

[On Sovereign Immunity - Kerchner v Obama & Congress](#)

by [Mountain Publius Goat](#) on Thu Jul 02, 2009 4:14 pm

Kerchner On Sovereign Immunity - Kerchner v Obama & Congress

Here is the link to the latest post by Mr. Kerchner, the Lead Plaintiff, in the Kerchner vs Obama & Congress lawsuit in Attorney Mario Apuzzo's blog:

<http://puzo1.blogspot.com/2009/07/on-sovereign-immunity.html>

Kerchner: On sovereign immunity:

In the case of constitutional issues the Constitution is sovereign, and/or "We the People" by amending it by the process provided in that Constitution, not a branch of the federal government which is ignoring it. We the People created the federal government enabled by the founding document the federal U.S. Constitution. The Congress or the President cannot arbitrarily ignore the U.S. Constitution and those branches of the federal government cannot hide behind sovereign immunity. For if they can the Constitution is then no longer the supreme law of the land and the Congress and the President have placed themselves above that supreme law. We would no longer be a nation of laws if the supreme law of the land can be ignored and not enforced by the whims of the simple political majority in control of Congress.

I believe that Article I, Section 6, clause 1 protects the individual Senators and Reps from arrest and/or charges due to their speech and debate. It does not grant sovereign immunity to the Congress as a whole or the Senate as a body or the House as a body to totally ignore the Constitution, the "fundamental law" as Vattel describes such laws, and the foundational law of our federal government and nation. The sovereign power in our Republic is "We the People" and the Constitution we established to limit the power of the Federal Government, and thus the Congress which is part of that. Thus the Congress as a body in our government is not sovereign and thus cannot have sovereign immunity regarding charges that it as a body did not do its constitutional duty and/or ignored parts of the constitution. Who or what is the USA. It is the several states and We the People and the Constitution. It is not the Congress and it is not the President. The Constitution is the supreme and sovereign law. Congress is not sovereign and neither is the President and thus they cannot use sovereign immunity to betray and undermine the constitution. If the Congress is sovereign, then Congress would be the ultimate power and even be above the constitution. That is not our system of government. And that is not what Vattel taught either and wrote about a republic with a written constitution. The elected officials are our representatives and we acquiesce to them to run the government as long as they obey the Constitution and not ignore any part of the Constitution, the supreme law of the land, and that these elected representatives act in a way to protect our life, liberty, and pursuit of happiness which our patriot ancestors and many who have served since fought and died to obtain and keep for us. The written Constitution is supreme and sovereign as that contract was established by We the People acting through the several states. And it states

it takes 3/4th of the several states via agreement of the People of those states speaking through their respective legislative body to change that sovereign law, the U.S. Constitution.

The Constitution is the supreme and sovereign law. The President and Congress are not above the law. I did not swear an oath defend a man or any particular President or a piece land. I swore an oath to support and defend the Constitution against all enemies foreign and domestic. I intend to do so.

Charles F. Kerchner, Jr.
CDR USNR Retired
Lead Plaintiff
Kerchner et al vs. Obama & Congress et al

Goat

"The American people will never knowingly adopt Socialism. But under the name of liberalism they will adopt every fragment of the Socialist program, until one day America will be a Socialist nation without knowing how it happened." Norman Thomas



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