The Eligibility Dialogue
Is President Obama Eligible to serve as President?

There is a purposeful effort to create a misconception that “Birthers” believe that the President is not a citizen of the United State. This is not an accurate view of the Birther’s position. Their question is, has President Obama provide sufficient evidence to prove that he is a natural born citizen as required by Article II Section 1 of the U.S. Constitution. I argue that he has not. I have attempted to provide an intelligent and comprehensive dialogue that illustrates my best arguments, counter views and rebuttals. I hope you enjoy this work and that you are challenged by it.

My views in no way represent the views of the Communication Studies Department, West Valley College or the West Valley Mission Community College District. This document is intended for the use of my students for the facilitation and illustration of critical thinking, debate and dialogue.

Hyperlinks to key ideas:
- Is the President Eligible?
- But, didn’t the President release his Long Form Birth Certificate?
- HI lawfully offers Birth Certificates (BC) for children born out of State
- Anyone could have legally initiate Obama’s BC at the time of birth
- Who was Sun Yat-Sen and why does he matter?
- Who was Roger Carlero and why does he matter?
- Obama’s birth announcement is of no consequence
- Statements from state officials really say nothing at all
- The Burden of Proof is not on critics like me
- What about court cases?
- The Senate actually validated McCain’s eligibility but not Obama’s
- Presidential ballot errors of the past (felons on the ballot?)
- Motivated by RACISM?
- Why this is NOT a Conspiracy
- I’m not alone
- Does President have Dual Citizenship?

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West Valley College
8/1/2010
Is the President *Eligible* to Serve?

The issue at hand is not whether President Obama is a US Citizen. The fact that he carries a US Passport stating his citizenship cannot be questioned. How he achieved his citizenship is certainly open to discussion. The question is rather, does the evidence provided by the President; objectively establish his eligibility to hold the Office of the President under the Constitution, which states that,

“…No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President…”

http://www.usconstitution.net/xconst_A2Sec1.html

Dr. Hannigan is an Instructor at West Valley College. He teaches Communication courses; including, Argumentation and Debate. John holds a PhD in Organization and Management with a specialization Leadership. Dr. Hannigan argues the non-conventional view that, President Obama has not provided objective proof to support his claim of eligibility as defined in Article II Section 1 of the US Constitution, and that this view, by definition, is not a conspiracy theory.

The state of Hawaii has, and has had, ambiguous methods for processing birth certificates which procedurally allow for those not born in the state to secure a short form Certificate of Live Birth (COLB), just like the one provided by the President. The President has not released his long form Certificate of Live Birth which would list the hospital and physician who attended his birth. This link shows what the two documents look like


Hawaiian law seals every Hawaii long form Certificate of Live Birth from government inspection or public view, except under the circumstances listed in H.R.S. 338-18.


The President's long form Certificate may be released only with his permission, or, if its release is in the public interest, by the order of a court of competent jurisdiction or the responsible Hawaii government official, such as Loretta Fuddy, Director of the Hawaii DOH, or her boss, Hawaii Gov. Neil Abercrombie.

The President's private and government lawyers have fought to keep it sealed. For example, between Oct. 1, 2008 and March 15, 2009, Campaign Obama paid the Perkins Coie law firm $1.4 Million.

http://www.wnd.com/?pageId=106138

The primary argument given, and restated by the President below, is he has already provided his “birth certificate.” (http://www.youtube.com/watch?v=b7dJqmflR38)

Suppose you apply to a 4 year Art College that requires a High School GPA of 3.0 and a 3.5 or higher in several subjects such as paints, ceramics, charcoal etc. In your application to this college, you decide to simply provide a summary portion of your transcripts stating that you graduated with a 3.6 GPA. Would you meet the college's requirements? No, because you did not provide objective evidence necessary to demonstrate that you have met the specific course GPA requirements. This is essentially what the President has done with his COLB. To be President one must not only be a citizen, but also a Natural born citizen. He has proven the former, but not the latter.
Listed below are some links which are key sites used to defend the President’s position. I encourage you to read these sites (and others) to get a feel for the conventional wisdom, before examining my view.

www.obamaconspiracy.org
www.Nativeborncitizen.wordpress.com
http://fightthesmears.com/articles/5/birthcertificate.html
http://www.factcheck.org/elections-2008/born_in_the_usa.html

1. **Whereas, current HI statute 338-17.8 allows aliens to receive a COLB:**

   “[§338-17.8] Certificates for children born out of State. Upon application of an adult or the legal parents of a minor child, the director of health shall issue a birth certificate for such adult or minor, provided that proof has been submitted to the director of health that the legal parents of such individual while living without the Territory or State of Hawaii had declared the Territory or State of Hawaii as their legal residence for at least one year immediately preceding the birth or adoption of such child.”

   This law was established in 1982 and allows children or adults who are born outside Hawaii to obtain valid Hawaiian COLB. The law is based on the lawful residency of the parents, NOT THE APPLICANT. This law isn't restricted to those born in the other 49 states; a child could be born in a foreign country and still get a valid HI birth certificate so long as the parent(s) had been a Hawaiian citizen for at least one year before the birth of the applicant. President Obama’s history narrative meets these requirements.

   The Prima Facie statute here is clear; it is an established fact that the State of Hawaii allows a Certification of Live Birth (COLB) to be issued to a child born outside Hawaii. So, children born outside of State of HI can, and do, have the exact same document to demonstrate their residency as that of President Obama. So, just like the college would need to see the details in a formal transcript to validate course GPA, we need to see the details in the President’s long form (also known as a Vault Copy) to confirm where he was actually born.


   http://hawaii.gov/health/vital-records/vital-records/hawnbirth.html

   The Counter responses:
   Counter #1:
   The law cited above was codified in 1982 and is therefore irrelevant to the President's birth, because the President was born in 1961, which is obviously before this law was enacted.
Counter #2:  
Even if the 1982 law is relevant, the statement is misrepresenting the process. 
As Director of Communication for the Dept. of Health, Janice Okubo explained, 
“If you were born in Bali, for example, you could get a certificate from the state 
of Hawaii saying you were born in Bali. You could not get a certificate saying 
you were born in Honolulu. The state has to verify a fact like that for it to appear 
on the certificate.” (Quoted from *The Washington Independent*, 7/17/09 
“‘Birther’ Movement Dogs Republicans,” by David Weigel, 

Dr. Hannigan’s Rebuttal:

Counter# 1:
The law is retroactive. The language clearly refers to first, “…an adult or 
legal parents of a minor child…shall issue a birth certificate for such adult 
or minor.” If the law was for those born from 1982 onward, an adult could 
cannot be issued a COLB. Second, the law also refers to the Territorial time 
period “…living without the Territory or State of Hawaii…” So again, in 1982 
Hawaii was a state, and would not have referenced the “Territory” if it was 
not meant to be retroactive. The law is indeed absolutely relevant in that, a) it 
establishes how the state’s birth certificate process continues its ambiguous 
process, b) it is anomalous in that, the law specifically allows certification of 
birth to be issued to persons born out of state and c) that if someone born prior to 
1982 did not have a birth certificate or a long form Certificate of Live Birth, that 
person could still receive a Certification of Live Birth through this law.

Counter#2:
Regarding Dir. Okubo’s comment “…born in Bali…” comment: that would be an 
excellent point if the law was documented that way. H.R.S. 338-17.8 (referenced 
above), simply does not say what Dir. Okubo states that it does.

First, this law is very clear that the proof necessary to provide a child (or adult) a 
birth certificate is based on the Parent’s residency status prior to the child’s birth. 
The law lists no requirements on the one receiving the birth certificate to supply 
any vital data.

Second, the Director’s comments that child born in Bali would have Bali on their 
certificate cannot be supported by the text in the law. However, HI law does 
specify those exact procedures for Adopted Children; Foreign Born under HI 
statute 338-20.5. Since, the President was not adopted, this adoption criteria does 
not apply.

http://www.capitol.hawaii.gov/hrscurrent/vol06_ch0321-
0344/HRS0338/HRS_0338-0020_0005.htm

I contend that if H.R.S. 338-17.8 were intended to identify those "born without 
the Territory" with a foreign born designation such as "Bali" on their COLB, then 
the law would state it specifically, just as H.R.S. 338-20.5 states the adoption law 
for foreign born children.

Additionally, I have never found a COLB with a foreign born designation such as 
"Bali". If anyone else has, I would like to reference it.
2. **Whereas, the** above law [§338-17.8] was established in 1982, The 1955 Revised Laws of Hawaii (The Territorial Statutes) were in effect when the President was born in 1961.

While the above law [§338-17.8] was established in 1982, The 1955 Revised Laws of Hawaii (The Territorial Statutes) were in effect when the President was born in 1961. These laws established an even greater opportunity to register children than the current 1982 law. Essentially, back then a child born outside a hospital, for example, in a private home, would have up to a full year after being born for the birth to be fully documented. However, the law states that the local registrar could initiate the birth certificate process “from **anyone having knowledge of the birth**” (see below). Any supplementary details would have needed to be provided within one year of the registration. Such supplementary details **would not** be listed on the COLB, but only on the Long Form and any supplementary report. This degree of ambiguity in the process makes the Certification of Live Birth insufficient proof to claim natural born Citizenship. Below is the pertinent section that I pulled from this link.


§ 57–8. **Compulsory registration of births.**
Within the time prescribed by the board, a certificate of every birth shall be filed with the local registrar of the district in which the birth occurred, by the physician, midwife or other legally authorized person in attendance at the birth; or if not so attended, by one of the parents. [R. L. 1945, s. 3100.09; add. L. 1949, c. 327, s. 9.]

§ 57–9. **Local registrar to prepare birth certificate.**
(a) If neither parent of the newborn child whose birth is unattended as above provided is able to prepare a birth certificate, the local registrar shall secure the necessary information from any person having knowledge of the birth and prepare and file the certificate.

(b) The board shall prescribe the time within which a supplementary report furnishing information omitted on the original certificate may be returned for the purpose of completing the certificate. Certificates of birth completed by a supplementary report shall not be considered as “delayed” or “altered.” [R. L. 1945, s. 3100.10; add. L. 1949, c. 327, s. 10.]

The Counter Response:
The 1955 law does not state that a child born outside of the state can have a birth certificate (BC). In fact, it specifically states that “a certificate of every birth shall be filed with the local registrar of the district in which the birth occurred …” Additionally, it affirms the assumption that birth certificates are only being issued to those born in HI districts. This law does not even mention the idea that those born out of state can receive a BC as suggested in the 1982 Law that, **“the legal parents of such individual while living without the Territory or State of Hawaii had declared the Territory or State of Hawaii as their legal residence for at least one year immediately preceding the birth or adoption of such child.”** To see the classifications of HI BC view this link.
In this argument, the actual pertinent section is ignored. While I concede that the 1955 law did not make provision for those born out of state, as the current 1982 law does. I argue this makes no difference. In the 1955 law, a provision for unattended births allowed a parent(s) or "any person having knowledge of the birth" (emphasis mine) to file a birth certificate without delay and with unspecified details. This provision allows these "details" to be provided in a supplementary report up to a full year after the birth.

In the link above, the list of often cited types of BCs does not adequately cover the full range of Hawaiian BCs. Here is a more detailed list.

- **BC1**: A child is born in a Hospital or attended by officials such as a mid-wife (57-8).

- **BC2**: A child is unattended by an official, but a parent reports the birth to the registrar (57-8).

- **BC3**: A child is born unattended, and the parent(s) are not available, so that “any person with knowledge of a birth” can report it to the registrar up to one year afterward (not late or altered) (57-9).

- **BC4**: The Certificate of Hawaiian Birth program was established in 1911-1972, during the territorial era, to register a person born in Hawaii who was one year old or older and whose birth had not been previously registered in Hawaii. The Certificate of Hawaiian Birth Program existed when Barack Obama II born. It was terminated in 1972, after Hawaii became a state. [http://hawaii.gov/health/vital-records/vital-records/hawnbirth.html](http://hawaii.gov/health/vital-records/vital-records/hawnbirth.html)

I am not sure how, but this law ran concurrently with the 1955 laws, and was in effect between 1972 and 1985. As you see in the link provided, the provision existed concurrently. Additionally, considering Sun Yat-Sen (below) this provision must have taken effect before 1911.

- **BC5**: **1982 Law - Birth Certificates for Children Born out of State.**

Certainly, types BC2 through BC5 rise to the level of ambiguous procedures open to mistakes, fraud, and abuse. Yet you might say, "the children had to be born in the state or district, and the 1955 laws do not specifically provision that children born out of state can receive birth certificates." While the warrant is obvious, I will make it explicit for you. When considering types BC2 through BC5, the exact location where the child was actually born is not known objectively.

It is important to note that, for the conventional wisdom to be true, the President's birth could only have been of type BC1.
Additionally, it is clear that an incomplete birth report can be filed without being considered "delayed" or "altered." This means that the filing for a birth certificate would not be held up for the supplementary report, allowing the certificate would be initiated. This is a critical point when considering the newspaper birth announcements as discussed in item #4.

The laws listed above can be found at the link below. The 1955 law is attached to a motion of judicial notice of this law, with a pending lawsuit in the District of Columbia Circuit Court of Appeals, filed on 1/7/2010. Scroll to the bottom to see the attachment.


The Response:
Counter #1
The following section of the 1955 law states the issuance procedure:
“The secretary of the Territory may, whenever satisfied that any person was born within the Territory, cause to be issued to such person a certificate showing such fact; provided, that such person has attained the age of one year” (Sec. 57-40).

Counter #2
The law clearly states that this COLB should be fully trusted and accepted as prima facie evidence:
“Any certificate of Hawaiian birth heretofore issued under or by virtue of any law of the Territory, or which may be issued in conformity with the provisions of this part, shall be prima facie evidence of the facts therein stated” (Sec. 57-43).

Dr. Hannigan’s rebuttal –
Counter #1:
First, 57-40 is contextually referring to certificates that are registered after a child reaches the age of 1 year old, so this section does not apply.

The obvious point that is being missed in 57-40 is that unattended births were issued certificates based on a “satisfied” secretary of the Territory. The levels of proof the Hawaii Secretary of State deems necessary are not listed. This is why the President is trapped in birth type BC1.

Counter #2:
The definition of Prima Facie has the same meaning in debate forensics as it does in law. It is Latin for “at first glance or first view.” Its legal definition is “Evidence that is sufficient to raise a presumption of fact or to establish the fact in question unless rebutted” (emphasis added).
http://www.lectlaw.com/def2/p078.htm

I concede that the President’s COLB is prima facie for citizenship and Natural Born status because on the COLB it clearly states his birth being in Honolulu. However, it is very rebuttable that the President is a natural born Citizen.

The significant latitude allowed in the 1955 laws provides a very clear opportunity for one to be born outside of Hawaii and then to have someone “with knowledge of the birth register the birth and follow-up with unspecified evidence (perhaps an affidavit from a grandparent stating the child was born unattended in their home) to secure the location of birth in Honolulu. Such supplementary report details would be listed with the Long Form. However, if the President was
born in a hospital as he claims, it would simply be a no brainer to release the Long Form. These arguments are sufficient to deem the COLB rebutted, and Prima Facie acceptance must be dropped, and thus, rebuttals must now be answered.

Consider the example of Sun Yat-sen. “In March 1904, he obtained a Certificate of Hawaiian Birth, issued by the Territory of Hawaii, stating he was born on November 24, 1870 in Kula, Maui”

http://en.wikipedia.org/wiki/Sun_Yat-sen

However, it just so happens that Sun Yat-sen is an actual historical figure who was a Chinese political activist known as the “Founding Father of the Republic of China. Most notably, “Sun Yat-sen was born on 12 November 1866 Guangzhou prefecture, Guangdong province (26 km or 16 miles north of Macau), in the Empire of the Great Qing of China.” He lived in exile in Hawaii.
http://en.wikipedia.org/wiki/Sun_Yat-sen

The Territorial laws of Hawaii (BC4) allowed for this fraud in 1909. The same opportunity for mistakes is present in the 1955 laws, which also allowed for unattended births (BC2-BC4). Additionally, it appears obvious that the laws enacted in 1911 were in use before 1911.

The Counter Response:

The Certificate of Hawaiian Birth for Sun Yat-Sen (the first president of China) is offered as evidence that Hawaiian Birth Certificates were issued for any foreigner that wants one, under a statute called the Certificate of Hawaiian Birth program. It has already been demonstrated that Barack Obama could not have been registered under this particular program, because the law only applied to persons who were registered more than one year after their birth, whereas Barack Obama's Hawaii Certification says that he was registered 4 days after he was born. Note that Sun Yat-Sen's Certificate of Hawaiian Birth, issued in 1904, was not issued under the Certificate of Hawaiian Birth program, which was only in effect from 1911 until 1972.

Dr. Hannigan’s rebuttal –

This is another excellent example of a “Straw Man” argument. The counter creates a very weak argument (one that Birthers are not making) and then proceeds to rebut it. So, the false argument here is that Birthers think that this 1911 law allows for certificates being issued “for any foreigner that wants one.” The foreigner is required to provide “evidence” of their claim to citizenship. They do not just walk of a boat and get a birth certificate. It appears that the statement refutes itself. First it says that, “Barack Obama could not have been registered under this particular program, because the law only applies to persons who are registered more than one year after their birth and Barack Obama’s certificate shows he was registered 4 days after he was born.”
Then it qualifies itself by stating “Note that the Certificate of Hawaiian Birth certificate here is not one issued under the Certificate of Hawaiian Birth program in effect from 1911 until 1972 (as this certificate was issued in 1904).

So, Sun Yet-san’s certificate was not issued under the 1911 law. The 1911 Law does not apply to Obama because his COLB was issued 4 days after his birth. So why bring up the 1911 law if it does not apply to Sun Yat-sen and it does not apply to Obama. This is simply a Straw Man augment to obfuscate the real concern about Sun Yan-Sen. What is at issue is that, Sun Yat-sen received a Certificate of Live Birth based on two affidavits that “satisfied” the Secretary of State at the time. The "satisfaction" process which allowed Sun Yat-sen to receive his Birth Certificate is the same process used under the 1955 Laws, which allowed the President receive his COLB. Therefore, if Sun Yat-sen got one with false affidavits, so could Obama. I’ll explain why in item #4 below.

You might think that some would then say, "Well, you are making a big leap to claim that any affidavit supporting the President's birth would be fraudulent." Actually, that argument fails, because there would be no need for an affidavit if Barack Obama had been born in a hospital. This is why I say they are trapped with BC1. If they conceded that they claim BC1, I would simply reply with yes. It would be perfectly reasonable for a single mom (with a deadbeat dad who ran home to Kenya) to inform the Registrar's office that her child was simply born at home. Remember, they would have up to a year to provide those details.

As demonstrated above, the COLB does not prove that one was actually born in Hawaii. Only the long form can confirm the President's claim of an attended birth, in a hospital, in Honolulu. The long form provides the name of the hospital, the doctor's signature, the registrar's signature, a parent's signature etc.

3. **(Updated) The President’s Released Long Form Certificate of Live Birth.**
   You might be asking, “But the President has release his long form birth certificate?” There is irrefutable evidence that what the President has released on the White House website has been modified or created, and not a simple scan of the original document. To date the President has not provided in hard copy format, a copy of his birth certificate. I cannot make a better explanation of this then the following video clips. The interesting thing is you can prove this yourself. Just down load the document and load up into Adobe Illustrator.

   Whereas, the objective evidence is available. As evidenced above, the COLB does not prove that a citizen was actually born in Hawaii. Only the long form can confirm the details that prove that an attended, in-Hospital birth, in Honolulu took place as claimed by the President. The long form provides the name of the hospital, doctor’s name and signature, registrar signature, Parent’s signature etc. This is the piece that is missing and the piece that would resolve the issue. The President merely needs to release his Long Form to show the Hospital and attending physician that delivered him. Below is a link that shows the two different documents.


   The Counter response:
   Providing the Long form won’t make any difference, as the Birthers will never give up.

   Dr. Hannigan’s rebuttal:
If the Long Form were simply provided, and it corroborated the President’s claim, the discussion about his birthplace would be over (though not the objection to his non-citizen father). However, if the Long Form contained an extended supplementary report documenting extenuating birth circumstances, and/or affidavits supporting a Honolulu birthplace, then that would confirm that he is lying, and it would certainly mandate further investigation. Even Chris Mathews agrees that it is time to show the long form: http://www.reallelearpolitics.com/video/2010/12/27/chris_mathewes_why_doesnt_obama_just_release_the_birth_certificate.html

However, now that the new Governor of Hi (Abercrombie) is unable to find the President’s long form birth certificate, Chris Mathews has changed his tune and falsely states that it’s not needed because now we have “new” birth certificates. http://www.wnd.com/index.php?fa=PAGE.view&pageId=258637

The media is now getting desperate. Obviously, the 1961 Birth Certificate is not a new one. It needed to exist in 1961 if Obama was born in HI. If it can’t be found, the correct question is why not. Mathews blows of this little issue by say “now they have new ones.”

If the long form does not exist, or if it generates more questions, even ardent Obama supporters will want to know the answers as well. The “It won’t make any difference” argument, is as intellectually unsatisfying, as it is non-sequitur. It is a classic flaw in reasoning known as Avoiding the Question. The question is, "Why not release the vault copy long form that will objectively support the President’s claim that he was born in Kapi’olani Hospital in Honolulu?"

The actual answer the counter is looking for is—we don't know, because they (we) really don‘t. This simple question challenges the coherency and validity of the President’s claim, and in light of the complete inadequacy of providing a COLB as proof of a natural birth location, and thus eligibility, the question deserves a more thorough response than “it won't make any difference.” And, according to the newly elected Gov. Abercrombie, the COLB issue “has a political implication for 2012 that we simply cannot have. This issue could cost him the Presidency.”

http://www.staradvertiser.com/editorials/20110118_This_is_a_collaborative_endeavor.html

I cannot speak for others; however, my case is resolved with the Long Form, because it, and it alone, can legally affirm if the President was born at Kapiolani Hospital, Honolulu Hawaii as he President claims.

4. Whereas, a published birth announcement is of no consequence. Identical birth announcements were printed in both the Honolulu Advertiser and the Honolulu Star-Bulletin. It is self-evident that newspaper announcements are not objective evidence of a Natural Birth. The important point is that the birth announcements were initiated by the state upon certification. Because the 1955 (see above) allowed for “anyone with knowledge of the birth” to initiate the certification process, the news paper announcements could have been initiated by anyone such as a grandparent. See my rebuttal below to clarify this.
The fact that Hawaii issues a passport from the COLB confuses the issue, so I address this below as well. Please note that having a passport in no way affirms that one has Natural Born status.

http://www.sccgov.org/portal/site/rec/agencyarticle?path=%2Fv7%2FCounty%20Clerk-Recorder%20%28DEP%20%29%2FPassports&contentId=5cf1bb3166b34010VgnVCMP2200049dc4a924a92

The Counter response:
The State Department lists specific requirements for the contents of a birth certificate, as stated on page two of the Application for a Passport:

APPLICANTS BORN IN THE UNITED STATES: Submit a previous U.S. passport or certified birth certificate. A birth certificate must include your full name, the full name of your parent(s), date and place of birth, sex, date the birth record was filed, and the seal or other certification of the official custodian of such records.

(http://www.state.gov/documents/organization/100004.pdf)

A Hawaiian COLB is acceptable to the State Department for a passport. Additionally, this application provisions that if you cannot find your birth certificate, a number of other options to prove your identity are allowed, including birth announcements.

Dr. Hannigan’s rebuttal:
Neither a COLB nor a passport is sufficient to demonstrate natural born Citizenship. Any citizen can get a U.S. passport; being a natural born Citizen is not required for obtaining a passport. It is, however, required for the Office of the President.

I am simply claiming that the State Department does not accept the abstract from some states even for a passport. This further demonstrates and establishes prima facie that the abstract or COLB does NOT instantly verify natural born Citizenship for everyone everywhere. Rather, the COLB is ONLY an official Certification (or abstract) of an official long form Certificate of Live Birth.

The counter response is partially correct in stating that the State Department accepts newspaper birth announcements in its passport application process. In fact, the passport application states that if no birth record is available, the application process will accept a combination of documents, one of which may be a birth announcement. The other items allowed in combination are: an early baptism or circumcision certificate, a hospital birth record, early census records, or school records. The President has provided none of these.

My original arguments stand: the announcements by themselves are inconsequential, and any citizen can get a passport without being a natural born Citizen.

It is critical to understand that, “anyone with knowledge of a birth” could initiate the birth certification process. This process would not be delayed pending further review. There was a one year time frame to pull all the details together in the supplementary reports. This is why seeing the long form is so important. If the Long Form vault copy reveals any supplemental report, the whole thing falls apart like a house of cards. This is because if the President was born in a hospital, there would be no supplemental report.
I hesitate to bring forward the following point challenging the credibility of the COLB, because the State of Hawaii website which supported the point was originally grounded has since been removed or modified. I used these links in the past, but the Homeland rules were conveniently changed in June of 2008. It is important to note that, until June of 2008, the Hawaiian government did not consider the President's COLB sufficient evidence to prove eligibility as a Native Hawaiian to purchase native home lands.

The quote below is taken from the "Loaa Ka Aina Hoopulapula" pamphlet, which assisted native Hawaiians by explaining how to purchase native home lands. The document states, under "Primary Eligibility" on page 4, that a Certificate of Live Birth is required, along with some others. However, specifically addressing the Certification of Live Birth (COLB), the document makes the following statement:

“In order to process your application, DHHL 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” (pg. 7) (emphasis added).

http://servv89pn0aj.sn.sourcedns.com/~gbpprorg/obama/Loaa_Ka_Aina_Hoopulapula.pdf

If the above link does not work, or has a bogus virus warning; I have uploaded the Loaa Ka Aina Hoopulapula pamphlet to my site next to where you found this document.

Should you doubt that this document actually exists, you can find it duplicated at the freebooks.com link below. However, interesting enough, the document at freebooks.com is called "With highlights." In fact, you will find that these "highlights" actually cover up the above quote and the reference. They are actually "highlighted" out so that you cannot read the quote or the primary requirement – now, that is clever.


Finally, to see what the revised and current home land rules (since June 2008) see this link:
http://hawaii.gov/dhhl/applicants/appforms/applyhhl

In 1961, the law from 1955 allowed a grandparent to initiate the birth certificate process upon hearing of the child's birth and to complete the details when the mother and child returned. This exact scenario neither requires a conspiracy nor is it far-fetched. It was possible under the law at the time, although it may or may not have happened in this case. Only a few of the islands had an
The Counter response:
In 1960, Stanley Ann Dunham reached 18 years of age. The earliest evidence of a passport is 1965.” This is 4 years after Obama’s birth.

The record starts with an amendment of a passport filed on July 19, 1965 followed by a renewal application in 1968 of a passport granted on July 19, 1965. Even though the passport appears to have been requested after she was married, she kept her name until she filed an amendment. The amendment does not appear to be dated other than with a reference to 6/29/1967. There are several minor discrepancies… 1. New Passport Application (inferred).

Dr. Hannigan’s rebuttal:

The implication that the counter is trying to establish is that Ann Dunham got her Passport in 1965, which is after the President was born, thus suggesting that there is no way for Obama to have been born outside of the country. This is a nice try, but the actual Freedom of Information Act (FOIA) passport record’s Cover Letter explains that while the documents therein reference Stanley Ann Dunham’s 1965 passport application, the original application document could not be found as “it was destroyed in the 1980s.”

Therefore, there is no ground for the statement “The record starts…” or New passport Application (inferred). You see, if the original 1965 application was available, we could ascertain for what purpose the application had been made. A passport application could mean an application for Amendment, such as name change, for Renewal or Extension. The destroyed 1965 passport application could have just as easily been one of several amendments or renewals of her original passport. Because the cover letter also states that “many passport applications...from that time period were destroyed,” this could also include any 1960-1965 applications, renewals or extensions she might have had, but are now not available. Since this information is missing, the argument that she never travelled prior to moving to Indonesia, cannot be supported.

We do know that the 1965 application was not to change her name to Soetoro, as she did that in July 1967. The above referenced website suggests that she “kept her name until she filed the amendment” in 1967. Well, how would they know that?

It is not likely that the July 1965 Application was for an original Passport. The Passport was issued four months after she was married Soetoro. If it were for a new application, her name would have been Soetoro, but that can’t be because she amended the 1965 passport in 1967 to Soetoro. So, the 1965 passport name must have been Obama or perhaps Dunham, as she would have had to apply with the legal name. Unfortunately, as the cover letter clearly states, the 1965 application is missing.


State Department procedures require passport files to be maintained for up to 100 years. So why were some destroyed in the 1980s?
5. Whereas, formal statements from State Officials do not answer the questions:
Gov. Lingle simply stated what is already known, that he has Birth Certificate on file in compliance with Hawaiian state law. This does not, in any way, resolve the issue as the Governor’s statement’s is mute to the issue of being natural born. Her statement neither confirms nor denies this fact, thus it cannot be used as evidence to the same. It is not indicative of a cover-up (Red Herring) because she is not allowed by law to reveal the Long Form, nor the contents thereof without the express consent of the record holder. Thus, the only statement she could make is to confirm the obvious, that one exists.

**The Counter response:**

Counter #1 In a WABC interview, Gov. Lingle stated that, "...I had my health director, who is a physician by background, go personally view the birth certificate in the birth records of the Department of Health." Lingle added, "... The president was in fact born at Kapi'olani Hospital in Honolulu, Hawaii. And that's just a fact."


Dr. Hannigan’s rebuttal:
Context, Context and Context. To understand this, we must see the Governor’s quote within its context. CNN and others have left out the most damming aspect of what she said. Here is the full quote:

Gov. Lingle: "So I had my health director, who is a physician by background, go personally view the birth certificate in the birth records of the Department of Health, and we issued a news release at that time saying that ‘the president was, in fact, born at Kapi'olani Hospital in Honolulu, Hawaii.’ And that's just a fact and yet people continue to call up and e-mail and want to make it an issue and I think it's again a horrible distraction for the country by those people who continue this" (emphasis, mine). http://hawaii.gov/health/about/pr/2008/08-93.pdf

The Governor is categorically wrong. Her office never issued a press release stating that “The President was, in fact, born at Kapi’olani Hospital in Honolulu, Hawaii.” This is a false statement and one that she should be held accountable for.

It could be argued that “well, she just said it in that interview, so now it is confirmed,” but there are several problems with that:

1. That would be a Begging the Question fallacy, assuming something is true because you say it is true. For example, saying “that dog is unattractive because it’s ugly” is begging the question. This is the same logic as the Governor saying that ‘he was born at Kapi’olani because I said he was born at Kapi'olani before.’

2. It is against HI state law to release personal information pertaining to vital statistics unless it relates direct to the person asking, so she is breaking the law. The same law the quote as to why the will not release the document in the first place.
Counter #2:
Dr. Chiomye Fukino, Director of the Hawaii State Department of Health (and a political appointee by Republican Governor Linda Lingle), verified that the original birth certificate was on file:
“There have been numerous requests for Sen. Barack Hussein Obama’s official birth certificate. State law (Hawai‘i Revised Statutes §338-18) prohibits the release of a certified birth certificate to persons who do not have a tangible interest in the vital record.

“Therefore, I as Director of Health for the State of Hawai‘i, along with the Registrar of Vital Statistics who has statutory authority to oversee and maintain these type of vital records, have 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.

“No state official, including Governor Linda Lingle, has ever instructed that this vital record be handled in a manner different from any other vital record in the possession of the State of Hawai‘i.”

http://www.kitv.com/r/17860890/detail.html

First, Fukino never actually said what is implied by her claim. Let’s break out what she actually said: “I…have personally seen and verified that…the Dept. of Health has Sen. Obama’s original birth certificate on record…” We know this already.

Note: She did not say: “I have personally seen Sen. Obama’s original Birth Certificate and have verified that he is a natural born citizen born from Honolulu, HI.”

So like Gov. Lingle’s statement, the Director of Health’s statement above, while more cleverly written, does not answer the actual question. There has never has been doubt that the COLB or the original vital records exist and are “in accordance with state policies and procedures.” So, the good doctor’s statement adds nothing to the dialogue; however, it is an excellent example of strategic ambiguity.

Counter #3

“I, Dr. Chiomye Fukino, Director of the Hawai‘i State Department of Health, have seen the original vital records maintained on file by the Hawai‘i State Department of Health verifying Barack Hussein Obama was born in Hawai‘i and is a natural-born American citizen. I have nothing further to add to this statement or my original statement issued in October 2008 over eight months ago.”
(http://www.obamaconspiracy.org/2010/08/government-investigation-into-barack-obamas-citizenship/)

Notice that she does not identify what original vital record has she has seen? Just what are “the original vital records?” In her previous statement she referred the original birth certificate.

Know when she is claiming to have actually seen something, it is “vital records.” These records could just as easily be a supplementary report with affidavits filling in details from an unattended birth, initiated by a parent, or “any person with knowledge of the birth” deemed “satisfactory” based on unspecified evidence. This is simply an empty statement designed to imply that based on an original birth certificate, the President was born in a hospital in Honolulu. It is clear that the actual words do not support the implication.

The strategic ambiguity of this statement renders it meaningless for their argument.

I, however, understand the possibility that such a supplementary report existing, and that it could lead one to the conclusion that the child was born in HI. Under any other circumstances, demand
of citizenship has been met; however, natural born status has a higher threshold. The Dir. Of Health is simply restating the conclusions of this report. However, for the President’s story to be true, such a report cannot.

In the first statement, Dr Fukino states that she and seen and verified THAT the Dept. of Health HAS the original birth certificate on record according to their policies. And therein lies the problem, as those policies allow for BC 2, 3 4 & 5.

The second statement, now referring specifically to the natural-born birth status, she states she had viewed the “original vital records” What are those? Are they different from “original birth certificate” referred to in a different press release statement? If not, how would you know? However, she easily could be referring to a supplementary report allowed by the 1955 Laws

Taken together, it amounts to nothing. Rejection of these statements is using simple Rhetorical Criticism and Content Analysis. The government, by their statements, cannot be implicated because they said nothing at all.

HOWEVER, in an update to this item, the newly elected Governor (Neil Abercombie) was adamant to put this issue to bed as soon as he took office. Unfortunately, he and his staff are unable to find the actual original Certificate of Live Birth. So, just what records were the previous Gov, Lingle Dir. Fukino actually looking at?

http://www.staradvertiser.com/editorials/20110118_This_is_a_collaborative_endeavor.html

Then reporter, radio personality and personal friend of newly elected Gov. Abercombie stated that Gov. Abercombie specifically told him that Obama’s Long Form does not exist.

http://www.youtube.com/watch?v=hvrB7YqdvxE

Several days later, he recanted claiming that he misspoke and was mistaken. Listening to the audio link above, I find that very hard to believe – how about you?


Strategic ambiguity: “is the art of making a claim using language that avoids specifics.”

6. Whereas, The burden of proof is on the one who makes a clam: The burden of proof is almost always on the one making the claim. President Obama, by applying for candidacy, running for office, swearing to uphold the constitution, owns the burden of proof to support his claim that he is eligible to hold the office. It is not for others to disprove. My argument is that the President has not provided objective evidence (that sufficiently and effectively holds under simple scrutiny) which demonstrates that he is eligible to hold the office of the Presidency. In other words, I am only asking the President to provide objective evidence of his claim. To place that burden on those asking is a burden of proof fallacy. Thus, the burden on the Birther is to prove a negative, which is an impossible logical fallacy.

The response:
Counter #1:
He has released his birth certificate, what is so hard to understand about that.

Dr. Hannigan’s rebuttal Counter #1:
A lot. In fact, this is a typical cycle. When the argument is fully made and evidence submitted, they will circle back, as the President does, and make this claim.

Counter #2
Releasing the President’s Long Form won’t make a difference anyway; as there is no satisfying those Birthers.

Dr. Hannigan’s rebuttal:

So this is the famous “It won’t make any difference” argument. It is as intellectually insufficient, as it is non-sequitur. It demonstrates a classical flaw in reasoning known as Avoiding the Question. The question is “why not release the vault copy Long Form which will objectively show if he was born in Kapioliani Hospital, Honolulu. The actual answer to the question an honest person was make is “I don’t know,” because they really don’t.

This simple question of why, challenges the coherency and validity of the President’s claim. In light of the complete inadequacy of providing a COLB as proof of Natural Birth status, and thus eligibility, the question deserves a more thorough response than “it won’t make any difference.”

I cannot speak for all the doubters out there, however, for my case is to be resolved, the Long Form alone can legally affirm if the President was born at Kapioliani Hospital, Honolulu Hawaii as he claims. If there is any doubt there, then a whole host of other issues certainly come into play.

Counter #3: This is nothing more than a vast Tea Party conspiracy.

Hmm… Do you remember the Lauer interview with Hillary Clinton regarding the possible affair that President Clinton “might” have been having?

Matt Lauer: "You have said, I understand, to some close friends that this is the last great battle, and that one side or the other is going down here."

Hillary Clinton: "Well, I don't know if I've been that dramatic. That would sound like a good line from a movie. But I do believe that this is a battle. I mean, look at the very people who are involved in this — they have popped up in other settings. This is — the great story here for anybody willing to find it and write about it and explain it is this vast right-wing conspiracy that has been conspiring against my husband since the day he announced for president" (emphasis mine).

http://www.youtube.com/watch?v=EwtkorQKGFE&feature=related

Let’s see, how did that all go down? Oh, that’s right; the Impeached President Clinton was disbarred by the Supreme Court, from arguing in the court. Instead of appealing, he resigned from the court. He also paid a settlement fine of $25,000 to the Arkansas
Supreme Court who had disbarred him for 5 years based on his perjury conviction.

So, perhaps one should not be so quick here to claim another “vast (tea-party) conspiracy.” 😊

The President’s birth certificate concern arose in June 2008 BEFORE the November Presidential election which is why the COLB was released in July of 2008. Also, note, before Tea Party activism.


7. Whereas, No standing in courts:
   However, all of the courts have ruled exclusively on the basis of "Standing" alone. All of the judges have ruled that the plaintiffs do not have the right to ask this question because they have not been "harmed, personally," more than the public in general has been harmed. Not one court has ruled based on the merits of the case. Some courts have thrown the cases out as frivolous rather than rule on the arguments; other courts refused to hear the cases at all. I simply ask, if “We the People” do not have Standing to question whether the Constitution has been upheld, who does?

   The Counter response:
   The courts have no obligation to try frivolous cases that waste the court’s time and the taxpayer’s money.

   Dr. Hannigan’s rebuttal: Few cases have been ruled as frivolous. One such was Cook v. Goode et al, in which U.S. District Judge Clay Land sanctioned Atty. Orly Taitz $20,000 and ordered her not to bring any more such cases into his courtroom. Kerchner vs. Obama was tossed out for lack of standing by Judge Dolores Sloviter. Interestingly enough, when Atty. Mario Apuzzo appealed the ruling:

   For WorldNetDaily, Bob Unruh reported: "But Apuzzo had explained to the court that under standard rules of judicial procedure, while they allow for damages to be assessed in 'frivolous' cases – even though the district never made that ruling – there also is a responsibility on the part of the defendants to mitigate their damages.

   "In this case, he asked the court to 'enforce my right to discover whether defendants had a copy of the [certificate of live birth, Obama's] 1961 long-form birth certificate, and related documents showing that Obama was born in Hawaii which they could have simply shared [with] … the Kerchner plaintiffs.'

   "He said had those actions taken place and the documents been provided, the plaintiffs 'would not have come into existence.'"That disclosure, he argued, 'would have mitigated the damages and costs they now claim they suffered from having to defend plaintiffs' appeal."

The 3rd Circuit Court of Appeals suddenly dropped the demand to show cause and did not assess Apuzzo for the defense's fees as in a frivolous appeal. This is also a legal statement confirming that the release of the long form would at least partially resolve this issue. This also, is a legal statement confirming that by providing the long form, this issue would be resolved.  


8. Whereas, The Senate [capitalized] never verified Obama's birth in HI. Because of the ambiguity of Hawaii's birth certification process, an investigation of Barack Obama II's birth would have been as justified as the investigation of John McCain’s birth.

http://www.nytimes.com/2008/04/18/us/politics/18web-hulse.html?_r=1

The Counter Response:
#1 The Senate’s resolution was non-binding

#2 Because McCain was born in the Panama Canal Zone, which was an unincorporated territory, there was greater legitimacy in investigating those concerns.

Dr. Hannigan’s Rebuttal:
I have laid out above sufficient ground to counter the Prima Facie claim.

According the NY Times author above, the McCain investigation was launched because several court cases were filed to challenge McCain’s status, and Congress wished to put the issue to rest. There were also several court cases pending regarding Obama’s status during the same period, but no similar action was taken. Frankly, I simply believe that Congress was ignorant of problems associated with the territorial nature the Hawaiian law.

#3 FOIA documents from his mother’s passport files contain the following document:

Memo to file  
A 14 128 294  
Sept. 14, 1967

Pursuant to inquiry from Central office regarding the status of the applicants' [Lolo Soetoro] spouses’ child by a former marriage.

The person in question is a united states citizen by virtue of his birth in Honolulu, Hawaii Aug. 4, 1961. He is living with the applicants’ spouse in Honolulu, Hawaii. He is considered the applicants step-child, within the meaning of Sec. 101(b)(1)(B), of the act, by virtue of the marriage of the applicant to the childs’ mother on March 15, 1965.


That is an interesting discovery. I wonder what the inquiry was based on, the COLB? The same conclusion could be based on any supplementary report identifying the details of an unattended birth as witnessed by parents or “any person with knowledge” (BC 2-4) up to a year following the birth? This was most likely a result of the child’s impending trip to Indonesia.
9. Whereas, sometimes mistakes really happen without grand conspiracy theories:
In 2008, Roger Calero, a Presidential Candidate representing the Socialist Workers Party, was listed on 5 State ballots and received over 7,000 votes. Calero was a convicted felon then, and he was born in Nicaragua.
http://en.wikipedia.org/wiki/R%C3%B3ger_Calero

California officials removed Presidential candidates from the ballot for not meeting the eligibility requirements in Article II Section 1.

The Counter response:
Mistakes do happen, but there is no evidence to support that mistakes were made with President Obama.

Dr. Hannigan’s rebuttal:
This is another example of the burden of proof fallacy. The burden of proof lies with the one making the claim. I have shown examples of mistakes on Presidential ballots to remove the mythical belief that “there is no way this could happen” view. It begins to break the ice in an otherwise proper view that we would never expect such a thing to occur.

There is an opinion that I hear often that “If the President was not born in the United States ‘they’ would know it,” and this is simply another “Everyone Knows” logical fallacy. Everyone knows that the President was born in the Hawaii. Except that we really do not know.

The facts I have provided warrant that if a blatantly ineligible person could make it on the ballot in 5 states, then it is not too farfetched that the odd, anomalous and frankly strange vital statics procedures of the State of Hawaii could allow for mistakes and fraud as argued above. In addition, I have shown that the official state comments have also failed to add any new information or made any clarification that resolves the problem.

So, I am not making the claim that a mistake has occurred, again, my claim is that the President has not proved his claim with sufficient proof. The counter above is a classic tactic to place the burden of proof on the wrong claim. I have provided evidence that mistakes have occurred in the past. We sometimes are lulled into a false sense of security that “of course this was all checked out.” Well, the above evidence shows that significant flaws do occur. The burden is on the President to sufficiently support his claim. It is not my burden to prove. It is unfortunately my burden to ask.

Therefore, at the time of his campaign, Sen. Obama knew or should have known the peculiar distinctions discussed above regarding the territorial aspects of the Hawaii’s birth certification process, and must have either purposely or ignorantly provided only the COLB that leaves the issue of his eligibility in a state of ambiguity. Without the release of the long form, there is no way to prove that Mr. Obama’s claim of eligibility to be President under Article 2 Section 1. President Obama could easily remove all issues of concern with the release of key documents such as the long form of his birth
certificate The President’s lack of action leaves the question open. Frankly, I find it appalling that the States’ and Federal legislature did not do their due diligence to prove out Sen. Obama’s eligibility as was requested in June

Minor Additional Comments:

Citizenship

In the late 1960's, under military dictator Suharto, every student in Indonesia had to carry a government ID card, a Kartu Tanda Penduduk or KTP, which to obtain, one had to officially establish to the military government one's nationality and religion. One could not simply claim to be whatever nationality or religion was convenient at the moment. The AP secured and published a copy of Barack II's registration for school at Fransiskus Assisi Catholic (Elementary) School in Jakarta. It had "Indonesian" for nationality and "Islam" for religion. Had he been any other nationality besides Indonesian, he could only have attended school in Indonesia at the International School in Jakarta.
http://www.wnd.com/?pageId=72656

Race:

This has NOTHING to do with Race. Ambassador Alan Keys had a Federal Lawsuit claiming standing and requesting proof of Obama’s Naturalization Status (not heard because of standing). BTW, Ambassador Keyes is the “other” African American who ran for President in 2008. The above arguments have nothing to do with race. To suggest otherwise would simply demonstrate the ignorance, intolerance and slander from the one making such a claim.

The Counter response:
Dr. Hannigan may not be motivated by racism, but it must be seen that the Tea Party movement racially based emotive posters are motivated by racist.

Dr. Hannigan’s rebuttal:
I do not categorically deny that there might be some in the Tea Party movement motivated by racism. However, I think it foolish and ignorant to make broad sweeping generalizations about any particular group of people, including the Tea Party. I have observed the tea party from its inception. I have attended one rally to see for myself if it was racist. I have never observed a hint of racism. With regard to posters, where are they? The only place I can find these posters is on Google images, which of course, is a location where pictures can be easy manipulated or photo shopped. Actual proof would be live video from the networks. I am open to the possibility, but have not been unable to find mainstream media footage that produced a single racist poster.

The fact is that there are African and Hispanic and Asian Americans in the Tea Party movement.
http://www.youtube.com/watch?v=P1CLPhz0DHM

Now are there cuckoo fringe racists? You bet, but they are in every group. So, I am sure that somewhere, there are some in the Tea Party movement who are racist will
have posters. However, is it tolerant to point this out while ignoring and excluding the racists among the liberal wing of the Democratic Party, NAACP and The New Black Panthers?

As you know, the NAACP recently passed a motion to charge the Tea Party with racism (without proof) and to demand that they remove racist from their movement.


However, they failed to make any motion regarding the New Black Panther movement (specifically party leader King Samir Shabazz) who, not only was found guilty of voter intimidation:

(http://www.realclearpolitics.com/articles/2010/07/12/team_obama_turns_blind_eye_to_voter_intimidation_106267.html)

Additionally, Shabazz called on black men to get rid of their white women and begin the “killing of White Crackers and their babies.”

http://www.youtube.com/watch?v=neGbKHvGuHU&feature=pyv&ad=3265020430 &kw=black%20panther

Somehow, in the same motion, the NAACP also failed to censure the Democratic Party and ask for their racists. It is a point of fact that in America, the charge of racist only goes one way. Some recent examples:

"He [Reid] was wowed by Obama's oratorical gifts and believed that the country was ready to embrace a black presidential candidate, especially one such as Obama -- a 'light-skinned' African American 'with no Negro dialect, unless he wanted to have one,' " Halperin and Heilemann said.


Could you imagine if Sarah Palin made that statement!

Or this one from Reid…

“I don’t know how anyone of Hispanic heritage could be a Republican.”

http://www.weeklystandard.com/blogs/harry-reid-i-dont-know-how-anyone-hispanic-heritage-could-be-republican

"You cannot go to a 7-11 or Dunkin Donuts unless you have a slight Indian Accent." V.P Joe Biden

http://www.youtube.com/watch?v=L1_gOh-aivU

“Mahatma Gandhi "ran a gas station down in Saint Louis."

Secretary of State Hillary Clinton

http://www.youtube.com/watch?v=e1Mq8kOXV_E&playnext=1&list=PLE7BD502F17C36FF3&index=9

I did a YouTube search on Tea Party Racism, which revealed nothing except people (African, and Anglo Americans) speaking, singing and supporting one another in their views. I believe, this is what the founders intended when they crafted the first Amendment. [http://www.youtube.com/watch?v=f9_bP219ehQ&feature=related](http://www.youtube.com/watch?v=f9_bP219ehQ&feature=related)

**Conspiracy Theories:**
“Conspiracy theories are often viewed with skepticism and are sometimes ridiculed because they are seldom supported by any conclusive evidence and contrast with institutional analysis, which focuses on people's collective behavior in publicly known institutions, as recorded in scholarly material and mainstream media reports, to explain historical or current events, rather than on secretive coalitions of individuals.”[1]

This is not a Conspiracy Theory, it is a question. An actual “real” certified copy of the President’s long form exists if he was born in the state of Hawaii. The form can be provided with the simple stroke of the President’s pen, yet, he chooses not to. Why?

**The Counter response:**
“In refusing to hear evidence about whether Obama is eligible, Robertson wrote in his notice dismissing the case, ‘The issue of the president's citizenship was raised, vetted, blogged, texted, twittered, and otherwise massaged by America's vigilant citizenry during Mr. Obama's two-year-campaign for the presidency, but this plaintiff wants it resolved by a court.’"

Read more: Supremes challenged to put Constitution above Twitter [http://www.wnd.com/?pageId=233177#ixzz1CgfSBbar](http://www.wnd.com/?pageId=233177#ixzz1CgfSBbar)

**Dr. Hannigan’s rebuttal:**

So, Judge Robertson believes that Titter is now the way constitutional issues are resolved. Imagine that, U.S. citizen actually want redress their issues in a court of law...how un-American of them.

Since not countered, I will provide some follow up. The term "conspiracy theory" can be described in two separate frameworks. Husting and Orr (2007) state that “one is a truth-seeking enterprise in which theorists hypothesize the truth based on what facts they can uncover using inductive reasoning. The other is what we might call a marginalized conspiracy theory based on half-truths and kooky rumors circulated by ‘nuts’ and ‘crazies’ (pg. 130). I certainly would argue the latter while my critics argue the former.

This issue is not a conspiracy theory because there has been no formal institutional analysis on the subject. Real conspiracies such as Roswell Aliens, Kennedy Assassination, and 911 all had formal commissions and
investigations which released reports and findings. A Conspiracy Theorist must argue against “institutional analysis.” The Birth Certificate issuance has not been institutionally investigated. There are no findings and additionally, it has ignored by the courts and the media (including Fox News), ergo, no conspiracy theory. 


Finally, true conspiracy theories can never be proven because the institution is in the position of having to prove a negative. If you do not have the alien bodies, how can you prove that you do not have alien bodies? Since such a fallacy cannot be resolved, conspiracies linger on in the social fabric. However, President Obama’s eligibility can be proven with the simple release of a document that must exist if one was born in the state Hawaii.

Bale (2007) suggests that “serious research into genuine conspiratorial networks has at worst been suppressed, as a rule discouraged, and at best looked on with condescension by the academic community. An entire dimension of political history and contemporary politics has thus been consistently neglected” sic (pg. 48).

Other missing documents…
The missing original birth certificate is not the only document our President has had sealed. The following documents are legally sealed – All old passports, all application requests, all college transcripts, all college financial aid applications, all degree related thesis papers, and many paper’s/memo’s as Sen. Obama.

The Counter response:
#1 And this proves…nothing?
#2 It is common practice to releases private papers after a politician has retired. It is disingenuous to use the word “sealed” as it suggests that that private records are typically available to the public, while under privacy laws they are not.

Yes, those records have traditionally been available. Don’t you recall how much smarter Al Gore & Kerry was then Bush? Bush’s college records were released in 1999 when he was the TX Governor.


President G.W. Bush released his service records when it became an issue in the 2004 election.

http://www.factcheck.org/new_evidence_supports_bush_military_service_mostly.html

Since President Obama recently signed a nuclear treaty with Russia, and seeks a nuclear free world. I would find it quite interesting to understand if his work at Columbia is the genesis or grounds and or reflected in his policies, so yes I would be very interested.

Overall, I do enjoy observing the most transparent administration in history.
I am not the only one…

There are 11 states that are in various stages of amending their election laws to include requirements that all presidential candidates proved affidavits of their meeting the eligibility requirements and provided an original birth certificate or other vital records to support their eligibility. If only one of these states (Arizona) passes this change into law, it is my opinion that the President will NOT run for a second term to avoid the release of whatever he is hiding.


A CNN Poll released August 4th 2010 (Pres. Obama’s B-Day), shows that only 42% of Americans think the President was definitely born in the U.S.

http://instruct.westvalley.edu/hannigan/CNN_Poll.pdf

The Counter response:
It is a rather pathetic commentary on the American consciousness. The reality is that 27% of those Americans polled believe that Obama was probably or definitely born in another country. See what Fox News is doing to the public.

Dr. Hannigan’s reply:
I’m not sure what to say to this. If weren’t for those darn “We the People…people”

Not even four in 10 people across America believe President Obama's narrative about being born in Hawaii, according to a new poll. A new 60 Minutes/Vanity Fair poll shows that only 39 percent of respondents believe Obama was born in Hawaii as he wrote in his book. The magazine boasted, "A whopping 63 percent – very nearly two-thirds of us – went out on a limb and stated for the record that we believe our President was born in the United States. It's enough to make you proud to be an American – or 63 percent proud, at any rate." But that included those who say they believe he was born in Kansas or some other unknown state, which still would conflict with Obama's narrative.

The Counter Response:
I have found no substantive response

When asked to explain why President Obama’s taxes were filed with a Social Security ID issued in Connecticut (The Obama Narrative does not include residency in Connecticut) which is not where the President affirmed his first job at an Ice cream shop in Hawaii, the President’s spokes person (Robert Gibbs) refuses to answer the question, but rather ridicules the reporter:


The Counter response:
What about the Connecticut number series? There’s no law that says one have a SSN from a Social Security office in the state where one reside. Nowadays, they are all processed centrally and the assignment is based on the zip code of the return address. My guess (and that’s all it is) is that Obama got his SSN as a child living in Indonesia and the application was just processed in Connecticut. A commenter here made another suggestion and that is that Obama’s return address was mistyped, the initial “9″ typed as
a “0″ which would turn a Hawaiian zip code into one from Connecticut.

Dr. Hannigan’s rebuttal:
This issue adds to the mystery of who this President is. He has never been fully vetted and that his objective history is hidden from view.

A US Senator and over 3 dozen state lawmakers want proof of Obama eligibility
Proposal would demand state officials independently verify information.

The Counter response:
They are a bunch of kooks.

Dr. Hannigan’s rebuttal: Okay, but I predict that either the actual Long Form will be released or the President will not run for a second term.

President Obama’s Grandmother affirms that she was present in Kenya at Obama’s birth – see affidavit.

The Counter response:
The Affidavit is a total misrepresentation of the interview conducted by McRae through a translator. In fact, both the translator and Obama’s step-grandmother, after realizing that McRae has misunderstood her to say that she was present at Obama II’s birth, try repeatedly to correct McRae’s misunderstanding. A COMPLETE transcript of the exchange can be found here beginning on page 17.

Dr. Hannigan’s rebuttal:
The link I used is a legal affidavit from the translator who was present with Sarah Obama at the time of the interview. This transcription provided by the counter response is translated after the fact and in a private context. In the affidavit I linked to, the translator insists that Sarah Obama confirmed twice that she was present when the President was born:

“The Bishop McRae asked Ms. Obama specifically, ‘Were you present when your grandson Barack Obama was born in Kenya?’ This was asked to her in translation twice, and both times she specifically replied, ‘Yes.’ It appeared Ms. Obama’s relatives and her grandson, handling the translating, had obviously been versed to counter such facts with the purported information from the American news media that Obama was born in Hawaii. Despite this, Ms. Sarah Hussein Obama was very adamant that her grandson, Senator Barack Hussein Obama, was born in Kenya, and that she was present and witnessed his birth in Kenya, not the United States. When Ms. Obama’s grandson attempted to counter his grandmother’s clear
responses to the question, verifying the birth of Senator Obama in Kenya, Bishop McRae asked her grandson, how she could be present at Barack Obama’s birth if the Senator was born in Hawaii, but the grandson would not answer the question, instead he repeatedly tried to insert that, ‘No, No, No. He was born in the United States!’ But during the conversation, Ms. Sarah Hussein Obama never changed her reply that she was indeed present when Senator Barack Obama was born in Kenya.”

The balance of the transcript that is being referred to as being omitted is explained by the translator above and confirmed in the link as being from other family members, not from Sarah Obama.

The affidavit is a narrative of an event. I left nothing out and I did not attach the actual transcript. The affidavit was completed by the actual translator in the room. As quoted above, the balance of the transcript that the counter view is concerned with is based on OTHER family members, not Mrs. Obama. This is also CONFIRMED in counterview source link, AND some portions listed in the narrative affidavit such as “No, No, No. He was born in the United States!” is from the part that is claimed to have been left out.

Finally, the counter view source is translating from the audio. The affidavit is from the one of two actual translators who was present and translating. The benefit of doubt should rest with the one who witnessed and translated the event and not one not there listening to an audio.

Kenya Ambassador to the United States affirms that the President was born in Kenya:
http://www.youtube.com/watch?v=zH4GX3Otf14

This is a misrepresentation. While the transcript does appear to show that the Ambassador says Obama was born in Kenya, and it’s a well known attraction, Kenyans sure are doing a crappy job of covering it up as part of a conspiracy if everyone knows about it (though I guess all the international reporters talking to Kenyans about the Obamas couldn’t find it). Obviously this man, for which English is a second language, is clearly talking about Obama, Sr.’s birthplace – the village of Kogello – “as a well-known attraction,” not any hospital in Mombasa (though if the birthers want to argue that Stanley Ann Dunham had her baby in a grass hut rather than a hospital – go for it!) The day after the interview an assistant to the Ambassador told World Net Daily that the Ambassador was misunderstood and that he had no way of knowing where Obama was born – and the assistant was right. The testimony of a man who has no reason to know something carries no weight.

Dr. Hannigan’s response: If you say so, but these oddities sure keep adding up. Again, only adding weight to the absolute confusion resulting from the lack of proof from the President himself.

“Adding to the confusion, the Obama campaign provided two different hospital names at one time- Queen's and Kapiolani. NO ONE has ever verified the fact that Obama was born in a Hawaiian Hospital, no doctor, nurse, hospital administrator. However, since the beginning of 2009 there seems to have been a change from Queen's Hospital to Kapiolani as the place of birth.
The Washington Post and Wikipedia (presumably at the suggestion or with the approval of people associated with Barack Obama) now claim that he was born in Kapiolani Hospital, even though Kapiolani Hospital refuses to confirm or deny the truth of this statement or to provide a copy of a hospital birth certificate or record. See the two identical news reports screen shots except that the 2nd one has the name of hospital changed.” (quotes added ©)


As to Kapiolani Hospital neither confirming nor denying whether Obama was born there, Claire Tong, Kapiolani Medical Center spokeswoman, said of Obama’s birth, "We can't confirm or deny it — even though all the information out there says he was born at Kapiolani Hospital. And that's because of the HIPA law” (NOTE: HIPA stands for Health Information Privacy Act which was passed in 1999).

http://the.honoluluadvertiser.com/article/2008/Nov/09/ln/hawaii811090361.html

Kapiolani had its 100 year anniversary, and a letter was read from Obama claiming that he was born at the hospital, and the letter was published in its centennial newsletter (http://www.kapiolanigift.org/doc/centennial-magazine.pdf)

Dr. Hannigan’s rebuttal:

Now... about the infamous celebratory letter from President Obama. For over a year, neither Kapi’olani Medical Center nor White House Press Secretary Robert Gibbs would actually confirm that the letter was official. In fact, the counter response link above references a document which is not the actual letter, but only a crude html attempt to mimic the actual letter. The actual letter was finally released to WND.com after the Secret Service began considering a probe for possible profiteering/fundraising using the President's likeness. Only then, nearly six months after the fact, did the hospital release the actual photo of the letter. When I originally created that paragraph the issue had not been resolved. I stand corrected. To see the actual letter and the history, see the link.

However, the White House has never confirmed, even when asked, whether the President sent the letter. Why would it take a court order for a hospital to show a letter from a President? In which hospital was the President born, and why was there so much confusion about it? Why was the Internet scrubbed to eliminate all references to Queen’s Medical Center as Barack Obama's birthplace, without any retraction statement? When a news agency must make a correction, a retraction is standard procedure.


“President Obama was born with dual Citizenship. He was born a British Subject through his father and as Kenya was governed by the British Nationality Act 1948. He is also a citizen of the U.S. if he was physically born in Hawaii, not born elsewhere. His being a British Subject does not expire. Once a Brit, always a Brit per British nationality law. The child does not meet the definition of a constitutional Article II “natural born Citizen” because only one parent was a U.S. citizen when he was born. Our founders intended to exclude dual-citizens from eligibility for the Presidency and Commander-in-Chief
of our military as a “strong check” against foreign influences on the person in this office.”

http://puzo1.blogspot.com/2010/03/obama-maybe-citizen-of-united-states.html

"When enacted in 1952, section 301 [of federal immigration laws at the time] required a U.S. citizen married to an alien to have been physically present in the United States for 10 years, including five after reaching the age of fourteen, to transmit citizenship to foreign-born children. The 10-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,"

The Counter response:
Obama received United Kingdom and Colonies (UKC) citizenship through his father as specified under the British Nationality Act of 1948. Obama also received Kenyan citizenship upon Kenyan independence in 1963 through the following provisions from the Kenyan Constitution, Chapter VI, Sec. 87:

1. Every person who, having been born in Kenya, is on 11th December, 1963 a citizen of the United Kingdom and Colonies or a British protected person shall become a citizen of Kenya on 12th December, 1963...

2. Every person who, having been born outside Kenya, is on 11th December, 1963 a citizen of the United Kingdom and Colonies or a British protected person shall, if his father becomes, or would but for his death have become, a citizen of Kenya by virtue of subsection (1), become a citizen of Kenya on 12th December, 1963.

Obama, Sr. lost his UKC citizenship when Kenya declared its independence. The question is whether President Obama lost his? The Mario Apuzzo’s article linked above, quotes the Children Bill [Lords] in a 1958 House of Commons debate stating that a child born under UKC citizenship cannot renounce such citizenship until the age of 21.

The assumption is the President remained a UKC citizen after Kenyan independence; and since there is no evidence that he ever renounced his UKC citizenship, he therefore remains a UKC citizen to this day.

Apuzzo claims that the UK’s Kenyan Independence Act (KIA) of 1963 did not cause Obama to lose his UKC citizenship. This is based on the 1958 Children Bill cited earlier, but this claim is false.

First: The KIA as Sec. 2 of Chapter 54 states: (2) Save as provided by section 3 [section dealing with certain women] of this Act, any person who immediately before the appointed day [the date of Kenyan independence] is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if on that day he becomes a citizen of Kenya.

Second: The 1963 Act supersedes the 1958 Children Bill. The President became a citizen of Kenya because his father became a Kenyan citizen. Therefore, the President’s UKC citizenship was necessarily terminated along with his Kenyan citizenship in 1984 when he did not renounce his U.S. citizenship, or swear allegiance to Kenya.
Third: According to a New York court ruling in Lynch vs. Clarke (1844), in which Julia Lynch was born in New Jersey in 1819 to Irish sojourners who then went back to Ireland that same year, Lynch “was a natural born citizen of the United States.”

http://nativeborncitizen.wordpress.com/2009/11/09/lynch-v-clarke-ruling/ The court went on to say:

And the constitution itself contains a direct recognition of the subsisting common law principle, in the section which defines the qualification of the President. "No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of President," &c. The only standard which then existed, of a natural born citizen, was the rule of the common law, and no different standard has been adopted since. Suppose a person should be elected President who was native born, but of alien parents, could there be any reasonable doubt that he was eligible under the constitution? I think not. The position would be decisive in his favor that by the rule of the common law, in force when the constitution was adopted, he is a citizen. http://en.wikipedia.org/wiki/Natural_born_citizen_of_the_United_States

The U.S. Constitution is vague about what constitutes a natural born citizen, and the Supreme Court has never specifically defined it either.

Dr. Hannigan’s rebuttal:
The Counter view misrepresents the Kenyan Citizenship issue:
  a. The Counter view (above) stated that Obama became a citizen of Kenya after Kenyan independence because his father became a Kenyan citizen. His UK citizenship was therefore terminated. But that is not certain. It is true that the President's father lost his British citizenship when he converted it to Kenyan citizenship. However, the Kenyan Constitution (KC) provided for minors to maintain dual citizenship. Therefore, as a minor, by virtue of Article 97 of the KC, the President would have maintained his dual or possibly multiple citizenships (Kenyan, British and US).

b. The President received his British Citizenship by way of the British Nationality Act of 1948, Part II, Section 5. Therefore, it was not impacted by the KIA of 1963. However, since the Counter view contends that the KIA of 1963 superseded the 1958 Children Bill (Lords), then the British Nationality, HC Dec 16 July 1963 vol. 681 cc341-3, governs: “It is now the law that all persons born in the United Kingdom or its Colonies, or in countries which were Colonies at the time when they were born, have British nationality whether they are legitimate or illegitimate. Also, it is part of our law that children of British males born abroad can have British nationality.”

Therefore, because there is no known record of the President renouncing his British nationality, it is reasonable to believe that Obama still has dual citizenship with Great Britain and the United States. http://hansard.millbanksystems.com/commons/1963/jul/16/british-nationality

c. In addition, if the Counter view disregards the above, their rebuttal missed section 2(1)(a) of the KIA of 1963, which states that the British Nationality Act of 1948 was amended to include "and Kenya." This made the newly minted Kenyan Citizens also "(Commonwealth citizens by virtue of citizenship of certain countries)." Effectively, Kenya changed from a Protectorate 2(1)(b) to a Commonwealth 2(1)(a). Among other benefits, as a Commonwealth
Citizen, civilian Obama could have secured a British Passport, with the nationality of Commonwealth Citizen.


b. The KC article 95 confirms the status of Commonwealth status to its Kenyan citizens. No Act, law or decree therefore removed Barak’s Commonwealth Citizenship status as received when he received Kenyan Citizenship.

Well there you have it. If you actually read all the way through this document, you are no longer ignorant. You may disagree, but you at least have a strong foundation on the issue. There are a lot of distracting birther ideas, but I still contend that the President simply needs to show his original long form if he has one. If he does not have one, then he need to provide sufficient evidence to support that he is indeed a Natural Born Citizen.

Finally, I do not like being ignorant! If you find an alternative counter view to my arguments, let me know! I would research and include them.

John Hannigan, Ph.D.