Written by **Joe Wolverton, II, J.D.** on March 10, 2011

Supreme Court Denies Appeal in Case of Obama's Article II Qualification

On its "orders list" for March 7, the U.S. Supreme Court unceremoniously and without notation denied a writ of certiorari filed in the case of Greg Hollister v. Barry Soetoro, et al.

The petitioner (appellant) argued:

> We have not exaggerated in presenting the question of the constitutional rule of law being at stake in this matter. … A man has successfully run for the office of president and has done so, it appears, with an awareness that he is not eligible under the constitutional requirement for a person to be president.

The central issue in the case filed on behalf of Colonel Greg Hollister, a retired Air Force officer, is whether President Barack Obama meets the constitutional requirements for president as set forth in Article II of the Constitution. A critical corollary of that issue is the role of the rule of law in the United States of America.

Laurence Elgin is an attorney working closely with a group of concerned citizens committed to re-enshrining the rule of law in the highest court of the republic.

The Constitutional Rule of Law Fund (CRLF) is one of the organizations working to expose the alleged fraud perpetrated by President Barack Obama regarding his conformity with the "natural born citizen" provision of Article II, Section 1 of the Constitution.

According to its website, the CRLF seeks to:

> engage in communication with the citizenry such as those who have joined in the tea party movement to identify the specifics of the constitutional concerns that comprise this rising tide and see if there are not other cases that ought to be brought, or, having been brought, should be supported to try and restore the constitutional rule of law to its proper place as the foundation of our legal system.

Regarding the Supreme Court's refusal to grant a hearing in the case of *Hollister v. Soetoro*, the CRLF declares:

> [T]he case places squarely before the High Court the question of whether the Constitutional Rule of Law will be preserved in this nation, as opposed to egregious bias on the part of a judge who relied upon such extra-judicial factors as that "The issue of the President's citizenship was raised, vetted, blogged, texted, twittered, and otherwise massaged by America's vigilant citizenry during Mr. Obama's two-year-campaign for the presidency,…" The judge then went on to sarcastically declare: "…but this plaintiff wants it resolved by a court." Imagine that, a citizen wanting a serious constitutional issue resolved by a court! John Marshall, roll over in your grave. We believe this sentiment is called in the language of the Supreme Court in numerous cases a denial of "access to the courts," or of "access to justice," and is rooted in the First and Seventh Amendments as well as a number of other constitutional provisions.

One of the unusual procedural issues that vexes the CRLF and the petitioner in the Hollister case is the fact that the two justices appointed by President Obama (Obama being the "Barry Soetoro" in the case, a name he allegedly used when younger and traveling under an Indonesian passport), Elena Kagan and Sonia Sotomayor, participated in the decision to deny appeal to Hollister even though there was a motion to recuse them both from the matter pending before the court.

Of note, the CRLF states, is the fact that the "orders list" published by the Court on Monday neither made mention of the motion

to recuse, nor did it contain a notation of such as is typically the case in such matters.

Speaking to World Net Daily about the decision, Elgin said: "These judges are going to be exposed. It's going to come out. History is going to reveal this man as a fraudulent president. It's very disturbing that the votes cannot be mustered [in the court]."

And:

> This was an appalling decision. What's happening is there's a growing public perception the courts are not willing to examine the law and perform their functions. That's why I think it's going to backfire.

In the petition for a hearing by the High Court, attorney John David Hemenway, counsel for the appellant, averred:

> The real question here is one of getting members of the judiciary to take seriously the oath that they swore to protect and preserve the Constitution. To continue to avoid the issue will destroy the constitutional rule of law basis of our legal system when it is under vigorous assault as surely as if the conscious decision were made to cease preserving and protecting our founding charter.

It is unlikely that any of the complaints filed against President Obama alleging his disqualification for president will reach the Supreme Court or ever have a fair hearing before any tribunal in this republic.

A number of legal challenges have been filed over the years asserting that President Obama was not born in Hawaii. That issue, however, is potentially of little relevance to the greater question as at the time of the drafting of the Constitution and in the hundred or so years that followed, the term "natural-born citizen" was understood to refer to a person whose parents held no allegiance to a foreign power. In the case of Barack Obama, there is no question that his father was a citizen of Kenya, thus a subject of the British crown at the time of his son's birth. Thus making the location of President Obama's birth immaterial, whether that location is ever really determined or not.

What is known, however, is that in the United States, the rule of law has been subordinated to the "rule of four" (the rule that determines whether a case will be heard by the Supreme Court), and that two of the necessary four votes to deny *certiorari* were likely cast by Obama appointees.