



Written by [Bob Adelman](#) on January 28, 2012

Obama Ignores Challenge to His Presidential Eligibility in Georgia

The complaints originated on October 25 of last year with a lawsuit filed by the Liberty Legal Foundation (LLF) requesting an injunction against the Democratic Party that would prohibit the party from certifying that Obama is constitutionally qualified to run for office in 2012. Without that certification, says the foundation, Obama's name would not appear on any ballot in the general election.



The case has nothing to do with Obama's birth certificate or his place of birth or how many Social Security numbers he may have. As noted by LLF,

These issues are completely irrelevant to our argument. [Our] lawsuit simply points out that the Supreme Court has defined "natural-born citizen" as a person born to two parents who were both U.S. citizens at the time of the natural-born citizen's birth. Obama's father was never a U.S. citizen. Therefore, Obama can never be a natural-born citizen. His place of birth is irrelevant.

Article II, Section 1, of the U.S. Constitution reads, in part: "No person except a natural born citizen ... shall be eligible to the office of President." Since the only entity responsible for vetting a candidate's qualifications to hold office is the political party that nominates the candidate, LLF chose to sue the Democratic Party and thus "we ... avoid taking on any state or federal government." And Georgia has a state law that requires that "every candidate for federal office shall meet the constitutional and statutory qualifications for holding the office being sought."

The Supreme Court's 1875 [Minor v. Happersett](#) ruling stated:

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.

A [motion to quash](#) a subpoena issued to Obama to attend the hearing was rejected by the judge, who did not find merit in arguments that the subpoena would require the President "to interrupt duties as President of the United States" and that the subpoena is, "on its face, unreasonable." Specifically, Judge Malihi wrote: "Defendant fails to provide any legal authority to support his motion to quash the subpoena to attend [and] has failed to enlighten the Court with any legal authority evidencing why his attendance is 'unreasonable or oppressive, or that [his] testimony ... [is] irrelevant, immaterial, or cumulative and unnecessary.'... Thus, the argument regarding service is without merit. Accordingly, Defendant's motion to quash is denied."

The hearing was held anyway with lawyers presenting their cases against Obama, the defendant.



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[American Thinker](#) writers Cindy Simpson and Alan Halbert noted:

Under Georgia law, the Secretary of State had properly deferred the ballot challenges to the OSAH [Office of State Administrative Hearings] for the court's opinion, and the determination of whether or not Obama's name will appear on the Georgia ballot ultimately rests with the Secretary.

The judge could end the matter with a ruling of a default judgment against the President. Or he could direct the Secretary to declare the President ineligible to run as a candidate for the presidency. Whatever the outcome, the *American Thinker* writers claim that by his ignoring the subpoena, "Obama has openly shown his disregard for the laws of that state." This opinion was shared by Van Irion, the LLF attorney bringing the case against the President:

[He has] decided that he is above the Courts, the law, and the Constitution. He has just indicated ... that he is not subject to their authority. This is the true story from today.



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