

[Kerchner Appeal Filed to Fed 3rd Circuit Court of Appeals](#)

by [Mountain Publius Goat](#) on Tue Oct 27, 2009 5:56 pm

Kerchner v Obama & Congress Appeal Filed to the Federal 3rd Circuit Court of Appeals in Philadelphia PA.

<http://puzo1.blogspot.com/2009/10/kerchner-appeal-filed-with-third.html>

News Release

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Kerchner et al vs. Obama & Congress et al Lawsuit Decision Appealed to Federal 3rd Circuit Court of Appeals in Philadelphia, PA

JAMESBURG, NJ – (Oct. 27, 2009) - Attorney Mario Apuzzo of Jamesburg, NJ, today filed an appeal with the Federal Third Circuit Court of Appeals in Philadelphia, PA, on behalf of plaintiffs Charles F. Kerchner, Jr., Lehigh County, PA; Lowell T. Patterson, Burlington County, NJ; Darrell J. LeNormand, Middlesex County, NJ; and Donald H. Nelsen, Jr., Middlesex County, NJ; challenging the recent decision of Judge Jerome Simandle, Federal District Court, Camden, NJ, dismissing the lawsuit charging that Barack Hussein Obama, aka Barry Soetoro, has hidden all his early life records including his original long-form birth certificate, early school records, college records, travel and passport records, and has not conclusively proven to any controlling legal authority that he is Article II, Section 1, Clause 5 constitutionally eligible to serve as the President and Commander-in-Chief of our military.

Obama was born a British Subject to a British Subject father and Obama is still a British Subject/Citizen to this day since he has never renounced it. According to this lawsuit Obama was born a dual-citizen with dual allegiances, is not constitutionally eligible to be the President and Commander-in-Chief of our military. The founders of our country and framers of our Constitution required the President have sole allegiance to the USA at birth, which Obama does not have. Obama has multiple foreign allegiance claims on him because of his British birth. Obama's father was not a U.S. Citizen or immigrant to the USA. The lawsuit seeks a trial on the merits to determine the true facts of Obama's legal identity and exact citizenship status and requiring Obama to prove to the courts that he is eligible for the federal office he sits in per our Constitution, Article II, Section 1, Clause 5, which states:

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.

The legal term of art, natural born citizen, is defined by the world renowned legal scholar Emmerich de Vattel in his pre-eminent legal treatise and enlightenment to the world of jurisprudence in the revolutionary period, The Law of Nations and Natural Law, published in 1758, and which was used by the founders during the Continental Congress formation of our country and by the framers of our U.S. Constitution, and whose definition of natural born Citizen is incorporated in several U.S. Supreme Court decisions. Vattel and U.S. Supreme Court decisions agree that a natural born citizen is a person born in the country to two parents who are

both citizens of the country. Obama's father was not a citizen, nor even an immigrant to the USA. Thus Obama is not a natural born citizen of the USA, and that is the reason for the lawsuit.

- more-

The lawsuit was filed early in the morning of January 20, 2009, before Obama was sworn in. The case was dragged out by delays by the government in addressing the case and deciding on whether the case would proceed to a fact finding trial on the merits or not. The court has decided that it will not go to the merits and has dismissed the case using technical and procedural tactics to keep the Plaintiffs from getting to the merits of the charges.

By the Court finding that plaintiffs do not have standing and that their claims present a political question, the Court was able to avoid having to address the underlying merits of the Kerchner case. With such a decision, the American People unfortunately still do not know where Obama was born and whether he is an Article II "natural born Citizen" and therefore constitutionally eligible to be President and Commander in Chief.

For more information about the lawsuit see these links:

<http://www.scribd.com/doc/19914488/Kerchner-v-Obama-Congress-Table-of-Contents-2nd-Amended-Complaint>

<http://www.scribd.com/doc/11317148/Kerchner-et-al-v-Obama-Congress-et-al-filed-at-250-am-20Jan2009-2nd-Amendment-filed-09Feb2009>

<http://www.scribd.com/doc/17748032/Kerchner-v-Obama-Congress-Docket-Report>

<http://puzo1.blogspot.com/2009/10/real-kerchner-v-obama-congress-case-is.html>

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For additional comments or information please contact Mario Apuzzo, Attorney at Law, 185 Gatzmer Avenue, Jamesburg, NJ, 08831, Tel: 732-521-1900, Fax: 732-521-3906, Email: Apuzzo@erols.com

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"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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