



Written by [Joe Wolverton, II, J.D.](#) on April 25, 2011

Challenge to President Obama's Eligibility to be Heard by 9th Circuit Court

"I can't believe it, but after two years of Obama litigation, for the first time the court of appeals scheduled oral argument in [the] Obama case," said Orly Taitz, a California attorney who has litigated a number of challenges to Obama.

In this complaint, Taitz represents co-plaintiffs, who include former Ambassador and presidential candidate Alan Keyes, 10 state Representatives, and 30 members of the military.

An attorney representing another group of plaintiffs in a case that was joined to the Taitz case expressed joy at the circuit court's announcement, saying he was "pleased we're going to have a chance to argue this issue before the 9th Circuit. We hope they see the merit in the constitutional arguments."



Attorneys for the defense aver that the plaintiffs lack standing: If anyone has suffered damages from President Obama's alleged ineligibility due to his not being a "natural born citizen" per Article II of the Constitution, it is the nation at large and not the named plaintiffs. They argue that the plaintiffs failed to "demonstrate a particularized injury-in-fact traceable to defendants' conduct as would be necessary to establish standing."

Later in their brief, defense counsel addresses the critical constitutional issue at the heart of the case soon to be heard by the judges of the 9th Circuit Court:

Even assuming arguendo, that some of the purported "injuries" alleged by appellants satisfied the Article III requirement of "injury-in-fact," the district court correctly held that no appellant could demonstrate that any injury complained of could be redressed by a court. The political question doctrine precludes redress to any appellant, because such redress would improperly arrogate to this court jurisdiction over political questions as to the eligibility of the president which the Constitution entrusts exclusively to the House and Senate.

The political question doctrine serves to "restrain the judiciary from inappropriate interference in the business of the other branches of government" by prohibiting the courts from deciding issues that properly rest within the province of the political branches.

They continue:

The issues sought to be raised by appellants herein, regarding both whether President Obama is a "natural born citizen of the United States" and therefore eligible to be president as well as any



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purported claims raised by any criminal statutes ... are to be judged, according to the text of the Constitution, by the legislative branch of the government, and not the judicial.

The brief of the defense's case was submitted by U.S. Attorney André Birotte, Jr. and his assistants Roger West and David DeJute.

The principal allegations made in the case question Barack Obama's eligibility to be President, citing an inexplicable lack of appropriate documentation that would prove the President's eligibility.

In support of their position, the plaintiffs claim to have evidence of the following [challenges](#) to President Obama's ineligibility for the office he now occupies:

1. Mr. Obama has been using a stolen Social Security number since 1980-81 according to Dr. Taitz; moreover, Obama never resided in Connecticut where his Social Security number 042-68-4425 had already been issued to a Connecticut resident in March, 1977. Taitz verified Obama's continued usage of the allegedly stolen number via public Selective Service website information, Lexis Nexis, Choice Point and also E-Verify documentation. Taitz has brought suit against the U.S. Social Security Administration for Freedom of Information Act (FOIA) violations.
2. Obama is not a NATURAL BORN citizen, that is, one who is born in the United States to parents who are BOTH U.S. citizens. [Emphasis in original.]
3. Obama has failed to produce a LONG FORM birth certificate with hospital, attending physician's name and official signatures, etc. Instead, Obama has produced a SHORT FORM certificate widely circulated on the internet and cable news shows. [Emphasis in original.]
4. According to stamped, certified court documents and a licensed investigator, President Obama is linked to 39 DIFFERENT SOCIAL SECURITY NUMBERS AND MULTIPLE ADDRESSES IN NATIONAL DATABASES.
(<http://www.orlytaitzesq.com/wp-content/uploads/2011/02/Taitz-v-Astrue-filed-Complaint.pdf>).
[Emphasis in original.]
5. Associated Press reports from Indonesia show Obama's elementary school record with usage of his adopted father's name Soetoro, Indonesian citizenship, religion Islam. Obama denies all three facts.
6. Dr. Taitz has served President Obama with a complaint five times, but she said the President has defaulted and failed to answer the complaint thus far. Taitz asserted that Judge Carter has "defrauded us" [her clients and the American people, in initial District Court filings]. "It was a clear case of an error by the judge, abuse of judicial discretion and possibly judicial misconduct. Not only did Judge Carter dismiss the case; he also used his final order (undoubtedly written by some Obama supporter) to viciously attack me and my clients."
7. Taitz has presented evidence and court documents to House Judiciary Committee Chairman Lamar Smith (R-TX-21), House Oversight and Government Reform Committee Chairman Darrell Issa (R-CA-49), Rep. Dana Rohrabacher (R-CA-46), and Rep. Tom McClintock (R-CA-4), among others who have thus far failed to hold hearings, subpoena Obama's long-form birth certificate, subpoena documents regarding his links to 39 social security numbers, subpoena his college records which Taitz has asserted contain fraudulent information, and subpoena documents related to whether he is a natural born citizen. The congressional cover-up and failure to investigate Dr. Taitz's meritorious evidence raises serious questions as to whether members of congress may



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have been threatened or even blackmailed by the White House.

8. Multiple cable television hosts are deriding undeclared presidential candidate Donald Trump for questioning Mr. Obama's presidential eligibility, raising additional serious questions as to why cable hosts are attempting to silence Mr. Trump while not reporting Taitz's evidence — especially if Mr. Obama is ever found to be ineligible, and whether his executive orders and Supreme Court appointments would also be nullified.

Every one of the legal challenges to President Obama's Article II qualifications calls into question the lack of convincing documentation regarding the place of nativity. As this author has written on a [couple](#) of [occasions](#) in *The New American*, the history of the "natural born citizen" clause and the appropriate application of that concept obviate the need to inquire into whether or not Barack Obama was born in the United States.

The larger and more relevant (and easily proven) issue is the allegiance owed by Barack Obama's Kenyan father at the time of the President's birth — regardless of whether that event occurred in Hawaii, Kenya, or elsewhere.

Essentially, a baby, even one born in the United States, cannot be considered a "natural born citizen" of our Republic if one or more of his parents were subjects to a foreign power. In this case, there is no dispute that President Obama's father was neither a citizen nor a permanent resident of the United States, and in fact as a Kenyan he was a subject of the British Crown. This inarguable fact alone is sufficient to void President Obama's eligibility for the presidency.

Arguments in this case are [scheduled](#) to begin at 9 a.m. on May 2 in the Federal Courthouse in Pasadena, California. Donald Trump's plan to attend the hearing is still unconfirmed.

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