

Obama is NOT an Article II Natural Born Citizen and therefore is NOT Eligible to be President

The President and CINC of the USA Must be a "Natural Born" Citizen — U.S. Constitution, Article II, Section 1, Clause 5

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

The Law of Nations, Vattel, 1758.

Used by Ben Franklin, John Jay, George Washington, and others.

Vol.1, Ch.19, Section 212:

"natural-born citizens, are those born in the country, of parents who are citizens"

Obama when born in 1961 was a British Subject at birth.

Obama's Father was NOT a U.S. Citizen, nor was he an Immigrant to the USA, nor was he even a Permanent Resident of the USA.



Article II "Natural Born Citizen" Means Unity of Citizenship At Birth

Article II of our Constitution has a lot to say about how a would-be President is born. "Natural born Citizen" status requires not only birth on U.S. soil but also birth to parents who are both U.S. citizens by birth or naturalization. This unity of jus soli (soil) and jus sanguinis (descent) in the child at the time of birth assures that the child is born with sole allegiance (obligation of fidelity and obedience to government in consideration for protection that government gives (U.S. v. Kuhn, 49 F.Supp.407, 414 (D.C.N.Y)) and loyalty to the United States and that no other nation can lay any claim to the child's (later an adult) allegiance and loyalty. Indeed, under such birth circumstances, no other nation can legally or morally demand any military or political obligations from that person. The child, as he/she grows, will also have a better chance of not psychologically struggling with conflicted allegiance and loyalty to any other nation.

Unity of citizenship is based on the teachings of the law of nature (natural law) and the law of nations, as confirmed by ancient Greek and Roman law; American, European, and English constitutions, common and civil law, and statutes; and Vattel's, The Law of Nations, all of which the Founding Fathers read and understood. These sources have taught civilizations from time immemorial that a person gains allegiance and loyalty and therefore attachment for a nation from either being born on the soil of the community defining that nation or from being born to parents who were also born on that same soil or who naturalized as though they were born on that soil. It is only by combining at birth in the child both means to inherit these two sources of citizenship that the child by nature and therefore also by law is born with only one allegiance and loyalty to and consequently attachment for only the United States.

Our Constitution requires unity of U.S. citizenship from birth only for the Office of President and Commander in Chief of the Military, given the unique nature of the position, a position that empowers one person to decide whether our national survival requires the destruction of or a nuclear attack on or some less military measure against another nation or group. It is required of the President because such a status gives the American people the best Constitutional chance that a would-be President will not have any foreign influences which because of conflict of conscience can most certainly taint his/her critical decisions made when leading the nation. Hence, the special status is a Constitutional eligibility requirement to be President and thereby to be vested with the sole power to decide the fate and survival of the American people. Of course, the status, being a minimum Constitutional requirement, does not guarantee that a would-be President will have love and fealty only for the United States. Therefore, the final informed and intelligent decision on who the President will be is left to the voters, the Electors, and Congress at the Joint Session, to whom hopefully responsible media and political institutions will have provided all the necessary vetting information concerning the candidate's character and qualifications to be President.

Through historical development, unity of citizenship and sole allegiance at birth is not required for U.S. born citizen Senators, Representatives, and regular citizens under the 14th Amendment and Congressional enactments. In contradiction and which confirms the Founding Fathers' meaning of what a "natural born Citizen" is, naturalized citizens, since 1795, before becoming such must swear an oath that they renounce all other allegiances to other nations. During the Washington

Administration, the First Congress passed the Naturalization Act of 1795 in which it provided that new citizens take a solemn oath to support the Constitution and "renounce" all "allegiance" to their former political regimes. This is during the time that most of the Framers were alive and still actively involved in guiding and forming the new national government and Constitutional Republic. Today, we still require that an alien upon being naturalized must give an oath that he/she renounces all former allegiances and that he/she will "support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic." Hence, allegiance is not simply a thing of the past but very much with us today. It is important to also understand that naturalization takes an alien back to the moment of birth and by law changes that alien's birth status. In other words, naturalization, which by legal definition requires sole allegiance to the United States, re-creates the individual as though he were a born Citizen but only does it by law and not by nature. This is the reason that the 14th Amendment considers a naturalized person to be a "citizen" of the United States and not a "natural born Citizen" of the United States. This recreation of birth status through naturalization which also existed under English common law also probably explains why John Jay underlined the word "born" when he recommended to General Washington that only a "natural born Citizen" (as to say born in fact, by nature, and not by law) be allowed to be President. Consequently, naturalized citizens stand on an equal footing with born Citizens (who are so recognized and confirmed by the 14th Amendment or by an Act of Congress and who can be but not necessarily are also "natural born Citizens") except that they cannot be President or Vice President, for they were

born with an allegiance not owing to the United States and acquire that allegiance only after birth. Surely, if a naturalized citizen, even though having sole allegiance to the United States, is not Constitutionally eligible to be President, we cannot expect any less of someone who we are willing to declare so Constitutionally eligible.

The Founding Fathers emphasized that, for the sake of the survival of the Constitutional Republic, the Office of President and Commander in Chief of the Military be free of foreign influence and intrigue. It is the "natural born Citizen" clause that gives the American people the best fighting chance to keep it that way for generations to come. American people do not have the Constitutional right to have any certain person be President. But for the reasons stated above, minimally they do have a Constitutional right to protect their liberty by knowing and assuring that their President is Constitutionally eligible and qualified to hold the Office of President and Commander in Chief of the Military.

— Mario Apuzzo, Esq.

Obama is not Article II Constitutionally eligible to be President. Q.E.D.

— Charles F. Kerchner, Jr., Lead Plaintiff
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