

nbC Warrior CDR Charles Kerchner (Ret) Strikes Again

by [Joseph DeMaio](#), ©2024

10-446 KERCHNER, CHARLES, ET AL. V. OBAMA, PRESIDENT OF U.S., ET AL.
The motion of Western Center for Journalism for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

<https://www.scribd.com/document/44359775/U-S-Supreme-Court-Order-List-562-U-S-dated-2010-11-29-Kerchner-v-Obama-Petition-Decison-on-Pg-15>

(Jan. 2, 2024) — With the possible exception of attorney Mario Apuzzo – passing away prematurely and lamentably in 2021 – one of the most vigorous warriors in the continuing battle over the issue of who is, and critically who is *not* a “natural born Citizen” (“nbC”) under the Constitution, is retired naval reserve Commander Charles F. Kerchner, Jr.

Indeed, [Mario Apuzzo](#) was Commander Kerchner’s lawyer in one of the first major nbC “eligibility” challenges to reach the front doors of the U.S. Supreme Court – [Kerchner v. Obama](#), 612 F.3d 204 (3d. Cir. 2010), *cert. denied*, 562 U.S. 1082 (2010) – only to have the Court slam the doors shut and refuse to take the case. The lower court had ruled that CDR Kerchner lacked “standing” to maintain the action, so that decision stood undisturbed.

That case, along with numerous subsequent ones, were filed over the years in various state and federal courts, with virtually all of them meeting the same fate. The courts nearly unanimously held that the plaintiffs challenging Barack Obama’s purported nbC status lacked the requisite litigant standing to bring or maintain their actions. Given the nature and gravity of the issue, that is a *sad* track record for the judiciary and a regrettable one for the Republic.

Moreover, in the one state appellate decision thus far handed down *purporting* – erroneously – to actually reach the nbC issue “on the merits” – [Ankeny v. Governor of the State of Indiana](#), 916 N.E.2d 678 (App. 2009) (“Ankeny”) – the Indiana Court of Appeals, utilizing faulty reasoning and linguistic somersaults to reach its result stated, in *obiter dictum*, that Obama was, in its view, an nbC eligible to the presidency. The matter stopped there and was not appealed further.

The relevant facts follow. On December 9, 2008, Plaintiffs filed a "PETITION FOR EXTRAORDINARY WRIT OF PROHIBITION" against the Governor³ to prevent the Governor "from issuing a 'Certificate of Ascertainment,' or any other document, to Congress of the United States containing any popular votes for Barack Obama and Joe Biden for the appointment as Chief Electors . . . [or] John McCain and Sarah Palin for the appointment of Electors." Appellants' Appendix at 6. On January 30, 2009, the Governor filed a motion to dismiss alleging in part that "the Plaintiffs have failed to state a claim upon which relief can be granted." Appellee's Appendix at 1. The Governor also filed a memorandum in support of the motion to dismiss. On February 17, 2009, the Plaintiffs filed their

<https://casetext.com/case/ankeney-v-governor-of-state-of-indiana>

The *Ankeny* complaint was dismissed not on the basis of lack of standing, but because the court concluded it "failed to state a claim upon which relief could be granted." In your humble servant's view, the *Ankeny* decision is flat wrong, for the reasons discussed [here](#).

But I digress.

CDR Kerchner has now posted and helpfully provided a link to a new and timely (Dec. 31, 2023) video revisiting the Obama "[birth certificate](#)" issue. Produced by one Zach De Gregorio, proprietor of the website "[wolvesandfinance.com](#)," the information in the video is largely replicated from the cache of information gathered in prior years by Maricopa County (Arizona) Sheriff Joe Arpaio and his lead investigator on the Obama "Cold Case Posse" birth certificate issue, Mike Zullo.

P&E readers are encouraged to view the entire 26-minute video to refresh their memories with regard to the wide spectrum of unexplained "anomalies" in the "image" of a document Obama posted on the White House official website while he occupied – many would argue, usurped – the office of the President for eight years. Additional information on the topic, of course, can be found on CDR Kerchner's comprehensive [website](#).

There are, however, some interesting new nuggets of information in the video making a revisiting of the nbC issue not only timely, but critically important as the nation approaches another general election on Nov. 5, 2024. Specifically, the question of whether certain individuals – including Kamala Harris, Nikki Haley and Vivek Ramaswamy, not to mention Barack Obama – are true "natural born Citizens" as contemplated and intended by the Founders has now returned to a front burner.

The video notes that, because of the recent Colorado Supreme Court [decision](#) booting President Trump from that state's primary ballot – purportedly because he is "disqualified" under the 14th Amendment to the Constitution, a slightly different but closely-related concept to "eligibility" under Art. 2, § 1, Cl. 5 – a revisiting of the question of who can, and who cannot, be an nbC is both timely and prudent.

Moreover, while the video does *not* delve into the significance and impact of the definition of an nbC as articulated by Swiss attorney, jurist and scholar Emer de Vattel in Book 1, Ch. 19, § 212 of his 1758 treatise *The Law of Nations*, it provides useful corroboration of the conclusion that it was, in fact, the definition adopted by the Founders in 1787.

Specifically, it reiterates that the person Barack Obama claims was his father – Barack Hussein Obama, Sr. – was a Kenyan, rather than a U.S. citizen, when the junior Obama was allegedly born in Honolulu, Hawai’i on Aug. 4, 1961. Under a “de Vattel” analysis, that would render Obama ineligible.



The interrelationship between and among the myriad issues surrounding the *bona fides* of Obama’s “birth certificate;” the unexplained anomalies in that document, which exists only as a “picture” of a birth certificate on the Internet rather than a hard, paper-embossed original as critiqued [here](#); and the unexplained fact of Obama’s seemingly impossible, and thus fraudulent social security number; are questions demanding answers.

These anomalies, coupled with the growing likelihood that at least two people vying to be the GOP presidential nominee – Haley and Ramaswamy – as well as the sitting Vice President – Kamala Harris – may very well be ineligible to serve as either president or vice-president, compel the conclusion that the nbC issue is *not* settled.

This is particularly evident upon further examination of the “de Vattel” approach to confirming eligibility, requiring birth “in” the United States to two parents who were U.S. citizens when the birth occurred. Any other protocol violates the Founders’ goal of confining the presidency to persons of sole and undivided allegiance to the United States.

Remember the words attributed to Soviet Union dictator Joseph Stalin: “Those who cast the ballots determine nothing; those who count the ballots determine everything.” An informed electorate – particularly when significant questions exist as to the legitimacy of the voting and

ballot counting process – is essential to the preservation of a constitutional republic such as the United States.

A significant component of that base of information is that persons who have occupied the office of the president and the vice president in the past, as well as those aspiring to occupy those offices in the future, be confirmed as constitutionally eligible in the first place. Recall as well that there are few people to be pitied more than the willfully uninformed.



And, by the way, if it is proven that Barack Hussein Obama, Jr. was ineligible to the presidency and thus, usurped the office..., why are we continuing to pay him the presidential retirement stipend of a little less than a quarter million dollars per year, as he lounges on the veranda of his mansion in Martha's Vineyard? Is it time to also revisit your humble servant's [question](#) of whether recovery of illegally paid retirement benefits to Obama under a *qui tam* action might be considered?

There are many who believe that Obama is actually the marionette-master pulling the strings of our current, in-name-only empty-suit excuse for a president, Brandon, the Goof at 1600. They assert that [Obama is actually serving a de facto third term](#) as chief executive..., unconstitutional, of course, but remember: he is a Democrat and compliance with that ancient document is *entirely* optional for members of that political cabal. Who knows, if Obama had been declared ineligible in 2008, many if not *most* of the diseases now afflicting the body politic might never have happened.

Inquiring minds need to know..., assuming there remain any inquiring minds out there that care more than two red cents about adherence to the Constitution's Eligibility Clause and the future of the Republic. Those minds certainly don't reside within the D.C. Beltway.



<https://www.youtube.com/watch?v=dOP5Y9OUJyk>

But as long as nbC warriors like CDR Kerchner and videographers like De Gregorio, along with intrepid editors at *The P&E*, refuse to relent, the nbC issue might finally..., *perhaps*..., be addressed and resolved by the Supreme Court.

Spoiler alert: as cautioned by [Justice Thomas](#), don't bet the farm on it or hold your breath.