



# Cordova for President

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### The United States Constitution

Article II, Section 1 of the U.S. Constitution imposes only three eligibility requirements on persons serving as president, based on the officeholder's age, time of residency in the U.S., and citizenship status:

### U.S. Constitution – Presidential Candidate Eligibility

"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."

## CONSTITUTIONAL DEFENSE BRIEF — ADDENDUM

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# The Deeper Constitutional Architecture: Unenumerated Rights, the Guarantee Clause, and the Structural Sovereignty Argument

## Supplement to the Primary Constitutional Defense Brief

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## PREFATORY NOTE

The primary Constitutional Defense Brief established that the Executive Order on Defending American Electoral Sovereignty rests on four unassailable pillars: *Bluman v. FEC*, Youngstown Zone 1 authority, IEEPA, and FARA. Those pillars are sufficient to defeat any legal challenge the Order will face.

This Addendum goes further. It presents the deeper constitutional architecture — the foundational arguments rooted in the original design of the republic itself — that not only defend the Order but establish it as an affirmative constitutional duty of the executive branch. These arguments answer a question the primary brief did not need to address: not merely *can* the President do this, but *must* he?

The answer, grounded in the Ninth Amendment, the Guarantee Clause, the Declaration of Independence, the Preamble, the structural logic of the Constitution, and the doctrine of popular sovereignty, is yes. The President is not merely *permitted* to defend the electoral sovereignty of the American people against foreign financial capture. He is *constitutionally obligated* to do so.



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This Addendum presents six additional constitutional arguments. Each independently supports the Order. Together, they establish that the Order's opponents are not merely arguing against executive overreach — they are arguing that the Constitution is indifferent to the financial capture of the American legislature by foreign governments. That argument is not just wrong. It is a constitutional absurdity.

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## ARGUMENT ONE: THE NINTH AMENDMENT — THE FOUNDATIONAL RIGHT TO DEMOCRATIC SELF-GOVERNANCE

### A. Text and Original Purpose

The Ninth Amendment provides: *"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."*

The Federalists originally contended that a bill of rights was unnecessary — arguing that since it would be impossible to list all rights, it would be dangerous to list some and thereby lend support to the argument that government was unrestrained as to those rights not listed. James Madison, in introducing the proposed amendments to the House, articulated this concern directly — that listing specific rights might by negative implication suggest that unlisted rights were surrendered to government.

The Ninth Amendment was the answer to that danger. It is a positive affirmation that people retain real, fundamental, and legally protectable rights beyond those listed in the first eight amendments — rights connected to the Founders' belief in natural rights, the idea that all humans possess inherent liberties that predate any government.

### B. The Right to Democratic Self-Governance Is the Most Fundamental Retained Right

Among all the unenumerated rights retained by the American people, none is more foundational, more pre-political, or more essential to the existence of all other rights than this: **the right of a free people to govern themselves through elections that are genuinely their own.**



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This right was not enumerated in the Bill of Rights not because the Founders overlooked it, but because it was so foundational — so obviously the premise upon which the entire constitutional order rested — that listing it alongside freedom of speech and freedom of religion would have trivialized it. It is the right from which all other rights derive their meaning and their protection. Without it, the First Amendment is a courtesy. Without it, the Fourth Amendment is a suggestion. Without it, the Fifth Amendment is an inconvenience to whoever has purchased the government.

The Ninth Amendment exists precisely to prevent the argument that because democratic self-governance was not explicitly listed, it is therefore unprotected. That argument — which AIPAC and its allies will not quite make openly but will imply through their First Amendment claims — is precisely what the Ninth Amendment was designed to foreclose.

## **C. Foreign Financial Capture Destroys the Retained Right — It Does Not Exercise One**

Here is the critical constitutional inversion that the Order's opponents will attempt:

They will claim the First Amendment *right* to spend money in elections. They will invoke *Citizens United*. They will wrap themselves in the language of free speech and political participation.

What they will not acknowledge is this: **their conduct does not exercise a constitutional right — it destroys one.** The right being destroyed belongs to the American people — the retained, unenumerated, foundational Ninth Amendment right to govern themselves through elections that are genuinely free from foreign financial domination.

The Ninth Amendment is a constitutional mandate for the judiciary to guard fundamental, unenumerated liberties — applying a presumption of liberty and placing the burden on government to justify any law that infringes on personal freedom. Here, the burden runs the other way: the foreign-aligned organization seeking to spend hundreds of millions of dollars purchasing congressional seats must justify why that conduct does not destroy the most fundamental retained right of the American people. It cannot meet that burden. No argument exists that the Ninth Amendment's protection of the people's retained rights encompasses the right of foreign governments, acting through domestic conduits, to purchase the legislature of the United States.

## **D. The Positive Constitutional Duty This Creates**



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The Ninth Amendment's protection of retained rights is not merely a shield against government overreach. When the threat to a retained right comes not from the government but from an external actor — in this case, foreign-aligned organizations — the President's Article II duty to protect the constitutional order becomes an affirmative obligation to act. The Take Care Clause and the Ninth Amendment together create the constitutional mandate: the President must take care that the laws are faithfully executed in defense of the rights the people have retained.

The Order is the execution of that mandate.

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## ARGUMENT TWO: ARTICLE IV, SECTION 4 — THE GUARANTEE CLAUSE AND THE REPUBLICAN FORM OF GOVERNMENT

### A. The Constitutional Text

Article IV, Section 4 of the Constitution provides: *"The United States shall guarantee to every State in this Union a Republican Form of Government."*

At its core, the Guarantee Clause provides for majority rule. A republican government is one in which the people govern through elections — this is the constant refrain of the Federalist Papers.

### B. A Congress Purchased by Foreign Money Is Not a Republican Form of Government

The Founders' understanding of a republican form of government was specific and unambiguous on one point above all others: it is a government in which the people — not kings, not foreign powers, not hereditary interests — exercise sovereign authority through chosen representatives. The government must be chosen by election as opposed to dictatorships, monarchies, or military rule.

The question the Guarantee Clause now poses — and that this Order answers — is this: Is a Congress whose composition is systematically determined by hundreds of millions of dollars in foreign-aligned spending still a republican form of government? Is representation that has been purchased by a foreign principal still representation? Is a legislature that fears financial



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annihilation for exercising independent judgment on matters of national security still a free legislature?

The answer to each question is no. A legislature that does not govern for the people because it has been financially captured by a foreign-aligned principal is not a republican form of government in any meaningful constitutional sense. It is a foreign-influenced administration dressed in the language of popular sovereignty.

## C. The Guarantee Clause Is a Presidential Enforcement Authority

The Supreme Court held in *Luther v. Borden* (1849) that questions arising under the Guarantee Clause are generally political, and not judicial, in character. This holding has been consistently reaffirmed: Guarantee Clause enforcement is committed to the political branches — Congress and the President — not the courts.

This is strategically critical. It means:

First, courts will not second-guess the President's determination that foreign-aligned electoral capture threatens the republican form of government. That determination is committed to the executive's political judgment.

Second, the President's exercise of Guarantee Clause authority is not subject to judicial review in the ordinary sense. When the President acts to protect the republican form of government from foreign financial capture, he is exercising a constitutional function that the courts have explicitly declined to police.

Third, the opponents of this Order cannot use the courts to enjoin executive action taken in direct enforcement of the Guarantee Clause. To do so would require a court to rule that foreign financial purchase of the United States Congress is consistent with a republican form of government — a holding no federal court will ever make.

## D. The Invasion Parallel

The Guarantee Clause makes three related assurances: a guarantee of a republican form of government, protection against foreign invasion, and upon request, protection against internal insurrection.

Note the structure. The Framers placed the guarantee of republican government in the same clause as protection against foreign invasion. This was not accidental. They understood that



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foreign military invasion and the corruption of republican self-governance by foreign interests were threats of the same fundamental character — attacks on the sovereignty and independence of the American republic. The method differs. The harm is identical: a people losing control of their own government to a foreign power.

The Order addresses a 21st-century form of the same threat the Framers placed in Article IV, Section 4. It is not a stretch of constitutional interpretation. It is the direct application of constitutional principle to contemporary circumstances.

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## **ARGUMENT THREE: THE DECLARATION OF INDEPENDENCE AS INTERPRETIVE AUTHORITY — THE CONSENT OF THE GOVERNED**

### **A. The Declaration as Constitutional Touchstone**

The Declaration of Independence is not positive law. But it is the foundational interpretive document of the American constitutional order — the statement of first principles from which the Constitution derives its legitimacy and its meaning.

The Declaration's most consequential phrase for this analysis: "*...deriving their just powers from the consent of the governed.*"

This is not merely political philosophy. It is the premise upon which the entire American constitutional system rests. The Constitution's authority is legitimate because — and only because — it expresses the consent of the American people to be governed in the manner it prescribes. Remove genuine consent, and you remove the Constitution's moral authority along with it.

### **B. Foreign Financial Capture Makes Consent a Fiction**

When foreign money determines who sits in Congress, the consent of the governed becomes a fiction. The American voter enters the booth believing their vote will determine their representative. But the field of candidates has already been shaped — primary challengers eliminated, compliant incumbents protected, independent voices financially destroyed — by a



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foreign-aligned organization that has spent hundreds of millions of dollars before a single American cast a vote.

This is not the consent of the governed. It is the manufacture of the appearance of consent while its substance has been removed. It is the hollowing out of democratic self-governance from the inside while maintaining its external forms.

The President of the United States, who takes an oath to preserve, protect, and defend the Constitution — and whose constitutional authority derives, as all American governmental authority derives, from the consent of the governed — has an inherent obligation to protect the integrity of that consent. The Order executes that obligation.

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## **ARGUMENT FOUR: THE PREAMBLE — "WE THE PEOPLE" AS OPERATIVE CONSTITUTIONAL TEXT**

### **A. The Preamble's Constitutional Weight**

The Preamble to the Constitution — *"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution"* — is not merely introductory language. It identifies the source of constitutional authority: We the People. Not foreign governments. Not foreign-aligned organizations. Not any external power whatsoever. The People of the United States.

### **B. "Secure the Blessings of Liberty to Ourselves and Our Posterity"**

The Preamble's stated purpose of securing the blessings of liberty — not to foreign governments, not to their agents, but to "ourselves and our Posterity" — is directly implicated by the Order. When foreign-aligned organizations systematically purchase the composition of the United States Congress, they are not securing the blessings of liberty to the American people. They are extracting the blessings of American governmental power for the benefit of a foreign principal.

The Order reverses this extraction. It restores the alignment — broken by decades of foreign-aligned electoral interference — between the purposes stated in the Preamble and the actual operation of the American government.



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## **C. The Preamble as a Structural Argument Against Foreign Sovereignty Over American Governance**

"We the People" is a term of exclusion as much as inclusion. It defines the political community whose consent legitimizes the constitutional order. Foreign governments are not part of "We the People." Foreign-aligned organizations acting in the interests of foreign governments are not part of "We the People." They cannot, consistent with the constitutional text, claim authority to shape the government that "We the People" ordain and establish.

The Order enforces this exclusion. It reasserts the constitutional boundary between the American political community — whose participation in elections is protected — and foreign principals — whose financial capture of the American legislature is not.

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## **ARGUMENT FIVE: STRUCTURAL CONSTITUTIONAL INTEGRITY — THE SEPARATION OF POWERS REQUIRES A FREE LEGISLATURE**

### **A. The Structural Premise of the Constitution**

The Constitution's architecture — separation of powers, checks and balances, bicameralism, federalism — rests on a foundational structural premise: that each branch of government exercises its authority independently, in response to its constitutional mandate and its accountability to the American people. A legislature that is financially captured by a foreign-aligned principal cannot perform this function. It cannot check the executive. It cannot represent its constituents. It cannot exercise independent judgment on matters of war, peace, and national security.

### **B. Foreign Financial Coercion of the Legislative Branch Is a Structural Attack on the Constitution**

When a foreign-aligned organization spends hundreds of millions of dollars to destroy the electoral prospects of any member of Congress who votes contrary to a foreign government's preferences, it is not merely influencing policy. It is attacking the structural integrity of the American constitutional order. It is replacing the accountability relationship — member to constituent — with a different accountability relationship: member to foreign principal.



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This structural attack is more insidious than any external military or cyber threat because it operates through the forms of the Constitution while subverting its substance. The Congress still meets. Bills are still passed. Votes are still taken. But the outcomes are not determined by the American people — they are determined by who the foreign-aligned organization has permitted to sit in those seats.

## **C. The President's Structural Obligation**

The President's oath to "preserve, protect, and defend the Constitution" is not a ceremonial formality. It is a substantive constitutional commitment that encompasses the obligation to protect the structural integrity of the constitutional order — including the independence of the legislative branch from foreign financial coercion. A President who observes foreign-aligned organizations systematically purchasing the composition of Congress and does nothing has failed that oath.

The Order is the fulfillment of that oath.

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## **ARGUMENT SIX: THE FIRST AMENDMENT INVERSION — FOREIGN FINANCIAL CAPTURE SUPPRESSES AMERICAN POLITICAL SPEECH**

### **A. The Opposition's First Amendment Argument Is Internally Contradictory**

AIPAC and its allies will invoke the First Amendment. But their First Amendment argument contains a fatal internal contradiction: the very conduct they seek to protect — the use of foreign-aligned money to financially destroy candidates who express certain views on American foreign policy — is itself the most powerful suppression of American political speech in the modern era.

When a foreign-aligned organization spends tens of millions of dollars to defeat a congressional candidate because that candidate called for a ceasefire, expressed concern about civilian casualties, or questioned the wisdom of an unlimited military aid commitment, it is not engaging in speech. It is suppressing the speech — and the political existence — of an American citizen who exercised their First Amendment right to hold and express a policy position.



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The First Amendment does not permit one actor's "speech" to financially annihilate another actor's speech. That is not free speech. That is the purchase of a speech monopoly — in this case, a foreign-purchased monopoly over what positions American elected officials are permitted to hold on matters of American foreign policy.

## **B. The Order Protects First Amendment Rights — It Does Not Restrict Them**

The Order does not restrict what anyone may say about Israel, about American foreign policy, about military aid, or about any political question. AIPAC is free to publish op-eds, hold conferences, educate voters, lobby members of Congress, and advocate for any policy position it chooses. The Order restricts none of that.

What the Order restricts is the use of foreign-aligned money to purchase the composition of the United States Congress. That restriction does not limit speech. It protects the speech — and the political existence — of every American candidate and member of Congress who might otherwise be financially destroyed for exercising independent judgment.

The true First Amendment case here runs in favor of the Order, not against it.

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## **SYNTHESIS: THE CONSTITUTIONAL CASE FOR AN AFFIRMATIVE EXECUTIVE DUTY**

These six arguments converge on a single conclusion that goes beyond the primary brief's demonstration that the Order is *permissible*:

### **The Order is constitutionally required.**

- The Ninth Amendment protects the American people's retained right to democratic self-governance. The President has an affirmative obligation to defend that right against foreign financial assault.
- The Guarantee Clause obligates the United States to guarantee a republican form of government. A Congress purchased by foreign money is not a republican form of government. The President must act.
- The Declaration of Independence's consent of the governed is the moral foundation of all American governmental authority. Foreign financial capture of the legislature makes that consent a fiction. The President must restore it.



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- The Preamble's "We the People" defines the political community whose participation in elections is legitimate. Foreign principals are excluded by the constitutional text itself. The President must enforce that exclusion.
- The structural integrity of the constitutional order requires a free and independent legislature. Foreign financial coercion destroys that independence. The President must defend it.
- The First Amendment's protection of political speech requires a political environment in which Americans can hold and express any political position without fear of foreign-financed electoral annihilation. The Order creates that protection. The President must establish it.

No future court, no future Congress, and no future President will be able to argue that the Constitution is silent on this question. This Addendum, this Order, and this administration's enforcement record will establish for the permanent legal record that the Constitution speaks clearly — and that it speaks in favor of the American people's right to govern themselves.

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## CLOSING ARGUMENT: WHAT HISTORY WILL JUDGE

The opponents of this Order will call it overreach. They will call it unconstitutional. They will file their challenges in federal courts and they will fund those challenges with the same money they have used to purchase the Congress this Order is designed to protect.

And when those challenges fail — as they will, on *Bluman*, on IEEPA, on FARA, and on every argument in this brief and its addendum — what will remain in the public record is this:

The United States government, under this President, looked at the financial capture of the American legislature by foreign-aligned interests and chose to act. It acted on the clearest legal authority. It acted on the deepest constitutional principles. It acted on the most fundamental retained right of the American people.

And it won.

The Constitution was written by people who had just finished fighting a revolution to free themselves from foreign domination of their government. They did not write a document that is indifferent to foreign domination of their government returning in a new form. They wrote a



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document that prevents it — in the text, in the structure, in the unenumerated rights retained by the people, and in the guarantee of a republican form of government that belongs to "We the People" and to no one else.

This Order enforces that document. It always has.

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*This addendum supplements the primary Constitutional Defense Brief and is intended for review and refinement by White House Counsel upon taking office. It does not constitute legal advice.*