



Oregon Assembly For Black Affairs

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July 25, 2011

Attorney General Eric H. Holder, Jr.
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Holder:

I write to you because there is a United States constitutional problem that is brewing out of proportion and because this crisis over the increase of U.S. . Public Debt Limit is being used to camouflage this constitutional problem. When 274 of 289 Republican members of the U.S. Congress sign a pledge and agree to act as ONE to not faithfully discharge the duties of their offices in violation of their congressional oaths of office in their efforts to get the people to blame the U.S. President for the failures of government, this is a U.S. constitutional crisis. Also, the crisis over increasing the U.S. Public Debt Limit seems to be reflecting an open conspiracy to overthrow the **Constitution of the United States** because a Black man is President of the United States.

My name is Calvin O. L. Henry, and I am a citizen of the United States of America. I was born in United States, not on the continent of Africa. I am a Black American. I use the term "Black American" to describe me and to reflect the racial grouping of which I am a part. This is because it is very important to me that one understands that being "Black and growing up in the United States" is different than any other place in the world and is different than any other racial groupings within the United States. I am a Black American, and I am proud of who I am. I am not ashamed to state this. The United States is the county of my birth. Yes, I am a citizen of the United States, and I make no apology for it. I do not believe that I must exhibit a racelessness persona in order to achieve vertical mobility in the United States. Although Black Americans in the United States may be descendents of the people of Africa, their history has evolved differently in many ways.

Also, I am the President of the Oregon Assembly for Black Affairs (OABA), an organization whose purpose is to improve the political, educational, social, legal, and economic status of Blacks in Oregon. It is nonpartisan. Also it is a nonprofit statewide corporation committed to improving the status of Blacks in Oregon, and it places a major emphasis on building a better Oregon for the Black Community. OABA knows "What Benefits Black Oregonians Benefits ALL Oregonians", and this does not work in reverse. OABA is an organization for change. Also OABA knows "What Benefits Black Americans Benefits ALL Americans."

I served as a Captain in the United States Air Force and as a Captain in the Oregon Air National Guard. As a former military officer, I fought for this country, and I put my life on the line for ALL people of the United States. I am U.S. Military Veteran. When I took my oath as military officer, I swore that I would defend the Constitution of the United States against all

Attorney General Eric H. Holder, Jr.
U.S. Department of Justice
July 25, 2011
Page 2 of 5

enemies, foreign or domestic. Black American Veterans (past and living) served the USA and died for the freedoms that so many people of the USA enjoy today. These veterans knew that the chances for them to enjoy for what they fought were slim because of the history of the United States, but these Black American Veterans served the USA to make it a place for the young Black Americans to live, grow and thrive. My “learned knowledge” tells me that many Black Americans serving currently in the U.S. military would be of the same opinion.

Also, I served, in the past, as an election official in the Office of Oregon Secretary of State. One of my duties as an election official was to monitor and enforce Oregon Election Campaign Finance Regulation (ORS 260). This regulation dealt with undue influence to affect voter registration, voting and candidacy. “Undue Influence” is defined as “force, violence, restraint or the threat of it, inflicting injury, damage, harm, loss of employment or other loss or the threat of it, or giving or promising to give money, employment or other thing of value.”

The crisis over increasing the U.S. Public Debt Limit seems to be reflecting an open conspiracy to overthrow the Constitution of the United States because a Black man is President of the United States. It appears that undue influence, from an outside organization and person, is causing some Republican members of Congress to sign agreements (outside of their oaths of office) to work together as a group to not carry out their duties required by the Constitution of the United States. Now, I am requesting that you investigate this looming constitutional crisis and make it publicly known that there is constitutional crisis.

Article VI of the Constitution of the United States provides that the Constitution, and laws of the United States which shall be made pursuance thereof, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby. Also, **Article VI** provides that the U.S. Senators and U.S. Representatives, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution. Senators and Representatives of the U.S. Congress take the following oath:

“I, __, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”

The United States Congress is composed of 100 U.S Senators and 435 U.S. Representatives. All these Senators and Representatives took and signed this oath “to support and defend the Constitution of the United States against all enemies, foreign and domestic, and to faithfully discharge the duties of the office on which they were about to enter. With respect to increasing the public debt limit, it is clear from the **Constitution of the United States** that the United States Congress should be taking action to prevent default on the U.S. debt.

Section 7 of Article I of the Constitution of the United States states: “All bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.”

Section 8 of Article I of the Constitution of the United States, in part, states: “The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;...” Also this section provides that Congress shall have power “To borrow money on the credit of the United States.”

When one reads the Constitution of the United States, one finds that the **embodiment of the United States** is vested in the President. The President of the United States, is required by **Section 1 of Article III of the Constitution of the United States** to take the following oath:

"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

According to **Section 1 of Article III of the Constitution of the United States**, the President shall take Care that Laws be faithfully executed.

The United States has not healed from its history of slavery and racism. Historically, the impact of slavery and racism is embedded in the U.S. legal system with all its secrets to keep White Americans in a superior position and to keep Black Americans in an inferior position. Prior to the 2008 U.S. Presidential Election, all the individuals elected as President of the United States have been White. On November 4, 2008, U.S. Senator Barack Hussein Obama was elected President of the United States of America, and on January 20, 2009, he was inaugurated as the 44th President of the United States of America. President Obama is a Black American who was born in the United States, and he is a citizen of the United States. Because of President Obama's election, many news pundits and societal opinion-makers were eager to say that the United States is in a post-racial period. With his experience as a constitutional scholar, civil rights attorney and community organizer, President Obama is a leader who sees all U.S. citizens as one people or one nation and who is not afraid to articulate his visions for the country and the world. He sees that his role, as President of the United States, is to preserve, protect and defend the Constitution of the United States. There are some Republican members of the United States Congress who have public stated that they want the President Obama to fail, and they have voted “NO ” on many of his legislative proposals. Because these Republicans want President Obama to fail, it now appears that there are some members of the United States Congress who do not want to honor their OATHS of OFFICE to support and defend the Constitution of the United States, and who do not want to faithfully discharge the duties of their offices as U.S. Senators and U.S. Representatives in the U.S. Congress. Trying to put President Obama in this position, are these U.S. Senators and U.S. Representatives saying they want the United States to fail?

Section 4 of Amendment 14 to the Constitution of the United States, in part, states: “The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.”

At the beginning of the 112th U.S. Congress, the make-up of the U.S. Senate was 51 Democrats, two (2) Independents (both caucusing with Democrats) and 47 Republicans. At the beginning of the 112th U.S. Congress, the make-up of the U.S. House of Representatives was 193

Attorney General Eric H. Holder, Jr.
U.S. Department of Justice
July 25, 2011
Page 4 of 5

Democrats and 242 Republicans. Democrats control the U.S. Senate, and Republicans control the U.S. House of Representatives.

According to the website of the Americans for Tax Reform (ATR), there are 236 members of the House of Representatives and 41 members of the Senate in Congress signed a **PLEDGE** to Americans for Tax Reform (ATR) and Grover Norquist, an organization and a man, who are not part of the official U.S. government, to not honor their oaths and duties as elected officials of the United State Government to support and defend the Constitution of the United States. The signed PLEDGE is filed with the ATR. Of the 236 members of the House of Representatives who signed this PLEDGE, 234 members are Republicans and two (2) are Democrats. Of the 41 members of the Senate who signed this PLEDGE, 40 Senators are Republicans and one (1) is a Democrat. According to the ATR website, there are six (6) “GOP U.S. Non-Pledge Signers” and seven (7) “GOP U.S. Senate Pledge Non-Signers”.

Members of Republican leadership in the U.S. House of Representatives are: Representative John Boehner (R-OH), Speaker of the House; Representative Eric Cantor (R-VA), Majority Leader; Representative Kevin McCarthy (R-CA) Majority Whip; Representative Jeb Hensarling (R-TX), Republican Conference Chairman; and Representative Tom Price (R-GA), Republican Policy Committee Chairman. According to the website of the Americans for Tax Reform (ATR), **ALL of the House Republican leaders signed the PLEDGE and filed it with Americans for Tax Reform (ATR) and Grover Norquist.** Senator Mitch McConnell (R-KY) is the Republic Leader in the Senate and Senator Jon Kyl (R-AZ) is the Assistant Minority Leader. **Both of these Republican Senators signed the PLEDGE and filed it with Americans for Tax Reform (ATR) and Grover Norquist.**

Not only did Americans for Tax Reform (ATR) and Grover Norquist get elected Republicans in the U.S. Congress to sign this PLEDGE, they got 1,263 state legislators, 13 governors, five (5) lieutenant governors, four (4) attorney generals, three (3) secretaries of state, three (3) treasurers, one auditors and one board of equalization member to sign this PLEDGE (or a form of it). The actions of this group along with the elected Republicans in the U.S. Congress are trying to blame President Obama for havoc that has been caused by Republicans.

The full **Section 3 of Amendment 14 to the Constitution of the United States**, states: “No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.”

When one reviews this section with regards to members of the United States Congress, one finds that **Section 3 of Amendment 14 to the Constitution of the United States**, states, in part: “No person shall be a Senator or Representative in Congress..., under the United States,...., who, having previously taken an oath, as a member of Congress...., to support the Constitution

Attorney General Eric H. Holder, Jr.
U.S. Department of Justice
July 25, 2011
Page 5 of 5

of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.”

The undue influence of the Americans for Tax Reform (ATR) and Grover Norquist and the signed PLEDGES by **274 of the 289 Republican members** of the United States Congress reveal a sinister and open conspiracy to overthrow the **Constitution of the United States** by trying to cause President Obama to fail. When you add this to the undue influence being directed at the state elected officials, you have more than a debt limitation situation because there is little or no real news reporting of real dangers to the **Constitution of the United States**. Since the **embodiment of the United States** is vested in the President of the United States. The President of the United States is Barack Obama who is responsible for preserving, protecting and defending the Constitution of the United States. Because of this, many pundits and news opinion-makers seems to talk around the real dangers to this country, and some of them want the people of the United States to think or believe that President Obama caused the current situation in this country.

These 274 Republican members of United States Congress along with three Democrats are elected officials who took and signed an oath of office to support and defend the **Constitution of the United States**. Now, they seem to be saying that signed PLEDGES to Americans for Tax Reform (ATR) and Grover Norquist are more important that their oaths to support and defend the **Constitution of the United States**.

Are the Republican members of United States Congress leading a charge to have an insurrection or rebellion in the United States by failing to faithfully discharge the duties of their office and by failing to support and defend the **Constitution of the United States**? Are the Republican members of United States Congress being used to cause an insurrection or rebellion in the United States? These questions need to be addressed, and the Constitutional Crisis needs to be investigated. Will you get back to the Oregon Assembly for Black Affairs (OABA) with your findings?

Sincerely,



Calvin O. L. Henry, Ph.D.
OABA President

Cc: United States President Barack Obama
United States Vice President Joe Biden
U.S. Senator Harry Reid
U.S. Senator Mitch McConnell
U.S. Representative John Boehner
U.S. Representative Eric Cantor
U.S. Representative Nancy Pelosi
U.S. Senator Ron Wyden
U.S. Senator Jeff Merkley
U.S. Representative Earl Blumenauer
U.S. Representative Greg Walden
Congressional Black Caucus
OABA Board of Directors
NAACP President/CEO Ben Jealous