



## The Clock is Ticking on Obama's Eligibility

Attorney Van Irion of the Liberty Legal Foundation (LLF) filed an appeal to a Georgia superior court to review and overturn the decision by Georgia's Secretary of State Brian Kemp (left) to keep Barack Obama's name on the state's 2012 primary ballot. Irion claimed that Kemp's decision was based on a faulty ruling by administration law Judge Michael Mahili who threw out testimonies presented by Irion and two other attorneys in a hearing on January 26th.



At issue is whether Obama is a "natural born citizen" as required under the Constitution to qualify to run for the office of president. Georgia law requires that "every candidate for federal office...shall meet the constitutional and statutory qualifications for holding [that] office..."

In his appeal Irion claimed that Mahili failed to follow procedures properly, and attempted to make a judgment on the facts presented rather than certifying them. Irion said that when he pressed Mahili for a response, Mahili stepped aside, saying that the matter was now in the hands of the superior court.

Irion also claimed in his appeal that "At issue is nothing less than the enforcement or loss of constitutional rule of law. The petitioner's right to live in a constitutional republic will be lost if the clearest terms of the U.S. Constitution will not be enforced by the judicial branch of government." He added that if the Superior Court doesn't overturn Kemp's ruling, "it would confirm that the judicial branch is now unwilling to enforce the clearest and most basic requirements of the U.S. Constitution."

His appeal said that Mahili's ...

conclusion runs contrary to common sense, violates venerable rules of constitutional construction followed by the U.S. Supreme Court since its inception, and violates the explicit holding of the Supreme Court case [Mahili] relied upon. Had the drafters of the Constitution intended all people born in the U.S. to be considered natural born citizens, the 14th Amendment would not have been necessary. Had the drafters of the 14th Amendment intended that amendment to alter the Article II definition of natural born citizen, they would have clearly stated so. Yet the term "natural born citizen" is not found anywhere within the 14th Amendment. The amendment also makes no reference to Article II. The [Mahili] ruling, therefore, violates rules of construction that [Mahili's court] had itself relied upon just days earlier in the same litigation.

Instead, Mahili [relied on](#) an Indiana Court of Appeals decision to buttress his rejection of Irion's original claim which Irion considered to be "nonbinding."

*The New American's* writer Joe Wolverton [explained](#) that the founders deliberately inserted the "natural



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born citizen” requirement into Article II, Section 1, Clause 5 to avoid the danger of admitting strangers into office. He quoted jurist St. George Tucker:

That provision in the constitution which requires that the president shall be a native-born citizen...is a happy means of security against foreign influence which...is to be dreaded more than the plague. The admission of foreigners into our councils...cannot be too much guarded against...

[Noted legal scholar Herb Titus](#), a *cum laude* graduate from Harvard Law and a drafter (along with Judge Roy Moore) of the [Constitution Restoration Act](#), said “‘Natural born citizen’ in relation to the office of president, and whether someone is eligible, was in the Constitution from the very beginning...Now what we’ve learned from the Hawaii birth certificate is that Mr. Obama’s father was not a citizen of the United States. His mother was, but [Obama] doesn’t qualify as a natural born citizen for the office of president.”

The job of the superior court now is to weigh Irion’s arguments and see if they are sufficiently persuasive to overturn Kemp’s ruling. The clock is ticking on the matter as the Georgia presidential primary is scheduled for Tuesday, March 6th.



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