

IN THE MATTER OF	*	
2012 LEGISLATIVE	*	IN THE
DISTRICTING OF THE STATE	*	COURT OF APPEALS
	*	OF MARYLAND
	*	September Term, 2012
* * * * *	*	* * * * *
PETITION OF	*	
CHRISTOPHER ERIC BOUCHAT	*	Misc. No. 2
* * * * *	*	* * * * *

PLAINTIFF'S PRE-HEARING MEMORANDA

I, Christopher Eric Bouchat, pro se, do hereby, humbly submit my pre-hearing memoranda in compliance with the Honorable Court's Scheduling Order line 7, dated the 30th of May, 2012. I, as the Plaintiff in this case, believe that not only are my voting rights under the U.S. Constitution being violated due to the Maryland Constitution Article III, Section 3, but also every Maryland citizen who lives in a less populated political sub-division (county).

For reasons as follows:

- 1.) Any case law or statue that is proven to contradict the power and authority of the U.S. Constitution in its interpretation, execution and application is to be declared null and void by judicial review. Marbury vs. Madison, doctrine.
- 2.) The United States Constitution established a democratically elected federalist republic by guaranteeing the first minority voting rights for citizens in less populated sub-divisions of the whole legislative institution. Article I, Section 2&3. Minority voting rights are further guaranteed in the Executive institution under U.S. Constitution Article II, Section I. (Electoral College).

Appendix E
83a

Regardless of the population size of a political sub-division its citizens under law are guaranteed equal representation in the Senate by sub-division , equal representation in the House by district that does not cross sub-division boundaries and minimum of one House member per sub-division. Said political science doctrine is the result of “The Great Compromise” of 1787 at the Constitutional Convention and has since being ignored in contemporary case law for the enforcement of ethnic voting rights.

- 3.) The relegation of original minority voting rights, which created a federalist republic, has been accomplished through federal voting rights statues and numerous case laws. Which upon judicial review, I believe do not comply with the U.S. Constitution especially: Article I, Section 2&3, Article II, Section I, Article 4, Section 4, & Amendments, IX., X., XIV. Section 1 & 2.

Most voting rights case law selectively interprets and enforces the “one man, one vote” doctrine while ignoring its enforcement upon U.S. Senators & the Electoral College. No executive, legislator, or judicial officer has a right under their oath of office to selectively apply voting rights guaranteed under the U.S. Constitution, Amendment XIV.

Our nation is not a democracy in direct form. It is a democratically elected republic which guarantees the protection of citizens in less populated political sub-divisions through representation protection that defies “one man, one vote” as interpreted in contemporary case law.

Since, Chief Justice Marshall clearly established that the U.S. Constitution is without a doubt the supreme law of the land (Article IV) and the Judges in every state

shall be bound thereby. Therefore, I request the Honorable Court enforce my minority voting rights, as previously enumerated, and in the election process of the Maryland General Assembly.

In support of this argument I submit the following quotes from “The Federalist Papers” to establish the intent of our Founding Fathers in relation to the purpose & structure of a bicameral legislature in a democratically elected federalist republic.

“It rests upon axioms as simple as they are universal; the means ought to be proportioned to the end; the persons from whose agency the attainment of any end is expected ought to process the means by which it is to be attained.” (No. 23: Hamilton) pg. 149

“Is the administration of justice between the citizens of the same State the proper department of the local governments? These must possess all the authorities which are connected with this object, and with every other that may be allotted to their particular cognizance and direction.” (No. 23: Hamilton) pg. 151

“Each State, in ratifying the Constitution, is considered as a sovereign body independent of all others, and only to be bound by its own voluntary act. In this relation, then, the new Constitution will, if established, be a federal and not a national constitution.” (No. 39: Madison) pg. 240

“The House of Representatives will derive its powers from the people of America; and the people will be represented in the same proportion and on the same principle as they are in the legislature of a particular State.” (No. 39: Madison) pg. 240

“The Senate, on the other hand, will derive its powers from the States as political and coequal societies; and these will be represented on the principle of equality in the Senate, as they now are in the existing Congress. So far the government is federal, not national.” (No. 39: Madison) pg. 240

“The votes allotted to them are in a compound ratio, which considers them partly as distinct and coequal societies, partly as unequal members of the same society.” (No. 39: Madison) pg. 240

“The Senators and representatives, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and the several States, shall be bound by oath or affirmation to support this Constitution.” (No. 44: Madison) pg. 283

“They must be told that the ultimate authority, wherever the derivative may be found, resides in the people alone.” (No. 46: Madison) pg. 291

“Truth, no less than decency, requires that the event in every case should be supposed to depend on the sentiments and sanction of their common constituents.” (No. 46: Madison) pg. 291

“A local spirit will infallibly prevail much more in the members of Congress than a national spirit will prevail in the legislatures of the particular States. Everyone knows that a great proportion of the errors committed by the State legislatures proceeds from the disposition of the members to sacrifice the comprehensive and permanent interest of the State to the particular and separate views of the counties or districts in which they reside. And if they do not sufficiently enlarge their policy to embrace the collective welfare of their particular State, how can it be imagined that they will make the aggregate prosperity of the Union, and the dignity and respectability of its government, the objects of their affections and consultations? For the same reason that the members of the State legislatures will be unlikely to attach themselves sufficiently to national objects, the members of the federal legislature will be likely to attach themselves too much to local objects. The States will be to the latter what counties and towns are to the former. Measures will too often be decided according to their probable effect, not on the national prosperity and happiness, but on the prejudices, interests, and pursuits of the governments and people of the individual States.” (No. 46: Madison) pg. 293

“The accumulation of all powers legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self appointed, or elective, may justly be pronounced the very definition of tyranny.” (No. 47: Madison) pg. 298

“In order to form correct ideas on this important subject it will be proper to investigate the sense in which the preservation of liberty requires that the great departments of power should be separate and distinct.” (No.47: Madison) pg. 298

“There can be no liberty where the legislative and executive powers are united in the same person, or body of magistrates.” (No. 47: Madison) pg. 299

“In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit.” (No. 51: Madison) pg. 319

“It is a misfortune incident to republican government, though in as less degree than to other governments, that those who administer it may forget their obligations to their constituents and prove unfaithful to their important trust. In this point of view a senate, as a second branch of the legislative assembly distinct from and dividing the power with a first, must be in all cases a salutary check on the government. It doubles the security to bodies in schemes of usurpation or perfidy, where the ambition or corruption of one would otherwise be sufficient.” (No. 62: Madison) pg. 377

“The constitution of Maryland furnishes the most apposite example. The Senate of that State is elected, as the federal Senate will be, indirectly by the people, and for a term less by one year only than the federal Senate.” (No. 63: Madison) pg. 386

U.S. Supreme Court Baker vs. Carr (1962)

“and no county shall be divided in forming a district” sec. 6, pg. 2

“A citizen’s right to a vote free of arbitrary impairment by state action has been judicially recognized as a right secured by the Constitution, when such impairment resulted from dilution by a false tally” III. Standing pg. 5

“The whole thrust of today’s legal climate is to end unconstitutional discrimination. It is ludicrous to preclude judicial relief when a mainspring of representative government is impaired. Legislators have no immunity from the Constitution. The legislatures of our land should be made as responsive to the Constitution of the United States as are the citizens who elect the legislators.” Pg. 23

“Specific provision for county representation in at least one house of the state legislature has been adopted since the end of the 19th century. More than twenty States now guarantee each county at least one seat in one of their houses regardless of the population, and in nine others county or town units are given equal representation in one legislative branch, whatever the number of each unit’s inhabitants. Of course, numerically considered, “These provisions invariably result in over-representation of the least populated areas. And in an effort to curb the political dominance of metropolitan regions, at least ten States now limit the maximum entitlement of any single county in one legislative house-another source of substantial numerical disproportion.” pg.42

“When a district is composed of two or more counties they shall be adjoining; and no county shall be divided in forming a district.” pg. 46

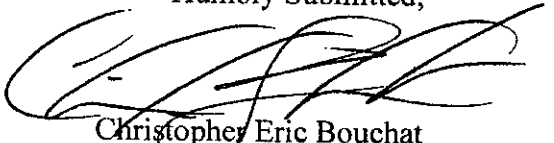
“In the last analysis, what lies at the core of the controversy is a difference of opinion as to the function of representative government. It is surely beyond argument that those who have the responsibility for devising a system of representation may permissibly consider that factors other than bare numbers should be taken into account. The existence of the United States Senate is proof enough of that.” pg. 55

“The formula suggested by my Brother Clark must be adjusted regardless whether one thinks, as I assuredly do not, that the Federal Constitution requires that each vote be given equal weight. The correction is necessary simply to reflect the real facts of political life. It may, of course, be true that the flatorial representative function is to represent the whole district. But can it be gainsaid that so long as elections within the district are decided not by a county-unit system, in which each county casts one vote, but by adding the total number of individual votes cast for each candidate, the concern of the elected representatives will primarily be with the most populous counties in the district?” pg. 58

“Again, the combination of certain smaller counties with their more heavily populated neighbors in senatorial or flatorial districts may result in apparent arithmetic inequalities.” pg. 58

Therefore, upon review of the Constitution, case law and intent of our Founding Fathers in creating a federalist republic, I pray the Honorable Court will up hold my guaranteed minority voting rights and grant my Petition.

Humbly Submitted,



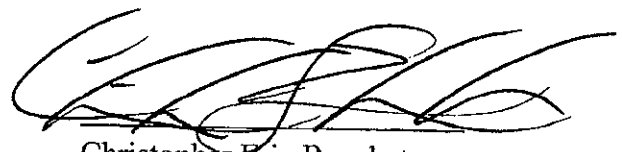
Christopher Eric Bouchat
443-538-8584

8/23/12

CERTIFICATE OF SERVICE

I hereby certify that on August, 24, 2012, in conformity with ¶ 4 of the Court's May 30, 2012 Order governing these cases, copies of the attached pleadings were served electronically only on the following persons:

Dan Friedman 90 State Circle , Rm 104 Annapolis, MD 21401 dfriedman@oag.state.md.us <i>States Attorney</i>	Judge Alan Wilner 401 Bosley Ave. Towson, MD 21204-4425 Alan.Wilner@courts.state.md.us
Jonathan S. Shurberg, Esq. Jonathan S. Shurberg, P.C. 8720 Georgia Avenue, Suite 906 Silver Spring, Maryland 20910 jmldlawyer@verizon.net <i>Counsel for Kelley Petitioners</i>	C. Paul Smith Esq. 308 West Patrick Street Frederick, Maryland 21701 cpaulsmith@verizon.net <i>Co-counsel for Houser Petitioners</i>
Jason B. Torchinsky, Esq. Shawn Sheehy, Esq. Holtzman Vogel Josefiak PLLC 45 North Hill Drive, Suite 100 Warrenton, Virginia 20186 jtorchinsky@hvjlaw.com <i>Co-counsel for Houser Petitioners</i>	Bessie Decker 361 Rowe Blvd. Annapolis, MD 2140 Bessie.Decker@courts.state.md.us


Christopher Eric Bouchat
8/23/12