence as a court of law thus an authority by actually violating Marbury only as I am a woman and specifically this exact woman thus my life was sold to the highest bidder as were my children's lives. Thus no vote has actual legal power or any authority but only appears to have it as Marbury was the decision that then created the Court's constitutional authority by vesting the vote with actual legal power and moral authority by making the President equal to the citizen and so liable thus answerable to the lone citizen. By violating Marbury, and doing so to then harm the person who is the actual legal President and Commander, myself, as this was at first acknowledged by the Court by granting me status no other citizen has ever been granted and then by obeying Executive Orders I issued and signed "The acting legal President and Commander" yet denying me oral argument so that the people were not then informed and denying me and my male children any and all remedy and relief, but then according terrorists and terror suspects rights and privileges I was denied as were other women, the Court overthrew our law. It was, in effect, a coup as a coup in American is silent but then becomes violent. It remains a coup. You can but you may not hold a Presidential election if it is a coup. There is nothing orderly about a \$5.3 billion dollar transfer of power whereby people are still starving and going w/o basic healthcare so that a child dies of an infected tooth. A coup is coup no matter what it looks like – bloody or papery.
16. The only possible way to then recheck all offices and so balance all power and establish actual equal rights is to then accord me oral argument. You recheck the offices via telling the exact truth and winning a unanimous decision in favor of women and their children and all ethical Americans who made an attempt to obey the law and the spirit of the law. In this case ANY citizen could have volunteered to recheck the offices if they could then act pro se and make the case; a citizen could have, if it was then possible, claimed third party standing on behalf of the US against Bush & Gore as no person was ever likely to possess the human ability to sue in their own defense thus it then goes to the first volunteer. I'm that person, as I acted upon my knowledge as soon as humanly possible for me to do so.
17. The military has several serious problems and neither McCain nor Obama can clearly articulate what they are and so then fix them. Obama is for the

continuation of the "Don't Ask Don't Tell Policy" which encourages recruits to lie thus violate the honor bond before they serve a single second, strips recruiters of the ability to reason and decide if a recruit is fit whether he or she is gay or not as each citizen must as we are self-governing and self-adjudicating and ignorance is no excuse and as it yet denies women, even women who are gay, some combat positions namely the Office of Commander in Chief. It is based upon a lie and appearances only. Obama does not believe this policy has caused harm when it does and it harmed me in 1995 and 1996 and Obama stated that he was for drafting women if a draft was initiated. See Exhibit E. Drafting women is unconstitutional as it constitutes double jeopardy as sex and childbirth always carries the risk of injury and death for women and not men. The draft is a written proof of death contract and childbirth is a proof of death contract not in writing until after the fact of actual birth. The draft and pregnancy are equivalent; birth and war are equivalent. Our law names life, death, natural birth, war, double jeopardy and a Creator exactly thus defining this. Obama cannot fix what he does not know is wrong or what he mistakenly believes is legal when it is not; he will only worsen our current situation and cause a further erosion of our military. **Enlisted service members will die w/o reason or cause.** Obama cannot command in the field as I can or others can and does not know military tactics and strategy, basic chain of command theory and has never to my knowledge risked shedding his blood or risked his life in defense of me, my children or the Constitution or else his name would be on this lawsuit as co-petitioner or as an *adversarial party acting pro se* and my life would not be what it is today: absolutely and wholly unsafe.

18. Obama believes "gay" is a protected class and is for giving the rights of women to men who are gay by giving them unfair advantage and overly broad power compared to women yet denied basic human rights and our law protects no act of sex not even heterosexual acts as an act of sex is a choice unless it is forced. The word "sex" was jokingly and mistakenly used in the Civil Rights Act, as the protected class is women as "female" is a quality of being human and acts of sex are not. Quality of sex or gender is not a choice. Rights if you are gay consist of the same rights all citizens have if they are human and then law abiding.
19. It is intrinsic to doing the job of according women and their children thus all humans true equality and justice that you are an actual woman, as Obama will not ever know what that is as absolute fact – at least not in the next 8 years. He cannot reason equality. The Civil Rights Act allows me and my children or all Americans

to discriminate based only upon man as woman is necessary to do this job and so not vote or install Obama as President and Commander only upon male even if no other reasoning existed. Therefore, as Obama is a man I openly cite that as my part of my reasoning as hell will freeze over before yet another man usurps and violates my rights when I am most able and most capable and I have always obeyed the law and the spirit of the law and I as a mother possess the protected right not he and he, by his very nature, cannot perform the job of President and Commander while I can and did. I do.

20. The Equal Time rules were not obeyed or enforced and were exploited for their four exemptions. Proof would be Oprah Winfrey as she gave Obama airtime she did not give other candidates as her show qualifies for such an exemption. Due to Winfrey's unique situation one cannot ignore her money or influence in this unique case and one cannot ignore her refusal to answer my suit or address it in any way. Winfrey also never before did such a thing; she herself cited black over and over and she campaigned against Bush citing his record of not according women what she believed to be their rights but did not hold Obama accountable for the same and even ignored his "above my paygrade" comment as if he never said it. Other proof would be Fox broadcasting not allowing Ron Paul to debate when he was a legitimate contender with the means as he had the support of the public via the internet; Fox cited Obama's race over and over and had no reasoning to deny Paul airtime. Fox exploited an exemption. Paul is an Independent Republican not a Republican so he and his party received unequal airtime as in none. To my knowledge only Jay Leno addressed this by inviting Paul to appear and discuss his exclusion by Fox. Due to media consolidation all networks now produce their own programming thus must abide by the Equal Time Rule and some citizens like Winfrey have a higher standard to meet due to their own unique facts regardless of the four exemptions. These exemptions have been exploited over and over during this election. I my own self was ignored by all media outlets when I made US history and am the acting, legal President and Commander. The reasoning? The press did not believe the US Supreme Court ever heard my case as I was denied oral argument thus stated that I had not executed executive orders, had no actual case and so was 'making it up' and 'delusional'. I was turned into an exemption! I would have received news coverage and airtime if I were not unconstitutionally denied oral argument before this court. See Exhibit A & G under "cost of media coverage" & "unfair media coverage".

21. If Marbury is violated then your vote does not have any legal power or the legal power it has is not equal, as it has now been made an arbitrary decision of the federal court. A woman's vote has never had actual legal power but only the appearance of it. As the vote is your check then it is not possible to balance power w/o equal legal power and the Office of the President has been purchased. Proof would be private money and the total amount spent on this election calculated to be \$5.3 billion dollars. Proof would be Obama being able to purchase a place on the ballot while federal judges went so far as to my pull my case from the files and tamper with the date and time stamp to keep me off of the ballot. Proof is the rules which allow a person to appear on the ballot may be avoided completely by payment of a one time fee in most states thus you do not have to prove any ability or any willingness even.
22. I am not to be faulted for other federal judges violating the law in order to then silence me and so keep me off of the ballot. As there is no authority as all offices have been unchecked, not one right was accorded my children or me and not one person would act to then discharge their duties. All discriminated openly or outright refused to uphold and enforce the law. If all of the above were not fact and did not happen and if the law was not on my side then I never, ever would have been accorded standing as a pro se case of constitutional authority and original jurisdiction not once but twice over as I was then given immediate reconsideration of my case in order to 'unviolate' Marbury. If Marbury is violated then all offices have fallen. In my unique case the only court to go to, the only 'authority' left after US Supreme Court is a world or international court, and due to the nature of my suit – men refusing to preserve, protect and defend our law based only upon women as less than and money, and a mental illness known as denying reality or changing reality aka conditioning, thus discrimination, propaganda and willingness to commit criminal acts - the seat of power goes with me as I am it so that it leaves the jurisdiction of the US and strikes down “natural born” , “citizen” & “men” so that any foreigner willing to fulfill the oath and do so on behalf of women or my one person can then become elected. This court knows as fact I, not Obama, is the legal President as I first unseated Bush by overturning Bush V Gore and standing down all up to the office of the President and into the Supreme Court as an original case so invalidated this election from a time before even so much as a single primary was held. A response was due on the 5th, one day after the election thus invalidating it as the solicitor general never responded, the Supreme Court never had the power or authority to deny me the first time as the Court under Roberts had begun making law, amending law, is in

violation of the separation of powers and is exerting the power of the exactly named Creator by killing the innocent as it granted this power to men only thus it awarded the death of innocent women and children to men and so it is discrimination and a clear violation of our law and it goes against the Bill of Rights as well as the equal protection clauses as life has never been defined (Bush V Gore, Carhart, Schiavo, Castlerock). This then subjects women to conditions not terms and our law is one of terms as there are to be zero conditions as your humanity is not dependent on any outside condition placed upon you by the other citizens, not even a President, or any court ruling as your humanity is. You are born into your humanity as you are born into rights and as the founders gifted us with the law and a gift is unconditional so there are to be no conditions. We are supposed to be subject to the terms of a contract not the conditions. We call it a term of office and term life insurance for reasoning. Women are yet the victims of men changing the conditions on them thus while they say they believe in equality and often act as if they do, their true unspoken belief is realized as gross injustice and even murder as their true belief is the citizens are powerless and women are less than so even more powerless; that no woman can reason and so make this case nor ever act as Commander.

23. I proved my ability beyond any and all doubt by actually fulfilling the oath and so acting as President and Commander and by making this case in spite of every single citizen acting against me and all denying reality and my case. I defeated the entire federal government acting alone, as I am a power of one. I know how to use my vote as a weapon. The citizens are acting upon what appears to be truth when it is not so that they break the law each day but yet deny it even when poverty, ignorance, discrimination and death – injustice - is all around and there is no constitutional reasoning or just cause. Liberty has been extinguished. I am the lone citizen standing as I acted as an actual a Commander is to act by willing government into being and creating life where there are only dead institutions: In our federal government. President? I have already made law via executive order and my suit; I have already preserved, protected and defended the Constitution beyond what was believed to be humanly possible for a woman as my lone vote now floats this government and law as does one other vote which is the one vote cast for my person. This vote was cast where all of this began, in FL. This is FL ballot # 3481 upon which my name for President and the name of Ron Paul for Vice President was written in the space provided for write in candidates and was then mailed [As aside: There is a short and long number]. See Exhibit Q. My standing to press suit is then secured. I am aware Paul may not qualify, as he is a

member of Congress; this does not then disqualify my person as this voter had actual reasoning to place him on the ballot which might be upheld in a court of law and as I merely name another person or leave this office empty.

24. The US failed to respond within 30 days which is standard contract law thus I win as by failing to respond you have offered me a contract to which I accepted all terms and you then refused to honor it. You may not offer me a contract then revoke it only as I accepted and met all of your terms as proven by my docketing and re-docketing as I wholly embodied the law. I even met the conditions you changed unjustly. As high as you raised the bar I met it and even flew past it. This new suit is yet further proof of this. **Therefore I may also now sue the Chief Justice and the whole Court once again and add the Solicitor General thus the US by suing Obama as he volunteered and the citizens then made him their representative.** This, failing to respond in 30 days, was the means for the case known as the "Auschwitz Lie" brought by Mel Mermelstein against the IHR as he successfully proved he would have been awarded promised compensation if the IHR responded to him as the IHR offered Mermelstein a contract asking him to prove the Holocaust happened and he accepted the terms. When the IHR did not respond within 30 days he then sued for breach of contract and emotional distress among other things. I too press suit for the same as the denial of liberty cause my sons and me to suffer extreme emotional distress. I was promised the blessings of liberty; I too accepted the challenge to prove the discrimination of women is alive and well and perpetrated by the federal government, upon the 'highest' levels of power and within the 'highest' offices, that women are actually created the equals of men, that the Creator exists, that our law is elegant as it is written originally, that the resolution of Uniformity is within our law but has gone unnoticed by physicists and that our one vote is an actual power and the US failed to respond. My entry to this very court is my absolute proof and my denial is other absolute proof as I did get a unanimous decision as I predicted. I know exactly how extraordinary I am. Like Merlmelstein I would have won a ruling in my favor and secured all the blessings of liberty if allowed to argue orally thus execute the contract known as US law. This Court and this nation has been telling what I have nicknamed the "Woman are the equals of men and receive equal protection and due process of the law thus may become Chief Justice, President and Commander while they yet go without a federal court ruling and while they are yet the victims of discrimination lie" as equal protection thus actual legal power does not exist nor does the opportunity to become Chief Justice, President and Commander or to enter this court pro se if you are a woman and/or if you

have defeated the federal judiciary's, Congress' and the Executive's faulty reasoning in an airtight fashion. I did make the case - a case no man and no attorney could make. I can and will prove I would have won my case and won it unanimously 9-0 not 0-9 if I had been allowed entry thus I can now sue the US and its current but not legal representative, Barack Obama, for breach of contract. In California, the Evidence Code permits the Court to take judicial notice of "facts and propositions of generalized knowledge that are so universally known that they cannot reasonably be the subject of dispute." Judge Thomas T. Johnson: "This court does take judicial notice of the fact that Jews were gassed to death at Auschwitz Concentration Camp in Poland during the summer of 1944. It is not reasonably subject to dispute. And it is capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. It is simply a fact." *The Declaration is written; the American Revolution is won; the Constitution and Bill of Rights is; my case is; liberty and equality is as it is inalienable and so not yours to deny me; therefore I am.*

25. This election then is yet another illegal third party award of my custody to men, to the unjust and to a major party that has violated our law and women over and over. Some of these persons are guilty. Nothing in our law says Susan Herbert alone may not address her injuries or that Susan Herbert alone is exempt from our law. Nothing says that I alone am to receive no protection of the law especially when innocent and especially when the states refused to name anything I was guilty of yet kept 'punishing' me over and over by issuing false and unconstitutional decisions and orders based upon no case law and which even violated the code of the issuing state as well as US law. These decisions and orders then found me when the law does not protect me thus I alone am subjected to the law when I alone am not allowed to use the law as a weapon in my defense. If the law accords me zero protection it then may not find me. As I named all Americans as liable with the exception of the clerks of this court then I sued on behalf of all Americans thus this election makes all of us sovereign nations so that we can and may commit any crime we wish and not be held to the consequence under the law. You may find that we did it but that we cannot be held for it or convicted under the law as this court has previously ruled if the law does not exist then the law not the person must be addressed. Thus as our law no longer exists in reality but only upon paper Obama must be addressed as should the Chief Justice and this Court as a Chief Justice and President are equivalent legal authorities.

26. The Supreme Court of the United States has recently begun considering the consequences of their rulings in the cases of women only and in the case of myself only. This is proven by several rulings that violate our law and/or hold women to conditions men are not held to, rulings in which the liability of men for the injury to women was the factor used to deny women justice thus justice or the very lives of women was bought and sold, a ruling that erases words magically from our law with fancy word usage making it seem as if and by the refusal of this Court to hear an equal protection case known as Nicholson V Scopetta which then resulted in more and worse harm to my person and to the persons of all women and the refusal to grant me oral argument. This court nor any court is to consider the consequences of adjudicating a case or of awarding remedy and relief to a litigant, to a class of one or millions, as it is impossible to predict the future exactly and as this then makes the preservation, protection and defense of Declaration and Constitution impossible. No woman can preserve, protect and defend her own life or the lives of her children. Violence may erupt; riots may ensue. This is the case of the aftermath of Brown V Topeka. Then again riots may not ensue; we can never now this detail exactly. Federal precedent is: At times blood must be shed in order to water the tree known as liberty. While the ideal is we have orderly transfers of power some citizens refuse to own knowledge and so choose ignorance when ignorance is not a reason or an excuse. To cite possible – *possible* - consequences in the cases of women only or in the case of invalidating the election of a person who is black to the Office of President is then to break the law, discriminate, harm the injured class or lone person worse and to participate in what is now a criminal act as it is treason as it is the overthrow of our law. I alone am what stands between our law surviving versus being overthrown in an irreparable manner; if forced into an international court I will then be proving the United States no longer recognizes its own law and has now died, as it has become a dead institution of government and law.

27. I overcome all prior decisions against a private citizen suing to remove a candidate from the ballot or to be placed on the ballot. See Exhibit N. I proved as I attempted to enforce it: I stood down all of Congress: as it is unchecked thus no statutory method exists in actuality but only upon paper. Congress is mostly male and mostly Democratic; this court cannot overlook this nor the gross violation of separation of power nor the cause as unconstitutional term limits have become repugnant and so they are string theory as they change numbers that should never have been changed and skew power in favor of Congress. We then have no way to check Congress or any branch as that is our vote and it is negated by decisions of

this court and by Congress itself. I wrote to all 100 senators and to dozens and dozens of Reps, some more than once. All failed me and all denied reality. As I named the Chief Justice John Roberts exactly in his official capacity and as an individual and the whole court as well as NY's Chief Judge Judith S. Kaye and several others in my federal suit, a suit in International Human Rights Court not only removes the seat of power from the US but also then would name these people exactly for engaging in what is human trafficking under the guise of family court orders and federal court orders none of which are supported by the evidence or by our two governing documents. It would find John Roberts and this entire nation guilty of becoming human traffickers and pimps; of becoming child abusers and wife beaters for profit.

28. The only thing that ever makes anyone whole is the truth. I need to be able to tell my truth and I need to know what Obama's truth is. This is not a frivolous suit or one brought without cause. This man harmed me as he refused to act and ignored me. He claims he respects the law but he did not respect my children or me. Americans need to have actual faith and actual trust in a person and they need to know their one vote is absolutely without price as it is their life. I claimed my right to press suit when I proved my ability and willingness by acting in defense of this nation and so risking my life over and over. I did not risk it for this: justice bought and sold thus life for sale.

29. I was in legal limbo due to the failure of the Solicitor General thus the US at the time of this election. The results are invalidated. Interestingly, created or manmade legal limbo was one of my very first claims in federal court that was then denied and cited as being frivolous and having no basis in fact or law. I do not possess ESP; legal limbo existed for women, children, enlisted service members, persons who are gay and I alone from a time before I entered the courts. It did exist then and does exist now or else I already would have given oral argument before this court. No person can deny the importance of my federal questions some of which have never been adjudicated namely my first federal question: *Is God or the exactly named Creator actual reality and if so are women then created equal to all men and does Marbury apply to their persons?* I will remind the Court: Marbury addresses the office of Commander in Chief as well as the office of President. The US Supreme Court, by denying me oral argument and refusing to answer a single question then answered: The exactly named Creator does not exist, Susan Herbert alone is the exception to the law, women are not equal and so less than men and not of the Creator and Marbury does not apply to

anyone not even this very court so the Presidential election thus the office of the executive may be purchased or stolen by snakes. It was. A woman's only other recourse? Marry into the possibility of becoming elected. This nation may not force me to marry a man or have relations with snakes to then become the elected President. This nation may not reason if a man cannot prove God exists than a woman cannot; that is like saying a man can prove life – give childbirth – but a woman cannot. Proving the Creator is actual reality is easy for this woman. In fact it was easier than suing the Chief Justice of the US.

30. An emergency application for a stay of enforcement of judgment was not treated in a timely manner when it is a true emergency and enlisted service members, women and children have died as a result. It was acted upon then held and not returned thus I then sent a supporting petition to the court only discovering today, December 2nd, that it was never filed and would be returned with my petition; I was advised to then file it within a lower court when this flies in the face of actual reality as Roberts could not have known the Solicitor failed unless he received and then read this very application which he then acted upon and as nothing covers this unique situation. I am not to be faulted if this application was not acknowledge with a letter nor was it then returned but it was made to seem as if it would be attached to In Re Susan Herbert as an application can and may be accepted as the actual petition. If Roberts did not receive it and did not acknowledge its authenticity and veracity – the truth of it – then how and why am I conferenced with no response made by the Solicitor, as Roberts would not know otherwise? I did mistakenly date it the 8th when it was the 15th but it was postmarked the 15th. It was then not filed, not docketed and held for several days unnecessarily proving I am treated like no other litigant ever. This is yet one more example of how men are granted what I am not as this is not only a violation of anything one could deem to be due process but this kind of process should not even exist! Bush Jr. received timely treatment in 2000 when he applied for a stay but had no true emergency. He was not sent back to a lower court to adjudicate the never heard issue. I did the exact same thing, EXACTLY THE SAME, that he and his lawyers did but received different treatment. The only difference is “woman”, “pro se” and “Susan”. I clearly wrote on the label of the box in which it was mailed “Emergency Application”. Bush’s lawyers may have claimed they were entering a petition within 24 hours and then done so; I would have done the same had I the human ability as I am working all alone so could not within 24 hours but if I had been granted the stay would then have been able to begin addressing the issues thus preventing some deaths as I do have the ability to

advise persons on exactly what to do if they are in one of the deadly situations that exist. I know a true emergency is a life or death issue; does this Court and does the Chief Justice? as Congress and the never legal Executive do not know what an actual emergency is and abuse that word constantly in an attempt to instill unwarranted fear in the citizens. As this is an actual life and death situation this court must grant this stay.

31. No other litigant can meet the burden of proof you must meet to then make this case yet at least one other litigant has been conferenced: Philip Berg. A man pressing this case is then asking a political question but seeking to adjudicate it as equal protection and due process issue something done one time only: Bush V Gore. No man may ask this federal question then as to ask it and not be political you must be a member of the only class denied justice and denied legal power since a time before our founding: Women. Further, to prove material harm and injury one must first prove they have felt actual liberty but then were denied it thus they actually suffered a denial of liberty. To my knowledge I am the only living American who can and did experience liberty as sacred i.e. as an actual emotion and physical sensation and later did then feel liberty denied. I have read descriptions of liberty denied by former slaves and by Patrick Henry and some civil rights marchers who are black. Philip Berg and other litigants have not felt this nor adequately or at all described this. The last two burdens a person must meet to then make this case? The person must possess the case for equal rights as I do as evidenced by the federal questions US Supreme court is now considering and the litigant must meet proof of death both ways, physically and metaphysically, but then survived to be able to give living testimony. I did die and did survive; I suffered both types of death. Not one other American in all of history has done this thus all others bringing suit fall short. I am the lone litigant with absolute and pure standing. See Exhibit O.

32. Re-naming my case In Re Susan Herbert did aid the Supreme Court as it then made all rulings since April 21, 2008, the day I was first denied oral argument unconstitutionally, valid and so they stand unless I can argue them differently. It also did something else however: Caused me more harm as I said it would. I did not name my case In Re Susan Herbert and the Supreme Court is not to be renaming cases; to my knowledge this has never happened before to any litigant and others have been allowed to use anonymous names while the name I used is my name, or it was at another point in space. As I can prove beyond any doubt that I am who I say I am and the Supreme Court cannot defeat reality no matter

what it writes on the piece of paper; my case should have been entered as I captioned it. Further, as I issued an Executive Order directing the court to enter it as is and offered solid proof of who I am – the acting legal President and Commander - then this court had no reason to doubt me and disobeyed the direct order of a commanding officer and past actual President when it did so. Who I am is not a matter of debate for this court. To avoid this I included in my petition to be conferenced two pages from a psychiatric report all parties except Daphne Herbert were ordered to undergo. It found me free of any mental defect or illness but found the person PA awarded us to 'unreasonable'. NY turned right around and placed him back in our lives. *Actions prove you*. To be clear this case began in FL in 1996 when my and my sons constitutional rights were violated before Christopher was born; it then moved to NM where I was divorced; then to PA where I demanded the states enforce the law; in PA my custody was awarded to my brother whom arranged that hearing to be held when I could not be present as I was hospitalized due to injuries he partially caused and who was named as a violent offender; I was not served and PA knew as fact I was in the hospital recovering from my injuries; then NY declined jurisdiction in 1999 although the kids were living in NY and although a stranger, a man, had petitioned in PA when he was of no legal relation or any relation to me and I did not know him and tossing it back to PA; then to MD where I was forced to move to be near PA; then NY, in 2001 accepted jurisdiction in violation of all law and all precedent when the third parties defaulted on a contract and ran out of options in PA and finally admitted the kids never left NY and so I came back to FL seeking justice as all FL records and all Naval records have been kept from me. I was living in Palm Beach County when Bush V Gore was decided. There was a sojourn in LA thus I have been to several states seeking nonexistent justice. This was nothing more than an enforced legal kidnapping as it was made legal; I used the word 'kidnapping' from day one as these people told me that was their goal. More than once I was offered money to stop my pursuit of justice. All courts ignored my testimony and proof – scars even – and allowed the third parties to lie as they 'believed' a college degree or title made them better than me. Perjury was suddenly forgotten in decisions and never happened; testimony was changed. Without exception a man's unsupported word was taken over my word when I had proof rising beyond any doubt. This injustice haunted me all the way into US Supreme Court and so it is a thin black line I must overcome and this election is once again the people awarding my person to a man who is unfit to command as he lacks the human ability to preside as he was a member of the Congress who did nothing for women and declared a war based upon bad evidence and who has no idea *why* Bush V

Gore is unconstitutional. The law is what do you know, when do you know it and when did you act upon it. I have been acting without fail since 1996 with zero success, as this nation does not want to accord women as a whole or me alone justice. As for Bush V Gore? I never once thought I would have to overturn it until I was unconstitutionally shut out of court. In my first complaints you will not find any mention of it, as I did not know all others were not aware of *why* it is unconstitutional until August of 2007 when a federal judge told me the federal court did not know the reasoning, and, after I did know it became then my ace in the hole as the one thing no federal court can defeat is math. This is war as it is a coup thus always arrive at the scene of battle with at least one weapon hidden. This nation forced me to argue and so overturn Bush V Gore as it is lying when it states that it truly believes and so treats women equally. This nation treats women like garbage and if I am the one lone woman who survived how many millions did not? How many millions will die with Barack Obama as President and Commander? It is not the lives of the 8 men on this court in jeopardy it is my own and then the life of every other woman and child that is in jeopardy.

33. I possess no evidence that Barack Obama is a natural born American, as the only certificate I have seen is not a birth certificate but a registration of birth certificate, which any person can and may get. All this certificate does is certify that you were born and your live birth was registered in that place in that state but does not certify that you were actually born in the US or that your parents are natural born citizens or even American citizens. Also Barack Obama's mother, called a citizen, may not be as she did not live in the US for five years before giving birth to Barack Obama or so I was told thus he would not then qualify for natural born status even if born in Hawaii. Eyewitnesses have placed his birth in several different places, in two different hospitals and in two different countries. This registration of birth certificate has no seal that I can discern and no signature which it must have; unlike my own registration of birth certificate it does not state on the back that it proves age and citizenship for passport or driver's license but not for qualification to become elected to the office of President and Commander. I have both certificates and can secure the original on file in NY; does and can Barack Obama? Many citizens noted that his father's race is listed as "African" which is odd indeed as any actual American birth, a natural born American citizen, would not then possess such a racial classification on this certificate as it is to be a transcript of the original and in 1961 no documents listed "African" as a race but only "Negro". Thus this casts doubt upon its authenticity, as any actual transcript should state "Negro" and not "African" unless Hawaii is ahead of its time. The word "transcript" is missing from this registration of birth certificate,

which leads me to believe Obama's actual birth certificate is not American and/or that his parents could not prove his place of birth to Hawaiian officials. While I have never seen an actual birth certificate from Hawaii nor an official registration of birth certificate that is Hawaiian I do not believe Hawaii alone would have documents so different from any other state's that these documents then become the focus of a federal lawsuit as they violate the equal protection and due process clauses as well as our right of safety by offering us no protection from foreigners flying into or traveling by any means into the US to register a birth thus making that child eligible for the benefits of US citizenship known as the office of the President and Commander. While no person could engineer a situation in which their child needed a birth certificate to then run for President and so tried to deceive the public by registering the birth only, that is no parent could know if their child would ever run for President, if Barack Obama does not have the same documents I have, equivalent documents, then I must know as he then is not a natural born citizen and so has not even the privilege of becoming elected to this office. I REFUSE TO GIVE MY BIRTHRIGHT AWAY BEFORE EVER BEING ACCORDED IT AND THEN STILL REFUSE. I PAID MY DUES, AS DID MY PARENTS, AND I SHED MY BLOOD; I ACTUALLY DIED IN DEFENSE OF THE CONSTITUTION. If McCain also is not qualified as he may legally be a naturalized citizen and not natural born I then had two unqualified persons forced upon me by the major party political monopoly and that – unjust choices – is then not liberty. As for third parties? Unless they knew the reasoning Bush V Gore is unconstitutional they too lacked the human ability to keep me or my sons safe so *all* choices on the ballot were then unjust. And if it is proven that Barack Obama traveled outside the US on any passport other than an American passport then he relinquished his US citizenship and must reapply to then become naturalized thus he may not even be a citizen as no evidence of him ever reapplying exists. He must go through the same process as any other person as that is equal protection and due process; Barack Obama may think he is special and so above the law but he is anything but and as he himself professes to be a professor of constitutional law, a claim the University of Chicago supported, then he is to be held to the highest possible standards, the same exact standards a Justice of the Supreme Court would be held to as he is asserting he is the legal authority. The US DOES NOT recognize dual citizenship no matter what any other nation says or does; this is within *In Re Susan* 08-6622. Obama himself on his own website once posted that he was a citizen of Kenya at one time and it is reported that he was once a citizen of Indonesia as he attended school there and to do that you must then be an Indonesian citizen. See Exhibit E. It seems as if Barack Obama is a citizen of whatever nation is offering him benefits at that moment; he is a citizen of convenience or a fair weather citizen. Actions define

you and so prove you; Barack Obama's actions are very telling as nobody works this hard to avoid the truth. Obama is creating a situation that is shaking the faith of the people to its very foundations. He is acting as if he is anything but a Chief Justice, President and Commander. As he owns the knowledge and always did and as nobody forced him to act in direct defiance of our law then he himself is committing treason as we are at actual war.

I wish the court to give special consideration to one of the most unique assaults upon my human dignity ever and an extraordinary violation of my rights perpetrated by the state of MD, specifically the Department of Motor Vehicles, which involves my registration of birth certificate: I had used this for 35 years to secure a federal military ID and my original driver's license as well as a federal grant. Not once was it questioned as it has a raised seal and signature and as the military and the states supported it with other documentation and my living person. It was proved. MD however, even after reading the back, insisted that I had to pay for a new birth certificate from NY or else I could not get an ID forget a license. I told MD it may not compel me to do that as it constitutes a violation of the equal protection clauses and is an unjust tax. This clerk insisted that she could not accept any of my ID no matter what due to this registration of birth not being the new style of birth certificates NY had begun issuing. She said NY had "new" ones that replaced an older style. I said, "Lady, my other ID does not expire and so I do not die thus am no longer proof beyond doubt as to who I am only because you refuse to accept the registration of birth certificate. The registration is evidence rising to proof, as are the other state documents but the federal military ID is proof beyond any reasonable doubt and I, the living person, am the absolute proof rising beyond any and all doubt. Neither you nor NY can make me pay for a new birth certificate each time NY redesigns it. I'm not redesigned the paper is. That's on NY not me." She insisted I could not be processed so would not be and when I demanded an exact reason she stated: "I can't as it's not the right color. You're not the right color." The room went silent. I asked, "You just said 'not the right color'. What color do I, Susan, have to be to then get an ID from MD?" She answered, w/o skipping a beat, "Blue." I became indignant *and* irate and ordered her to get her supervisor and I told her she just asked me to meet an impossible standard and that if this was not discrimination of Susan Herbert alone then I had no idea what is as nobody but nobody had to be blue to then get a driver's license or state ID. I'd be more upset than I am with MD but this was the event that tipped me off to what this injury became: discrimination of me alone as I knew the law and so knew my rights and concepts like the burden of proof standard; that my ethic and my intelligence was causing me injury. One would think this could not escalate any further but it did as I was once cited for being Native

American; being born here and so “you know[ing] the law” was actually exactly used against me to then injure me not the words *Native American*. I never did turn blue in DMV but I did receive a MD state issued ID within the hour that day. When I recently received a “new” NY birth certificate? I’m still not blue but I am out \$60.

33. It is unconstitutional and not effective or practical to let the inmates run the asylum as at some point asylum will no longer exist. Actual reality is no liberty, no justice and so no America. As goes the law so goes this nation and the eventuality is death. This eventuality is avoidable. James Madison warned us against the temporary passion of the people. He exactly said the people can and may become “possessed” of a “temporary passion”. The DSM names this as a mental illness. Liberty is choice so you choose: Are you possessed and/or mentally ill? I own the knowledge the Supreme Court and its Chief Justice may be misguided at times mostly due to attorneys missing the argument or presenting what is a lie as it is not the whole truth but I do not truly believe they are crooks who intend to cause harm and who have motive to do so as that is not a legal or just choice, is it? The law is: You are presumed to be innocent until proven guilty and as that choice – Justices who are actual crooks - then would mean I am going to have to find a foreign nation willing to allow me to liberate it in which to make my home. While I could poll the jury by asking all 9 Justices whom they voted for that is not necessary. For a Justice or myself the law is crook is not an option. Period. If you are a President and Commander? Crook is not supposed to be an option; you may be forced to act extra-constitutionally but never unconstitutionally. This citizen knows the difference.

Nothing in our law or any prior precedent makes it legal and binding for the voters to force a person who cannot fulfill the oath upon my children or me. It is actually the exact opposite. Every citizen in this nation can vote for Obama; however they may not, it is not legal, if they know him to be unfit or unable to Preside and Command and did know it when they voted but ignored it.

I am self-educated, poor and possess no party affiliations or any political weight known as political favor. Each and every fact of my life runs against me ever being able to do this as even my human ability to emote and to reason or my gender is believed to be a liability. None of this then makes me unable or incapable; that is perception and is discrimination. I used my lack of formal education, as I was not then indoctrinated by

mostly male points of view many of which are dead wrong. I was able to uniquely reason the law as it applies to women as well as men and I was able to make “I” statements no man could, as that is all about being extremely self-aware and childbirth can cause extreme self-awareness and even God or universe awareness. I used my larger hippocampus and the ability to discern very fine differences in human emotion to then turn the tide in my favor by catching persons in the act of violating our law. They were dumbstruck. Liberty is an emotion as is the truth; you will hear it and feel it if your compass is set due north according to our law no matter what those in charge do or say. I have felt the vote and Philadelphia as sacred so I know it. If you lie to me or break the law you can use all the fancy words you wish or no words at all; I will still know it for what it is: Unconstitutional.

As the vote feels one way and as Philadelphia another so does liberty denied. It is like the bible says: Nothing is hidden that shall not be revealed. As people do not repeat myths unless they contain some truth I discovered how to use the Declaration as a compass and so turn the Constitution into a map – a unique map of my sacred human heart, which contains the answers to our earliest origins as it led me to know the birth of this universe and beyond. I did not realize other people could not “see” the law as a three-dimensional picture in their head or as equations and so did not know these answers were staring them in the face. When I wrote “the structure of DNA is found in our law” I thought all clerks knew this and could “see” it in the right of safety and office of President and Commander as it twists and turns to become two offices in one person. When I wrote the “right of privacy does exist and is contained in the clause exactly naming the Creator and is supported by Marbury” I thought all Justices and clerks “saw” the right of privacy and equality as an equation balancing on a fulcrum or like $E=MC^2$; I did not know you were blind to *why* Roe V Wade is unconstitutional beyond it is not named in our law as I possess a unique skill or so I was told recently.

The universe? It is all contract law and math; it is constitutional.

What did I ask for as remedy and relief from day one, April 4th, 2007 and on?

The power of Executive Order as I knew as absolute fact without question my legal argument unseated Bush Jr. then placement upon the ballot in all 50 states and DC for the office of President and Commander. I claimed the power of Executive Order my own self by entering the US Supreme Court pro se upon an claim of constitutional authority twice over but left it up to the people to claim it for their persons via voting for me thus against those intent upon violating and even overthrowing our law for their own personal, selfish

interests. As I was silenced unconstitutionally, the people - especially women and enlisted services members - then had no opportunity.

We as a nation were born in an act of self-defense by invoking our right of safety and liberty, as they are inalienable. Our vote is actually paid for with our very blood. Our vote is our right to life and so is our means of defending our persons. It is the Creator who ultimately reasons and decides which among us will be born under these skies and within this country and so be of the ability to wield that vote - the greatest weapon of mass creation man has ever wrought. What is of the Creator and which we are then born into no man can or may put asunder as he will have to go through a woman first - I, Susan - and this American refuses to negotiate as an actual American never negotiates her safety.

I will settle for nothing less than this nation's unconditional surrender to the Declaration and Constitution, as those are the inviolate terms that absolutely and wholly define our humanity and so make us a living government and living law known around the world as We, the people - *the Americans*.

I am not asking the federal court to stay this judgment to then later install me as President and Commander as that is making law and is not legal but only accord me the opportunity I have been denied absolutely as the protected right is mine: *the opportunity to become the President and Commander via official recognition of this court and the people in the form of this application for a stay of enforcement of judgment granted and then an appearance in person either in this court or the Supreme Court to give oral argument thereby acknowledging the contribution of my one person, my sons and women thus proving our law is elegant and was inspired by the exactly named Creator. I wish to make a gift of my priceless intellectual property to all natural born citizens especially women, children and enlisted service members, or, to all Native Americans.*

Conclusion

Under these most extraordinary of all circumstances, the effect of a failure to grant a stay could well be to deny Applicants fully effective relief or any relief in this case and to inflict material harm on the Presidential election process. A stay is further justified by the extraordinary importance of the outcome of this case and the extremely time-sensitive nature of relief. Applicants have been injured without relief for over ten years to the point of physical and emotional death; currently they are threatened with irreparable injury, and

the equities clearly favor granting a stay, because a stay is the only means of protecting Susan Herbert, her minor sons Ethan and Christopher, all women and their children, enlisted service members and the integrity of the federal election process while ensuring women and the poor have proper and orderly access to the judicial system. Women have been harmed since a time before birth as our nation came into being excluding women thus it is high time the federal government accord them what is theirs: Equal protection and due process of the law, also known as Liberty, which is realized as Justice.

Respectfully submitted.

Susan Herbert, pro se

In Re Susan Herbert

US Supreme Court

Case #'s 07-9804 & 08-6622, pending

An addendum: # 34: I would like to clarify how & why I am back in this court as this point of law seems to be lost on every man I have ever met and I have known many attorneys in my lifetime: My very first federal question from April of 2007 is and remains: *Is the exactly named Creator actual reality and if so are women created equal to men thus does Marbury then apply to women?* Marbury has never been applied to women. When Marbury thus the Supreme Court came into being it excluded women; women had no legal power and had not yet been before a federal court to remedy a civil rights violation or any other violation. It would be impossible for them to have been before the court of constitutional authority, as it only existed at Marbury. A woman had no legal power, no protection of the law until 1920 and still she was denied liberty, as the 19th amendment is only good on paper but is not actual as women yet go without a federal ruling in their favor which secures equal rights. **Liberty is that right.** A woman does not have liberty until she secures that federal ruling yet denied her. As she is always and forever subjected to changing conditions one of which is Judeo-Christian mistaken belief regarding female, endemic in this government.

Marbury is the federal decision that then makes it not legal to enter US Supreme Court w/o entering a lower court as Marshal ruled you could not begin within this court or else remedy and relief would then be denied you and so you would be within this court but then denied original jurisdiction thus you would win and lose, lol. This applies only to men not to women. A woman can and may enter this court w/o ever going into a lower court and she will not then be denied as Marbury was as she never had a single opportunity let alone an equal one. She has to go through the Supreme Court to get it and the situation that then is this case means: the law is – IS – overthrown; she alone supports it thus she can and may do what is deemed to be impossible – enter US Supreme Court first. It is only men who are bared from doing this.

This woman would be asking and answering the single largest legal question of all time: Is God real and if so are women then of God as equally as men thus is she then born into liberty as it is inalienable? Think” Marshal was and sometimes still is criticized for: exercising power not in our law thus acting as if he is the exactly named Creator. He turned the whole court into an institution with the power of God. He claimed power not in our law as belonging to this court or nay court. He reasoned and decided he and then all men were of God, by God and for God while women were not. This is directly related to his reasoning concerning the office of Commander: You must disobey unethical or immoral orders. *Women are told they must obey or force is used against them* as are tactics like denying them entry to a court or using words to make them feel as if they are stupid and to blame for what is not their fault, as if they deserve it. That *is* a denial of

liberty. It is legally reasoning that only men are born into rights granted by the Creator. To this very day men yet try to reason those rights as not belonging to women.

One of the greatest flashes of genius I ever had was to create and then ask this question fully knowing this then gave me the means to enter US Supreme Court directly. Men have been taught as they cannot enter this court directly then no woman can or may and so the clerks refused to file my case. They said, "You cannot" as in you do not have the human ability. Yes, I do have the human ability. Then they said "You may not" as in it is not legal; Yes, it is, as Marbury does not apply to women and never has been applied to women thus a woman may enter this court directly. As Marbury was and is violated in my case then **This exact woman named Susan** now has standing to go directly to US Supreme Court as in order for this to happen? The Chief Justice had to violate her rights only as she is a woman and/or had to act w/o authority. In my case? Both are as it happened and so it is history. FACT. The clerks yet insisted: "You have to get lower court opinions; we did not see them that is why you were not filed. If you do not attach them we will not file you until we see them". That is abuse of judicial discretion as it is based upon appearance of the paper document alone and not on the law, precedent and facts including my unique legal reasoning and application as I thought of it first! The clerks? They have proven my case for me as:

The only kind of birth men do give is to intellectual property and emotions. They will never have a baby. Men insist that no woman can ever give birth to unique intellectual property and I even posed this as a federal question as it is a false belief that is the direct result of unjustifiable discrimination and as it flies in the face of reality. Men refuse to let this concept enter their heads as they jealously guard intellectual property as when and if a woman does create it then it is a threat to male dominated power aka patriarchy. BUT – men also insist they can and do give birth to babies; they not only engage in transubstantiation which is men pretending they can and do give birth thus they alone possess complete moral authority over women, they also go into court and sue for custody of children in order to then exert overly broad power and control over women. Men have been ruled to be able to give birth to babies by the US courts as if biology magically changed. Men sold women a lie: if you give away the power you are intrinsically that is of God and is woman alone then we might give you some liberty. LOL! What did the founders tell you ladies? NEVER give away your power – your rights – ever. You do not give what little you do have before you are acknowledged to be equal as then? You operate at a loss; equality may forever elude you.

All the clerks did by refusing to consider my reasoning and application of the law plus actual reality aka history and biology was prove my case for me thus make their own persons liable where before they had been excluded from liability.

Attached is the decision and order from the very first hearing I ever attended regarding custody of my children thus custody, care and control of my own person from Albany NY. I did enter as a petitioner and the judge quickly ended that as he knew what my case was, who I was and what I was then capable of and I will never forgive him for what he did to us. This man limited the emergency hearing to jurisdiction only thus apply the UCCJ to me but not to third parties when they were men and one was and is an absolute stranger to me who was essentially allowed to walk in off the street and file for custody of my kids and me. It was and is outrageous. The affidavit he filled out? It not only contains exact lies it also contains a telling truth: After insisting he did what he did as I had abandoned my children (a lie) and so did not know where I was, he filled out that he knew precisely where I was: North Dakota, with the Sioux in Bismarck. The judge ignored this.

My lawyer argued what she could; the children were not living in PA but in NY however all lied and as my kids were babies everybody insisted they could not prove it – another lie as the state police went and investigated it and proved it! My lawyer argued taxation w/o representation – FACT. My lawyer argued equal protection – FACT. My lawyer argued undue burden – FACT. My lawyer argued safety - FACT. I argued I'm the **biological mother** while these are **men not even related** to me or **not the father** if they are related to me and I love myself and my kids; let us get away from these monsters – FACT. I argued the father has no right even if standing and you are giving what is not his right to his relatives – all males and men do not give birth! FACT. Read the actual petition Exhibit R. It was true then and is true now; I lived it out. Do men give birth today? Nope. Will they begin tomorrow? Nope.

The judge refused to acknowledge reality. He actually wrote "There is no cause of action; jurisdiction is remanded to PA". How then did we all end up back in NY after NY denied us, we then went to PA and when my kids never left NY? Easy:

Cause of action was I HAD SEX WITH A MAN AND GAVE BIRTH! This male judge as all male judges did denied the reality of sex and biology as if men give birth or storks deliver babies but women are unnecessary; even the emotional bond of mother and child was negated and denied as not important or relative. Relative??? It is relative, relative and

intrinsic. John Marshall's word for politics. I then had one of my first flashes of true genius:

Marbury is the key to securing rights for women.

So then here we are full circle, where the founders left off in 1787. Where Marbury left off in 1803 and Thurgood Marshall left off in 1954. Where Bush V Gore, 2000, still sits as a tied decision. And it is not political if a woman asks it nor does a woman have to go to any lower court as her journey here means, as she is here, that when Atlas shrugged only she thought to catch it – *Earth!*

Why, that must make her some sort of God as she does the miraculous like enter US Supreme Court directly as Roberts acted upon her application for stay didn't he? It is exactly like I told John Roberts within that application for a stay and within the case he is conferencing upon the 5th:

Close but with a small 'g'. See In Re Thomas Jefferson, Supreme Court docket # 08-6622.

The clerks of the Supreme Court of the United States and the Justices themselves owe me one "Go directly to SCOTUS; do not pass the bar, do not collect lower court decisions" card aka one "Get out of lower federal court free" card.

SA
12/04/08

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

SUSAN HERBERT

V

BARACK OBAMA
AND
THE UNITED STATES

*Obama was
served with
this twice
already;
I will serve
him again*

PROOF OF SERVICE

I, Susan Herbert, do swear or declare that on this date, 11/15/08, as required by Supreme Court rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS AND EMERGENCY APPLICATION FOR STAY OF ENFORCEMENT OF JUDGMENT on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses are as follows:

Solicitor General of the US
950 Pennsylvania Avenue NW
Washington DC 20530-0001

Barack Obama c/o Perkins Coie
607 Fourteenth Street NW
Washington DC 20005-2003

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/15/08.

Signature _____

*This is service
of the app. for
a stay*

Exhibit List

- A. Judgment/2008 Presidential election**
- B. Failure of solicitor general to respond to 08-66221 case set for conference**
- C. In Re Susan Herbert and the violation of Marbury which the denial of 07-9804 is**
- D. Bush V Gore**
- E. Doubts regarding Obama's birth; my birth certificate**
- F. Doubts regarding citizenship**
- G. \$5.3 billion dollar price tag for purchasing the office of President**
- H. Obama on drafting women & reasoning the law for women and children being above him**
- I. Is Barack Obama a constitutional law professor?**
- J. Love, Barack: 300 emails asking me for money and my vote**
- K. Notice I sent Linda Griffin and Rennselaer County Court**
- L. Open case in Duval County**
- M. Letter from NYACLU**
- N. US case law regarding citizenship**
- O. Unique intellectual property from In Re Susan**
- P. Declaration of Vote**
- Q. Resolution 511 which is unconstitutional and repugnant so it is void**
- R. Pure and Absolute Standing**
- S. In Re Susan**
- T. In Re Thomas Jefferson, or, *Proof God is funny***