



## Barack Obama and the Citizenship Scandal

It has been alleged that presidential aspirant Barack Obama is ineligible to become president because, it is claimed, he was not born in the United States, but rather born in Kenya to a Kenyan father, making him a Kenyan citizen. The story has gained credence for several reasons. His paternal grandmother in Kenya has reportedly been audiotaped saying that she was in the delivery room when Obama was born. Obama has refused to release an official birth certificate. Instead he has released a "certification of live birth," which not only shows evidence of tampering — Obama's half-sister's name Maia appears under his name — but wouldn't normally be considered a legal document anyway. Further, Obama will not release his medical records or his records from Occidental or Harvard College. It is speculated that he will not release these records because they indicate he is not a citizen and may, in fact, have applied for some type of U.S. government aid for foreign students.



These are the accusations that lifelong Democrat and former Democratic candidate for office Philip Berg has made in the case *Philip J. Berg v. Barack Obama, et al.* Berg, a former deputy attorney general of Pennsylvania, further alleges that even if Obama were born in the United States, when Obama's mother was remarried, she moved to Indonesia with her new husband and renounced her and Barack's U.S. citizenship. The basis for this claim is the fact that Obama was enrolled in school for four years in Indonesia, and the government required (during the time Obama was there) that one had to be a citizen of Indonesia and renounce citizenship in other countries in order to attend school.

Though as of yet unverified, the claim that Obama is not a natural-born citizen rings true if for only one reason: by refusing to supply the requested documents, Obama is alienating voters and losing votes. But there is virtually no chance that voters will find out the truth of the matter before election day because on October 24, Judge R. Barclay Surrick of the U.S. District Court of Pennsylvania dismissed Berg's lawsuit "for Lack of Subject Matter Jurisdiction." The court did not rule on the facts of the case and, in fact, did not consider them at all.

Surrick ruled that even if all of Berg's claims were true, the case must be dismissed because the plaintiff, Berg, was not "entitled to relief" because he had no legal "standing." In other words, Berg was not legally recognized as a legitimate plaintiff against Obama because Obama did not "injure" Berg in some way, whether physically or financially, either directly or by way of damaging his reputation. So no



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possible remedy as sought by Berg through the court — such as Obama’s original birth certificate or a declaration by the judge that Obama was ineligible for the presidency - would “redress” (or make up for) the injury that Berg claimed.

Berg tried to get standing through various means, such as saying that as a lifelong Democrat that his and his party’s reputation would be injured by a fraud perpetrated on the U.S. populace and by claiming that he had been “deprived of money and billable hours to secure, as promised, an eligible Democratic candidate for Office of President ... [and that he] has been deprived of his right to vote for an eligible Democratic Nominee for the U.S. Office of President.” But Surrick rejected all of Berg’s arguments, noting that in a similar case during the presidential primaries against John McCain, the plaintiff was found not to have standing either. (John McCain, though born to two U.S. citizens, unlike Barack Obama, was born in the U.S. Panama Canal Zone, where his father served in the military.)

Surrick went so far as to claim that voters as a class do not have standing in any such case unless Congress passes a law to give them standing: “To reiterate: a candidate’s ineligibility under the Natural Born Citizens Clause does not result in an injury in fact to voters.... If through the political process, Congress determines that citizens, voters, or party members should police the Constitution’s eligibility requirements for the Presidency, it is free to pass laws conferring standing on individuals like Plaintiff.”

This does not mean that the legal fact-finding endeavor is at a dead-end. Berg has appealed his case to the Supreme Court, and if that fails, he can wait until Obama (upon winning the presidency) takes office and then attempt to get the information using the Freedom of Information Act. (Berg has attempted this already, but he did not adhere to the rules governing how FOIA requests must be made, and he requested information from a state agency when the FOIA only applies to federal agencies — such as the executive branch.)



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