



Written by [Dave Bohon](#) on December 27, 2011

## 'Birthers' Lose Bid for Lawsuit on Obama Citizenship

As reported by the [Los Angeles Times](#), none of the plaintiffs in the case "has the right to sue the president because none has suffered any injury that the court could heal with a ruling, a three-judge panel of the U.S. 9th Circuit Court of Appeals said in upholding a lower court's dismissal of their lawsuit."

The three-judge panel explained that even political candidates such as Keyes, who argue that they were injured by having an unqualified Obama enter the presidential race, would only have had standing to sue had they brought their case before the 2008 presidential election. "They cannot claim competitive standing because they were no longer candidates when they filed their complaint," explained Judge Harry Pregerson, writing for the three-judge panel.



Among the dozens of individuals involved in the suit were a group of military personnel. As reported by [Courthouse News Service](#), one of those plaintiffs, Army Lieutenant Jason Freese, "argued that he and other soldiers could show injury because he 'would face disciplinary action by the military' if he or other soldiers were to 'refuse to follow President Obama's orders, despite his ineligibility for the presidency,' according to the ruling."

But in his opinion Pregerson called such a notion "highly speculative," explaining that Freese "might be disciplined for *disobeying* those orders" (emphasis in original), but could avoid such consequences by a simple course of action: "... he can obey the orders of the commander-in-chief." Added the judge: "In the absence of a concrete injury, Freese asserts nothing more than an abstract constitutional grievance that, far from being particularized to him, is shared by all citizens generally."

Apart from the plaintiffs' lack of standing in the case, the judges explained that the question of Obama's constitutional qualifications to serve as President was a political issue beyond the scope of the federal courts without a challenge from the U.S. Attorney General.

According to the [Washington Post](#), the loosely affiliated birther movement "has filed multiple lawsuits over the issue, so far with no success. Its leaders have lost similar challenges before the U.S. Supreme Court and the California Supreme Court."

Those challenging Obama's qualification to occupy the White House point out that, as stipulated in Article II, Section 1, of the U.S. Constitution: "No Person except a natural born Citizen ... shall be eligible to the office of President." "Birthers" argue that there is no compelling evidence that Barack Obama was born in Hawaii, as he claims, but that he was instead born in Kenya, or at least on a ship en route to the United States, of an American mother and an African father.

They insist that a recently produced official birth certificate — which appeared, for the first time, three



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years after Obama was elected President, and only under intense pressure — is nothing more than a forgery.

Significantly, the ruling by the appeals court did not address the authenticity of the birth certificate, or any other evidence challenging Obama's constitutional qualifications for the office of the President, but merely affirmed the lower court decision that the plaintiffs lacked legal standing.

Nonetheless, observed [Orly Taitz](#), one of the attorneys for the plaintiffs, in the past three years “not one single court has stated that Barack Obama is a legitimate president, no court has verified that the Social Security number he uses was assigned to him, no court has validated his birth certificate. All the courts are simply passing the buck, kicking the can by saying they have no jurisdiction and that the plaintiffs have no standing.”

According to the *Post*, Taitz “said she would ask the appeals court to convene a special 11-judge panel to reconsider the case. If she is turned down there, she said she would ask the U.S. Supreme Court to review the case.”

As reported in July by [The New American](#), in his book [Where's the Birth Certificate? The Case That Barack Obama Is Not Eligible to Be President](#), author Jerome Corsi lays out a well-documented case demonstrating why Obama's birth and pedigree disqualify him from being President.

While the lack of a “long form” birth certificate was supposedly satisfied in the summer of 2011 when the White House belatedly provided the form, insisting that it was the certificate that had apparently been missing for more than four decades, Corsi argues in his book that, in the minds of the Founding Fathers, the fact that one of Obama's parents was not a natural-born U.S. citizen would have disqualified him from being President.

Corsi notes that the Founders were profoundly influenced in this regard by 18th-century Swiss philosopher Emerich de Vattel, who argued that, ultimately, a nation's strength and future rested on the viability of its “natural-born citizens,” which he defined as “those born in the country of parents who are citizens.” Vattel wrote that “in order to be of the country, it is necessary that a person be born of a father who is a citizen; for, if he is born there of a foreigner, it will only be the place of his birth, and not his country.”

Thus influenced by Vattel's writings, the Founders stipulated in the Constitution that only a “natural born citizen” would be eligible to serve as President. Writes Corsi: “Given this definition, a person born in the United States to one U.S. citizen parent and a second who is a citizen of another country would not qualify.” This, notes Corsi, is Obama's situation precisely.

Add to this evidence, writes Corsi, is the fact that the Kenyan nationality of Obama's father made Obama a dual citizen of both the United States and the United Kingdom at birth. Also, he explains, when Obama's American mother later married a man from Indonesia, moving to that country with her children, a young Barack Obama became an Indonesian citizen. All of this, argues Corsi, further complicates Obama's already untenable grasp on the qualifications for the office he now holds.

Unfortunately, complain many in the birther movement, these crucial nuances in Obama's history have been almost entirely lost in the argument over the exact place of his birth. With the latest court loss by the birthers, it appears that the next opportunity to remove Barack Obama from office will occur in November.



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