



## Jurisdiction and Venue

2. For the purpose of preserving the Petitioner's and Respondent's Rights of "Due Process of Law," the Petitioner brings this Petition for an "Order in the Nature of Mandamus" within the time frame and venue established by Article I, Section 7 of the Alaska Constitution, and by the "Privilege and Immunity Clause" of the Fourteenth Amendment to the United States Constitution. Additional jurisdictional authority may be found in the Alaska Statutes at: A.S. 15.25.042(a), A.S. 22.10.020(a), and A.S. 22.10.020(c).

## Parties

3. Petitioner, Gordon Warren Epperly, is the Complainant of an Administrative Complaint that is on file with the Office of Director for the Alaska Division of Elections. The Petitioner has been an inhabitant of Juneau Alaska at the location address of 10440 Glacier Highway since the year of 1966. The Petitioner is a natural born Citizen of the United States by virtue of his "Rights of Birth" to the "Posterity" of "We the People" of the Preamble to the U.S. Constitution as he is a white Caucasian male that was born in the City of Whittier California on the Seventh Day of the Month of July in the Year of our Lord Jesus Christ, Nineteen-Forty.
4. Respondent, Barack Hussein Obama II is a child of a mixed marriage and is identified in law as a "Mulatto." As a "Mulatto," Barack Hussein Obama II has no inherent "Rights of Birth" to be a "Citizen"<sup>1/</sup> of the United States,

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<sup>1/</sup> The United States Constitution speaks of many citizenships. Not only do you have the citizenship of a State, but it speaks of those who have the "Birth Right" citizenship of the "Posterity" of "We the People" of the Preamble to the U.S. Constitution that is identified throughout the "Main Body" of the Constitution with an upper case letter "C" in the word "Citizen." The Constitution of the United States also speaks of those who have limited "Political Rights" and limited "Civil Rights" which are the "statutory" citizenship citizens of the Fourteenth Amendment to the U.S. Constitution. The Fourteenth Amendment citizenship status is identified throughout the Amendments with a lower case "c" in the word "citizen." The status of the two citizenships are not the same and they cannot be interwoven as being one standard citizenship. You must view a copy of the "hand written" version of the U.S. Constitution that is on file with the U.S. Bureau of Archives to

but has the privileged statutory status of citizenship that is founded upon the Fourteenth Amendment to the United States Constitution. His status of being a “*citizen of the United States*” is unknown as there is a question of his Father being subject to the jurisdiction of the United States at the time of his birth and the location of his birth is also questionable and unknown. As Barack Obama’s citizenship is not by “*Rights of Birth*” of the inheritance of the “*Posterity*” of “*We the People*” as found within the Preamble to the U.S. Constitution (*who have unlimited “Political” and “Civil Rights”*), he cannot have the status of being a “*natural born Citizen*” of the United States.

Respondent, Barack Hussein Obama II was (*unlawfully*) inaugurated as President of the United States on January 20, 2009. He was administered the Presidential “*Oath of Office*” of U.S. Constitution, Article II, Section 1, Clause 8 not only once, but twice. As Barack Hussein Obama II had proclaimed himself as being a Professor of Law on the Constitution of the United States and had been a member of a BAR Association, Barack Hussein Obama II had full knowledge that he had no Constitutional authority to hold any Office of the United States government including the Office of President of the United States. Barack Hussein Obama II has committed the crime of advocating the overthrow of the Constitutional Government of the United States. (*See pages four and five for footnotes on 5 U.S.C. 3333 and 5 U.S.C. 7311(a)*).

5. Respondent, Nancy Pelosi is a questionable member of the House of Representative for the Congress of the United States. As a Women, she has no inherent Rights of Birth to be a Citizen of the United States, but has the status of a statutory citizenship under the provisions of the Fourteenth Amendment to the United States Constitution. There are no provisions in the Constitution of the United States that grants Women “*Political Rights*” of Suffrage to hold any Political Office of the United States government.

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have the true and correct understanding of the wording and intent of the Constitution as written by the founding fathers.

Respondent, Nancy Pelosi was the “*Chair*” of the Democrat National Committee during the Election Year 2008 Presidential Election wherein under her name, an “*Official Certification of Nomination*” Form was submitted under “*Oath*” to several States of the Union declaring Barack Obama to be the Democrat Presidential Candidate and Barack Obama had the qualifications under the provisions of the United States Constitution to hold the Office of President of the United States. Respondent, Nancy Pelosi has been unable to verify the qualifications of Barack Hussein Obama II to hold the Office of President of the United States.

When Nancy Pelosi issued forth “*Official Certification of Nomination*” Forms to the Election Offices of the States of the Union declaring that Barack Hussein Obama II was a qualified Candidate for the Office of President of the United States when she had full knowledge that there was no truth in her statement, she advocated the overthrow of the Constitutional Government of the United States.

Federal Law regulating “*Oath of Office*” by government Officials is divided into four parts along with an “*Executive Order*” which further defines the law for purposes of enforcement. The law of 5 U.S.C. 3331,<sup>2/</sup> provides the text of the actual “*Oath of Office*” that members of Congress are required to take before assuming Office. The law of 5 U.S.C. 3333<sup>3/</sup> requires members of Congress to

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<sup>2/</sup> Employees of the United States Government including all members of Congress are required to take the following “*Oath*” before assuming elected or appointed Office.

5 U.S.C. 3331: “An individual, except the President, elected or appointed to an office of honor or profit in the civil service or uniformed services shall take the following oath: ‘I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.’”

<sup>3/</sup> 5 U.S.C. 3333: “...an individual who accepts office or employment in the Government of the United States...shall execute an affidavit within 60 days after accepting the office or employment that his acceptance and holding of the office or employment does not or will not violate section 7311 of

sign an Affidavit that they have taken the "Oath of Office" required by 5 U.S.C. 3331 and have not, or will not, violate that "Oath of Office" during their Tenure of Office as defined by the third part of the law, 5 U.S.C. 7311 /<sup>4</sup> which explicitly makes it a federal criminal offense (and a violation of "Oath of Office") for anyone employed in the United States Government (including members of Congress) to "advocate the overthrow of our constitutional form of government." /<sup>5</sup> The fourth Federal Law, 18 U.S.C. 1918 /<sup>6</sup> provides penalties for violation of "Oath of Office" described in 5 U.S.C. 7311 which include: (1) removal from office and; (2) confinement or a fine.

The definition of "advocate" is further specified in Executive Order 10450 /<sup>7</sup> which for the purposes of enforcement, supplements 5 U.S.C. 7311.

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this title. The affidavit is prima facie evidence that the acceptance and holding of office or employment by the affiant does not or will not violate section 7311 of this title."

<sup>4/</sup> Federal law specifically prohibits any individual from accepting or holding any position (including elected office) in the United States Government if they advocate the overthrow of our constitutional form of government.

5 U.S.C. 7311 (1): "An individual may not accept or hold a position in the Government of the United States of the government of the District of Columbia if he (1) advocates the overthrow of our constitutional form of government..."

<sup>5/</sup> Advocate: To speak in favor of or defend by argument. To support, vindicate, or recommend publicly. Black's Law Dictionary

<sup>6/</sup> Federal criminal law is explicit and direct regarding a violation of "Oath of Office" by Federal Officials which includes all members of Congress. The law requires the removal of the Office holder as well a prison term or fine for the Offender.

18 U.S.C. 1918: "Whoever violates the provisions of section 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he (1) advocates the overthrow of our constitutional form of government [and] shall be fined under this title or imprisoned not more than one year and a day or both."

<sup>7/</sup> In order to instruct investigating federal officials such as the FBI as to what is a violation of the "Oath of Office" under 5 U.S.C. 3331 and 5 U.S.C. 7311, Executive Order 10450 was issued to serve as a guideline for determining what actions constituted a criminal violation of the "Oath of Office" by Federal Officials. The "Order" affirms the law of 5 U.S.C. 7311 that is a criminal violation under 18 U.S.C. 1918 for a member of the government, which includes members of Congress, to "advocate the overthrow of our constitutional form of government."

Executive Order 10450 states (in part): "Whereas the interest of the national security require that all persons privileged to be employed in...the Government shall be reliable, trustworthy, of good

One provision of Executive Order 10450 specifies that it is a violation of 5 U.S.C. 7311 for any person taking the "Oath of Office" to advocate "the alteration ... of the form of the government of the United States by unconstitutional means." Our form of government is defined by the Constitution of the United States. It can only be "altered" by Constitutional Amendments. Thus, according to Executive Order 10450 (and therefore 5 U.S. 7311) any acts taken by government Officials who have taken the "Oath of Office" prescribed by 5 U.S.C. 3331 which alters the form of government other than by Amendment, is a criminal violation of the 5 U.S.C. 7311.

6. Respondent, Mead Treadwell holds the Office of Alaska Lieutenant Governor. Among his many duties is the oversight of the Division of Elections for the State of Alaska. His Director of Elections is Gail Fenumiai.
7. Respondent, Gail Fenumiai is the Director of the Alaska Division of Elections. Among her many duties is the ministerial duty to verify the Constitutional qualifications of (perspective) Candidates /<sup>8</sup> upon the receipt of Complaints (A.S. 15.25.042).

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conduct and character, and of complete and unswerving loyalty to the United States... it is hereby ordered as follows:

(a) The investigations conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment...of the person being investigated is clearly consistent with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

(4) Advocacy of use of force or violence to overthrow the government of the United States, or of the alteration of the form of the government of the United States by unconstitutional means."

<sup>8/</sup> Alaska Administrative Code 6 AAC 25.260(c): (In Part) "The director will review only those issues in the complaint related to candidates qualifications established by the United States Constitution, the Alaska Constitution, or the Alaska Statutes . . .". (Emphasis Added)

## Statement of Facts

8. The Petitioner, Gordon Warren Epperly, did file an "*Administrative Complaint*" with the Director of Elections for the Division of Elections on May 7, 2012 that was supported with an "*Appendix*," and "*Exhibits*." This "*Administrative Complaint*" with its supporting "*Documents*" are to be made available to the Court for review by the Director of the Alaska Division of Elections and be made a part of the Court Record. A copy of Petitioner's "*Administrative Complaint*" has been received by the "*White House*" in Washington, D.C. on behalf of Respondent, Barack Hussein Obama II.
9. Article II, Section 1, Clause 5 of the United States Constitution declares that the President shall be at least 35 years old, 14 years a resident of the United States and "*shall*" be a natural born Citizen of the United States.
10. There are no provisions of the United States Constitution that grants "*Political Rights*" of "*Suffrage*" for any statutory U.S. Constitution, Fourteenth Amendment citizen of the United States to hold Offices of the United States government.
11. There are no "*Documents of Eligibility*" on file with the Alaska Division of Elections showing Barack Hussein Obama II has the qualifications of Office to appear on the year 2012 General Election Ballots for the State of Alaska.
12. None of the above named Respondents have "*verified*" the qualifications of Office for (perspective) Presidential Candidate, Barack Hussein Obama II.
13. Respondent, Nancy Pelosi was in receipt of a "*Letter of Demand*" to produce "*Certified Copies*" of the "*Documents of Eligibility*" for which the year 2008 Democrat National Committee relied upon to declare Candidate, Barack Hussein Obama II had the qualifications of Office for President of the United States. This "*Letter of Demand*" was delivered by the United States



Postal Service at 11:56am on June 5, 2011. No "*Documents of Eligibility*" have ever been received by the Alaska Division of Elections nor by the Petitioner, Gordon Warren Epperly. (*Certified Mail No. 7010 2780 0000 7484 1744*).

14. The Respondent Lt. Governor, Mead Treadwell has ministerial duties under his "*Oath of Allegiance*" ("*Oath of Office*") to support the United States Constitution which requires him to "*verify*" that all Candidates for Offices of the United States government are in compliance with the qualification provisions of the United States Constitution when the Alaska Division of Elections is in receipt of a Complaint. If Candidates are found to be in want of qualifications of Office, Mead Treadwell has a ministerial duty to have the names of those unqualified Candidates removed from the Election Ballots of the State of Alaska.

Upon the receipt of a Complaint by the Alaska Division of Elections (*A.S. 15.25.042(a)*), Lt. Governor, Mead Treadwell, had a ministerial duty to instruct his Director of Elections to "*verify*" the qualifications of (perspective) Presidential Candidate, Barack Hussein Obama II. There is no evidence that Lt. Governor instructed his Director of Elections to conduct any acts to "*verify*" the qualifications of Office for (perspective) Candidate, Barack Hussein Obama II. The "*ministerial duties*" to verify Office Qualifications of Candidates for Offices of the United States government by the Election Officers of the States have been confirmed by the *Legal Affairs and Policy Staff, Office of the Federal Register* and by the United States Court of Appeals, District of Columbia (*Keyes, Drake, et.al. vs. Obama, D.C. No. 8-09-CV-0082-DOC-AN*).

15. The Respondent, Director of Elections, Gail Fenumiai was in receipt of an "*(Amended) Complaint*" with "*Appendix,*" "*Exhibits,*" and a "*Letter of Introduction*" on May 7, 2012. The Complaint was "*pre-filed*" with the active date of filing to be the date that the Alaska Division of Elections is in receipt of the Democrat National Committee's "*Official Certification of Nomination*" declaring Barack Hussein Obama II to be the



year 2012 Democrat Presidential Candidate. The purpose of pre-filing was to provide the Director of Elections with an adequate time frame to preserve the Rights of the Petitioner and Respondent to the "*Due Process of Law*" mandates of the U.S. Constitution to verify the qualifications of Barack Hussein Obama II to appear on the Election Ballots for the State of Alaska.

It is common knowledge that Barack Hussein Obama II has appeared on Primary Election Ballots and has filed "*Notices of Intent*" with several States of the Union to be a Presidential Candidate for the Election year of 2012 which gives the Alaska Director of Elections "*Probable Cause*" to believe that Barack Hussein Obama II will be a Presidential Candidate for the 2012 Alaska General Election. It is also noticed that the Statutes for the State of Alaska do not provide a time frame for verification of Candidate qualifications for Offices of the United States government that would preserve the Constitutional Rights of "*Due Process of Law.*" Director Gail Fenumiai has a duty to take (*anticipatory*) action to verify the qualifications of Barack Hussein Obama II to have his name appear on the General Election Ballots for the State of Alaska. No such (*anticipatory*) action has been taken by Director Gail Fenumiai which can only be viewed as a deliberate delay tactic to deny the Complainant and Respondents of their Constitutional Rights to "*Due Process of Law*" and to allow her to place the name of a Presidential Candidate that has no qualifications of Office on the Election Ballots for the State of Alaska.

"*Reasonable Doubt*" has been established within the Administrative Record of the Alaska Division of Elections that Barack Hussein Obama II may not have the qualifications of Office to appear on the Election Ballots for the State of Alaska,

16. The Rights of "*Due Process of Law*" for the Petitioner, Gordon Warren Epperly and Respondent, Barack Hussein Obama II have been placed in jeopardy by Respondents, Lt. Governor Mead Treadwell and his Director of Elections, Gail Fenumiai for they have taken no action to "*verify*" the qualifications

of Office of (*perspective*) Presidential Candidate, Barack Hussein Obama II upon the receipt of a (*pre-filed*) Complaint. It appears that the named Respondents believe that they are under no obligation to move on the Complaint until they receive an “*Official Certification of Nomination*” Form from the Democrat National Committee which won’t be until after the Democrats hold their year 2012 September National Convention in Charlotte, North Carolina.

Under the law of Alaska Statutes S.S. 15.25.042(a) & (b); the Director of Elections does not have to make a ruling that is found upon the preponderance of evidence of the “*Administrative Record*” of the Alaska Division of Elections until the thirtieth (30<sup>th</sup>) day of the filing of the Complaint (*which is the effective date of the filing of the Democrat’s “Official Certification of Nomination.”*). If the Director was to follow the letter of the law, the Petitioner and the Respondent would have less than thirty (30) days to initiate a Proceeding for Review or for an Appeal of the Administrative Record to the Alaska Superior Court before the General Ballot Election takes place. Such a denial to review the Administrative Record would be an “*Obstruction of Judicial Power*” of the Court.

There are no reasons why nor any laws that would prevent the Director of Elections from initiating procedures to “*verify*” the qualifications of perspective Presidential Candidates such as the mailing of “*Notices*” that a Compliant has been filed with the Alaska Division of Elections with a copy of that Complaint being mailed to the (*perspective*) Candidate, Barack Hussein Obama II, as required by Alaska Administrative Code 6 AAC 25.260(e). The Director may also mail letters to (*perspective*) Presidential Candidates such as Barack Hussein Obama II and to the Democrat and Republican National Committees giving them “*Notice*” that “*verified*” Documents of Eligibility will be required of them for examination at the time of the filing of their “*Official Certification of Nomination*” Candidate Forms and if the Documents show that their Candidate is in want of qualifications of Office, the name of their Candidate will not be allowed to appear on the Election Ballots of the State. This would be prudent

action on the part of the Director of Elections to preserve the “*Due Process of Law*” mandates of the Constitution for the State of Alaska and for the United States of America.

17. There is no physical, “*verified*” copy of a vault Birth Certificate or any other Document that has been submitted into the Administrative Record of the Alaska Division of Elections by either by the (perspective) Candidate, Barack Hussein Obama II or by the Democrat National Committee that definitively establishes Barack Hussein Obama II’s birth was on the soil of the United States.
  
18. Even if Barack Hussein Obama II was born on the soil of the United States, his birth does not establish United States “*citizenship*.” As Barack Hussein Obama II is a “*Mulatto*” under the laws of the United States, his citizenship status is founded upon the Fourteenth Amendment to the U.S. Constitution. His citizenship is “*conditional*” as he not only must be born on the soil of the United States, but his Parents, (*namely his father*), must have been subject to the jurisdiction of the United States at the time of his birth. His father, Barack Hussein Obama Sr., was Kenya born and never a citizen of the United States. He never owed any “*Allegiance*” to the United States, and he never established “*Residence*” in any State of the United States. His son, Barack Hussein Obama II, was not born a citizen of the United States as the citizenship status of the child follows that of the father (*Act of March 2, 1907, c. 2534 § 6, Weedin v. Chin Bow, 274 U.S. 666.*<sup>9</sup> See also “*subject to its jurisdiction*” as defined in the *Slaughterhouse Cases*, 16 Wall. 83 U.S. 73. <sup>10</sup>

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<sup>9/</sup> "All children heretofore born or hereafter born out of the limits and jurisdiction of the United States whose fathers were or may be at the time of their birth citizens thereof are declared to be citizens of the United States, but the rights of citizenship shall not descend to children whose fathers never resided in the United States, citizenship attaches only where the father has resided in the United States before the birth of the child."

<sup>10/</sup> "The phrase, '*subject to its jurisdiction*' was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign States born within the United States."

19. According to Immigration and Naturalization Service records, Barack Obama Sr. was in the United States on a Student VISA, and was never a legal Resident nor a citizen of the United States.
20. The British National Act of 1948 indicates that Barack Hussein Obama II was born a British subject, since his father, Barack Obama Sr., was a citizen of the British Colony of Kenya (British Nationality Act of 1948, Part II, Section 5).
21. As Barack Hussein Obama II was also not born of two Parents who had the status of being citizens of the United States at the time of his birth, Barack Hussein Obama II was not born a “*natural born Citizen*.”<sup>11</sup> For want of having the proper status of citizenship, Barack Hussein Obama II is not a qualified (perspective) Presidential Candidate that may appear on the Election Ballots for the State of Alaska.
22. It appears that Barack Obama’s citizenship is not by “*Rights of Birth*” of the inheritance of the “*Posterity*” of “*We the People*” as founded upon the Preamble to the U.S. Constitution. Only those who are white Caucasian male citizens<sup>12</sup> of a State have the inherited Rights of the “*Posterity*” of “*We the People*” with unlimited “*Political*” and “*Civil Rights*” to be “*natural born Citizens*” of the United States. If Barack Obama was born as a statutory citizen of the

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<sup>11/</sup> See U.S. Supreme Court cases of Minor v. Happersett, 21 Wall. 162, 166-168 and Perkins v. Elk, 307 U.S. 325, 327 which defined “*natural born Citizen*” as one who was born of “*parents*” (plural) of the United States. The U.S. Supreme Court case of U.S. v. Wong Kim Ark, 169 U.S. 649 has no relevance to the citizenship status of Barack Obama Hussein II as Wong Kim Ark was not a Candidate for a Public Office of the United States government and Wong Kim Ark’s father had established “*Residence*” in California and “*Allegiance*” to the United States at the time of Wong Kim Ark’s birth. The case of U.S. v. Wong Kim Ark is a “*dicta*” case that did not address the status of one who is a “*natural born Citizen*.” The case only addressed “*natural born Subjects*” and ordinary “*citizens*.” Those who are “*natural born Subjects*” are not “*natural born Citizens*.” See also “*Vattel’s Le droit des gens (The Law of Nations)*” on citizenship.

<sup>12/</sup> At the time the U.S. Constitution was written, the only members of the Constitutional Convention were the white Caucasian male citizens of the original thirteen States of the Union. There were no Women or any other race of male Citizens at the Convention that carried the Title of “*Citizens of the United States*.” So it is today. The only rights of citizenship that have been granted to Women or other race male citizens are those that have been granted to them in the Constitutional Amendments by the white Caucasian male Citizens of the United States. The “*Political Rights*” of holding Public Offices of the United States government have been “*reserved*” to the white Caucasian male Citizens of the United States.

Fourteenth Amendment to the U.S. Constitution, he has limited "*Political Rights*" which do not include the "*Rights of Suffrage*" to hold Public Offices of the United States government. As a "*Mulatto*," he has only those "*Civil Rights*" and "*Political Rights*" that have been granted to him by enactments of Constitutional Amendments and laws of the U.S. Congress. As he does not have unlimited "*Political*" and "*Civil Rights*" of inheritance of the "*Posterity*" of "*We the People*," he has no status of being a "*natural born Citizen*" of the United States.

23. Both the Lieutenant Governor, Mead Treadwell, and the Director of Alaska Division of Elections, Gail Fenumiai, have taken an "*Oath of Allegiance*" ("*Oath of Office*") to "*support the United States Constitution.*" (*Alaska Constitution, Article XII, Section 5*).
24. The "*Oath of Allegiance*" to support the U.S. Constitution creates an absolute ministerial duty for the Alaska Lieutenant Governor and his Director of Elections to determine the eligibility of those nominated for Offices of the United States government upon the receipt of a Complaint, including the Office of the President of the United States. Alternatively, the failure to do so constitutes, at a minimum, an abuse of discretion and is arbitrary, capricious and contrary to law.
25. No government authority in the State of Alaska, charged with conducting elections, has sought to "*verify*" or make any substantiated claim or stated otherwise that Barack Hussein Obama II is an eligible (perspective) Candidate with U.S. Constitution "*Political Rights*" of an Office holder of the government of the United States and having the status of being a "*natural born Citizen*" under Article II, Section 1, Clause 5 of the United States Constitution to hold the Office of President of the United States.
26. Neither the Division of Elections for the State of Alaska, nor the Democrat National Committee, nor the (perspective) Candidate, Barack Hussein Obama II, will verify plainly and affirmatively that Barack Hussein Obama II has the

*“Political Rights”* to be an Office holder of the United States government and is an eligible *“natural born Citizen”* for the Office of President of the United States.

27. The Respondents, Lt. Governor, Mead Treadwell nor his Director of Elections, Gail Fenumiai have authority to make personal assumptions of qualifications of an Office Candidate nor do they have any authority to accept any *“hearsay”* statements of qualifications from *“Third Parties.”* **ONLY THE CANDIDATE FOR A PUBLIC OFFICE HAS THE AUTHORITY TO PRONOUNCE AND DOCUMENT HIS QUALIFICATIONS OF OFFICE.**
  
28. The Respondents, Lt. Governor, Mead Treadwell and his Director of Elections, Gail Fenumiai have *“refused”* or failed to give *“Notice”* to Respondent (perspective) Presidential Candidate, Barack Hussein Obama II that a *“Complaint”* has been filed and that the preponderance of evidence of the Administrative Record shows that he will have to provide *“verified”* Documents of Eligibility for his name to appear on the General Election Ballots for the State of Alaska.

If the Respondents, Lt. Governor, Mead Treadwell and his Director of Elections, Gail Fenumiai follows the letter of the law of the State of Alaska to wait until an *“Official Certification of Nomination”* Form has been received sometime in the month of September by the Alaska Division of Elections before mailing out any *“Notices”* for the production of *“verified”* Documents of Eligibility to (perspective) Presidential Candidate, Barack Hussein Obama II, the Respondent, Barack Obama would have less than forty (40) days to receive the *“Notices”* and to respond with the requested *“verified”* Documents with the Director of Elections examining those Documents before the November General Election for the State of Alaska takes place is an impossibility and an absurdity in law which would be a denial of *“Due Process of Law”* for the Respondent, Barack Hussein Obama II to create an *“Administrative Record”* on his behalf.

The only "*Administrative Record*" that is on file with the Alaska Division of Elections that may be reviewed is that of the Complainant, Gordon Warren Epperly. Said "*Administrative Record*" shows that there is "*reasonable doubt*" that Barack Hussein Obama II has the qualifications of a Presidential Candidate to appear on the Alaska General Election Ballots. Said "*reasonable doubt*" establishes the ministerial duty for the Director of Elections to "*verify*" the eligibility of Candidacy before the name of Barack Hussein Obama II (*or any variation thereof*) may appear on the General Election Ballots for the State of Alaska. The Director of Elections has no authority to look anywhere other than the "*Administrative Record(s)*" that is/are on file with the Alaska Division of Elections to pronounce the preponderance of evidence of a Candidate's qualifications to appear on the Election Ballots for the State of Alaska.

For the name of "*Barack Hussein Obama II*" (*or any variation thereof*), to appear on the General Election Ballots of the State of Alaska as a Candidate for the Office of President of the United States, the Alaska Director of Elections is under a ministerial duty to establish the following:

- 1) What status of citizenship does the (perspective) Presidential Candidate Barack Hussein Obama II possess:
  - a) If the citizenship status is that of the "*Birth Right*" citizenship of "*We the People*" of the Preamble to the U.S. Constitution, Barack Obama will have to "*verify*" with Documents that he is a "white Caucasian male" that has the "*Inherent Rights*" of being a "*natural born Citizen*" of the United States, or
  - b) If the citizenship status of Barack Hussein Obama II is that of the "*statutory*" citizenship of the Fourteenth Amendment to the United States Constitution (*being a male of another race*



other than "Caucasian"), Barack Obama will have to establish with "verified" Documents that:

- i) His place of birth was in the United States, and
- ii) His Parents (*namely his father*) was under the jurisdiction of the United States at the time of his birth which would require documentation with "verified" Documents that his Parents had:
  - (a) established "Residence" in the United States, and
  - (b) owed "Allegiance" to the United States, and
- iii) He has the "Political Rights" of "Suffrage" under the provisions of the United States Constitution to not only hold an Office of the United States government, but to also hold the Office of President of the United States.

### **Cause of Action**

#### **(Contest of Election – Alaska Election Code A.S. 15.25.042(a))**

29. Petitioner realleges paragraphs 1 through 28 as if fully stated herein.
30. Respondent Barack Hussein Obama II has not established the eligibility requirements set forth by the U.S. Constitution of being a "natural born Citizen," or even a citizen of the United States. Furthermore, if Barack Hussein Obama II is a "statutory" citizen of the U.S. Constitution, Fourteenth Amendment; he has not established any "Political Rights" of "Suffrage" to hold an Office of the United States government.

31. Respondent Barack Hussein Obama II is therefore ineligible to appear on the Election Ballots for the State of Alaska as a Candidate for the Office of President of the United States.

### **Prayer for Relief**

**WHEREFORE**, Petitioner, Gordon Warren Epperly respectfully request that the Court:

- I. For the purpose of preserving the Petitioner's and Respondent's Rights of "Due Process of Law," issue forth an "Order in the Nature of Writ of Mandamus" requiring that the Alaska Lt. Governor and his Director of Elections adhere to the U.S. Constitution and verify the eligibility of Barack Hussein Obama II in a timely manner for the Office of President of the United States, or rule that the failure to do so is an abuse of discretion, arbitrary and capricious and contrary to law.

Alternatively, this Court must determine the qualifications of Office of Barack Hussein Obama II to be true before his name is allowed to appear on the Election Ballots for the State of Alaska.

- II. Issue an Injunction preventing the Alaska Division of Elections from placing the name of Barack Hussein Obama II on the year 2012 Alaska General Election Ballots until such time that the Candidate's "Official Certification of Nomination" has been supported and documented with "verified" Documents of Eligibility.
- III. Under Federal Rules of Criminal Procedure - Rule 6, submit the name of Respondent, Nancy Pelosi to the United States District Court for the District of Columbia for a Grand Jury investigation into the crime of: "*advocating the overthrow of the Constitutional form of government of the United States.*" (5 U.S.C. 3331, 5 U.S.C. 3333, 18 U.S.C.1918, and Executive Order No. 10450). This crime of advocating the overthrow of the Constitutional form of government

of the United States was committed when she, having taken the "Oath of Office" as a Member of the United States Congress, declared under "Oath" representing the "Chair" of the Democrat National Committee that Barack Hussein Obama II had the qualifications of Office of President of the United States when she had full knowledge that there was no truthfulness to that statement.

- IV. If Barack Hussein Obama II is found to be in want of Constitutional qualifications to hold the Office of President of the United States, this Court shall submit the name of Respondent, Barack Hussein Obama II to the United States District Court for the District of Columbia for a Grand Jury investigation under Federal Rules of Criminal Procedure - Rule 6, into the crime of: "advocating the overthrow of the Constitutional form of government of the United States." (5 U.S.C. 3331, 5 U.S.C. 3333, 18 U.S.C.1918, and Executive Order No. 10450). This crime of advocating the overthrow of the Constitutional form of government of the United States was committed when he, having taken the "Oath of Office" as President of the United States and then knowingly usurped the Office, did place his signature on papers as President of the United States, gave "Orders" to Military Commanders as if he was the "Commander in Chief" of the Military, and exercised other duties of the President of the United States without Constitutional authority. For want of Constitutional qualifications of Office, there is no immunity of Office for Barack Hussein Obama II as he is not the President of the United States nor could he ever be.
- V. Any such other relief as the Court deems just or proper.

THIS CASE FORMALLY ASSIGNED TO  
JUDGE PHILIP PALLEMBERG  
BY ORDER OF THE PRESIDING JUDGE



Respectfully submitted

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cc: Democrat National Committee @ Washington, D.C.