

# Southern Baptist pastor appeals suit over Obama's birth

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(RNS) Southern Baptist gadfly Wiley Drake will appeal a court's dismissal of his suit claiming President Obama was not born in the U.S. and is ineligible for the presidency.

Obama has a Hawaiian birth certificate but Drake and others in the "birther" movement claim he is not a natural-born citizen. Drake, a former vice president of the Southern Baptist Convention, has prayed for Obama's death and led a Baptist boycott of the Walt Disney Co. He is a pastor in California.

Nathan Oleson, a law clerk with the conservative U.S. Justice Foundation, said Thursday (Oct. 28) that Drake will appeal the case to the California Supreme Court.

Drake argues that California's secretary of state erred in not determining Obama's eligibility. But a three-judge panel of the California Court of Appeal unanimously upheld a lower court's dismissal of his complaint.

"The presidential nominating process is not subject to each of the 50 states' election officials independently deciding whether a presidential nominee is qualified, as this could lead to chaotic results," the court ruled on Monday (Oct. 25).

Oleson said a similar case awaits a hearing in the 9th U.S. Circuit Court of Appeals.