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Officer questioning eligibility faces new threats from Army 'You could be sentenced to dismissal, confinement'

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By Bob Unruh

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The Army is threatening to dismiss and jail an active-duty lieutenant colonel who says he won't obey military orders until he knows that President Obama is in the Oval Office as a constitutionally eligible president, according to his supporters.

A statement given to WND today by Margaret Hemenway, who is acting as a spokeswoman for the case involving the American Patriot Foundation and Army Lt. Col. Terrence Lakin, said Lakin is "undaunted" and has not changed his position.

Lakin announced his position with a video stating he would not follow orders because he was not sure of their legality under Obama, who has concealed personal information that could confirm he meets the constitutional requirement that a president be a "natural born citizen."

WND reported earlier when the Army "unofficially" recommended a medical evaluation, which Lakin refused.

New strategy unveiled on answering Obama's eligibility questions. See how you can help.

Now, the Army has issued a "counseling form" warning Lakin his deployment orders are valid. The document has been posted on the [Safeguard Our Constitution website](#), which is assembling support for the officer.

(Story continues below)

"On 30 March 2010, this command became aware of your intentions to refuse to follow deployment orders. Your stated reason for refusal was your belief that the election of the President of the United States is invalid because you believe he is not 'native born' [sic]. This counseling is to inform you that your deployment orders are presumed to be valid and lawful orders issued by competent military authority," said the document from the "counselor," Lt. Col. William D. Judd.

The letter reminded Lakin of his April 12 due date at Fort Campbell, Ky.

"Failure to follow your reassignment and/or deployment orders may result in adverse action including court-martial," the officer was warned.

The document cited articles 86, 87 and 88 of the Uniform Code of Military Justice: being missing, disobeying an order and contempt).



Lt. Col. Terry Lakin is the highest-ranking and first active-duty officer to refuse to obey orders based on President Obama's eligibility.

"If found guilty ... you could be sentenced to dismissal from the service ... forfeiture of all pay and allowances; and confinement for a period of months or years in a military prison," the warning stated.

The statement released by Hemenway noted Lakin is being supported by "hundreds" of people who have donated to his [legal defense fund](#). He announced his refusal to obey orders after unsuccessfully following channels to get the same verification from the president that the officer has been required to provide throughout his 18-year military career.

The website also notes that the "counseling" document wasn't completely accurate. It's not "native-born" that is in question for Obama; it is the constitutionally mandated "natural born citizen."

Although the term is not defined in the Constitution, legal scholars believe it is best understood to mean a U.S. child of U.S. citizen parents.

[WND](#) has reported that the [controversy raises the prospect](#) that the government ultimately may not want to pursue a prosecution because a defense attorney could demand in court proof that the orders are issued by an eligible president.

Even participants in a forum on the left-leaning Huffington Post website seemed to agree in part.

"Freakin' Brilliant!" said one. "They can't court-martial him [without] the defense getting the judge to order the the (sic) birth-certificate be produced! Either Obama will have to produce or they can't prosecute. Genius."



Army Dr. Terry Lakin, the flight surgeon for 3rd Squadron, 4th Cavalry Regiment, examines the partially amputated finger of an Afghan man who assists in collecting unexploded ordnance at Kandahar Airfield. Lakin was selected as the Army Medical Department's Flight Surgeon of the Year for 2004.

[As WND reported](#), Lakin is an active-duty flight surgeon charged with caring for Army Chief of Staff Gen. George Casey's pilots and air crew.

He said he's refusing all orders until Obama releases his long-form, hospital-generated birth certificate to prove his eligibility to serve as commander in chief.

"I feel I have no choice but the distasteful one of inviting my own court martial," Lakin said in a statement. "The Constitution matters. The truth matters."

He continued, "For the first time in all my years of service to our great nation, and at great peril to my career and future, I am choosing to disobey what I believe are illegal orders, including an order to deploy to Afghanistan for my second tour of duty there. I will disobey my orders to deploy because I - and I believe all servicemen and women and the American people - deserve the truth about President Obama's constitutional eligibility to the office of the presidency and the commander in chief.

"If he is ineligible, then my orders - and indeed all orders - are illegal because all orders have their origin with the commander in chief as handed down through the chain of command."

Lakin is not the first active-duty officer to raise the challenge. Others have included [Army doctor Capt. Connie Rhodes](#) and [Army reservist Maj. Stefan Cook](#). But Lakin is the highest-ranking officer to raise the question.

In a statement last week to WND, George Wright of Army Public Affairs said the Army has "no reaction" to Lakin's statements, and "at this point, the Army will take no formal action."

He said, "Lt. Col. Lakin has stated his intent to violate Articles 87 and 92 of the Uniform Code of Military Justice, but has not done so. Whether his actions to date violate any law or policy is for his chain of command to determine."

Wright said the Army had no information on in-channel concerns Lakin reported raising twice during 2009. There was "no comment" from the Army on whether Obama needs to document his eligibility to serve as president under the U.S. Constitution's requirement that the commander in chief be a "natural born citizen."

One of the organizers behind the [Safeguard Our Constitution website](#), serving in emeritus status, is John Hemenway, an attorney who previously fought in the U.S. court system on behalf of a retired military officer, Gregory S. Hollister, who also questioned Obama's eligibility.

[The case ultimately was dismissed](#) by Judge James Robertson who ruled that the dispute had been "twittered" during the 2008 election campaign.

In that opinion, Robertson sarcastically wrote: "The plaintiff says that he is a retired Air Force colonel who continues to owe fealty to his commander in chief (because he might possibly be recalled to duty) and who is tortured by uncertainty as to whether he would have to obey orders from Barack Obama because it has not been proven - to the colonel's satisfaction - that Mr. Obama is a native-born American citizen, qualified under the Constitution to be president.

"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," Robertson wrote.

[The judge also suggested sanctions against Hemenway for bringing the case](#), and Hemenway responded that process then would provide him with a right to a discovery hearing to see documentation regarding the judge's statements - not supported by any evidence introduced into the case - that Obama was properly "vetted."

Hemenway warned at the time, "If the court persists in pressing Rule 11 procedures against Hemenway, then Hemenway should be allowed all of the discovery pertinent to the procedures as court precedents have permitted in the past.

"The court has referred to a number of facts outside of the record of this particular case and, therefore, the undersigned is particularly entitled to a hearing to get the truth of those matters into the record. This may require the court to authorize some discovery," Hemenway said.

[WND columnist Vox Day](#) earlier wrote about this very scenario, calling it a "Get out of war" free card.

The comments followed the case of Cook, the reservist who challenged his deployment orders over questions about their legality under Obama.

"Rather than contesting the suit," Day wrote, "the Army took the highly peculiar step of revoking the major's deployment order, suggesting that the Pentagon generals are not entirely confident that they can demonstrate the legitimacy of their purported commander in chief.

"The Pentagon's decision to back down rather than risk exposing Obama's birth records to the public means that every single American soldier, sailor, pilot and Marine now holds a 'get out of war free' card. Not only every deployment order, but every order issued from an officer in the line of command can now be challenged in the knowledge that the top brass are afraid to respond for fear that their commander could be exposed for a fraud," he wrote at the time.

"It is one thing for Obama to deny the curiosity of the American public by hiding behind the courts. It is very much another for him to deny the right of the men and women of the Army, Navy, Air Force and Marines, who are sworn to risk their lives upholding the Constitution of the United States of America, to be certain their orders are legitimate," he said.

Margaret Hemenway, who writes for FamilySecurityMatters.org, said the case likely will be complicated.

In his [video message now posted on YouTube](#), Lakin personally pleads with the president to stop withholding the key document which would put to rest many of the doubts that continue to linger more than a year into Obama's term.

"President Obama, I ask you to respect and uphold the Constitution. Be transparent and show your honesty and integrity. Release your original, signed birth certificate, if you have one, thus proving your birth on American soil, and thus assure the American people that you are lawfully eligible to hold the office of the presidency and serve as commander in chief of the Armed Forces."



Obama's actual response to those who question his eligibility to be president under the Constitution's requirement that the U.S. president be a "natural born citizen" has been to dispatch both private and tax-funded attorneys to prevent anyone from gaining access to his documentation.

Besides Obama's actual birth documentation, [the still-concealed documentation for him includes kindergarten](#)

records, Punahou school records, Occidental College records, Columbia University records, Columbia thesis, Harvard Law School records, Harvard Law Review articles, scholarly articles from the University of Chicago, passport, medical records, his files from his years as an Illinois state senator, his Illinois State Bar Association records, any baptism records, and his adoption records.

WND has reported on a multitude of cases that have been brought over the issue of Obama's eligibility. Some are by critics who have doubts about whether he was born in Hawaii in 1961 as he has written, and others are from those who question whether the framers of the Constitution specifically excluded dual citizens - Obama's father was a subject of the British crown at Obama's birth - from being eligible for the office.

The issue has prompted a number of state legislatures to work on proposals that would require presidential candidates to submit proof of their eligibility. And [a similar proposal](#) has been introduced in Congress by [Rep. Bill Posey, R-Fla.](#)

The Constitution, Article 2, Section 1, states, "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."

However, none of the cases filed to date has been successful in reaching the plateau of legal discovery, so that information about Obama's birth could be obtained.

The White House has not replied to numerous requests for comment.



"Where's The Birth Certificate?" billboard helps light up the night at the Mandalay Bay resort on the Las Vegas Strip.

[Because of the dearth of information about Obama's eligibility, WND founder Joseph Farah has launched a campaign to raise contributions to post billboards asking a simple question: "Where's the birth certificate?"](#)

The campaign followed [a petition that has collected more than 498,000 signatures demanding proof of his eligibility, the availability of yard signs raising the question and the production of permanent, detachable magnetic bumper stickers asking the question.](#)

[A new effort now asks those in authority regarding the nation's elections to demand the full proof.](#)

The "certification of live birth" posted online and widely touted as "Obama's birth certificate" does not in any way prove he was born in Hawaii, since the same "short-form" document is easily obtainable for children not born in Hawaii. The true "long-form" birth certificate - which includes information such as the name of the birth hospital and attending physician - is the only document that can prove Obama was born in Hawaii, but to date he has not permitted its release for public or press scrutiny.

Oddly, though congressional hearings were held to determine whether Sen. John McCain was constitutionally eligible to be president as a "natural born citizen," no controlling legal authority ever sought to verify Obama's claim to a Hawaiian birth.

Your donation - from as little as \$5 to as much as \$1,000 - can be made online at the WND SuperStore. (Donations are not tax-deductible. Donations of amounts greater than \$1,000 can be arranged by calling either 541-474-1776 or 1-800-4WND.COM. If you would prefer to mail in your contributions, they should be directed to WND, P.O. Box 1627, Medford, Oregon, 97501. Be sure to specify the purpose of the donation by writing "billboard" on the check. In addition, donations of billboard space will be accepted, as will significant contributions specifically targeted for geographic locations.)

If you are a member of the media and would like to interview Joseph Farah about this campaign, e-mail WND.

Note: A legal defense fund has been set up for Lt. Col. Terry Lakin.

Related offers:

See the movie Obama does not want you to see: Own the DVD that probes this unprecedented presidential eligibility mystery!

Join the petition campaign to make President Obama reveal his long-form, hospital-generated birth certificate!

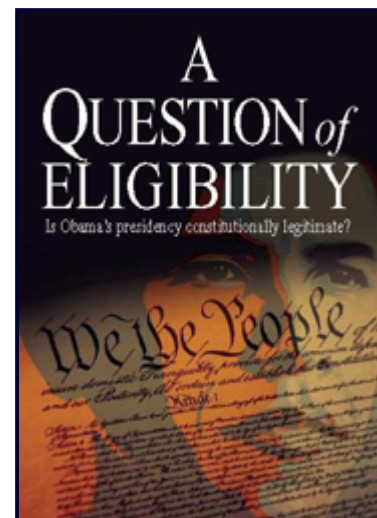
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