

**Devy Kidd
Investigative Journalist
P.O. Box 1102
Big Spring, Texas 79721**

Certified Mail Receipt: 7008 2810 0001 4844 7983

March 12, 2009

United States Attorney Jeffrey Taylor
United States Attorney's Office
555 4th Street, NW
Washington, DC 20530

Dear Mr. Taylor:

By now you have received requests from concerned Americans regarding the constitutional eligibility of Barack Hussein Obama, including a letter from Leo Donofrio, an attorney in New Jersey who was a plaintiff in one of the dozens of lawsuits.

In Leo's communication to you dated, March 13, 2009, he references his three part example brief of why it is appropriate for the Quo Warranto. For your convenience, I have printed out his material.

I've also enclosed a set of CDs which contain Leo's legal filings to the lower court and U.S. Supreme Court (with his permission). As time is such an issue with everyone, I wanted to provide you with an easy (listen while you drive) method to review these legal documents instead of having to hunt them down on the computer.

I concur with Leo's request that you confer a Quo Warranto as soon as possible. As Leo has written:

“An action in Quo Warranto should ask for two simple issues to be resolved:

1. That a court determine whether Obama's birth status having been governed by the British Nationality Act of 1948 prevents him from eligibility as a natural born citizen under Article 2, Section 1, Clause 5 of the US Constitution.
2. That Obama produce his long form birth certificate to AG Holder and/or US Attorney Taylor."

This constitutional issue is dividing the country and leaves open the flood gates for hundreds, if not thousands, of lawsuits for any legislation signed by Obama. As all the courts refuse to address any of the lawsuits on merit, you have the power to bring this issue before a jury so it may be resolved and the country move on in these troubled times.

Cordially,

Devyv Kidd

Encl:

Leo's three part sample brief on Quo Warranto

1 – Set (audio) CDs with Leo's legal filings

March 13, 2009

United States Attorney Jeffrey Taylor
United States Attorney's Office
555 4th Street, NW
Washington, DC 20530

Dear Mr. Taylor,

I am writing to make you aware of a brewing danger to members of our active military who have been influenced to join law suits challenging the eligibility of President Barack Obama as Commander In Chief. I hope you will deem it proper to take appropriate action to protect our military and the nation from further damage.

Recently, 1st Lt. Scott R. Easterling, currently serving in Iraq, agreed to be a plaintiff in a pending law suit being brought on behalf of several active and retired military persons by California attorney, Orly Taitz. Easterling agreed to sign a consent form for participation in this action. Besides asking for a publicity photograph and donations, the consent form requests a signature below the following language:

*Attn. Orly Taitz, Esq.
26302 La Paz, Ste. 211
Mission Viejo, CA 92691*

I agree to be a plaintiff in the legal action to be filed by Orly Taitz, Esq. in a PETITION FOR A DECLARATORY JUDGEMENT whether Barry Soetoro, citizen of Indonesia and possibly still citizen of Kenya, aka BARACK HUSSEIN OBAMA IS QUALIFIED TO BE PRESIDENT of the U.S or TO BE COMMANDER IN CHIEF of the U.S. ARMED FORCES, in that I am or was a sworn member of the U.S. military (subject to recall) and I could conceivably be given unlawful orders by a Constitutionally unqualified Commander In Chief, and by following such orders I can be subject to court martial. I further understand that additional arguments may be inserted into

this lawsuit at the above-mentioned attorneys deem necessary. Please attach a copy of your military ID card.

Signature: _____

As Attorney Orly Taitz is performing this service for her country Pro Bono, any amount that you can contribute will be most helpful. Please, attach your picture in the uniform, a short bio and a letter to fellow citizens and elected officials.

[See attached consent form copied directly from the official Orly Taitz web site at <http://defendourfreedoms.org/ATTENTIONALLMILITARYPERSONNEL.htm>]

On February 23, 2009, this story broke via World Net Daily with the following headline:

Soldier doubts eligibility, defies president's orders 'As an officer, my sworn oath to support and defend our Constitution requires this'

The story included the following text:

"As an active-duty officer in the United States Army, I have grave concerns about the constitutional eligibility of Barack Hussein Obama to hold the office of president of the United States," wrote Scott Easterling in a "to-whom-it-may-concern" letter. Obama "has absolutely refused to provide to the American public his original birth certificate, as well as other documents which may prove or disprove his eligibility," Easterling wrote. "In fact, he has fought every attempt made by concerned citizens in their effort to force him to do so."

Taitz told WND she had advised Easterling to obtain legal counsel before making any statements regarding the commander-in-chief, but he insisted on moving forward. His contention is that as an active member of the U.S. military, he is required to follow orders from a sitting president, and he needs – on pain of court-martial – to know that Obama is eligible.

Taitz said other legal cases questioning Obama's eligibility filed by members of the military mostly have included retired officers, and courts several times have ruled they don't have standing to issue their challenge.

Easterling, however, is subject to enemy fire and certainly would have a reason to need to know the legitimacy of his orders, she argued.

“Until Mr. Obama releases a ‘vault copy’ of his original birth certificate for public review, I will consider him neither my Commander in Chief nor my President, but rather, a usurper to the Office – an impostor,” his statement said.

Later in the article, Easterling requests that other military get involved:

“I implore all service-members and citizens to contact their senators and representatives and demand that they require Mr. Obama prove his eligibility. Our Constitution and our great nation must not be allowed to be disgraced,” he wrote.

Taitz said Easterling is among the plaintiffs she is assembling for a new legal action over Obama’s eligibility. Others include a list of state lawmakers who also would be required in their official position to follow orders of the president.

“My conviction is such that I am compelled to join Dr. Orly Taitz’s lawsuit, as a plaintiff, against Mr. Obama. As a citizen, it pains me to do this, but as an officer, my sworn oath to support and defend our Constitution requires this action,” he said.

Easterling was “saluted” in a forum on Taitz’ website.

“Lt. Easterling, As a retired US Army SFC, I salute you sir as a true American patriot and hero! Thank you for your unselfish service to our country. It is rare to find someone today with such moral courage to do the right thing regardless of repercussions,” said one contributor.

The false headline was also republished to the Drudge Report that same day.

After reading the article, it appeared that, despite the sensational headline, Easterling had *not* defied any Presidential order. I complained in my blog to World Net Daily and to Orly Taitz about the punitive danger they had put this soldier in. Of course, the greater danger existed that other military might believe the headline and be influenced to defy orders as well.

By the next morning, the headline had been altered to read:

Soldier questions eligibility, doubts president’s authority ‘As an officer, my sworn oath to support and defend our Constitution requires this’

(<http://www.wnd.com/index.php?fa=PAGE.view&pageId=89837>)

Neither World Net Daily nor Orly Taitz have ever officially addressed, or apologized for, the false headline published to millions of readers via bold

faced caption at the Drudge Report which lasted for approximately twenty-four hours.

The Uniform Code of Military Justice, Article 88, makes it an offense - punishable by up to one year in prison - to use "contemptuous language" against the President. Other UCMJ provisions, along with various federal statutes, provide a plethora of charges under which persons may be convicted of corrupting the morale of the military and encouraging sedition or insubordination. It's alarming to consider our military, who take their Constitutional oath seriously, could suffer such disease in the relationship of command. This is exactly what will happen as more join the Taitz law suit or others like it and similar news reports are released.

The viral effect this publicity will have has the potential to destroy the chain of command if allowed to fester without resolve. And this brings me to why I'm writing to you, US Attorney Taylor.

I feel a sense of responsibility since an application for emergency stay I brought against the the New Jersey Secretary of State, Donofrio v. Wells, SCOTUS Docket # 08A407 - with regard to her failure to verify the Constitutional eligibilty of Barack Obama - was the first eligibility suit that went all the way to full conference of the United States Supreme Court after having been referred to the full court by the Honorable Associate Justice Clarence Thomas.

I also feel responsible since back in late January of this year, I published a blog concerning "standing" to challenge Presidential eligibility wherein I suggested active military might hypothetically have standing as citizens but without breaking orders as soldiers. Immediately after publishing this hypothetical discussion, I received messages from military personnel requesting I remove the blog.

They forwarded various statutory authority such as applicable provisions of the UCMJ which convinced me that our active military should not be involved in the eligibility issue at all. I subsequently removed the blog post and have continued to strongly discourage active military participation in any eligibility law suits. Recently, I have received messages from various active military asking my opinion, and I have consistently told them to refrain from joining any of these law suits.

I am sure you are aware of the numerous law suits which challenged President Obama as to whether he was a natural born citizen of the United States. Other

than my case, a few of those law suits also made it to conference before all nine justice of the United States Supreme Court.

Donofrio v Wells was featured on MSNBC, ABC, CNN, AP, The Washington Times and various other main stream media. It was the publicity of this case and the others which grabbed the attention of soldiers like Officer Easterling since the issues were never decided on the merits as each case was rejected on grounds of standing, or, as to SCOTUS, simply denied full review with no comment.

As long as the issues are left open to wreak havoc, there is no way to foresee or contain the myriad of damage now pending before the nation. The Officer Easterling saga is certainly alarming considering Barack Obama has only held the office of President for less than two months.

The core legal issue of my case against the New Jersey Secretary of State concerned the fact that President Obama's father was a native of Kenya - but a citizen of Great Britain via the British Nationality Act - at the time of President Obama's birth. Obama Sr. never became a US citizen. President Obama, at his web site "Fightthesmears.com" admits his birth status was "governed" by the British Nationality Act of 1948.

The legal question I asked the court to decide was whether a person governed by the laws of Great Britain at the time of their birth could be considered a natural "born" citizen of the United States as required by Article 2 Section 1 Clause 5 of our Constitution. The question remains unanswered in any United States court.

Most of the other cases which worked their way through various state and federal courts concerned whether Barack Obama was actually born in Hawaii. At his web site, Obama posted a photocopy of a Certificate of Live Birth from Hawaii and had it verified by a private website called "factcheck.org". This was his response to all parties requesting proof he was actually born in Hawaii. The audacity of this stunt generated a rush of litigation to have Obama's credentials verified. Of course, while there is no Constitutional requirement for a birth certificate to be tendered, ordinary people could not understand why Obama was fighting so hard to prevent anyone from seeing his genuine documents apparently on file in Hawaii. It was this attitude of defiance which stimulated citizens across the nation - who are required to present an original birth certificate to any number of Government agencies - to institute litigation challenging Obama's eligibility.

I do not write to you today to convince you that President Obama is not eligible to the office of President.

I write to convince you that having his title to office cleared of all doubt is in the best interest of the nation at large and specifically the military chain of command. Since you are the main law enforcement officer charged with enforcing the District of Columbia Code, and since you are listed in 16-3502 as one of only two people who may institute a proceeding - upon their own motion - in quo warranto to investigate any United States public office holder's qualifications for office, I respectfully request that you bring such an action before the District Court for the District of Columbia as soon as possible.

The Code provides - at 16-3544 - for a jury trial. I respectfully submit that this is the best possible way to settle the fact issue as to whether Barack Obama was born in Hawaii. As to the legal issue of whether he is a natural born citizen, even if born in Hawaii, the Judicial branch has been charged with the power to interpret exactly what those words mean.

I have done extensive research on the quo warranto statute and all possible Constitutional issues which may arise from its use as to a sitting President. The Congressional enactment of the DC Code's quo warranto statute reflects the authority of Congress as the only judicial branch which may remove the President. I have published the research at my blog. The URL is <http://naturalborncitizen.wordpress.com> . (See Quo Warranto Legal Brief, parts 1-3).

The most important aspect of this research, as it may effect your decision to act, comes from the seminal US Supreme Court decision that interpreted the District of Columbia quo warranto statute, *Newman v. United States ex Rel. Frizzell*, 238 U.S. 537 at 546 (1915) wherein the court stated:

The District Code...permits those proceedings to be instituted by the Attorney General of the United States and by the attorney for the District of Columbia. By virtue of their position, they, at their discretion and acting under the sense of official responsibility, can institute such proceedings in any case they deem proper.

Please sir, nothing could be more proper for the benefit of the nation than having this issue settled. Under 16 - 3502, only the United States attorney and/or the US Attorney General have the authority, without requesting leave of the court, to institute this action. Under the holding in *Newman*, it requires

no belief on your part that President Obama is actually ineligible. The US Supreme Court holding in Newman only requires that you “deem it proper” out of a “sense of official responsibility”.

In order to put an end to the bottomless pit of pending litigation, whether in direct attacks by quo warranto, or via collateral attacks - based on eligibility of office challenges - as described and allowed by the DC Court of Appeals decision in Andrade v. Lauer, 729 F.2d 1475, 234 U.S.App.D.C. 384 (1984), quo warranto appears both proper and necessary.

The nation and the military cannot have the chain of command subject to the rot of insubordination by multiple plaintiffs on a case by case basis each challenging specific orders as they arise. The floodgate of litigation will flow too heavily for certain containment.

However, the issue could be settled in one single quo warranto proceeding brought in the proper court by the proper officials. I strongly urge you and Attorney General Holder to act. I am forwarding to Attorney General Holder this same letter.

TWO IMPORTANT ISSUES

I offer the following two points regarding the natural born citizen legal issue to prove that there is convincing evidence, by way of authority and precedent, for citizens to be concerned that the Constitution has been circumvented by Obama’s holding office regardless of whether he was born in the United States. I do not expect to sway you to act on the basis of these points. I simply hope that you will see that, despite media attempts to paint all questions as to Obama’s eligibility as conspiracy theories, the core issue is not a conspiracy theory. It is a question legal interpretation never decided by any court of law.

Prior to Obama’s taking office, no post grandfather clause President or Vice President had ever openly held office after having been born subject to the jurisdiction of another nation’s laws. The following two points are an introduction to the great body of authority which touches the issue, but they are by no means exhaustive.

POINT I: Rep. John Bingham of Ohio, considered the father of the Fourteenth Amendment, confirmed the understanding and construction the framers used in regards to the phrase “subject to the jurisdiction thereof” while

speaking on civil rights of citizens in the House of Representatives on March 9, 1866:

[I] find no fault with the introductory clause [S 61 Bill], which is simply declaratory of what is written in the Constitution, that every human being born within the jurisdiction of the United States of parents not owing allegiance to any foreign sovereignty is, in the language of your Constitution itself, a natural born citizen...[6]

The 14th Amendment was interpreted by Justice Horace Gray for the holding of the US Supreme Court in *Elk v. Wilkins*, 112 U.S. 94, 101-102(1884), as follows:

*“The persons declared to be citizens are “all persons born or naturalized in the United States, and subject to the jurisdiction thereof.” The evident meaning of these last words is **not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their political jurisdiction and owing them direct and immediate allegiance.** And the words relate to the time of birth in the one case, as they do to the time of naturalization in the other...Indians born within the territorial limits of the United States...although in a geographical sense born in the United States, are no more “born in the United States and subject to the jurisdiction thereof,” within the meaning of the first section of the Fourteenth Amendment, **than the children of subjects of any foreign government born within the domain of that government...**” (Emphasis added.)*

Fourteen years later, Justice Horace Gray did a complete about face on this issue in *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898) although the holding in the Elk case was not reversed. Regardless, the direct holding in Wong Kim Ark was restricted to the children of foreign parents permanently domiciled in the United States. Barack Obama Sr. was never permanently domiciled in the United States. I urge you to read both decisions in light of the following recent historical discovery.

POINT II: The recent historical revelation that Chester Arthur was a usurper to the office of President.

Chester Arthur faced an identical scandal as Barack Obama when Arthur ran for Vice President. It was alleged he had been born in Canada or Ireland and that he was a British subject at birth and therefore wasn't eligible to be President. Recently, my research team discovered, via the official New York State naturalization record of Chester Arthur's father - available at the Library of Congress - that his father did not become a naturalized citizen until 14 years

after Chester Arthur was born. So, at the time of his birth, Chester Arthur was a *British subject* due to his father's heritage and failure to be naturalized before Chester Arthur was born even though history has proved Chester Arthur was actually born in Vermont.

Our research also proved that Chester Arthur actively concealed this fact by blatantly lying about his parental heritage in various interviews with the Brooklyn Eagle newspaper at the time he was running for VP. (See articles at my blog.)

This is an important revelation because it establishes that Barack Obama is the first President in our national history who - at the time of his birth - was *openly* subject to and governed by the laws of another nation. The issue which needs to be heard in court is whether such a person's citizenship will be considered "natural born" for the rest of our nation's history.

Allowing this issue to avoid judicial interpretation will forever raise questions to President Obama's title to office, and it will set a precedent that two generations of citizenship (and loyalty) are no longer required before one can become President and Commander in Chief.

It's important to note that Justice Horace Gray was appointed by Chester Arthur and Gray's mysterious and complete about face from *Elk* to *Wong Kim Ark* must be re-examined in the light of revelations concerning Chester Arthur's secret since *Wong Kim Ark* appears to sanitize, for history, the illegitimacy of Chester Arthur as President, the man who appointed Justice Horace Gray.

Regardless, I must reiterate that I am not writing to convince you to take a position as to whether President Obama is actually eligible for the office of President. I am writing to beg that you bring an action in quo warranto so that the issue will be resolved once and for all which must be in the best interest of the nation.

Very Truly Yours,

Leo C. Donofrio, Esq.
PO Box 6231

East Brunswick NJ 08816

* * * * *

Leo's three part sample brief on Quo Warranto:

http://devvy.net/pdf/mar09/leo_all_parts.html