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WND EXCLUSIVE

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Lawyer urges secretary of state to cancel inquiry

Published: 5 hours ago



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Bob Unruh joined WND in 2006 after spending nearly three decades writing on a wide range of issues for several Upper Midwest newspapers and the Associated Press. Sports, tornadoes, homicidal survivalists, and legislative battles all fell within his bailiwick. His scenic photography has been used commercially, and he sometimes plays in a church worship band.

Barack Obama has announced through his attorney that he will boycott the administrative hearings scheduled tomorrow in Georgia to review evidence of whether he legitimately is a candidate for the presidency, prompting an attorney for one set of the plaintiffs to describe the nation's commander-in-chief as acting like a "5-year-old brat."

A letter apparently from his lawyer, Michael Jablonski, was posted today on the website for California attorney [Orly Taitz](#), whose determined pursuit of Obama's eligibility documentation has taken her to courts across the nation, including the U.S. Supreme Court.

Jablonski told Georgia Secretary of State Brian Kemp in the letter that "serious problems" had developed in the hearings "pending before the Office of State Administration Hearings."

He said, "At issue in these hearings are challenges that allege that President Obama is not eligible to hold or run for re-election to his office, on the now wholly discredited theory that he does not meet the citizenship requirements."

Discover what the Constitution's reference to "natural born citizen" means and whether Barack Obama qualifies, in the ebook version of "Where's the REAL Birth Certificate?"

Jablonski said the judge – who previously rejected Obama's demand to quash a subpoena for him to appear and bring with him his birth records documenting his status as a "natural-born citizen" – has "exercised no control" over the proceeding.

"It threatens to degenerate into a pure forum for political posturing to the detriment of the reputation of the state and your office. Rather than bring this matter to a rapid conclusion, the ALJ has insisted on agreeing to a day of hearings, and on the full participation of the president in his capacity as a candidate," Jablonski wrote.

In a response that was posted online after hours, Kemp said the case referral was "in keeping with Georgia law."

"As you are aware, OSAH Rule 616-1-2-.17 cited in your letter only applies to parties to a hearing. As the referring agency, the Secretary of State's Office is not a party to the candidate challenge hearings scheduled for tomorrow. To the extent a request to withdraw the case referral is procedurally available, I do not believe such a request would be judicious given the hearing is set for tomorrow morning."

He continued, "I expect the administrative law judge to report his findings to me after his full consideration of the evidence and law. Upon receipt of the report, I will fully and fairly review the entire record and initial decision of the administrative law judge."

He also had a warning about the costs of simply not showing up for a court hearing.

"Anything you and your client place in the record in response to the challenge will be beneficial to my review of the initial decision; however, if you and your client choose to suspend your participation in the OSAH proceedings, please understand that you do so at your own peril."

"We await your taking the requested action, and as we do so, we will, of course, suspend further participation in these proceedings, including the hearing scheduled for January 26," Jablonski wrote in the letter on the Taitz site, which indicated it had been sent to the participants in the case.

A blast of sarcasm aimed at Obama also was posted on the Taitz site.

"What Obama is asking now is totally insane," it said. "He is asking the secretary of state of GA to take the trial away from the judge on the eve of the trial. He is mostly crying on the shoulder of the secretary of state of GA and saying that Orly is bad, because she issued all of those subpoenas. So after the judge told Obama that the subpoena that I issued was perfectly valid and he had to appear in court tomorrow and bring with him all of the documents that I demanded, Obama decided to go behind the back of the judge and send the same complaint about me to the secretary of state and he is asking the secretary of state to take the trial away from the judge.

"Does this look like a behavior of an innocent person? An innocent person would have come to court and showed all the valid documents with the embossed seals, which are verifiable," the statement said. "Instead he is acting like a 5-year-old brat, saying, 'I am afraid of Orly, I want the secretary of state of GA to act like my mommy and protect me from Orly.' Some leader of the free world."

The hearings are being brought by citizens of Georgia under a state law that allows voters to challenge the eligibility of candidates on the state's ballot. It is the states that run elections in America, and national elections are just a compilation of the results of the 50 state elections.

The schedule for the hearings was set by Judge Michael Malihi of the Georgia state Office of State Administrative Hearings. In Georgia, a state law requires "every candidate for federal" office who is certified by the state executive committees of a political party or who files a notice of candidacy "shall meet the constitutional and statutory qualifications for holding the office being sought."

State law also grants the secretary of state and any "elector who is eligible to vote for a candidate" in the state the authority to raise a challenge to a candidate's qualifications, the judge determined.

Citizens bringing the complaints include David Farrar, Leah Lax, Thomas Malaren and Laurie Roth, represented by [Taitz](#); David Weldon represented by attorney Van R. Irion of [Liberty Legal Foundation](#); and Carl Swensson and Kevin Richard Powell, represented by [J. Mark Hatfield](#). [Cody Judy is raising a challenge because he also wants to be on the ballot.](#)

Jablonski told Kemp he should simply "withdraw" the original hearing request as "improvidently issued."

"It is well established that there is no legitimate issue here – a conclusion validated time and again by courts around the country. The state of Hawaii produced official records documenting birth there; the president made documents available to the general public by placing them on his website," he wrote.

Jablonski accused Malihi of allowing the attorneys to "run amok."

"Perhaps he is aware that there is no credible response; perhaps he appreciates that the very demand made of his office – that it address constitutional issues – is by law not within its authority."

Obama, meanwhile, has a campaign trip to several Midwest and Western states lined up over the next few days.

[WND reported earlier](#) on the stunning decision from Malihi, who refused to quash the subpoena even after [Obama outlined](#) his defense strategy for such state-level challenges, which have erupted in half a dozen or more states already.

"Presidential electors and Congress, not the state of Georgia, hold the constitutional responsibility for determining the qualifications of presidential candidates," Obama's lawyer argued. "The election of President Obama by the presidential electors, confirmed by Congress, makes the documents and testimony sought by plaintiff irrelevant."

The judge thought otherwise.

“Defendant argues that ‘if enforced, [the subpoena] requires him to interrupt duties as president of the United States’ to attend a hearing in Atlanta, Georgia. However, defendant fails to provide any legal authority to support his motion to quash the subpoena to attend,” he wrote [in his order](#).

“Defendant’s motion suggests that no president should be compelled to attend a court hearing. This may be correct. But defendant has failed to enlighten the court with any legal authority,” the judge continued.

“Specifically, defendant has failed to cite to any legal authority evidencing why his attendance is ‘unreasonable or oppressive, or that the testimony … [is] irrelevant, immaterial, or cumulative and unnecessary to a party’s preparation or presentation at the hearing, or that basic fairness dictates that the subpoena should not be enforced,’” the judge said.

Separately, Maricopa County Sheriff Joe Arpaio in Arizona told WND he also had received a subpoena to be at the hearings in Georgia. He said the purpose apparently is to ask him about his Cold Case Posse investigation of Obama’s eligibility, but he said since the investigation remains open, he wouldn’t be able to say much about it.

[Hatfield also had filed with the court a “Notice to Produce”](#) asking for Obama’s documents and records.

He wants one of the two original certified copies of Obama’s long-form birth certificate.

Obama’s attorney, Jablonski, also had argued that the state should mind its own business.

“The sovereignty of the state of Georgia does not extend beyond the limits of the State. … Since the sovereignty of the state does not extend beyond its territorial limits, an administrative subpoena has no effect,” the filing argued.

Taitz’s supporters joined a discussion on her [website](#), where she also solicits support for the expenses of her court cases, judging that Obama is on the defensive.

“What a joke. He claims to be too busy performing the duties of the president of the United States. How many days of vacation has he taken? How many rounds of golf? If he is too busy to provide the documents that provide the basis for meeting the requirements of the office, then perhaps he better sit out the next four years,” said one.

Wrote another, “The election of President Obama by the presidential electors, confirmed by Congress, makes the documents and testimony sought by plaintiff irrelevant. … This is complete utter nonsense!”

In fact, a presidential elector in California brought a lawsuit challenging Obama’s eligibility at the time of the 2008 election and was told the dispute was not yet ripe because the inauguration hadn’t taken place. The courts later ruled that the elector lost his “standing” to bring the lawsuit after the inauguration.

Irion said his argument is that the Founders clearly considered a “natural-born citizen,” as the Constitution requires of a president and no one else, to be the offspring of two citizen parents. Since Obama himself has written in his books that his father, Barack Obama Sr. was a Kenyan, and thus subject to the jurisdiction of the United Kingdom, Irion argues that Obama is disqualified under any circumstances based on his own testimony.

Those who argue against his birth in the United States note that numerous experts have given testimony and sworn statements that they believe Obama’s Hawaiian birth documentation to be fraudulent.

It is that concern that also has prompted Arpaio to turn over an investigation of that issue to his Cold Case Posse. Its investigative report is expected to be released in the next few weeks.

The image released by the White House in April:



Barack Obama

STATE OF HAWAII		CERTIFICATE OF LIVE BIRTH		DEPARTMENT OF HEALTH	
		HLS 151		61 10641	
1. (Child's First Name - Age at birth)		2. MIDDLE NAME		3. Last Name	
SHARICE		MOSEKIN		OBAMA, II	
4. Sex	5. Year Born	6. Month of Birth	7. Day of Birth	8. Year of Birth	9. Time of Birth
Male	1961	August	4	1961	7:24 P.M.
10. Place of Birth (City, Town or Rural Location)			11. County		
Honolulu			Oahu		
12. Name of Hospital and Institution (If not in Hospital or Institution, give street address)				13. Place of Birth (City or Town) (If not in Hospital or Institution)	
Kaplan Maternity & Gynecological Hospital				Honolulu, Hawaii	
14. Street Address				15. Hospital Suite (or in Your Office) (If not in Hospital or Institution)	
4095 Kalanianaʻaʻole Highway					
16. Mother's Mailing Address				17. Is Mother in a Home or Placement?	
				No	
18. Full Name of Father		19. MOTHER		20. Race of Father	
SHARICE		MOSEKIN		CRAMA	
21. Age of Father		22. Birthplace (name, city or town, county) (If not known, State)		23. Race of Mother or Industry	
25		Ipswich, East Africa		Student	
24. Full Name of Mother		25. FATHER		26. Race of Mother	
STANLEY		499		DONSAR	
27. Age of Mother		28. Birthplace (name, city or town, county) (If not known, State)		29. Age of Occupation (Name, Major Training Program)	
16		White, England		None	
30. I certify that the above named person is now and always of the State of Hawaii.					
31. I hereby certify that this child was born alive in the State and under natural delivery.				32. Date Registered by Local Registrar	
Signature of Registrar <i>Alan T. Ochs, Ph.D.</i>				Date Registered APR 25 2011	
33. Signature for Official Filing in Records					

Obama long-form birth certificate released April 27 by the White House

Top constitutional expert Herb Titus contends that a “natural-born citizen” is born of parents who are citizens. That argument also is supported by a 19th-century U.S. Supreme Court decision, *Minor v. Happersett* in 1875. The case includes one of very few references in the nation’s archives that addresses the definition of “natural-born citizen.”

That case states: “The Constitution does not in words say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that. At common law, with the nomenclature of which the framers of the Constitution were familiar, it was never doubted that all children born in a country of parents who were its citizens became themselves, upon their birth, citizens also. These were natives or natural-born citizens, as distinguished from aliens or foreigners.”

An extensive analysis of the issue was conducted by Titus, who has taught constitutional law, common law and other subjects for 30 years at five different American Bar Association-approved law schools. He also was the founding dean of the College of Law at Regent University, a trial attorney and special assistant U.S. attorney in the Department of Justice.

“‘Natural born citizen’ in relation to the office of president, and whether someone is eligible, was in the Constitution from the very beginning,” he said. “Another way of putting it; there is a law of the nature of citizenship. If you are a natural born citizen, you are a citizen according to the law of nature, not according to any positive statement in a Constitution or in a statute, but because of the very nature of your birth and the very nature of nations.”

If you “go back and look at what the law of nature would be or would require ... that’s precisely what a natural born citizen is ... is one who is born to a father and mother each of whom is a citizen of the U.S. or whatever other country,” he said.

“Now what we’ve learned from the Hawaii birth certificate is that Mr. Obama’s father was not a citizen of the United States. His mother was, but he doesn’t qualify as a natural born citizen for the office of president.”