



Court Won't Hear Obama Citizenship Case — but May Soon

On Monday, December 8, the Supreme Court unsurprisingly decided not to hear a case by retired lawyer Leo Donofrio claiming that Obama is not eligible to be president because Obama had dual nationality at birth, so he wasn't a natural born citizen as required under the Constitution to be president. The dismissal should have come as no surprise to anyone — not because, as major-media mouthpieces trumpet, that the case has no merit — because it was clearly evident that Donofrio would either be viewed by the court to not be a plaintiff in good standing or his claim would be found without merit because any child born in the United States, as Donofrio's case assumes to be true for Obama, is considered a natural born citizen — as millions of illegal immigrants who have had children in the United States can attest.

This case was doomed from the beginning because the Supreme Court was sure to agree with multiple findings by lower courts that an average citizen cannot contest a president's eligibility to be president; only those people who are legally "injured" by a presidential aspirant's candidacy — either monetarily, physically, or reputation-wise — may sue. The fact that such findings by the lower courts are absurd because the U.S. Constitution is a contract between the government and the people and contract law stipulates that any party to a contract has the right to enforce a contract was not going to be a reason for the Supreme Court to hear arguments in the Donofrio case.

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Neither was the fact that the Constitution itself declares that the only issue to be determined by a federal court for a case to proceed is the case's constitutionality — not a plaintiff's standing — going to stop the Supreme Court from throwing out this case. (For an analysis of the constitutionally correct





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application of law in this case, see the article by constitutional law scholar Edwin Vieira, entitled "[Obama Must Stand Up Now Or Step Down.](#)"

Similar to Donofrio's case, a case by lifelong Democrat Philip Berg that is pending before the Supreme Court is likely to face a quick death for lack of standing, though Berg is arguing that Obama was not born in the United States and, even if he was born here, his mother evidently renounced Obama's citizenship when she moved to Indonesia. During the four years Obama was enrolled in school in Indonesia, enrollment required both citizenship and a renunciation of citizenship in other countries.

At the present time, only one case about Obama's citizenship has a better than a one-in-a-million chance of making headway (only slightly better, in my opinion, because judges regularly find "legal justification" for ignoring the law, even the Constitution). That is the case filed by Alan Keyes, a 2008 presidential candidate for the American Independent Party, and Markham Robinson, a California elector. These men definitely have legal standing to sue. And despite protests to the contrary by many, good reason to sue.

The best reason to sue is to uphold the Constitution as the law of the land; the second-best reason is because Obama is hiding *something*. One doesn't, as Obama has reputedly done, hire *three law firms* to keep one's birth records and college records sealed unless one has something to hide. (It is speculated that Obama's college records will show that he applied for aid to foreign students.) Like I've said in another article on this topic, I have had on several occasions been required by employers to furnish original birth certificates and college records before they would hire me. To most people, such a request is simply no big deal. There's something wrong here.

Many in the major media, and even some moderately conservative news organs such as NewsMax, have verbally skewered lawsuits to verify Obama's citizenship, claiming that they know Obama is a U.S. citizen because Obama has posted his birth certificate online, an announcement of Obama's birth was in a Hawaiian newspaper, and members of Hawaii's health department have stated that Obama has an original birth certificate on file there. To say the least, I want these guys as my investigators if I ever pull a criminal caper. In truth, Obama did not post a birth certificate online, but a certificate of live birth (a document that would not even meet the standards of the average genealogy society as proof of citizenship); the birth announcement merely said that the Obama's had a son (no hospital or place of birth was listed); and in Hawaii, parents of children residing in Hawaii may submit alternate birth documentation to the Department of Health and still be deemed to have "an original birth certificate."

But besides the lawsuits, there are other ways that Obama's impending swearing-in as president could be upset. First, on December 15, state electors will convene to vote for president (Obama is really not the president-elect yet; he has a couple of steps to go), and if the electors are swamped with voter demands to verify Obama's eligibility as president, they may withhold their electoral ballots until Obama proves he is a citizen. And on January 6, Congress must meet to certify the counts of the states' electoral ballots. At that time, any senator or congressman may challenge the ballots for a good reason. If that happens, the Constitution compels Congress to get to the truth underlying the complaint. Again a letter-writing campaign to Congressman could end in an investigation of Obama's citizenship.

But at least in the short run, Obama's supporters probably will prevail, even though Obama's actions stink with suspicion and the proof given of his citizenship is not proof at all. They will succeed because politicians tend to either be spineless followers or unapologetic dealmakers — at both the state and federal levels (although a writing campaign to constitutional bulldog Congressman Ron Paul (R-Texas) could yield a positive result), and it is unlikely that congressmen, even if there is a congressional



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objection, will exert due diligence toward finding out the truth of the matter as they are constitutionally bound to do.

But in the long run, the chances that a federal court will demand that Hawaii allow a forensic inspection of Obama's birth records are better than one might assume. Edwin Vieira explains: "Assume, however, that no inquiry, or only a perfunctory inquiry, or only an obviously tainted inquiry takes place at the stage of counting the Electors' votes. Is the issue then forever foreclosed? Not at all. For a extensive class of litigants who absolutely do have 'standing' to challenge Obama's eligibility will come into existence, and demand relief as a matter of undeniable constitutional right and practical necessity, as soon as Obama's Department of Justice attempts to enforce through criminal prosecutions some of the controversial legislation that the new Congress will enact and Obama will sign — such as statutes aimed at stripping common Americans of the firearms to which (in Obama's derisive terminology) they 'cling.'" So as soon as Obama signs a bill into law that has a negative effect on an American, that American will have standing to sue Obama to find out whether Obama actually has the power to sign the bill. Things could get interesting.

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