

Kerchner et al v Obama et al
[2nd Amended Verified Complaint](#)
Amendment Filed 9 February 2009
Original Lawsuit Filed 2:50 a.m. 20 January 2009

The Twelve Counts – See Full Complaint for Details

**Count I: First Amendment-Abridged Right to
Petition the Government v. Non-Obama Defendants 37**

THE NON-OBAMA DEFENDANTS VIOLATED PLAINTIFF KERCHNER'S RIGHTS UNDER THE FIRST AMENDMENT BY ABRIDGING HIS RIGHTS TO PETITION HIS GOVERNMENT FOR A REDRESS OF GRIEVANCES WHEN THEY UNJUSTIFIABLY FAILED TO ADDRESS AND IGNORED PLAINTIFF'S PETITIONS TO THEM TO INVESTIGATE WHETHER OR NOT OBAMA IS AN ARTICLE II "NATURAL BORN CITIZEN" AND QUALIFIED TO BE PRESIDENT AND COMMANDER IN CHIEF OF THE UNITED STATES

**Count II: Fifth Amendment-Procedural Due Process
v. Non-Obama Defendants 39**

THE NON-OBAMA DEFENDANTS VIOLATED PLAINTIFFS' FIFTH AMENDMENT RIGHTS BY DEPRIVING THEM OF A LIBERTY INTEREST WITHOUT PROCEDURAL DUE PROCESS OF LAW BY FAILING UNDER THE PROCEDURAL GUIDELINES OF THE TWENTIETH AMENDMENT AND 3 U.S.C. 15 TO AFFORD PLAINTIFFS AN OPPORTUNITY TO BE HEARD THROUGH THEIR ELECTED REPRESENTATIVES AND BY FAILING TO CONDUCT AN APPROPRIATE CONGRESSIONAL INVESTIGATION AND HEARING ON WHETHER OBAMA WAS BORN IN THE UNITED STATES AND WHETHER HE IS AN ARTICLE II "NATURAL BORN CITIZEN" AND QUALIFIED TO BE PRESIDENT AND COMMANDER IN CHIEF THEREOF

**Count III: Fifth Amendment-Substantive Due Process
v. Obama 43**

DEFENDANT OBAMA VIOLATED PLAINTIFFS' FIFTH AMENDMENT RIGHTS BY DEPRIVING THEM OF A LIBERTY INTEREST WITHOUT SUBSTANTIVE DUE PROCESS OF LAW BY COMMENCING AND CONTINUING THE OCCUPATION OF THE OFFICE OF PRESIDENT WHILE REFUSING TO HONOR THEIR REQUESTS PURSUANT TO ARTICLE II THAT HE PROVE THROUGH CREDIBLE, OBJECTIVE, AND SUFFICIENT EVIDENCE THAT HE WAS BORN IN THE UNITED STATES AND IS AN ARTICLE II "NATURAL BORN CITIZEN" THEREOF

**Count IV: Fifth Amendment-Substantive Due Process
v. Non-Obama Defendants**

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THE NON-OBAMA DEFENDANTS VIOLATED PLAINTIFFS' FIFTH AMENDMENT RIGHTS BY DEPRIVING THEM OF A LIBERTY INTEREST WITHOUT SUBSTANTIVE DUE PROCESS OF LAW BY ALLOWING OBAMA TO COMMENCE AND CONTINUE THE OCCUPATION OF THE OFFICE OF PRESIDENT WHILE REFUSING TO HONOR THEIR REQUESTS UNDER ARTICLE II AND THE TWENTIETH AMENDMENT THAT THEY ADEQUATELY CONFIRM WHETHER OBAMA WAS BORN IN THE UNITED STATES AND THAT HE IS AN ARTICLE II "NATURAL BORN CITIZEN" THEREOF

**Count V: Fifth Amendment-Equal Protection
v. Non-Obama Defendants**

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THE NON-OBAMA DEFENDANTS VIOLATED PLAINTIFFS' FIFTH AMENDMENT RIGHTS BY DENYING THEM EQUAL PROTECTION OF THE LAWS IN REFUSING AND FAILING TO EXERCISE THEIR GENERAL INVESTIGATORY AND TWENTIETH AMENDMENT POWERS TO PROTECT PLAINTIFFS BY AFFORDING THEM AN OPPORTUNITY TO BE HEARD THROUGH THEIR ELECTED REPRESENTATIVES, AND BY REFUSING AND FAILING TO CONDUCT AN APPROPRIATE INVESTIGATION, LEGAL RESEARCH, AND PUBLIC HEARINGS ON WHETHER OBAMA IS AN ARTICLE II "NATURAL BORN CITIZEN" AND QUALIFIED TO BE PRESIDENT AND COMMANDER IN CHIEF OF THE UNITED STATES WHEN THEY DID PROVIDE SUCH PROTECTION TO OTHER SIMILARLY SITUATED CONCERNED CITIZENS WHO EXPRESSED THE SAME CONCERN REGARDING PRESIDENTIAL CANDIDATE JOHN MCCAIN'S ARTICLE II "NATURAL BORN CITIZENSHIP" STATUS AND QUALIFICATIONS TO BE PRESIDENT

**Count VI: Ninth Amendment-Rights Reserved
v. Obama**

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PLAINTIFFS HAVE THE CONSTITUTIONAL RIGHT UNDER THE NINTH AMENDMENT TO COMPEL OBAMA TO SATISFY HIS ARTICLE II CONSTITUTIONAL BURDEN OF PROVING THROUGH OBJECTIVE, CREDIBLE, AND SUFFICIENT PROOF THAT HE WAS BORN IN THE UNITED STATES AND THAT HE IS AN ARTICLE II, "NATURAL BORN CITIZEN" AS THAT TERM SHALL BE DEFINED BY THE JUDICIAL BRANCH OF GOVERNMENT

**Count VII: Ninth Amendment-Rights Reserved
v. Non-Obama Defendant**

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PLAINTIFFS HAVE THE CONSTITUTIONAL RIGHT UNDER THE NINTH AMENDMENT TO COMPEL THE NON-OBAMA DEFENDANTS TO CONDUCT APPROPRIATE CONGRESSIONAL HEARINGS UNDER THE TWENTIETH AMENDMENT TO DETERMINE IF OBAMA IS ARTICLE II QUALIFIED TO BE PRESIDENT UNDER THE STANDARD TO BE ESTABLISHED BY THE COURT AND IF HE DOES NOT SO QUALIFY TO REMOVE HIM FROM THE OFFICE OF PRESIDENT AND REPLACE HIM PURSUANT TO APPLICABLE CONSTITUTIONAL PROVISIONS

**Count VIII:Tenth Amendment-Power Reserved
v. Obama**

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PLAINTIFFS HAVE THE CONSTITUTIONAL RIGHT UNDER THE TENTH AMENDMENT TO COMPEL OBAMA TO SATISFY HIS ARTICLE II CONSTITUTIONAL BURDEN OF PROVING THROUGH OBJECTIVE, CREDIBLE, AND SUFFICIENT PROOF THAT HE WAS BORN IN THE UNITED STATES AND THAT HE IS AN ARTICLE II, "NATURAL BORN CITIZEN" AS THAT TERM SHALL BE DEFINED BY THE JUDICIAL BRANCH OF GOVERNMENT

**Count IX: Tenth Amendment-Rights Reserved
v. Non-Obama Defendant**

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PLAINTIFFS HAVE THE CONSTITUTIONAL RIGHT UNDER THE TENTH AMENDMENT TO COMPEL THE NON-OBAMA DEFENDANTS TO CONDUCT APPROPRIATE CONGRESSIONAL HEARINGS UNDER THE TWENTIETH AMENDMENT TO DETERMINE IF OBAMA IS ARTICLE II QUALIFIED TO BE PRESIDENT UNDER THE STANDARD TO BE ESTABLISHED BY A COURT AND IF HE DOES NOT SO QUALIFY TO REMOVE HIM FROM OFFICE AND REPLACE HIM PURSUANT TO APPLICABLE CONSTITUTIONAL PROVISIONS

**Count X: Twentieth Amendment-Congress to
Qualify President Elect v. Non-Obama Defendants**

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GIVEN PLAINTIFFS' AND OTHER CONCERNED AMERICANS' PETITIONS TO THE NON-OBAMA DEFENDANTS TO ADDRESS THEIR GRIEVANCES REGARDING WHETHER OR NOT OBAMA IS AN ARTICLE II "NATURAL BORN CITIZEN" AND QUALIFIED TO BE PRESIDENT AND COMMANDER IN CHIEF OF THE UNITED STATES, THE NON-OBAMA DEFENDANTS VIOLATED PLAINTIFFS' RIGHTS UNDER THE TWENTIETH AMENDMENT BY FAILING TO CONDUCT AN APPROPRIATE INVESTIGATION AND HEARING THEREUNDER ON WHETHER OBAMA IS AN ARTICLE II "NATURAL BORN CITIZEN" TO ASSURE THEM THAT HE IS QUALIFIED TO BE PRESIDENT AND COMMANDER IN CHIEF OF THE UNITED STATES

Count XI: Quo Warranto v. Obama

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BECAUSE OBAMA IS NOT AN ARTICLE II "NATURAL BORN CITIZEN," THE COURT SHOULD REMOVE AND EXCLUDE HIM FROM THE OFFICE OF PRESIDENT WHICH HE PRESENTLY HOLDS AND PERMANENTLY BAR HIM FROM HOLDING THAT OFFICE

Count XII: Declaratory Action v. All Defendants

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THE COURT SHOULD DECLARE THE RIGHTS OF THE PLAINTIFFS AND THE DEFENDANTS IN CONNECTION WITH THE QUESTION OF WHETHER OBAMA IS AN ARTICLE II "NATURAL BORN CITIZEN" AND WHETHER THE NON-OBAMA DEFENDANTS ARE TO BE COMPELLED TO HOLD CONGRESSIONAL HEARING ON THE QUESTION OF WHETHER OBAMA IS AN ARTICLE II "NATURAL BORN CITIZEN" AS THAT TERM WILL BE DEFINED BY THE COURT AND IF THEY DETERMINE THAT HE IS NOT THAT THEY EXERCISE THEIR POWERS UNDER THE CONSTITUTION TO REMOVE HIM FROM THE OFFICE OF PRESIDENT AND REPLACE HIM

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