



The Western Center for Journalism

Training the Next Generation of Communicators

Clearing the Smoke on Obama's Eligibility Updated



In December '08 a retired CIA officer commissioned an investigator to look into the Barack Obama birth certificate and eligibility issue. On July 21, 2009 westernjournalism.com obtained a copy of the investigator's report and published it. Thousands have since read the report. The report is featured as one of the Key Documents on the safeguardourconstitution.com website that is maintained by the American Patriot Foundation that supports Lieutenant Colonel Terry Lakin.

Lieutenant Colonel Lakin is refusing to deploy as ordered to Afghanistan until Obama permits the Hawaii Department of Health to release his original birth certificate to support the claim that he is a natural born citizen and thereby meets the eligibility requirement for his office mandated by the Constitution. This may lead to Lakin's facing a court-martial.

Much new information has surfaced since the original publication and the investigator recently submitted to us an updated version of the report. Even if you have read it before, please consider reading the updated version that includes this new information. The situation for Lt Col Lakin is grave and we salute his courage, and we reaffirm the accuracy of this important research.—**The Editors**

Clearing the Smoke on Obama's Eligibility

Most people think of an original birth certificate as a state or hospital document containing a statement by a doctor or midwife. The hospital document usually is accompanied by a footprint.

No one has ever presented any evidence that such a document has ever existed in the United States for Barack Obama. The Hawaii Dept of Health refuses to give a yes or no answer to the question whether they have such a document on file.

Instead of the birth certificate on file at the Hawaii Dept of Health, the Obama campaign posted on the Daily Kos blog and the Fightthesmears website a "Certification of Live Birth". This Certification of Live Birth is not a copy of the original birth certificate. It is a computer-generated document that the state of Hawaii issues on request to indicate that a birth certificate of some type is "on record in accordance with state policies and procedures". And there is the

problem. As will be shown below, given the statutes in force in 1961, the Certification of Live Birth proves nothing unless we know what is on the original birth certificate. There are several legal areas (involving ethnic quotas and subsidy) for which the state of Hawaii up until June 2009 did not accept its computer-generated Certification of Live Birth as sufficient proof of birth in Hawaii or parentage. Why should the citizens of the United States be content with lower standards for ascertaining the qualifications of their President than were required by the Department of Hawaiian Homelands for ascertaining whether an applicant for its programs was born in Hawaii?

Obama has refused to allow the Hawaii Dept of Health to release his original birth certificate. The Hawaii Dept of Health has refused to provide any information about the hospital, or doctor, or midwife. It also refuses to confirm whether it has on record **any** information about a hospital, or doctor or midwife.

Jonathan Alter, senior editor at Newsweek magazine, told Keith Olbermann on MSNBC on Feb 20, 2009 that “They [the Republicans] are a party that is out of ideas so they have to resort to these lies about the fact that he’s not a citizen. This came up during the campaign, Keith. The Obama campaign actually posted his birth certificate from a Hawaii hospital online.” But it is Alter who resorted to lying to the American people on television. “The Obama campaign” **never** “actually posted his birth certificate from a Hawaii hospital online.”

On July 17, 2009 CNN’s Kitty Pilgrim lied when she stated that the Obama campaign had produced “the original birth certificate” on the internet and that FactCheck.org had examined the original birth certificate. The Certification of Live Birth that was posted by the campaign and FactCheck.org is not, and by definition, cannot be the original birth certificate or a copy of the original birth certificate. It contains no space for the signature of a doctor or midwife. It contains no space for the hospital or house where Barack Obama was born. There is no space on the Certification for any probative evidence that can be checked up on to see whether the Certification is valid. There were no computer generated Certifications of Live Birth in 1961, the year Obama was born.

STATE OF HAWAII		CERTIFICATE OF LIVE BIRTH		DEPARTMENT OF HEALTH	
		FILE NUMBER			
1a. Child's First Name (Type or print)		1b. Middle Name		1c. Last Name	
2. Sex	3. This Birth	4. If Twin or Triplet, Was Child Born		5a. Birth Date	5b. Month
	Single <input type="checkbox"/> Twin <input type="checkbox"/> Triplet <input type="checkbox"/>	1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/>			
6a. Place of Birth: City, Town or Rural Location				6b. Island	
6c. Name of Hospital or Institution (If not in hospital or institution, give street address)				6d. Is Place of Birth Inside City or Town Limits? If no, give judicial district	
				Yes <input type="checkbox"/> No <input type="checkbox"/>	
7a. Usual Residence of Mother: City, Town or Rural Location			7b. Island	7c. County and State or Foreign Country	
7d. Street Address			7e. Is Residence Inside City or Town Limits? If no, give judicial district		
			Yes <input type="checkbox"/> No <input type="checkbox"/>		
7f. Mother's Mailing Address			7g. Is Residence on a Farm or Plantation?		
			Yes <input type="checkbox"/> No <input type="checkbox"/>		
8. Full Name of Father			9. Race of Father		
10. Age of Father			11. Birthplace (Island, State or Foreign Country)		12a. Usual Occupation
					R
13. Full Maiden Name of Mother			14. Race of Mother		
15. Age of Mother		16. Birthplace (Island, State or Foreign Country)		17a. Type of Occupation Outside Home During Pregnancy	
				17b. Date Last Worked	
I certify that the above stated information is true and correct to the best of my knowledge.		18a. Signature of Parent or Other Informant		Parent <input type="checkbox"/>	18b. Date of Signature
				Other <input type="checkbox"/>	
I hereby certify that this child was born alive, on the date and hour stated above.		19a. Signature of Attendant		M.D. <input type="checkbox"/>	19b. Date of Signature
				D.O. <input type="checkbox"/>	
				Midwife <input type="checkbox"/>	
				Other <input type="checkbox"/>	
20. Date Accepted by Local Reg.		21. Signature of Local Registrar		22. Date Accepted by Reg. General	
23. Evidence for Delayed Filing or Alteration					

Actual 1961 Certificate of Live Birth that Obama refuses to release

CERTIFICATION OF LIVE BIRTH		
STATE OF HAWAII HONOLULU		DEPARTMENT OF HEALTH HAWAII U.S.A.
		CERTIFICATE NO. [REDACTED]
CHILD'S NAME BARACK HUSSEIN OBAMA II		
DATE OF BIRTH August 4, 1961	HOUR OF BIRTH 7:24 PM	SEX MALE
CITY, TOWN OR LOCATION OF BIRTH HONOLULU	ISLAND OF BIRTH OAHU	COUNTY OF BIRTH HONOLULU
MOTHER'S MAIDEN NAME STANLEY ANN DUNHAM		
MOTHER'S RACE CAUCASIAN		
FATHER'S NAME BARACK HUSSEIN OBAMA		
FATHER'S RACE AFRICAN		
DATE FILED BY REGISTRAR August 8, 1961		
<small>OHSM 1.1 (Rev. 11/01) LASER</small> This copy serves as prima facie evidence of the fact of birth in any court proceeding. [HRS 338-13(b), 338-19]		
ANY ALTERATIONS INVALIDATE THIS CERTIFICATE		

The digital copy that Obama did release

Obama's original birth certificate was a very different document from this Certification of Live Birth on FactCheck.org. that Kitty Pilgrim, Chris Matthews, Jonathan Alter, and Keith Olbermann have waved around to end the discussion. On the FactCheck.org web site, the claim is made that "FactCheck.org staffers have now seen, touched, examined and photographed the original birth certificate." They only saw and touched the Certification of Live Birth. So FactCheck.org is lying about this as well.

FactCheck.org gets its prestige from a reputation for objectivity. Why would those who run this site choose to tell so obvious a lie and so endanger the site's reputation? The answer is in the date of the posting, August 21, 2008. It was in mid-August that questions about the Certification of Live Birth began to reach a critical mass and threaten to enter the public discourse. The mostly pro-Obama television and newspaper/magazine media had to be given an excuse and cover for their collective decision to dismiss or ignore the substantial questions about whether Obama met the qualifications for the office set forth in Article II section I of the Constitution. And those reporters and editors who were not in the tank for Obama had to be deceived. After Labor Day the swing voters would begin to pay attention to the Presidential campaign. The truth had to be killed. And with its lie about "how it examined and photographed the original birth certificate", FactCheck.org killed it.

Birth Certificate and Citizenship Law when Obama was Born

Under Section 57 of the Territorial Public Health Statistics Act in the 1955 Revised Laws of Hawaii (which was in effect in 1961), a mailed-in form (without mention of a hospital, doctor, or midwife) signed by one of his parents (who could have been out of the country and pre-signed a form or whose signature could have been forged by a grandparent) would have been enough to set up a birth record and a birth certificate at the Dept of Health. The Dept of Health would then have automatically sent the names of the parents, their address as given on the mailed-in form, the gender of the child, and the date of birth to the Honolulu Advertiser and Star-Bulletin. (The address given for the parents in the newspaper announcements is actually, however, the August 1961 home address of Obama's maternal grandparents Stanley and Madelyn Dunham [6085 Kalaniana'ole Highway], and **not** the 1961 home address of Barack Obama, Sr. [625 11th Ave].) This notification would then have automatically generated the newspaper announcements. (This was the practice of the Honolulu Advertiser and Star-Bulletin at the time).

This meager birth record would also be enough to generate the computer-generated Certifications of Live Birth in 2007 and 2008. This series of events is certainly possible. It is also the most likely explanation for Obama's refusal to request and release (or authorize the release of) his original birth certificate. When these considerations are placed next to the statements by Sarah Onyango Obama, Peter Ogego (the Kenyan ambassador to the U.S), and now a Kenyan cabinet minister, James Orengo, in the Kenyan Parliament that Barack Obama was born in Kenya (on page 31 of the following pdf

http://www.bunge.go.ke/parliament/downloads/tenth_forth_sess/Hansard/RDRAFT25.03P.pdf

<http://www.wnd.com/index.php?fa=PAGE.view&pageId=139481>

sufficient questions have been raised to justify a call for Barack Obama to release his original birth certificate. (There are no doctors, nurses, midwives or other witnesses to Ann Dunham giving birth to Barack Obama in Hawaii. In fact, from mid-February 1961 through August 1962, there are no witnesses to or evidence that Ann Dunham was in Hawaii at all.) If the American people are not shown the original birth certificate, his birth in Kenya or elsewhere becomes a clear possibility. And if Obama continues to refuse to allow the state of Hawaii to release the original birth certificate, it begins to look like he was not born in a hospital in Hawaii (as his campaign has claimed) or at home with the assistance of a doctor or midwife.

When you actually look closely at the carefully lawyered statements by the Hawaiian Dept of Health, all that its director is willing to assert is that she has "personally seen and verified that the Hawai'i State Department of Health has Sen. Obama's original birth certificate on record in accordance with state policies and procedures." But according to the Territorial Public Health Statistics Act in the 1955 Revised Laws of Hawaii, no hospital's name, or doctor's or midwife's statement was necessary to establish an original birth certificate.

Now, if it should turn out that there is no hospital or physician record in the original birth certificate, then of course Barack Obama wasn't born in a hospital in Hawaii. And a home birth or non-hospital birth can then probably be ruled out for the following reason.

When someone has a home birth or is not born in a hospital, this becomes a part of his family's lore and is now and again spoken of by his parents. He and his siblings grow up knowing that he was born at home or his uncle's house, etc. The fact that someone in the campaign told a Washington Post reporter that he was born in Kapiolani hospital and his sister said he was born at Queens hospital indicates that there was not and is not any Obama/Dunham family memory of a home birth or non-hospital birth in Hawaii.

A reasonable person would acknowledge that there are serious reasons to doubt that Barack Obama was born in the United States and to ask why the more substantial evidence that the media assume exists, has not been provided. This is especially true because, if Obama was born in a foreign country, his family had a compelling reason to lie about it.

In 1961 if a 17 year old American girl gave birth in a foreign country to a child whose father was not an American citizen, that child had no right to any American citizenship, let alone the "natural born" citizenship that qualifies someone for the Presidency under Article II, Section 1 of the Constitution.

In 1961, the year that Barack Obama was born, under Sec. 301 (a) of the Immigration and Nationality Act of 1952, Ann Dunham could not transmit citizenship of any kind to Barack Obama.

" 7 FAM 1133.2-2 Original Provisions and Amendments to Section 301

(CT:CON-204; 11-01-2007)

"a. Section 301 as Effective on December 24, 1952: When enacted in 1952, section 301 required a U.S. citizen married to an alien to have been physically present in the United States for ten years, including five after reaching the age of fourteen, to transmit citizenship to foreign-born children. The ten-year transmission requirement remained in effect from 12:01 a.m. EDT December 24, 1952, through midnight November 13, 1986, and still is applicable to persons born during that period.

"As originally enacted, section 301(a)(7) stated: Section 301. (a) The following shall be nationals and citizens of the United States at birth: (7) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than ten years, at least five of which were after attaining the age of fourteen years: Provided, That any periods of honorable service in the Armed Forces of the United States by such citizen parent may be included in computing the physical presence requirements of this paragraph."

The Immigration and Nationality Corrections Act (Public Law 103-416) on October 25, 1994 revised this law to accommodate "a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United

States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years”.

But in 1961, if Barack Obama had been born outside of the country, the Dunham family had no way of knowing that in 1994 Congress would pass a law that would retroactively make him a citizen. At that time, the only way to get citizenship for him would be to take advantage of the loopholes in the Territorial Public Health Statistics Act.

People can debate the meaning of the term “natural-born citizen” as long as they like but this is clear: If, in 1961, 17 year old Ann Dunham gave birth to a child on foreign soil whose father was not an American citizen, then the Immigration and Nationality Act at that time denied Barack Obama any right to American citizenship of any kind. Therefore if at the time of his birth Obama was ineligible for American citizenship of any kind, then he cannot be a “natural-born citizen”. This is true even if the Immigration and Nationality Act was changed 33 years after he was born. Even if the law was retroactively changed to grant citizenship (but not “natural-born” citizenship) to some of those who had at birth been denied it. If a person is not at the time of his birth an American citizen, he cannot be a natural-born citizen. Therefore, that person is ineligible under Article II, Section 1 for the Office of President of the United States.

Obama’s Passport File

It should be added that “Obama’s top terrorism and intelligence adviser”, John O. Brennan, heads a firm that was cited in March 2008 for breaching sensitive files in the State Department’s passport office, according to a State Department Inspector General’s report released this past July.

“The security breach, first reported by the Washington Times and later confirmed by State Department spokesman Sean McCormack, involved a contract employee of Brennan’s firm, The Analysis Corp., which has earned millions of dollars providing intelligence-related consulting services to federal agencies and private companies.

“During a State Department briefing on March 21, 2008, McCormack confirmed that the contractor had accessed the passport files of presidential candidates Barack Obama, Hillary Rodham Clinton, and John McCain, and that the inspector general had launched an investigation.

“Sources who tracked the investigation tell Newsmax that the main target of the breach was the Obama passport file, and that the contractor accessed the file in order to ‘cauterize’ the records of potentially embarrassing information.

“ ‘They looked at the McCain and Clinton files as well to create confusion,’ one knowledgeable source told Newsmax. ‘But this was basically an attempt to cauterize the Obama file.’

“At the time of the breach, Brennan was working as an unpaid adviser to the Obama campaign.

” ‘This individual’s actions were taken without the knowledge or direction of anyone at The Analysis Corp. and are wholly inconsistent with our professional and ethical standards,’

Brennan's company said in a statement sent to reporters after the passport breach was made public.

"The passport files include 'personally identifiable information such as the applicant's name, gender, social security number, date and place of birth, and passport number,' according to the inspector general report.

"The files may contain additional information including 'original copies of the associated documents,' the report added. Such documents include birth certificates, naturalization certificates, or oaths of allegiance for U.S.-born persons who adopted the citizenship of a foreign country as minors."

"The State Department Office of Inspector General (OIG) issued a 104-page report on the breach last July. Although it is stamped 'Sensitive but Unclassified,' the report was heavily redacted in the version released to the public, with page after page blacked out entirely."

http://www.newsmax.com/timmerman/brennan_passport_breach/2009/01/12/170430.html

The following may be relevant:

<http://www.washingtontimes.com/news/2008/apr/19/key-witness-in-passport-fraud-case-fatally-shot/>

Key witness in passport fraud case fatally shot

Saturday, April 19, 2008

"A key witness in a federal probe into passport information stolen from the State Department was fatally shot in front of a District church, the Metropolitan Police Department said yesterday.

"Lt. Quarles Harris Jr., 24, who had been cooperating with a federal investigators, was found late Thursday night slumped dead inside a car, in front of the Judah House Praise Baptist Church in Northeast, said Cmdr. Michael Anzallo, head of the department's Criminal Investigations Division.

"Cmdr. Anzallo said a police officer was patrolling the neighborhood when gunshots were heard, then Lt. Harris was found dead inside the vehicle, which investigators would describe only as a blue car.

"Emergency medics pronounced him dead at the scene.

"City police said they do not know whether his death was a direct result of his cooperation with federal investigators.

"We don't have any information right now that connects his murder to that case," Cmdr. Anzallo said.

“Police say a “shot spotter” device helped an officer locate Lt. Harris.

“A State Department spokeswoman yesterday declined to comment, saying the investigation into the passport fraud is ongoing.

“The Washington Times reported April 5 that contractors for the State Department had improperly accessed passport information for presidential candidates Sens. Hillary Rodham Clinton, Barack Obama and John McCain, which resulted in a series of firings that reached into the agency’s top ranks.

“One agency employee, who was not identified in documents filed in U.S. District Court, was implicated in a credit-card fraud scheme after Lt. Harris told federal authorities he obtained “passport information from a co-conspirator who works for the U.S. Department of State.” “

There is a possibility that the breaches of the passport files associated with the “credit-card fraud scheme” were a cover for or associated with the breaches of the passport files by the employee of Brennan’s Analysis Corp.

Protecting Hawaii’s Favorite Son

Until June 2009, the reasonable doubts about where Obama was born could have quickly and finally been resolved if he had authorized the release by the Hawaiian Dept of Health of his original birth certificate or else applied for it himself and released it to the media. But as these doubts have increased and reached the point where they are no longer a “fringe” phenomenon, the Hawaiian state govt has recently taken certain steps that would create procedural and possibly legal barriers to a resolution of the controversy.

On June 7, 2009, a spokeswoman for the Hawaii Department of Health, Janice Okubo, announced that “The state Department of Health no longer issues copies of paper birth certificates as was done in the past. The department only issues ‘certifications’ of live births, and that is the ‘official birth certificate’ issued by the state of Hawaii, she said. ” [Honolulu Star Bulletin] http://www.starbulletin.com/columnists/kokualine/20090606_kokua_line.html

This 2009 announcement sets up a way for the bureaucracy to stonewall any requests by Obama’s relatives or other interested parties who, before the change in policy, had a right to obtain his original birth certificate. (Now they will be fobbed off with the certification of live birth which the Dept of Health has now declared to be the ” ‘official birth certificate’ issued by the state of Hawaii”, a very dodgy bureaucratic maneuver that I doubt would stand up in a court of law if a relative contested it.) It also violated the long-standing right of all Hawaiian citizens to obtain copies of their original birth certificates. This right was often a legal necessity.

As late as June 10, 2009, the Department of Hawaiian Homelands insisted that it would **not** accept the Certification of Live Birth as adequate proof of birth in Hawaii. All applicants for its special programs had to present an original birth certificate, and the Department of Hawaiian Homelands described the simple procedure by which the original birth certificate could be

obtained from the Department of Health. This was the statement on their website on June 10, 2009:

“In order to process your application, DHHL [Department of Hawaiian Homelands] utilizes information that is found only on the original Certificate of Live Birth, which is either black or green. This is a more complete record of your birth than the Certification of Live Birth (a computer-generated printout). Submitting the original Certificate of Live Birth will save you time and money since the computer-generated Certification requires additional verification by DHHL.

“Please note that DOH [Department of Health] no longer offers same day service. If you plan on picking up your certified DOH document(s), you should allow at least 10 working days for DOH to process your request(s), OR four to six weeks if you want your certified certificate(s) mailed to you.”

On July 8, 2009 the web site World Net Daily accurately reported that “The state, **which had excluded the controversial document [the Certification of Live Birth] as proof of native Hawaiian status**, has changed its policy and now makes a point of including it.”

<http://www.wnd.com/index.php?fa=PAGE.view&pageId=103408>

Here is the new statement on the Department of Hawaiian Home Lands web site [July 8, 2009]. “The Department of Hawaiian Home Lands accepts both Certificates of Live Birth [original birth certificates] and Certifications of Live Birth ... Although original birth certificates (Certificates of Live Birth) are preferred for their greater detail, the State Department of Health (DOH) no longer issues Certificates of Live Birth. When a request is made for a copy of a birth certificate, the DOH issues a Certification of Live Birth.

The web site theobamafile.com picked up this significant change in procedure on the Dept of Hawaiian Homelands website on June 18, 2009.

http://www.theobamafile.com/_BogusPOTUS/20090608.htm#HawaiiRuleChange

Sometime between June 10, 2009 and June 18, 2009 the state of Hawaii changed its long-standing rule on what documents and data were necessary to prove a birth in Hawaii for the Dept of Hawaiian Homelands, thereby upgrading the apparent status of the Certification of Live Birth which it had formerly regarded as insufficiently probative. Why?

A family that I am acquainted with has a child who was born in Hawaii in December 2008. They filled out and mailed in a form to the Dept of Health, as did their doctor. In return the Dept sent them in the first week of June, 2009, the same computer-generated form that last year on the Daily Kos and subsequently on the Obama campaign web site was called a “Certification of Live Birth”. The form that this family received this year is identical in format to the Certification of Live Birth on the Daily Kos web site with one exception: the title at the top of the form.

On June 12, 2008 the title for this form was **Certification** of Live Birth. The title for the form that this family received in the first week of June 2009 is **Certificate** of Live Birth. I called The Dept of Health and confirmed that the title of the form had been changed. The bureaucrat that I

spoke to said the change had been made “recently”, but could not or would not tell me when. Sometime between June 12, 2008 and the first week of June 2009 the Hawaiian Dept of Health changed the title of this abbreviated form from “Certification of Live Birth” to “Certificate of Live Birth“. Why?

The use of the word “Certificate” rather than “Certification” makes the form feel somewhat more like a traditional birth certificate than the “Certification of Live Birth” that the Daily Kos website and subsequently the Obama campaign posted on the Internet even though, like the “Certification“, it also lacks any information about the hospital, doctor, or midwife. This renaming of the document will be very convenient for the Hawaiian Dept of Health in future stonewalling should any legal pressure be brought against them to produce Obama’s “Certificate of Live Birth”. Instead of producing the original “Certificate of Live Birth”, they will produce the “Certification of Live Birth” form that the Dept of Health has now renamed a “Certificate of Live Birth” and claim that they are doing so “in accordance with state policies and procedures” in the words of the Dept’s Director, Dr. Chiyome Fukino.

What is a “Natural Born Citizen”

It is only by examining the 18th century usage and definition of a term that we can ascertain its meaning in the Constitution. In the 18th century, and at the time of the framing and ratification of the Constitution by the states, the term “natural-born” subject or citizen was always used or defined in such a way as to exclude the child of a British or American girl or woman when that child was born in a foreign country and that child’s father was a foreign citizen. No 18th century jurist would have thought the term “natural-born” citizen or subject could have been extended to the child of a British or American girl or woman when that child was born in a foreign country and that child’s father was a foreign citizen.

Here is Blackstone’s classic exposition in 1765 of the legal meaning of the term from the Commentaries on the Laws of England.

William Blackstone, Commentaries 1:354, 357–58, 361–62

1765

“Natural-born subjects are such as are born within the dominions of the crown of England, that is, within the ligeance, or as it is generally called, the allegiance of the king; and aliens, such as are born out of it. . . .

“When I say, that an alien is one who is born out of the king’s dominions, or allegiance, this also must be understood with some restrictions. The common law indeed stood absolutely so; with only a very few exceptions: so that a particular act of parliament became necessary after the restoration, for the naturalization of children of his majesty’s English subjects, born in foreign countries during the late troubles. And this maxim of the law proceeded upon a general principle, that every man owes natural allegiance where he is born, and cannot owe two such allegiances, or serve two masters, at once. Yet the children of the king’s ambassadors born abroad were always held to be natural subjects: for as the father, though in a foreign country, owes not even a

local allegiance to the prince to whom he is sent; so, with regard to the son also, he was held (by a kind of postliminium) to be born under the king of England's allegiance, represented by his father, the ambassador. To encourage also foreign commerce, it was enacted by statute 25 Edw. III. st. 2. that all children born abroad, provided both their parents were at the time of the birth in allegiance to the king, . . . might inherit as if born in England: and accordingly it hath been so adjudged in behalf of merchants. But by several more modern statutes these restrictions are still farther taken off: so that all children, born out of the king's ligeance, whose fathers were natural-born subjects, are now natural-born subjects themselves, to all intents and purposes, without any exception; unless their said fathers were attainted, or banished beyond sea, for high treason; or were then in the service of a prince at enmity with Great Britain."

Avoiding a Constitutional Crisis

I think it is clear that there are reasonable arguments that Barack Obama may not be a natural-born citizen of the United States. These arguments could be settled if Obama allowed the Hawaii Department of Health to release his original birth certificate. It is completely reasonable to regard his refusal to do so as suspect.

In 2008, these justifiable doubts should have led to demands for the original birth certificate by the media, the responsible officials in the Democratic Party, the Secretaries of State in the different states, the members of the Electoral College and the United States Senate. John McCain was asked to provide his original birth certificate, and he did so.

The irresponsible confirmation in the Senate of the irresponsible tallying of votes in the Electoral College does not supersede the clear meaning of Article II, Section 1. If it is allowed to stand, disregard of the Constitution by all branches of the government would be openly established. To all who believe that the Constitution is the government's basic law, that the Constitution is the only instrument that gives the enactments of Congress and the commands of the Executive validity, it will be clear that the rule of law in the United States is a fiction.

Journalists and politicians complain that we must avoid a Constitutional crisis, but there already is a Constitutional crisis. It has been caused by Obama's refusal to take the simple step to clear the matter up. The power of the Executive branch has been compromised. Its right to collect taxes and sign Congressional enactments into law, in fact all of its powers, have become problematic. Since their validity under Section I is now doubtful, they depend on the illegal exercise of force. Since officers of the American military take their oath on commissioning to the Constitution and not the President, their obedience to the Commander-in-Chief has lapsed and, if they challenge or resist his authority, any court-martial will also be an illegal exercise of force. The only way out of the present Constitutional crisis is for Obama to do as McCain did when he was confronted by far less pressing doubts about the circumstances of his birth. He must disclose his original birth certificate. Since the document has been so suspiciously withheld for so long, it should be subjected to rigorous forensic tests. Then whatever is on it should be judicially assessed together with the claims that have been made that Barack Obama was born on foreign soil.

Addendum on the CNN/Lou Dobbs issue

http://www.mediabistro.com/tvnewser/cnn/jon_klein_on_birthers_it_seems_this_story_is_dead_122546.asp#more

“[On July 23, 2009] CNN/U.S. president Jon Klein sent an email to a handful of “Lou Dobbs Tonight” staffers regarding the coverage of the so-called birthers and the validity of Pres. Obama’s birth in the U.S.

“Klein [said that he had] asked CNN researchers to dig into the question of why Obama couldn’t produce the original birth certificate. The researchers contacted the Hawaii Health Dept. and confirmed that paper documents were discarded in 2001 when the department went paperless. That reportedly includes Pres. Obama’s original birth certificate.”

Here is the email that Klein sent [in italicized bold]:

— Original Message —

From: Klein, Jon (CNN)

Sent: Thu Jul 23 19:00:44 2009

Subject: Important re birth certificate

I asked the political researchers to dig into the question “why couldn’t Obama produce the ORIGINAL birth certificate?”

This is what they forwarded. It seems to definitively answer the question. Since the show’s mission is for Lou to be the explainer and enlightener, he should be sure to cite this during your segment tonite. And then it seems this story is dead – because anyone who still is not convinced doesn’t really have a legitimate beef.

Thx

****In 2001 – the state of Hawaii Health Department went paperless.*Paper documents were discarded*The official record of Obama’s birth is now an official ELECTRONIC record Janice Okubo, spokeswoman for the Health Department told the Honolulu Star Bulletin, “At that time, all information for births from 1908 (on) was put into electronic files for consistent reporting,” she said.***

And here is the Transcript from Lou Dobbs Tonight – 07.23.09

DOBBS: ...And a number of Americans are asking, why not? The left-wing media has attacked me because I simply asked the question. Meanwhile, the state of Hawaii says it can’t release a paper copy of the president’s original birth certificate because they say the state government discarded the original document when the health department records went electronic some eight years ago.

On July 27, 2009, in direct contradiction to CNN/U.S. president Jon Klein's claim to Lou Dobbs' staffers, Janice Okubo (spokeswoman of the Hawaiian Dept of Health) told the Honolulu Advertiser that "any paper data prior to that [2001] still exists" and she also told World Net Daily that "Any records that we had in paper or any other form before 2001 are still in file within the department."

<http://www.wnd.com/index.php?pageId=105233>

There are 4 possible explanations for this chain of events.

1) CNN/U.S president Jon Klein deliberately lied to Lou Dobbs' staffers to kill the eligibility story that Dobbs had just begun to explore on his program. His lie to Dobbs' staffers gave Dobbs an excuse for following Klein's orders to stop covering this issue on future programs.

2) The CNN researchers lied to Klein by deliberately adding to their discovery that in 2001 Hawaii had established electronic records, a false story that Hawaii had destroyed the paper records. It is very hard to believe that this lie was not deliberate because any reporter or researcher who is not brain dead would have asked the question "Does that mean the paper records were destroyed?" or "Does the paper record still exist?" and received a yes or no answer before reporting that the paper records were all destroyed. (Have the researchers been fired, demoted, disciplined, or reprimanded? If they were not, they either did not lie **or** they were not responsible for the decision for them to lie.)

3) The Hawaiian Department of Health lied to the CNN researchers (to end further inquiries by Lou Dobbs and others into the eligibility issue) by falsely saying that the original paper documents had been destroyed.

4) The Hawaiian Department of Health truthfully disclosed to the CNN researchers that the paper documents had been destroyed. The Dept of Health then realized that this would look far too suspicious and so the spokeswoman then told the Honolulu Advertiser and World Net Daily that the original paper documents are intact.

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