



Written by [Raven Clabough](#) on December 14, 2010

Army Birther Court Martial Began Today

The court martial proceeding of Lt. Col. Terrence Lakin of Greeley, Colorado began today at Ford Meade, Maryland. Lakin is an army doctor who disobeyed orders to deploy to Afghanistan, alleging that his objection to follow the deployment orders results from questions over President Barack Obama's citizenship.



Lakin, who has served in the military for 17 years and owns a spotless record as well as a number of military awards, including a Bronze Star earned for service during a previous tour of duty in Afghanistan, announced in March that he would not be embarking on another tour of duty in Iraq until President Obama could prove without a doubt that he is qualified to hold his position.

Lakin's assertions rest on the constitutional requirement that a president must be "a natural born citizen."

Lakin's decision not to report to Fort Campbell, Kentucky, where his unit was preparing to deploy to Afghanistan, invited a court martial. As Lakin awaited the proceedings, the Army reassigned him to the Pentagon.

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Prior to the proceedings, Lt. Col. Lakin prepared motions seeking the president's birth and school records, to which retired Air Force Lieutenant General Thomas McInerney sent a sworn affidavit in support. In the affidavit, McInerney wrote, "In refusing to obey orders because of his doubts as to their legality, LTC Lakin has acted as proper training indicates." He also praised Lakin for "the courage of his convictions and his bravery."

Similarly, McInerney's affidavit asserted that the removal of doubt about President Obama's legitimacy to serve "is fundamental to our Republic, where civilian control over the military is the rule." As a result, McInerney contended that Obama "must either voluntarily establish his eligibility by authorizing release of his birth records or this court must authorize their discovery."

Much to the disappointment of Lakin and McInerney, however, President Obama was [not accepted](#) on Lakin's witness list in June, rendering it impossible for Lakin to rest his defense on Obama's alleged ineligibility. A number of other items were rejected as well, including Occidental College records, Hawaii State Dept. of Health records, Harvard University records, Punahau school documents, Punahau school records, and Columbia University records. Any witnesses connected to the documents were also rejected.

In explaining the rejection of the materials and witnesses, the investigating officer, Daniel J. Driscoll,



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wrote:

The Defense ... fails to assert a legal basis by which its request might be allowable under the law of political questions, whereby courts will refrain from inserting themselves in matters constitutionally relegated to coequal branches of Government. The Defense quest to use a military justice forum to invalidate all military authority while undermining the authority of a sitting United States President certainly appears at first blush to be a nonjusticiable political question.

As a result, the majority of the necessary evidence that could have potentially vindicated Lakin was disallowed, prohibiting the officer from properly defending himself in court.

During today's proceedings, Lakin pleaded [guilty](#) to a charge that includes not meeting with a superior when asked to do so and not reporting to duty at Fort Campbell. He pled "not guilty," however, to a second charge that he missed a flight on which he was required to be. As a result, reports Fox News, "His court-martial at Fort Meade is continuing on that count."

Lakin is defended by both military and civilian attorneys. He is also supported by the D.C.-based American Patriot Foundation. Previously testifying on his behalf was Dr. Alan Keyes and retired Major General Paul Vallely.

At his hearing, Lakin asserted that while he still believes Obama's legitimacy should be questioned, he admits that he should not have refused to meet with his superiors and report to Fort Campbell.

"I was praying and soul searching," Lakin said. "I believed there was a question that needs to be answered to ensure a valid chain of command. But I had asked every question, done everything else I could short of disobeying orders, without success."

Colonel Lakin faces up to 18 months in prison and dismissal from the Army

Lakin, who has been dubbed a "birther," contends that there is not sufficient evidence to prove that President Obama is legally eligible to serve as Commander-in-Chief. Hawaiian officials claim that they have records proving that Obama was born in Honolulu on August 4, 1961.

Controversy over Obama's birthplace [began](#) in 2008 when Orly Taitz, a dentist and lawyer, claimed Obama was born in Kenya. Taitz went as far as to produce a Kenyan birth certificate for Obama, though some claimed it to be a forgery.

In September 2009, a U.S. Army Reserve doctor, who also objected to being deployed to Afghanistan, alleged that Obama did not have the authority to send her. She was defended by Taitz, but Federal Judge Clay Land dismissed the case.

Judge Land explained, "Congress is apparently satisfied that the President is qualified to serve."

Photo of of Lt. Col. Terrence Lakin: AP Images



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