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The United States of America: A Country Without a President

The Situation

On 23 November 2010, the United States Supreme Court will conduct a conference hearing of the case: *Kerchner et al. vs. Obama & Congress et al*. *Petition for Writ of Certiorari*. This lawsuit concerns the fact that Barack Hussein Obama is not a **natural born citizen** according to Article II, Section 1, Clause 5 of the *Constitution for the United States of America*. Thus, the litigation questions and challenges the eligibility of Barack Hussein Obama to serve as President of the United States of America and be its Commander-in-Chief.

In such a conference hearing of a suit at law, after hearing a review of the argumentation, four of the nine Supreme Court Justices must vote in favor of hearing the complete litigation in order that there be a full court review of the case. In other words, the Supreme Court Justices will vote to hear the case or not hear the case.

Germane to the judicial case is that the Supreme Court would then have to decide what constitutes a **natural born citizen** according to the *Constitution for the United States of America*, since the definition of the terminology is not stated in the *Constitution.* It will be necessary to examine the relevant documents, treatises, and books that were available to the Founding Fathers when they conceived of and wrote the *Constitution*. It has long been held that the definition of **natural born citizen** before, at the time of, and after the constitutional convention has always meant a child born on the soil of the country of two citizen parents of the country.

With respect to Barack Hussein Obama and the United States of America it would mean that Barack Hussein Obama would have had to been born on United States soil and that both of his parents would have had to be American citizens at the time of his birth. It is questionable that Honolulu, Hawai'i is the birthplace of Barack Hussein Obama. It is fact that his father Barack Obama, Sr. was not a citizen of the United States of America and it is also a fact that his mother Stanley Ann Dunham was too young to be an American citizen at the time of Barack Hussein Obama's birth. There are indications that the law at the time required a person to be eighteen years old to become a legal citizen. Stanley Ann Dunham was only seventeen years old. Even if Barack Hussein Obama was born in Honolulu, Hawai'i, the facts that his mother was purportedly not of citizen age and that his father Barack Obama, Sr., was not an American citizen

(He possessed British citizenship.) means that Barack Hussein Obama is ineligible to serve in the position of President of the United States of America.

Two recent appointees to the United Supreme Court, Associate Justice Sonia Sotomayor and Associate Justice Elena Kagan were nominated to the Supreme Court by Barack Hussein Obama. Their partaking in any decision concerning *Kerchner et al. vs. Obama & Congress et al*. *Petition for Writ of Certiorari* would mean that they would have a conflict of interest, for if the Supreme Court should decide against Barack Hussein Obama, their positions are illegal and invalid. (As a matter of logic, their positions are illegal and invalid anyway.) Therefore, they must recuse themselves from the case (and they should officially resign their positions.)

Evidently, it will require a ruling by the United States Supreme Court to determine what a **natural born citizen** is within the framework of the *Constitution*. This author never had to question the meaning of the term **natural born citizen** because his high school history and civics teachers explained it to him when he was in high school. His university professors in American History and United States Constitutional Law further explored the terminology and solidified the explanation.

The *Constitution for the United States of America* and the education this present author received concerning **natural born citizen** all relied on the definition of **natural born** according to Emerich de Vattel, Law *of Nations*, 1758. The internationally recognized authoritative text is:

"**§ 212. Citizens and natives.** The citizens are the members of the civil society; bound to this society by certain duties, and subject to its authority, they equally participate in its advantages. The natives, or natural-born citizens, are those born in the country, of parents who are citizens."

Probably 99 percent-plus of the American electorate and the mainstream news media do not understand the concept of **natural born citizen** today, either because they are ignorant of the *Constitution*, or they do not want to accept the truth of the definition as it is. This is also an indication that since this author attended high school and university, the great majority bordering on almost 100 percent of Americans have been dumb educated; in fact so dumb educated by Leftists and their anti-American ideology, that the American voter will follow any pied-piper charlatan who is anti-American, anti-*Constitution*, and anti-American tradition. It is also an indication of the low standards of academia and the disregard of American History and Constitutional Law at such institutions.

Such low academic standards have resulted in a number of essays attempting to re-define **natural born citizen** and make it into what it is not: a false definition

that would allow Barack Hussein Obama to become and maintain his position as President of the United States. These writings are succinctly presented below.

1. **1988 (April)**

Jill Pryor, *The Natural-Born Citizen Clause and Presidential Eligibility: An Approach for Resolving Two Hundred Years of Uncertainty*, Yale Law Journal (vol. 97, No. 5. (April 1988), pp. 881-899. (Source: http://yalelawjournal.org/images/pdfs/pryor_note.pdf

What immediately hits the eye and logical thinking is the fact that part of Ms. Pryor's title *Two Hundred Years of Uncertainty* insinuates that the *Constitution* is inherently flawed. The contrary is the case. It is perfect! Ms. Pryor's argumentation is flawed. She doesn't mention Emerich de Vattel either. The conclusion of Ms. Pryor's attempt is:

"Under the *naturalized born approach* (By twisting terms and logic she arrives at this new terminology.), any person with a right to American citizenship under the Constitution, laws, or treaties of the United States at the time of his or her birth is a natural-born citizen for purposes of presidential eligibility."

Now that is nothing but a heap of verbal crap. She has redefined **natural born** without knowing what it means in the first place.

2. **2000**

Christina S. Lehman, J.D., *Presidential Eligibility: The Meaning of the Natural Born Citizen Clause*, Gonzaga Law Review, 349 (2000-2001) (Source: http://www.scribd.com/doc/9571722/Presidential-Eligibility-The-Meaning-of-the-NaturalBorn-Citizen-Clause-C-Lohman)

Ms. Lehman does not mention Emerich de Vattel either. Her conclusion is:

"Under English Common law (no mention of Emerich de Vattel), from which the constitutional Framers apparently derived the words "natural-born citizen," at least some foreign born children of American citizen parents are "natural-born."

(The Framers of the *Constitution* derived their words from Emerich de Vattel.) Included are children born within the allegiance or jurisdiction of the United States. Children born to citizen parents who are in a foreign land as a result of

United States government employment undoubtedly fall within the allegiance of the United States, and, therefore, are eligible for the Office of the Presidency.

The Framers, however, had an even broader understanding of "natural-born."

This understanding was reflected in a statute passed by the First Congress, of

which twenty constitutional Framers were a part, that defined "natural-born" as

including all foreign-born children of American citizen parents. Through this

statute, the First Congress interpreted, at least in part, the constitutional meaning

of "natural-born." As a result, all foreign-born children of United States citizens

parents are eligible for the Office of the Presidency.

Ms. Lehman's statement that the Framers had a broader understanding is proof that she does not understand the meaning and importance of the **natural born citizen** clause. There is no broad understanding of the definition of **natural born citizen** that means a child born in the country to parents who are citizens (thereof). The definition is short and to the point. There is no leeway for interpretation. Furthermore, the law Ms. Lehman refers to that stated a further

definition of **natural born citizen** in which Congress "defined 'natural-born' as

including all foreign-born children of American citizen parents was passed in

1790. It was rescinded in 1796. Evidently, Ms. Lehman does not comprehend that Congress cannot pass a law and that law changes the meaning of Article II. Only an amendment can do that.

The present author's final statement is that this paper is a lot of footnoted crap.

3. 2006 (February)

Sarah P. Herlihy, *Amending the Natural Born Citizen Clause Requirement: Globalization as the Impetus and the Obstacle*, (Source: http://www.scribd.com/doc/12873456/Amending-the-Natural-Born-Citizen-Requirement-Sarah-p-Herlihy-Feb-22-2006)

Ms. Herlihy exhibits great incompetence on the matter of **natural born citizen**. She bases her argument on English common law as the source of **natural born citizen** qualification. English common law has nothing to do with it. The legal principle is from Emerich de Vattel, *Law of Nations*. Ms. Herlihy undertakes no investigation of this source whatsoever. Her conclusion is that Americans should give up constitutional sovereignty and become globalized and allow non-natural born citizens to become president. This position is absolute crap.

4. 2008 (May)

Rebekka S. Bonner, *Who May Be President? Constitutional Reinterpretation of Article II's Natural Born. Presidential Eligibility Clause*, Information Society Project Yale Law School

(Source: http://ssrn.com/abstract=1133663)

Ms. Bonner does not mention Emerich de Vattel either. Ms. Bonner's conclusion is:

"The Founders sought to launch a nation founded upon principles of equality, political freedom, and broad political participation. The Fourteenth Amendment (The Fourteenth Amendment has nothing to do with the **natural born citizen** clause!) and the subsequent broadening of eligibility for the presidency are consistent with this original vision. (There was no "subsequent broadening of eligibility for the presidency." It is a statement out of the blue, well Left, that claims to be a fact that is not a fact.) We must acknowledge that the effect of the Fourteenth Amendment's Citizenship Clause was to reinforce the Congress's ability to regulate *juri sanguinis* birthright citizenship while at the same time absolutely protecting a minimum level of *jus soli* birthright citizenship. As we continue to evolve toward a more liberal and inclusive polity and to realize a social contract based more upon the mutual consent of the government and the governed than by ascription by geographic birth, we may expect Congress to continue to broaden the eligibility of American citizens for natural born status. (Congress cannot broaden the eligibility requirement; only a constitutional amendment and the participation of the individual states can do that!)

In the end, perhaps the Framers explicit fears that foreigners might manage to ascend to the fledgling nation's highest political office will always absolutely preclude us from extending natural born status and eligibility for the presidency to newly arrived aliens in our country, but we have always allowed their children born in this country thus eligible to do so. This guarantee of *jus soli* natural born-ness, coupled with an expansive interpretation of the natural-born clause to encompass other birthright citizens as allowed by the people through their Congress, will help to ensure the broadest possible Constitutional participation in our nation's government, consistent with the original intent of the clause, while giving greatest emphasis to the egalitarian principles that we all hold as our common heritage as full and equal citizens of the American political community."

Ms. Bonner places emphasis on the Fourteenth Amendment. However, this has nothing to do with the **natural born citizen** requirement. Ms. Bonner twists logic to make the connection. The telling thought is this:

"This guarantee of *jus soli* natural born-ness, coupled with an expansive interpretation of the natural-born clause **to encompass other birthright citizens as allowed by the people through their Congress, will help to ensure the broadest possible Constitutional participation in our nation's government**, consistent with the original intent of the clause, while giving greatest emphasis to the egalitarian principles that we all hold as our common heritage as full and equal citizens of the American political community." ("An expansive interpretation of the natural-born clause" would never be "consistent with the original intent of the clause.")

The emphasis above is this author's. It means that as long as the people decide in their government participation (elections) that anyone who is not a natural born citizen can be elected to the presidency, then Article II in its core meaning will be upheld, because the people will have participated in the broadest sense of responsible government (egalitarian principles) possible under the *Constitution*.

Conclusion: This is a lot of verbal crap, too.

5. 2008 (September)

Lawrence Friedman, *An Idea Whose Time Has Come The Curious History, Uncertain Effect, And Need for Amendment of the "Natural Born Citizen" Requirement for the Presidency.*

(Source: https://law.slu.edu/journals/LawJournal/pdfs/Lawrence_Friedman.pdf)

Friedman makes no mention of Emerich de Vattel!

(The asterisked footnote to his name is as follows: * Partner, Thompson Coburn LLP; J.D., Columbia University; M.P.A., Princeton. I am grateful to Brenda Foote,

Assistant Reference Librarian at Thompson Coburn LLP, for her assistance with the research required for this article.)

Part of Mr. Friedman's conclusion is:

"Today, as we approach the 200th anniversary of the Constitution, we should be concerned instead about the unfairness of a provision which denies to some of our citizens the opportunity to aspire to the Nation's highest offices. We should be concerned about a provision which says, in essence, that we are not self-confident enough as a nation to leave the choice of President and Vice President to our citizens, without imposing arbitrary bars on those who are eligible. We should also be embarrassed by the continued existence of such a provision given the historic contributions made in all fields of endeavor by foreign-born citizens since the time the Republic was founded."

"I hope that this resolution will prove to be an idea whose time has come."

Note 81 of the Friedman article says: "Permitting naturalized citizens to be eligible for the presidency was **an idea whose time had come in 1983 when Senator Eagleton proposed it**." (The present author's emphasis. Senator Eagleton is Thomas Francis Eagleton (1929-2007) a United States Senator from Missouri. He served from 1968–1987.)

Any logical assessment of Mr. Friedman's position can only come to the conclusion that his comment is also crap.

It is interesting that Mr. Friedman's essay was published approximately five weeks before the 2008 November elections. It surely gave justification to some Democrat voters to become traitors to the U. S. *Constitution*. Because there is the **natural born citizen** clause, there is no allowing a political party and an illegal candidate for the presidency to disobey the *Constitution*. On the contrary, the clause means that Americans during the time of the Founding Fathers and now have a great deal of self-confidence in choosing the presidency. Leaving the vetting process in the hands of criminal politicians is not the solution. Opening up the presidential candidacy race to every American citizen who can produce a forged Certification of Live Birth is not the solution.

As is obvious, this author could think of only one English word to describe these views: CRAP! John Adams, the second President of the United States of America, used the word often. If it was good enough for him, it suits this author fine! At least since 1983 there have been attempts by Democrats and Democratic Party-affiliated lawyers to bring the natural born citizen requirement

into question and to have the meaning re-defined and re-interpreted by Congress, as well as to have the *Constitution* changed in this regard.

Petition 10-446, *Kerchner et al. vs. Obama & Congress et al*. *Petition for Writ of Certiorari* asks the Court to decide on the following constitutional questions:

1. "Whether petitioners sufficiently articulated a case or controversy against respondents which gives them Article III standing to make their Fifth Amendment due process and equal protection claims against them."

2. "Whether putative President Obama can be an Article II 'natural born Citizen' if he was born in the United States to a United States citizen mother and a non-United States citizen British father and under the British Nationality Act 1948 he was born a British citizen."

3. "Whether putative President Obama and Congress violated petitioners' Fifth Amendment due process rights to life, liberty, safety, security, tranquility, and property and Ninth Amendment rights by Congress failing to assure them pursuant to the Twentieth Amendment that Obama qualified as an Article II 'natural born Citizen' before confirming his electoral votes and by Obama refusing to conclusively prove that he is a 'natural born Citizen.'"

4. "Whether Congress violated petitioners' rights under the Fifth Amendment to equal protection of their life, liberty, safety, security, tranquility, and property by investigating and confirming the 'natural born Citizen' status of presidential candidate, John McCain, but not that of presidential candidate, Barack Obama."

The plaintiff Charles F. Kerchner, Jr. Commander USN (Retired), states, "…it is very clear that winning a popular election does not trump or nullify the constitution of a state or the U.S. federal constitution. Obama is not constitutionally eligible to be the President and Commander in Chief of the military and should be removed from office and his election, confirmation, and swearing-in annulled."

This is an important constitutional crisis question that must be addressed by the United States Supreme Court. At the same time, it must be observed that the Court can refuse to hear the case, thus causing a *de facto* ascertaining that the *Constitution for the United States of America* has no legal authority.

Whatever the outcome, the Supreme Court decides to hear the case, or that the Court decides that it will not hear the case, the United States of America has no president, even if Barack Hussein Obama remains in the Oval Office with his feet on the desk, or continues to just play golf when not destroying America.

The Breaking of the Law of the Land

There is a difference between a *native born citizen*, a *naturalized citizen,* and a *natural born citizen*. They are not the same kinds of citizenship. There is a difference between a *Certification of Live Birth* and a real *Birth Certificate*, whether forged (regarding Barack Hussein Obama) or non-forged. They are not the same document. Both documents, indeed, all documents including a Selective Service Registration and university degrees can be forged; particularly when money is involved, there is a way!) Forged documents are not the same as official documents. Consequently, there are some very important statements concerning the breaking of the law of the *Constitution for the United States of America*. The U. S. *Constitution* is the Supreme Law of the Land.

1. The breaking of the law of the U. S. *Constitution* is a crime. It is a serious felony.

2. The Supreme Court of the United State can take the initiative on its own and investigate and find someone guilty of breaking the law of the U. S. *Constitution* and impose a penalty.

3. The Supreme Court has the authority to make sure that the penalty is executed.

Commander Kerchner writes that "(h)istory shows us that a popularly elected, but ineligible, chief executive in the executive branch of a government can be legally and constitutionally removed from office, e.g., Governor Thomas H. Moodie of North Dakota was a prime example. After he was sworn in and serving as Governor, the North Dakota State Supreme Court ordered Governor Moodie removed from office, after it was determined that he was constitutionally and legally ineligible to serve in the office to which he was popularly elected. (http://history.nd.gov/exhibits/governors/governors19.html)
Also, two U.S. Senators although popularly elected and sworn in to the U.S. Senate were subsequently removed from office after it was learned that they were NOT constitutionally eligible when they were elected." One individual was "Albert Gallatin [U.S. Senator, constitutionally ineligible and his seating unconstitutional and election & seating annulled]." (http://en.wikipedia.org/wiki/Albert_Gallatin). The other person was "James Shields [U.S. Senator, constitutionally ineligible and his seating unconstitutional and election & seating annulled]." http://en.wikipedia.org/wiki/James_Shields

The Logic Behind Being a Felon *ad infinitum*

If a person intentionally breaks the law of the U. S. *Constitution* but is never accused of doing so, is that person still a non-criminal? The reasoning of logic concludes no. That person is and will always be a criminal *ad infinitum*. We can devise an example of the logic as follows:

Our major premise is: All X **are** Y. This **being** can never be undone.

Our minor premise is: All Z **are** X. This **being** can never be undone.

Our conclusion is: All Z **are** Y. This **being** can never be undone.

The relationships of these **beings** cannot be changed. Never! Not now! Not in the future! Not retroactively!

It is a law of Nature that is just as true as the sum of one plus one is two. This will always be the case into infinity. There is no law that can break this rule of logic. It is the law of Nature (God).

According to the philosophy of logic the person is and will always be guilty. Now let us show a practical application:

As an example that pertains to the eligibility status of the President of the United States, Article II, Section 1, Clause 5 of the American *Constitution* states that

> "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 have attained to the age of thirty-five years, and been fourteen years a resident within the United States."

The *Constitution for the United States of America* is a public document. It is not a secret document. The power comes from "We the people … ." Therefore, the requirements of the Articles of the *U. S. Constitution* are public and not secret.

Article II, Section 1, Clause 5 thus states that along with the age and resident requirements, the other absolutely **necessary requirement** to become President of the United States of America is that the candidate must be **natural born**. In every law book and all theories of law that this author has researched, **natural born** means those born in the country, of parents who are both citizens of the country. In the case of the United States of America, the child's parents must

both be American citizens when the child is born in order that the child can meet the qualifications to become a candidate as a future President of the United States of America. As stated above, Barack Hussein Obama's mother was not of legal age to possess United States of America citizenship when she gave birth to her son. Also, Barack Hussein Obama Sr. was a Kenyan/British citizen at the time of the son's birth. Therefore, the place of birth is not relevant, only the **natural born qualification** is relevant.

The logical conclusion and the logic of the Law of Nature and the Supreme Law of the Land, tells us:

- THE MAJOR PREMISE IS: a person must be eligible to be President of the United States.

- THE MINOR PREMISE IS: Barack Hussein Obama's eligibility to be President of the United States is not identified (established, shown to be true, demonstrated, manifested, evinced, documented, backed up, supported, upheld, sustained, affirmed, confirmed or any other synonym).

- THE CONCLUSION IS: The only conclusion is that Barack Hussein Obama cannot be President of the United States of America.

Barack Hussein Obama cannot be President of the United States of America when the logic of the situation says otherwise and the Supreme Law of the Land says otherwise, regardless of his usurpation of the position. The 2008 United States presidential election was/is illegal. It has no stature.

Closing Statements

The Supreme Law of the Land is explicit and in this matter leaves no leeway for interpretation. Surely the matter in question cannot be a matter of constitutional interpretation. A candidate for the Presidency of the United States of America is either **natural born** or is not. If the candidate is not **natural born**, that person cannot be a candidate for the office of the presidency! If that person does become a candidate anyway, that person is breaking the law of the *Constitution*, no matter what the electorate says or how strong their desire is that their preferred candidate become President.

The legal situations concerning all laws, appointments, presidential decrees that Barack Hussein Obama has signed is that they are null and void. Barack

Hussein Obama is not President of the United States of America because both the logic of the situation of natural law and the Supreme Law of the Land say otherwise. Barack Hussein Obama is not occupying a position legally.

Furthermore, the following government officials who took an oath to uphold and protect the *Constitution for the United States of America*: elected representatives, senators, law officials, governors, state representatives, state senators, etc., cannot legally accept the laws, nominees, and decrees as signed by Barack Hussein Obama as being official. There is no legality involved in Barack Hussein Obama's signature. Consequently, no one has to obey what comes from Barack Hussein Obama as a usurper Commander-in-Chief. For example, if some banks or too-big-to-fail businesses and state governments choose not to accept bail-out money from the government, they cannot be forced to accept the money. The bailouts and the paying-off of state government debts is illegal because the respective papers would be signed by a bogus president. A bogus president surely cannot make people or institutions do things according to the bogus president's wishes.

Moreover, the logic outlined above and the logic of the Supreme Law of the Land say that Barack Hussein Obama has committed a criminal offense. If Barack Hussein Obama remains the bogus President of the United States of America, this means that regardless of the Supreme Court Decision on hearing the case *Kerchner et al. vs. Obama & Congress et al*. *Petition for Writ of Certiorari*, or regardless of what time in the future, indeed, at any time in the future, Barack Hussein Obama is still and will always be a criminal felon. Ergo: Once a criminal always a criminal!

Finally, since Barack Hussein Obama does not meet the **natural born citizen** requirement, and he knows it, the violation of the *Constitution* was intended. When Barack Hussein Obama swore the presidential oath that is dictated by the *Constitution*, he swore to uphold the *Constitution*.

The following question thus arises:

Was Barack Hussein swearing to uphold his own violation of the Supreme Law of the Land, or was Barack Hussein Obama swearing to uphold the legality of the *Constitution*? Barack Hussein Obama was swearing to uphold the legality of the *Constitution* and Barack Hussein Obama knew that he had committed a crime by breaking this reality. Because Barack Hussein Obama is not indicting himself for breaking the law of the *Constitution*, Barack Hussein Obama is placing himself above the Supreme Law of the Land. This in itself is against the law of the *Constitution*. This action is a high crime against the United States of America. It is an act of perjury. Indeed, it is an act of treason.

If one article of the *Constitution for the United States of America* can be broken and go non-punishable, all articles can be broken. Thus, the whole *Constitution for the United States of America* becomes null and void. It is enough to break one law article of the *Constitution* in order to place the whole *Constitution* in a status of being null and void.

The breaking of the law of the U. S. *Constitution* is a crime and such a crime is punishable. Placing one's self above the Supreme Law of the Land, as if to say the end justifies the means and the document means nothing, is saying that there is no sense in having a *Constitution*.

The only possible verdict is: Guilty.

Such an illegal action as committed by Barack Hussein Obama can never be pardoned. It would be against all logic and all natural law.

Frederick William Dame

Patriotic, Steadfast and True

November 30, 2010