The Eligibility Dialogue
Is President Obama Eligible to serve as President?

There is a purposeful misconception created to say that “Birthers” believe that the President is not a citizen of the United State. This is not true. The question is, has President Obama provide sufficient evidence that he has Natural Born Status as required by Article II Section 1 of the U.S. Constitution. I argue that he has not. I have attempted to provide an intelligent and comprehensive dialogue that illustrates my best arguments, counter views and rebuttals. I hope you enjoy this work and that you are challenged by it.

My views in no way represent the views of the Communication Studies Department, West Valley College or the West Valley Mission Community College District. This document is intended for the use of my students for the facilitation and illustration of critical thinking, debate and dialogue all within the construct of Academic Freedom.

Hyperlinks to key ideas:
- Is the President Eligible?
- HI lawfully offers Birth Certificates (BC) for children born out of State
- Anyone could have legally initiate Obama’s BC at the time of birth
- Who was Sun Yat-Sen and why does he matter?
- Obama’s birth announcement is of no consequence
- Statements from state officials really say nothing at all
- The Burden of Proof is not on critics like me
- What about court cases?
- The Senate actually validated McCain’s eligibility but not Obama’s
- Presidential ballot errors of the past (felons on the ballot?)
- Motivated by RACISM?
- Why this is NOT a Conspiracy
- I’m not alone
- Does President have Dual Citizenship?

Dr. John Hannigan
West Valley College
8/1/2010
Is the President *Eligible* to Serve?

**The issue at hand** is not a question of whether President Obama is a US Citizen or not. The evidence clearly demonstrates that he is. The question is rather, dose the evidence provided by the President objectively establish his eligibility to hold the Office of the President under the Constitution which states that,

“…No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President…”

http://www.usconstitution.net/xconst_A2Sec1.html

Dr. Hannigan is an Instructor at West Valley College. He teaches Communication courses; including, Argumentation and Debate. John holds a PhD in Organization and Management with a specialization Leadership. Dr. Hannigan argues the non-conventional view that, President Obama has not provided objective proof to support his claim of eligibility as defined in Article II Section 1 of the US Constitution, and that this view, by definition, is not a conspiracy theory.

As stated above, I am convinced that the President is a US Citizen; however, I do not believe that President Obama has provided objective evidence that sufficiently demonstrates that he is a natural born citizen. The primary reason for this is that, the state of HI has, and has had, ambiguous methods for processing birth certificates which procedurally allow for those not born in the state to secure a short form Certification of live Birth (COLB), just like the one provided by the President. The President has not released his long form Certificate of Live Birth which would list the hospital and physician who attended his birth. Here is what the two documents look like:


The long form is sealed from public view by Hawaiian law, and requires the President’s approval for it to be release. The President’s lawyers have fought to keep it that way (spending $1.4 Million). The question is why. Either the President is hiding something insignificant or something that is substantial. For the amount of problems and money, it is unlikely to be something insignificant.

http://www.wnd.com/?pageId=106138

The primary argument given, and restated by the President below, is he has already provided his “birth certificate.”

(http://www.youtube.com/watch?v=b7dJqmfLR38)

However he has not. As discussed above, he has only provided a “Certification of Live Birth.” The President is either ignorant or lying.

Suppose you apply to a 4 year Art College that requires a High School GPA of 3.0 and a 3.5 or higher in several subjects such as paints, ceramics, charcoal etc. In your application to this college, you decide to simply provide a summary portion of your transcripts stating that you graduated with a 3.6 GPA. Would you meet the college’s requirements? No, because you did not provide objective evidence necessary to demonstrate that you have met the specific course GPA requirements. This is essentially what the President has done with his COLB.
Listed below are some links which are key sites used to defend the President’s position. I encourage you to read these sites (and others) to get a feel for the conventional wisdom, before examining my view.

www.obamaconspiracy.org  
www.Nativeborncitizen.wordpress.com  
http://fightthesmears.com/articles/5/birthcertificate.html  
http://www.factcheck.org/elections-2008/born_in_the_usa.html

1. Whereas, current HI statute 338-17.8 allows aliens to receive a COLB:

   “§338-17.8 Certificates for children born out of State. Upon application of an adult or the legal parents of a minor child, the director of health shall issue a birth certificate for such adult or minor, provided that proof has been submitted to the director of health that the legal parents of such individual while living without the Territory or State of Hawaii had declared the Territory or State of Hawaii as their legal residence for at least one year immediately preceding the birth or adoption of such child.”

   This law was established in 1982 and allows children or adults who are born outside Hawaii to obtain valid Hawaiian COLB. The law is based on the lawful residency of their parents, NOT THE APPLICANT. This law isn’t restricted to those born in the other 49 states; a child could be born in a foreign country and still get a valid HI birth certificate so long as the parent(s) had been a Hawaiian citizen at least one year before the birth of the applicant. President Obama’s history narrative meets these requirements.

   The Prima Facie here is clear; and an established fact that, the state of Hawaii allows for the issuance of Certification of Live Birth (COLB) to children not born in the State of Hawaii. So, children born outside of State of HI can, and do, have the exact same document to demonstrate their residency as what the President has provided to demonstrate his. So, just like the college would need to see the details in a formal transcript, we need to see the details in the President’s long form (also known as a Vault Copy) to confirm where he was actually born.


   http://hawaii.gov/health/vital-records/vital-records/hawnbirth.html

The Counter responses:
Counter #1:
The law cited above was codified in 1982 and is therefore irrelevant to the President’s birth because the President was born in 1961 which is obviously before this law was enacted.

Counter #2:
Even if the 1982 law is relevant, the statement is misrepresenting the process. As Dir. Okubo explained, “If you were born in Bali, for example, you could get a certificate from the state of Hawaii saying you were born in Bali. You could not get a certificate saying you were born in Honolulu. The state has to verify a fact

Dr. Hannigan Rebuttal To:
Counter#1:  
The law is retroactive. The language clearly refers to first, “…an adult or legal parents of a minor child…shall issue a birth certificate for such adult or minor.” If the law was for those born from 1982 onward, an adult could not be issued a COLB. Second, the law also refers to the Territorial time period “…living without the Territory or State of Hawaii…” So again, in 1982 Hawaii was a state, and would not have referenced the “Territory” if it was not meant to be retroactive. The law is indeed absolutely relevant in that, a) it establishes how the state’s birth certificate process continues its ambiguous process, b) it is anomalous in that, the law specifically allows certification of birth to be issued to persons born out of state and c) that if someone born prior to 1982 did not have certificate, that person could still receive a certification through this law.

Counter#2:  
Regarding Dir. Okubo’s comment “…born in Bali…” would be an excellent point if the law was documented that way. The 1982 law above in reference 338-17.8 simply does not say what Dir. Okubo states that it does. Her comments cannot be supported by the law. The law, however, does specify those exact procedures for Adopted Children; Foreign Born under HI statute 338-20.5. Obviously the President was not adopted, so this law is not applicable.  

I contend that if 338-17-8 is intended to identify those “born without the Territory” with a foreign born designation on their COLB, such as “Bali,” then law would state it as specifically as it is stated for the adoption law for foreign born (338-20.5).

My purpose for starting off with the 1982 law is to further establish Prima Facie that Hawaiian certification process is very anomalous to the rest of the Union. In my research, I am unable to find any other state that provides birth certificates to children born out of state. Additionally, I have never found a “Bali” like COLB. I would like to reference it if anyone else has.

2. Whereas, the [§338-17.8] is the current law, the 1955 REVISED LAWS OF HAWAII (VOL 1 CH TERRITORIAL LAW CHAP. 57- 8 & 9) were in place at the time of the President’s birth.

While the above law [§338-17.8] was established in 1982, The 1955 Revised Laws of Hawaii (The Territorial Statues) were in effect when the President was born in 1961. These laws established an even greater opportunity to register children than the current 1982 law. Essentially, back then a child could be born outside of a hospital (so in a private home) and have up to a full year after the birth to have it fully documented. However, the law states that the local registrar could initiate the birth certificate process “from anyone having knowledge of the birth” (see below). Any supplementary details would have needed to be provided within one year of the registration. Such supplementary details would not be listed on the COLB, but only on the Long Form and any supplementary report. This level of flexibility in the
The Counter Response:

The 1955 law does not state that a child born outside of the state can have a birth certificate (BC). In fact, it specifically states that “a certificate of every birth shall be filed with the local registrar of the district in which the birth occurred ….” Additionally, it affirms the assumption that birth certificates are only being issued to those born in HI districts. This law does not even mention the idea that those born out of state can receive a BC as suggested in the 1982 Law that, “the legal parents of such individual while living without the Territory or State of Hawaii had declared the Territory or State of Hawaii as their legal residence for at least one year immediately preceding the birth or adoption of such child.” To see the classifications of HI BC view this link.


Dr. Hannigan’s rebuttal –

In this argument, the actual pertinent section is ignored. While I concede that the 1955 law did not make provision for those born out of state, as the current 1982 law does. I argue this makes no difference. The 1955 law provisioned for unattended births which allowed for a parent(s) or “any person having knowledge of the birth” (emphasis mine) to file a birth certificate without delay and with unspecified details. This provision allows for these “details” to be provided up to a full year after the birth in a supplementary report.
The often cited types of BCs in the link above does not adequately cover the full range of Hawaiian BCs, here is a more detailed list:

- **BC1**: A child is born attended in a Hospital or by officials such as a mid-wife (57-8).
- **BC2**: A child is unattended by an official, but a parent reports the birth to the registrar (57-8).
- **BC3**: A child is born unattended and the parent(s) are not available so that “any person with knowledge of a birth” could report it to the registrar up to one year (not late or altered) (57-9).
- **BC4**: The Certificate of Hawaiian Birth program was established in 1911-1972, during the territorial era, to register a person born in Hawaii who was one year old or older and whose birth had not been previously registered in Hawaii. The Certificate of Hawaiian Birth Program was terminated in 1972, during the statehood era and during the President's birth. [http://hawaii.gov/health/vital-records/vital-records/hawnbirth.html](http://hawaii.gov/health/vital-records/vital-records/hawnbirth.html)

I am not sure how, but this law ran concurrently with the 1955 laws, and was in effect between 1972 and 1985. As you see in the link provided, the provision existed concurrently. Additionally, considering Sun Yat-Sen (below) this must have started before 1911.

- **BC5**: 1982 Law - Birth Certificates for children born out of state.

Certainly, BC2- BC5 rises to the level of ambiguous procedures open to mistakes, fraud and abuse. Yet you will say that the “children had to be born in the state or district, and that the 1955 laws do not specifically provision that children born out of state can receive birth certificates.” While the warrant is obvious, I will make it explicit for you. Considering BC2 –BC5, It is not known objectively the exact location of where such a child was actually born. We must question what objective proof would possibly be provided up to a year after the fact to prove the location of an unattended birth. This is more problematic when you account for after the fact birth certificate amendment procedures.

It is important to note that for the conventional wisdom to be true, the President and have only BC1. I come back to this later.

Additionally, it is clear that an incomplete report can be filed and not considered “delayed” or “altered.” This means that the filing for a birth certificate would not be held up for the supplementary report, and so the certificate would be initiated. This is a critical point when considering the newspaper birth announcements as discussed in item #4.

The laws listed above can be found at the link below. The 1955 law is attached to a motion of judicial notice of this law with a pending lawsuit in the District of Columbia Circuit Court of Appeals filed 1/7/2010. The reader will need to scroll toward bottom to see the attachment. [http://www.scribd.com/doc/24948817/Joint-Motion-with-HI-Territorial-Law-57](http://www.scribd.com/doc/24948817/Joint-Motion-with-HI-Territorial-Law-57)
The Response:

Counter #1

The following section of the 1955 law states that issuance procedure:

“The secretary of the Territory may, whenever satisfied that any person was born within the Territory, cause to be issued to such person a certificate showing such fact; provided, that such person has attained the age of one year.” Sec. 57-40

Counter #2

The law clearly states that this COLB should be fully trusted and accepted as prima facie evidence:

“Any certificate of Hawaiian birth heretofore issued under or by virtue of any law of the Territory, or which may be issued in conformity with the provisions of this part, shall be prima facie evidence of the facts therein stated.” Sec. 57-43

Dr. Hannigan’s rebuttal —

Counter #1:

So first, the obvious point that is being missed in 57-40 is that unattended births were issued certificates based on a “satisfied” secretary of the Territory. The levels of proof deemed necessary for this said satisfaction is not listed. However, this data would be included on the Long form and supplementary report, which is why its release is so important. AND if the President was born in a hospital as argued, such evidence is not necessary. This is why Obama and his supporters are trapped to BC1.

Counter #2:

The definition of Prima Facie; has the same meaning in debate Forensics as it does in law. It is Latin for “at first glance or first view.” Its legal definition is “Evidence that is sufficient to raise a presumption of fact or to establish the fact in question unless rebutted” (emphasis added).

http://www.lectlaw.com/def2/p078.htm

I concede that the President’s COLB is prima facie for citizenship and Natural Born status because on the COLB it clearly states his birth in Honolulu.

However, the significant latitude allowed in the 1955 laws provides a very clear opportunity for one to be born outside of Hawaii and then to have someone “with knowledge of the birth register the birth and follow-up with unspecified evidence (perhaps an affidavit from a grandparent stating the child was born unattended in their home) to secure the location of birth in Honolulu. Such supplementary report details would be listed with the Long Form. However, if the President was born in a hospital as he claims, it would simply be a no brainer to release the Long Form. These arguments are sufficient to deem the COLB rebutted, and Prima Facie acceptance must be dropped, and thus, rebuttals must now be answered.

Consider the example of Sun Yat-sen. “In March 1904, he obtained a Certificate of Hawaiian Birth, [9] issued by the Territory of Hawaii, stating he was born on November 24, 1870 in Kula, Maui”

http://en.wikipedia.org/wiki/Sun_Yat-sen
However, it just so happens that Sun Yat-sen is an actual historical figure who was a Chinese political activist known as the “Founding Father of the Republic of China. Most notably, “Sun Yat-sen was born on 12 November 1866 Guangzhou prefecture, Guangdong province (26 km or 16 miles north of Macau), in the Empire of the Great Qing of China.” And lived in exile in HI. http://en.wikipedia.org/wiki/Sun_Yat-sen

Granted, this proves nothing about the President. However, it is an example of how the unattended birth process provides such great latitude for mistakes, fraud and abuse. The Territorial laws of Hawaii (BC 4) allowed for this fraud in 1909. The same opportunity for mistakes is present in the 1955 laws which allowed for unattended births (BC 2-4). Additionally, it appears, obviously, that the 1911 laws were engaged sooner than 1911.

The Counter Response:
The Certificate of Hawaiian Birth for Sun Yat-Sen (the first president of China) is offered as evidence that Hawaiian Birth Certificates are issued for any foreigner that wants one under a statute called the Certificate of Hawaiian Birth program. It has already been demonstrated that Barack Obama could not have been registered under this particular program, because the law only applies to persons who are registered more than one year after their birth and Barack Obama’s certificate shows he was registered 4 days after he was born. Note that the Certificate of Hawaiian Birth certificate here is not one issued under the Certificate of Hawaiian Birth program in effect from 1911 until 1972 (as this certificate was issued in 1904). http://www.obamaconspiracy.org/2009/01/hawaiian-birth-certificate-its-a-fake/

Dr. Hannigan’s rebuttal –
Counter #1: First, it appears that the statement refutes itself. First it says that, “Barack Obama could not have been registered under this particular program, because the law only applies to persons who are registered more than one year after their birth and Barack Obama’s certificate shows he was registered 4 days after he was born.”

Then it the qualifies itself by stating “Note that the Certificate of Hawaiian Birth certificate here is not one issued under the Certificate of Hawaiian Birth program in effect from 1911 until 1972 (as this certificate was issued in 1904).

So, Sun Yet-san’s certificate was not issued under the 1911 law. The 1911 Law does not apply to Obama because his COLB was issued 4 days after his birth. So why bring up the 1911 law if it does not apply to Sun Yat-sen and it does not apply to Obama. This augment make no sense because it is non sequitur.

Additionally, the claim is wrong. Birthers are not saying that. “Sun Yat-Sen …is offered as evidence that Hawaiian Birth Certificates are issued for any foreigner that wants one under a statute called the Certificate of Hawaiian Birth program.”

Yat-sen’s certificate is dated 1904, so the 1911 law was not in effect then. The real point here is being obfuscated. The Territorial law of 1911-1972 is not at issue. What is at issue is that, Sun Yat-sen received a Certificate of Live Birth based on two affidavits that “satisfied” the Secretary of State at the time. The “satisfaction” process which allowed Sun Yat-sen to receive his Birth Certificate is the same process use in the 1955 Laws.
under which the President received his COLB. Therefore, if Sun Yat-sen got one with false affidavits, so could Obama. I’ll explain why in item #4 below. By the way, their counter used is a great example of a Straw Man Fallacy.

You might think that some would then say “well, you are making a big leap that any affidavits supporting the President’s birth would be fraudulent.” Actually, that argument cannot really be made, because if the President was born in a hospital, there would be no need for affidavit. this is what I mean when I say they are trapped to BC1. If they conceded that point, I would simply reply with yes. It is perfectly reasonable for a single mom (with a deadbeat dad who ran home to Kenya) to inform the registrar office that her child was simply born at home. Remember, she would have up to a year to provide those details.

3. Whereas, the objective evidence is available.
As evidenced above, the COLB does not prove that a citizen was actually born in Hawaii. Only the long form can confirm the details that prove that an attended, in-Hospital birth, in Honolulu took place as claimed by the President. The long form provides the name of the hospital, doctor’s name and signature, registrar signature, Parent’s signature etc. This is the piece that is missing and the piece that would resolve the issue. The President merely needs to release his Long Form to show the Hospital and attending physician that delivered him. Below is a link that shows the two different documents.

The Counter response:
Providing the Long form will not solve anything, as the Birthers will never give up.

Dr. Hannigan’s rebuttal:
If the Long Form was simply provided and it aligned with The President’s claim, the discussion is over. However, if the Long Form contained an extended supplementary report with extenuating circumstances of birth with affidavits supporting birth location of Honolulu, then he is confirmed as lying and further investigation is then certainly warranted. Even Chris Mathews agrees that it is time to show the long form:

If the long form did not exist or it adds more questions, I would that even ardent supporters would want to know the answers as well.

4. Whereas, a published birth announcement is of no consequence.
Identical birth announcements were printed in both the Honolulu Advertiser and the Honolulu Star-Bulletin. It is self-evident that newspaper announcements are not objective evidence of a naturalized birth. Try getting a drivers /marriage license, passport or signing a child up for a sport with a newspaper birth announcement, it won’t happen. In fact, in California, the proof (COLB) that has been supplied by President Obama is not sufficient to get a Passport. You must submit the CA long form certificate in order to be issued a passport.
http://www.sccgov.org/portal/site/rec/agency/article?path=%2Fv7%2FCounty%20Clerk-Recorder%20%28DEP%29%2FPassports&contentId=5cf1bb3166b34010VgnVCMP2200049dc4a92
The Counter response:
The State Department’s specific requirements of what a birth certificate must entail, page two of the Application for a Passport states:

**APPLICANTS BORN IN THE UNITED STATES:** Submit a previous U.S. passport or certified birth certificate. A birth certificate must include your full name, the full name of your parent(s), date and place of birth, sex, date the birth record was filed, and the seal or other certification of the official custodian of such records. ([http://www.state.gov/documents/organization/100004.pdf](http://www.state.gov/documents/organization/100004.pdf))

A Hawaiian COLB is acceptable to the State Department for passport. Additionally, this application provisions that if you can find your birth certificate, there a number of other options are allowed, including birth announcements.

Dr. Hannigan’s rebuttal:
I completely agree that the HI COLB is sufficient for all the items suggested, but they miss the point here. The COLB is not sufficient to demonstrate Natural Citizenship. Any citizen can get a US passport; a Natural Birth status is not required for a passport. It is, however, required for the Office of the President.

I am simply claiming that some states do not accept the abstract even for a passport. This was to further demonstrate and establish Prima Facie that the Abstract is NOT an instant guarantee for everyone everywhere of a natural birth status. Rather, the COLB is ONLY an official Certification of an Official Birth Certificate.

The counter is partially correct when it states that the application process accepts newspaper birth announcements. In fact, it states that if no birth record is available; it would accept a combination of documents, one of which could be a birth announcement. The other items allowed in combination are: early baptismal or circumcision certificates, hospital birth record, early census or school records. None of which have been provided by the President. My original argument stands that the announcements are inconsequential and that any citizen can get a passport without being a Natural Citizen.

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*President Obama's Birth announcement*

I hesitate to bring forward the following point that challenge the credibility of the COLB, because the Hawaiian state website from which the following point was originally grounded, has since been removed and modified. I used these links in the past, but the Homeland rules were conveniently changed in June 2008. It is an important to note, that up until June of 2008, the Hawaiian government did not consider the President’s COLB sufficient enough evidence to prove eligibility for purchasing Native Hawaiian Land.

The quote below is pulled from the “Loaa Ka Aina Hoopulapula” pamphlet which explained and assisted native Hawaiians on how to purchase native home lands. On page
4 of the document, it states under Primary Eligibility, that a Certificate of Live Birth is required, along with some others. However, specifically to the Certification of Live Birth (COLB) it makes the following statement:

“In order to process your application, DHHL utilizes information that is found only on the original Certificate of Live Birth, which is either black or green. This is a more complete record of your birth than the Certification of Live Birth (a computer-generated printout). Submitting the original Certificate of Live Birth will save you time and money since the computer-generated Certification requires additional verification by DHHL” (pg. 7) (underline/bold added).

http://servv89pn0aj.sn.sourcedns.com/~gbpprorg/obama/Loaa_Ka_Aina_Hoopulapula.pdf

If the above link does not work, or has a bogus virus warning; I have uploaded the Loaa Ka Aina Hoopulapula pamphlet to my site next to where you found this document.

Should you doubt that this document actual exists, you can go to the freebooks.com link below and find the same one. However, the one on this site, interesting enough, is called “With highlights.” In fact, you will find that these “highlight” actually cover-up the above quote, and the reference. They are actually “highlighted” out so that you cannot read the quote or primary requirement – now that is clever.


Finally, to see what the revised and current home land rules (since June 2008) see this link:
http://hawaii.gov/dhhl/applicants/appforms/applyhhl

It does not require a conspiracy for the possibility of a grandparent, upon hearing of the child’s birth, to initiate the birth certificate process (as allowed under the 1955 law at the time), and complete the details upon the mother and child’s return. This may be completely inaccurate; however, it is not a far fetch conspiracy, especially since this exact scenario was possible under the law at the time. This law was necessary to facilitated the travel constraints across the 8 islands and only a few of those islands had an official registrar’s office and second, because of the Hawaii’s Territorial Transition to Statehood.

The Counter response:

In 1960, Stanley Ann Dunham reached 18 years of age. The earliest evidence of a passport is 1965.” This is 4 years after Obama’s birth.

The record starts with a amendment of a passport filed on July 19, 1965 followed by a renewal application in 1968 of a passport granted on July 19, 1965. Even though the passport appears to have been requested after she was married, she kept her name until she filed an amendment. The amendment does not appear to be dated, other than with a reference to 6/29/1967.

(http://nativeborncitizen.wordpress.com/2010/08/01/stanley-ann-dunham-passport-expiration/).
Dr. Hannigan’s rebuttal:

This is a nice try, but the actual Freedom of Information Act (FOIA) passport record’s Cover Letter explains that while the documents therein references Stanley Ann Dunham’s 1965 passport application, the original application document could not be found as it as destroyed in the 1980s.

Therefore, there is no ground for the statement that, “The earliest evidence of a passport is 1965.” You see, if the original 1965 application was available, we could ascertain for what purpose the application had been made. A passport application could mean an application for Amendment, such as name change, for Renewal or Extension. The destroyed 1965 passport application could have just as easily been one of several amendments or renewals of her original passport. Because the cover letter also states that “many passport applications…from that time period were destroyed,” this could also include any 1960-1965 applications, renewals or extensions she might have had, but are now not available. Since this information is missing, the argument that she never travelled prior to moving to Indonesia, is cannot be supported.

We do know that the 1965 application was not to change her name to Soetoro, as she did that in July 1967. The above referenced website suggests that she “kept her name until she filed the amendment” in 1967. Well, how would they know that?

It is not likely that the July 1965 Application was for an original Passport. The Passport was issued four months after she was married Soetoro. If it were for a new application, her name would have been Soetoro, but that can’t be because she amended the 1965 passport in 1967 to Soetoro. So, the 1965 passport name must have been Obama or perhaps Dunham, as she would have had to apply with the legal name. Unfortunately, as the cover letter clearly states, the 1965 application is missing.


State Department procedures require passport files to be maintained for up to 100 years. So why were some destroyed in the 1980s?  
http://www.state.gov/documents/organization/96122.pdf

5. Whereas, formal statements from State Officials do not answer the questions:  
Gov. Lingle simply stated what is already known, that he has Birth Certificate on file in compliance with Hawaiian state law. This does not, in any way, resolve the issue as the Governor’s statement’s is mute to the issue of being natural born. Her statement neither confirms nor denies this fact, thus it cannot be used as evidence to the same. It is not indicative of a cover-up (Red Herring) because she is not allowed by law to reveal the Long Form, nor the contents thereof without the express consent of the record holder. Thus, the only statement she could make is to confirm the obvious, that one exists.

The Counter response:  
Counter #1 In a WABC interview, Gov. Lingle stated that, "...I had my health director, who is a physician by background, go personally view the birth certificate in the birth records of the Department of Health." Lingle added, "... The president was in fact born at Kapi'olani Hospital in Honolulu, Hawaii. And that's just a fact."
Dr. Hannigan’s rebuttal:
Context, Context and Context. To understand this, we must see the Governor’s quote within its context. CNN and others have mistakenly left out the most damming aspect of what she said.

Gov. Lingle: "So I had my health director, who is a physician by background, go personally view the birth certificate in the birth records of the Department of Health, and we issued a news release at that time saying that ‘the president was, in fact, born at Kapi'olani Hospital in Honolulu, Hawaii.’ And that's just a fact and yet people continue to call up and e-mail and want to make it an issue and I think it's again a horrible distraction for the country by those people who continue this" (emphasis, mine).

http://hawaii.gov/health/about/pr/2008/08-93.pdf

The Governor is categorically wrong. There was never a press release issued stating that “The President was, in fact, born at Kapi’olani Hospital in Honolulu, Hawaii.” This is a false statement and one that she should be held accountable for.

It could be argued that “well, she just said it in that interview, so now it is confirmed,” but there are several problems with that:

1. That would be a Begging the Question fallacy, assuming something is true because you say it is true. For example, saying “that dog is unattractive because it’s ugly” is begging the question. This is the same logic as the Governor saying that ‘he was born at Kapi’olani because I said he was born at Kapi’olani before.’

2. It is against HI state law to release personal information pertaining to vital statistics unless it relates direct to the person asking, so she is breaking the law. The same law the quote as to why the will not release the document in the first place.

Counter #2:
Dr. Chiyome Fukino, Director of the Hawaii State Department of Health (and a political appointee by Republican Governor Linda Lingle), verified that the original birth certificate was on file:

“There have been numerous requests for Sen. Barack Hussein Obama’s official birth certificate. State law (Hawai’i Revised Statutes §338-18) prohibits the release of a certified birth certificate to persons who do not have a tangible interest in the vital record.

“Therefore, I as Director of Health for the State of Hawai’i, along with the Registrar of Vital Statistics who has statutory authority to oversee and maintain these type of vital records, have personally seen and verified that the Hawai’i State Department of Health has Sen. Obama’s original birth certificate on record in accordance with state policies and procedures.

“No state official, including Governor Linda Lingle, has ever instructed that this vital record be handled in a manner different from any other vital record in the possession of the State of Hawai’i.”
This statements also mean nothing.

First, Fukino never actually said what is implied by her claim. Let’s break out what she actually said: “I…have personally seen and verified that…the Dept. of Health has Sen. Obama’s original birth certificate on record…” We know this already.

**Note: She did not say:** “I have personally seen Sen. Obama’s original Birth Certificate and have verified that he is a natural born citizen born from Honolulu, HI.”

So like Gov. Lingle’s statement, the Director of Health’s statement above, while more cleverly written, does not answer the actual question. There has never has been doubt that the COLB or the original vital records exist and are “in accordance with state policies and procedures.” So, the good doctor’s statement adds nothing to the dialogue, this is simply strategic ambiguity.

**Counter #3**

“*I, Dr. Chiyome Fukino, Director of the Hawai’i State Department of Health, have seen the original vital records maintained on file by the Hawai’i State Department of Health verifying Barack Hussein Obama was born in Hawai’i and is a natural-born American citizen. I have nothing further to add to this statement or my original statement issued in October 2008 over eight months ago.*”

(http://www.obamaconspiracy.org/2010/08/government-investigation-into-barack-obamas-citizenship/)

Notice that she does not identify what original vital record has she has seen? Just what are “the original vital records?” These records could just as easily be a supplementary report with affidavits filling in details from an unattended birth, initiated by a parent, or “any person with knowledge of the birth” deemed “satisfactory” based on unspecified evidence. This is simply an empty statement designed to imply that based on an original birth certificate the President was born in a hospital in Honolulu. It is clear that the actual words do not support the implication.

The strategic ambiguity of this statement renders it meaningless for their argument.

I, however, understand the possibility that such a supplementary report existing, and that it could lead one to the conclusion that the child was born in HI. Under any other circumstances, demand of citizenship has been met; however, natural born status has a higher threshold. The Dir. Of Health is simply restating the conclusions of this report. However, for the President’s story to be true, such a report cannot.

In the first statement, Dr Fukino states that she and seen and verified THAT the Dept. of Health HAS the original birth certificate on record according to their policies. And therein lies the problem, as those policies allow for BC 2, 3 4 & 5.

The second statement, now referring specifically to the natural-born birth status, she states she had viewed the “original vital records” What are those? Are they different from “original birth certificate” referred to in a different press release statement? If not, how would you know? However, she easily could be referring to a supplementary report allowed by the 1955 Laws

Taken together, it amounts to nothing. Rejection of these statements is using simple Rhetorical Criticism and Content Analysis. The government, by their statements, cannot be implicated because they said nothing at all.
HOWEVER, in an update to this item, the newly elected Governor (Neil Abercombie) was adamant to put this issue to bed as soon as he took office. Unfortunately, he and his staff are unable to find the actual original Certificate of Live Birth. So, just what records were the previous Gov, Lingle Dir. Fukino actually looking at?

Then reporter, radio personality and personal friend of newly elected Gov. Abercombie stated that Gov. Abercombie specifically told him that Obama’s Long Form does not exist.

Several days later, he recanted claiming that he misspoke and was mistaken. Listening to the audio link above, I find that very hard to believe – how about you?

**Strategic ambiguity:** “is the art of making a claim using language that avoids specifics.”

6. Whereas, The burden of proof is on the one who makes a clam: The burden of proof is almost always on the one making the claim. President Obama, by applying for candidacy, running for office, swearing to uphold the constitution, owns the burden of proof to support his claim that he is eligible to hold the office. It is not for others to disprove. My argument is that the President has not provided objective evidence (that sufficiently and effectively holds under simple scrutiny) which demonstrates that he is eligible to hold the office of the Presidency. In other words, I am only asking the President to provide objective evidence of his claim. To place that burden on those asking is a burden of proof fallacy. Thus, the burden on the Birther is to prove a negative, which is an impossible logical fallacy.

The response:

**Counter #1:**
He has released his birth certificate, what is so hard to understand about that.

Dr. Hannigan’s rebuttal **Counter #1:**
A lot. In fact, this is a typical cycle. When the argument is fully made and evidence submitted, they will circle back, as the President does, and make this claim.

**Counter #2**
Releasing the President’s Long Form won’t make a difference anyway; as there is no satisfying those Birthers.

Dr. Hannigan’s rebuttal:

So this is the famous “It won’t make any difference” argument. It is as intellectually insufficient, as it is non-sequitur. It demonstrates a classical flaw in reasoning known as Avoiding the Question. The question is “why not release the vault copy Long Form which
will objectively show if he was born in Kapioliani Hospital, Honolulu. The actual answer to the question an honest person was make is “I don’t know,” because they really don’t.

This simple question of why, challenges the coherency and validity of the President’s claim. In light of the complete inadequacy of providing a COLB as proof of Natural Birth status, and thus eligibility, the question deserves a more thorough response than “it won’t make any difference.”

I cannot speak for all the doubters out there, however, for my case is to be resolved, the Long Form alone can legally affirm if the President was born at Kapioliani Hospital, Honolulu Hawaii as he claims. If there is any doubt there, then a whole host of other issues certainly come into play.

Counter #3: This is nothing more than a vast Tea Party conspiracy.

Hmm… Do you remember the Lauer interview with Hillary Clinton regarding the possible affair that President Clinton “might” have been having?

Matt Lauer: "You have said, I understand, to some close friends that this is the last great battle, and that one side or the other is going down here."

Hillary Clinton: "Well, I don't know if I've been that dramatic. That would sound like a good line from a movie. But I do believe that this is a battle. I mean, look at the very people who are involved in this — they have popped up in other settings. This is — the great story here for anybody willing to find it and write about it and explain it is this vast right-wing conspiracy that has been conspiring against my husband since the day he announced for president" (emphasis mine).

http://www.youtube.com/watch?v=EwtkorQKGFE&feature=related

Let’s see, how did that all go down? Oh, that’s right; the Impeached President Clinton was disbarred by the Supreme Court, from arguing in the court. Instead of appealing, he resigned from the court. He also paid a settlement fine of $25,000 to the Arkansas Supreme Court who had disbarred him for 5 years based on his perjury conviction.

So, perhaps one should not be so quick here to claim another “vast (tea-party) conspiracy.” 😊

The President’s birth certificate concern arose in June 2008 BEFORE the November Presidential election which is why the COLB was released in July of 2008. Also, note, before Tea Party activism.


7. Whereas, No standing in courts:
To date all courts have tossed this issue out. However, all of the court rulings have been strictly based on Standing. This simply means that the judges have ruled that the plaintiffs do not have the right to ask this question because they have not been “harmed” in any way. Not one court has ruled based on Merits. In other words, the courts have not heard arguments but have thrown the cases out as frivolous. The courts refuse to hear the case. I simply ask, if the people do not have Standing in questioning if the Constitution has been upheld, who does?
The Counter response:
The courts have no obligation to try frivolous cases that waste the court’s time and the taxpayer’s money.

Dr. Hannigan’s rebuttal:
There have been no cases (that I know of) ruled as frivolous. However, Kerchner vs. Obama was tossed out on standing by Judge Dolores Sloviter. Interestingly enough, when the attorney (Apuzzo) appealed ruling:

“The court had ordered Apuzzo to explain why defense (Obama lawyers) costs shouldn't be assessed against him for the ‘frivolous’ appeal.”

Apuzzo then argued that under the procedures to show cause, the government would need to mitigate their damage.

“But Apuzzo had explained to the court that under standard rules of judicial procedure, while they allow for damages to be assessed in “frivolous” cases – even though the district never made that ruling – there also is a responsibility on the part of the defendants to mitigate their damages.

In this case, he asked the court to ‘enforce my right to discover whether defendants had a copy of the [certificate of live birth, Obama’s] 1961 long-form birth certificate, and related documents showing that Obama was born in Hawaii which they could have simply shared [with] … the Kerchner plaintiffs.’ He said had those actions taken place and the documents been provided, the plaintiffs ‘would not have come into existence.’ That disclosure, he argued, ‘would have mitigated the damages and costs they now claim they suffered from having to defend plaintiffs’ appeal.’

The 3rd Circuit Court of Appeals suddenly dropped the demand to show cause and not assess Apuzzo for the defense’s fees for a frivolous appeal. 😊 This also, is a legal statement confirming that by providing the long form, this issue would be resolved.


8. Whereas, The Senate validated McCain’s birth, but not Obama’s:
The Senate objectively verified McCain's birth in Panama, and thus his Naturalized status. The senate never verified Obama's birth in HI. Because of the ambiguity of HI’s birth certification process, an investigation would have been as justified as that of John McCain’s
http://www.nytimes.com/2008/04/18/us/politics/18web-hulse.html?_r=1

The Counter Response:
#1 The Senate’s resolution was non-binding

#2 Because McCain was born in the Panama Canal Zone, which was an unincorporated territory, there was greater legitimacy in investigating those concerns.

Dr. Hannigan’s Rebuttal:
I have laid out above sufficient ground to counter the Prima Facie claim.

According the NY Times author above, the McCain investigation was launched because several court cases were filed to challenge McCain’s status, and Congress wished to put the issue to rest. There were also several court cases pending regarding Obama’s status during the same period, but no similar action was taken. Frankly, I simply believe that Congress was ignorant of problems associated with the territorial nature the Hawaiian
law.

#3 FOIA documents from his mother’s passport files contain the following document:

**Memo to file**
A 14 128 294
Sept. 14, 1967

Pursuant to inquiry from Central office regarding the status of the applicants’ [Lolo Soetoro] spouses’ child by a former marriage.

The person in question is a united states citizen by virtue of his birth in Honolulu, Hawaii Aug. 4, 1961. He is living with the applicants’ spouse in Honolulu, Hawaii. He is considered the applicants step-child, within the meaning of Sec. 101(b)(1)(B), of the act, by virtue of the marriage of the applicant to the child’s mother on March 15, 1965.


That is an interesting discovery. I wonder what the inquiry was based on, the COLB? The same conclusion could be based on any supplementary report identifying the details of an unattended birth as witnessed by parents or “any person with knowledge” (BC 2-4) up to a year following the birth? This was most likely a result of the child’s impending trip to Indonesia.

9. Whereas, sometimes mistakes really happen without grand conspiracy theories:

In 2008, a Presidential Candidate representing the Socialist Workers Party – Roger Calero was listed on 5 State ballots and received over 7,000 votes. Calero was born in Nicaragua and a convicted felon at the time.


California officials removed Presidential candidates from the ballot for not meeting the eligibility requirements in Article II Section 1.


**The Counter response:**

Mistakes do happen, but there is no evidence to support that mistakes were made with President Obama.

Dr. Hannigan’s rebuttal:

This is another example of the burden of proof fallacy. The burden of proof lies with the one making the claim. I have shown examples of mistakes on Presidential ballots to remove the mythical belief that “there is no way this could happen” view. It begins to break the ice in an otherwise proper view that we would never expect such a thing to occur.

There is an opinion that I hear often that “If the President was not born in the United States ‘they’ would know it,” and this is simply another “Everyone Knows” logical
fallacy. Everyone knows that the President was born in the Hawaii. Except that we really do not know.

The facts I have provided warrant that if a blatantly ineligible person could make it on the ballot in 5 states, then it is not too farfetched that the odd, anomalous and frankly strange vital statics procedures of the State of Hawaii could allow for mistakes and fraud as argued above. In addition, I have shown that the official state comments have also failed to add any new information or made any clarification that resolves the problem.

So, I am not making the claim that a mistake has occurred, again, my claim is that the President has not proved his claim with sufficient proof. The counter above is a classic tactic to place the burden of proof on the wrong claim. I have provided evidence that mistakes have occurred in the past. We sometimes are lulled into a false sense of security that “of course this was all checked out.” Well, the above evidence shows that significant flaws do occur. The burden is on the President to sufficiently support his claim. It is not my burden to prove. It is unfortunately my burden to ask.

Therefore, at the time of his campaign, Sen. Obama knew or should have known the peculiar distinctions discussed above regarding the territorial aspects of the Hawaii’s birth certification process, and must have either purposely or ignorantly provided only the COLB that leaves the issue of his eligibility in a state of ambiguity. Without the release of the long form, there is no way to prove that Mr. Obama’s claim of eligibility to be President under Article 2 Section 1. President Obama could easily remove all issues of concern with the release of key documents such as the long form of his birth certificate The President’s lack of action leaves the question open. Frankly, I find it appalling that the States’ and Federal legislature did not do their due diligence to prove out Sen. Obama’s eligibility as was requested in June

Minor Additional Comments:

Race:
This has NOTHING to do with Race. Ambassador Alan Keys had a Federal Lawsuit claiming standing and requesting proof of Obama’s Naturalization Status (not heard because of standing). BTW, Ambassador Keyes is the “other” African American who ran for President in 2008. The above arguments have nothing to do with race. To suggest otherwise would simply demonstrate the ignorance, intolerance and slander from the one making such a claim.

The Counter response:
Dr. Hannigan may not be motivated by racism, but it must be seen that the Tea Party movement racially based emotive posters are motivated by racist.

Dr. Hannigan’s rebuttal:
I do not categorically deny that there might be some in the Tea Party movement motivated by racism. However, I think it foolish and ignorant to make broad sweeping generalizations about any particular group of people, including the Tea Party. I have observed the tea party from its inception. I have attended one rally to see for myself if it was racist. I have never observed a hint of racism. With regard to posters, where are they? The only place I can find these posters is on Google images, which of course, is a location where pictures can be easy manipulated or photo shopped. Actual proof would be live video from the networks. I am open to the
possibility, but have not been unable to find mainstream media footage that produced a single racist poster.

The fact is that there are African and Hispanic and Asian Americans in the Tea Party movement.

http://www.youtube.com/watch?v=P1CLPhz0DHM

Now are there cuckoo fringe racists? You bet, but they are in every group. So, I am sure that somewhere, there are some in the Tea Party movement who are racist will have posters. However, is it tolerant to point this out while ignoring and excusing the racists among the liberal wing of the Democratic Party, NAACP and The New Black Panthers?

As you know, the NAACP recently passed a motion to charge the Tea Party with racism (without proof) and to demand that they remove racist from their movement.


However, they failed to make any motion regarding the New Black Panther movement (specifically party leader King Samir Shabazz) who, not only was found guilty of voter intimidation:


Additionally, Shabazz called on black men to get rid of their white women and begin the “killing of White Crackers and their babies.”

http://www.youtube.com/watch?v=neGbKHyGuHU&feature=pyv&ad=3265020430&kw=black%20panther

Somehow, in the same motion, the NAACP also failed to censure the Democratic Party and ask for their racists. It is a point of fact that in America, the charge of racist only goes one way. Some recent examples:

"He [Reid] was wowed by Obama's oratorical gifts and believed that the country was ready to embrace a black presidential candidate, especially one such as Obama -- a 'light-skinned' African American 'with no Negro dialect, unless he wanted to have one,' " Halperin and Heilemann said.


Could you imagine if Sarah Palin made that statement!

Or this one from Reid…

“I don’t know how anyone of Hispanic heritage could be a Republican.”

http://www.weeklystandard.com/blogs/harry-reid-i-dont-know-how-anyone-hispanic-heritage-could-be-republican
"You cannot go to a 7-11 or Dunkin Donuts unless you have a slight Indian Accent."
V.P Joe Biden
http://www.youtube.com/watch?v=Ll_goH-aivU

“Mahatma Gandhi "ran a gas station down in Saint Louis."
Secretary of State Hillary Clinton
http://www.youtube.com/watch?v=e1Mq8kOXV_E&playnext=1&list=PLE7BD502F17C36FF3&index=9

Finally, you just might see left liberal operatives begin infiltrating the Tea Party movement with racists signs to help cast the Tea Party as a racist group.

I did a YouTube search on Tea Party Racism, which revealed nothing except people (African, and Anglo Americans) speaking, singing and supporting one another in their views. I believe, this is what the founders intended when they crafted the first Amendment.

Conspiracy Theories:
“Conspiracy theories are often viewed with skepticism and are sometimes ridiculed because they are seldom supported by any conclusive evidence and contrast with institutional analysis, which focuses on people's collective behavior in publicly known institutions, as recorded in scholarly material and mainstream media reports, to explain historical or current events, rather than on secretive coalitions of individuals.” [1]

This is not a Conspiracy Theory, it is a question. An actual “real” certified copy of the President’s long form exists if he was born in the state of Hawaii. The form can be provided with the simple stroke of the President’s pen, yet, he chooses not to. Why?

The Counter response:
“In refusing to hear evidence about whether Obama is eligible, Robertson wrote in his notice dismissing the case, ‘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, but this plaintiff wants it resolved by a court.’”

Read more: Supremes challenged to put Constitution above Twitter
http://www.wnd.com/?pageId=233177#ixzz1CgfSBbar

Dr. Hannigan’s rebuttal:
So, Judge Robertson believes that Titter is now the way constitutional issues are resolved. Imagine that, U.S. citizen actually want redress their issues in a court of law...how un-American of them.

Since not countered, I will provide some follow up. The term "conspiracy theory" can be described in two separate frameworks. Husting and Orr (2007) state that “one is a truth-seeking enterprise in which theorists
hypothesize the truth based on what facts they can uncover using inductive reasoning. The other is what we might call a marginalized conspiracy theory based on half-truths and kooky rumors circulated by ‘nuts’ and ‘crazies’ (pg. 130). I certainly would argue the latter while my critics argue the former.

This issue is not a conspiracy theory because there has been no formal institutional analysis on the subject. Real conspiracies such as Roswell Aliens, Kennedy Assassination, and 911 all had formal commissions and investigations which released reports and findings. A Conspiracy Theorist must argue against “institutional analysis.” The Birth Certificate issu has not been institutionally investigated. There are no findings and additionally, it has ignored by the courts and the media (including Fox News), ergo, no conspiracy theory.


Finally, true conspiracy theories can never be proven because the institution is in the position of having to prove a negative. If you do not have the alien bodies, how can you prove that you do not have alien bodies? Since such a fallacy cannot be resolved, conspiracies linger on in the social fabric. However, President Obama’s eligibility can be proven with the simple release of a document that must exist if one was born in the state Hawaii.

Bale (2007) suggests that “serious research into genuine conspiratorial networks has at worst been suppressed, as a rule discouraged, and at best looked on with condescension by the academic community. An entire dimension of political history and contemporary politics has thus been consistently neglected” sic (pg. 48).

Other missing documents...
The missing original birth certificate is not the only document our President has had sealed. The following documents are legally sealed – All old passports, all application requests, all college transcripts, all college financial aid applications, all degree related thesis papers, and many paper’s/ memo’s as Sen. Obama.

The Counter response:
#1 And this proves…nothing?
#2 It is common practice to releases private papers after a politician has retired. It is disingenuous to use the word “sealed” as it suggests that that private records are typically available to the public, while under privacy laws they are not.

Yes, those records have traditionally been available. Don’t you recall how much smarter Al Gore & Kerry was then Bush? Bush’s college records were released in 1999 when he was the TX Governor.

President G.W. Bush released his service records when it became an issue in the 2004 election.

http://www.factcheck.org/new_evidence_supports_bush_military_service_mostly.html

Since President Obama recently signed a nuclear treaty with Russia, and seeks a nuclear free world. I would find it quite interesting to understand if his work at Columbia is the genesis or grounds and or reflected in his policies, so yes I would be very interested.

Overall, I do enjoy observing the most transparent administration in history.

I am not the only one…

There are 11 states that are in various stages of amending their election laws to include requirements that all presidential candidates proved affidavits of their meeting the eligibility requirements and provided an original birth certificate or other vital records to support their eligibility. If only one of these states (Arizona) passes this change into law, it is my opinion that the President will NOT run for a second term to avoid the release of whatever he is hiding.


A CNN Poll released August 4th 2010 (Pres. Obama’s B-Day), shows that only 42% of Americans think the President was definitely born in the U.S.

http://instruct.westvalley.edu/hannigan/CNN_Poll.pdf

The Counter response:
It is a rather pathetic commentary on the American consciousness. The reality is that 27% of those Americans polled believe that Obama was probably or definitely born in another country. See what Fox News is doing to the public.

Dr. Hannigan’s reply:
I’m not sure what to say to this. If weren’t for those darn “We the People…people”

Not even four in 10 people across America believe President Obama’s narrative about being born in Hawaii, according to a new poll. A new 60 Minutes/Vanity Fair poll shows that only 39 percent of respondents believe Obama was born in Hawaii as he wrote in his book. The magazine boasted, "A whopping 63 percent – very nearly two-thirds of us – went out on a limb and stated for the record that we believe our President was born in the United States. It’s enough to make you proud to be an American – or 63 percent proud, at any rate.” But that included those who say they believe he was born in Kansas or some other unknown state, which still would conflict with Obama's narrative.

The Counter Response:
I have found no substantive response

When asked to explain why President Obama’s taxes were filed with a Social Security ID issued in Connecticut (The Obama Narrative does not include residency in Connecticut) which is not where the President affirmed his first job at an Ice cream shop in Hawaii, the President’s spokes
person (Robert Gibbs) refuses to answer the question, but rather ridicules the reporter:  

The Counter response:  
What about the Connecticut number series? There’s no law that says one have a SSN from a Social Security office in the state where one reside. Nowadays, they are all processed centrally and the assignment is based on the zip code of the return address. My guess (and that’s all it is) is that Obama got his SSN as a child living in Indonesia and the application was just processed in Connecticut. A commenter here made another suggestion and that is that Obama’s return address was mistyped, the initial “9″ typed as a “0″ which would turn a Hawaiian zip code into one from Connecticut.http://www.obamaconspiracy.org/2010/02/obamas-social-security-number/.

Dr. Hannigan’s rebuttal:  
This issue adds to the mystery of who this President is. He has never been fully vetted and that his objective history is hidden from view.

A US Senator and over 3 dozen state lawmakers want proof of Obama eligibility Proposal would demand state officials independently verify information.  

The Counter response:  
They are a bunch of kooks.

Dr. Hannigan’s rebuttal: Okay, but I predict that either the actual Long Form will be released or the President will not run for a second term.

President Obama’s Grandmother affirms that she was present in Kenya at Obama’s birth – see affidavit.  

The Counter response:  
The Affidavit is a total misrepresentation of the interview conducted by McRae through a translator. In fact, both the translator and Obama’s step-grandmother, after realizing that McRae has misunderstood her to say that she was present at Obama II’s birth, try repeatedly to correct McRae’s misunderstanding. A COMPLETE transcript of the exchange can be found here beginning on page 17.  

Dr. Hannigan’s rebuttal:  
The link I used is a legal affidavit from the translator who was present with Sarah Obama at the time of the interview. This transcription provided by the counter response is translated after the fact and in a private context. In the affidavit I linked to, the translator insists that Sarah Obama confirmed twice that she was present when the President was born:
“Bishop McRae asked Ms. Obama specifically, ‘Were you present when your grandson Barack Obama was born in Kenya?’ This was asked to her in translation twice, and both times she specifically replied, ‘Yes’. It appeared Ms. Obama’s relatives and her grandson, handling the translating, had obviously been versed to counter such facts with the purported information from the American news media that Obama was born in Hawaii. Despite this, Ms. Sarah Hussein Obama was very adamant that her grandson, Senator Barack Hussein Obama, was born in Kenya, and that she was present and witnessed his birth in Kenya, not the United States. When Ms. Obama’s grandson attempted to counter his grandmother’s clear responses to the question, verifying the birth of Senator Obama in Kenya, Bishop McRae asked her grandson, how she could be present at Barack Obama’s birth if the Senator was born in Hawaii, but the grandson would not answer the question, instead he repeatedly tried to insert that, ‘No, No, No. He was born in the United States!’ But during the conversation, Ms. Sarah Hussein Obama never changed her reply that she was indeed present when Senator Barack Obama was born in Kenya.”

The balance of the transcript that is being referred to as being omitted is explained by the translator above and confirmed in the link as being from other family members, not from Sarah Obama.

The affidavit is a narrative of an event. I left nothing out and I did not attach the actual transcript. The affidavit was completed by the actual translator in the room. As quoted above, the balance of the transcript that the counter view is concerned with is based on OTHER family members, not Mrs. Obama. This is also CONFIRMED in counterview source link, AND some portions listed in the narrative affidavit such as “No, No, No. He was born in the United States!” is from the part that is claimed to have been left out.

Finally, the counter view source is translating from the audio. The affidavit is from the one of two actual translators who was present and translating. The benefit of doubt should rest with the one who witnessed and translated the event and not one not there listening to an audio.

Kenya Ambassador to the United States affirms that the President was born in Kenya: http://www.youtube.com/watch?v=zH4GX3OtI14

This is a misrepresentation. While the transcript does appear to show that the Ambassador says Obama was born in Kenya, and it’s a well known attraction, Kenyans sure are doing a crappy job of covering it up as part of a conspiracy if everyone knows about it (though I guess all the international reporters talking to Kenyans about the Obamas couldn’t find it). Obviously this man, for which English is a second language, is clearly talking about Obama, Sr.’s birthplace – the village of Kogello – “as a well-known attraction,” not any hospital in Mombasa (though if the bithers want to argue that Stanley Ann Dunham had her baby in a grass hut rather than a hospital – go for it!) The day after the interview an assistant to the Ambassador told World Net Daily that the Ambassador was misunderstood and that he had no way of knowing where Obama was born – and the assistant was right. The testimony of a man who has no reason to know something carries no weight.
Dr. Hannigan’s response: If you say so, but these oddities sure keep adding up. Again, only adding weight to the absolute confusion resulting from the lack of proof from the President himself.

“Adding to the confusion, the Obama campaign provided two different hospital names at one time- Queen's and Kapiolani. NO ONE has ever verified the fact that Obama was born in a Hawaiian Hospital, no doctor, nurse, hospital administrator. However, since the beginning of 2009 there seems to have been a change from Queen's Hospital to Kapiolani as the place of birth. The Washington Post and Wikipedia (presumably at the suggestion or with the approval of people associated with Barack Obama) now claim that he was born in Kapiolani Hospital, even though Kapiolani Hospital refuses to confirm or deny the truth of this statement or to provide a copy of a hospital birth certificate or record. See the two identical news reports screen shots except that the 2nd one has the name of hospital changed.” (quotes added ☺)

As to Kapiolani Hospital neither confirming nor denying whether Obama was born there, Claire Tong, Kapiolani Medical Center spokeswoman, said of Obama’s birth, “We can't confirm or deny it — even though all the information out there says he was born at Kapiolani Hospital. And that's because of the HIPA law” (NOTE: HIPA stands for Health Information Privacy Act which was passed in 1999).
http://the.honoluluadvertiser.com/article/2008/Nov/09/ln/hawaii811090361.html

Kapiolani had its 100 year anniversary, and a letter was read from Obama claiming that he was born at the hospital, and the letter was published in its centennial newsletter (http://www.kapiolanigift.org/doc/centennial-magazine.pdf)

Dr. Hannigan’s rebuttal:

Now for the infamous celebratory letter from President Obama: For over a year, the hospital and Press Secretary Robert Gibbs would not actually confirm that the letter was official. In fact, in the counter veiw link above, the document referenced is not the actual letter. It is a crude html attempt to mimic the actual letter. The actual letter was finally release to WND.com after a criminal probe was being considered by the Secret Service for possible profiteering/fundraising using the Presidents likeness. Only then, a year after the fact, did the hospital release the actual photo of the letter. When I originally created that paragraph the issue had not been resolved. I stand corrected. To see the actual letter and the history see the link.

However, the White House has never confirmed, even when asked, would confirm the President sent the letter. Why would it take a court order for a Hospital to show a letter from a President? Why was there so much confusion over which hospital the President was born? Why was the internet scrubbed to eliminate all references to Queen’s hospital without any retraction statement? This is typical process when a news agency needs to correct something.
“President Obama was born with dual Citizenship. He was born a British Subject through his father and as Kenya was governed by the British Nationality Act 1948. He is also a citizen of the U.S. if he was physically born in Hawaii, not born elsewhere. His being a British Subject does not expire. Once a Brit, always a Brit per British nationality law. The child does not meet the definition of a constitutional Article II “natural born Citizen” because only one parent was a U.S. citizen when he was born. Our founders intended to exclude dual-citizens from eligibility for the Presidency and Commander-in-Chief of our military as a “strong check” against foreign influences on the person in this office.”

http://puzo1.blogspot.com/2010/03/obama-maybe-citizen-of-united-states.html

"When enacted in 1952, section 301 [of federal immigration laws at the time] required a U.S. citizen married to an alien to have been physically present in the United States for 10 years, including five after reaching the age of fourteen, to transmit citizenship to foreign-born children. The 10-year transmission requirement remained in effect from 12:01 a.m. EDT December 24, 1952, through midnight November 13, 1986, and still is applicable to persons born during that period,"

The Counter response:
Obama received United Kingdom and Colonies (UKC) citizenship through his father as specified under the British Nationality Act of 1948. Obama also received Kenyan citizenship upon Kenyan independence in 1963 through the following provisions from the Kenyan Constitution, Chapter VI, Sec. 87:

1. Every person who, having been born in Kenya, is on 11th December, 1963 a citizen of the United Kingdom and Colonies or a British protected person shall become a citizen of Kenya on 12th December, 1963...

2. Every person who, having been born outside Kenya, is on 11th December, 1963 a citizen of the United Kingdom and Colonies or a British protected person shall, if his father becomes, or would but for his death have become, a citizen of Kenya by virtue of subsection (1), become a citizen of Kenya on 12th December, 1963.

Obama, Sr. lost his UKC citizenship when Kenya declared its independence. The question is whether President Obama lost his? The Mario Apuzzo’s article linked above, quotes the Children Bill [Lords] in a 1958 House of Commons debate stating that a child born under UKC citizenship cannot renounce such citizenship until the age of 21.

The assumption is the President remained a UKC citizen after Kenyan independence; and since there is no evidence that he ever renounced his UKC citizenship, he therefore remains a UKC citizen to this day.

Apuzzo claims that the UK’s Kenyan Independence Act (KIA) of 1963 did not cause Obama to lose his UKC citizenship. This is based on the 1958 Children Bill cited earlier, but this claim is false.

First: The KIA as Sec. 2 of Chapter 54 states: (2) Save as provided by section 3 [section dealing with certain women] of this Act, any person who immediately before the appointed day [the date of Kenyan independence] is a citizen of the United Kingdom and
Colonies shall on that day cease to be such a citizen if on that day he becomes a citizen of Kenya.

Second: The 1963 Act supersedes the 1958 Children Bill. The President became a citizen of Kenya because his father became a Kenyan citizen. Therefore, the President’s UKC citizenship was necessarily terminated along with his Kenyan citizenship in 1984 when he did not renounce his U.S. citizenship, or swear allegiance to Kenya.

Third: According to a New York court ruling in Lynch vs. Clarke (1844), in which Julia Lynch was born in New Jersey in 1819 to Irish sojourners who then went back to Ireland that same year, Lynch “was a natural born citizen of the United States.”
http://nativeborncitizen.wordpress.com/2009/11/09/lynch-clarke-ruling/  The court went on to say:

And the constitution itself contains a direct recognition of the subsisting common law principle, in the section which defines the qualification of the President. "No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of President,” &c. The only standard which then existed, of a natural born citizen, was the rule of the common law, and no different standard has been adopted since. Suppose a person should be elected President who was native born, but of alien parents, could there be any reasonable doubt that he was eligible under the constitution? I think not. The position would be decisive in his favor that by the rule of the common law, in force when the constitution was adopted, he is a citizen.  http://en.wikipedia.org/wiki/Natural_born_citizen_of_the_United_States

The U.S. Constitution is vague about what constitutes a natural born citizen, and the Supreme Court has never specifically defined it either.

Dr. Hannigan’s rebuttal:
The Counter view misrepresents the Kenyan Citizenship issue:

a. The Counter view stated above that Obama became a citizen of Kenya after the Kenyan independence because his father becoming a Kenyan citizen. His UKC citizenship was therefore terminated. But that is not for sure. It is true that the President’s father converted and lost his British citizenship, however, the Kenyan Constitution (KC) provisioned for minors to maintain dual citizenship. Therefore, as a minor, by virtue of Article 97 of the KC, the President would have maintained his dual or possibly multiple citizenships (Kenyan, British and US).

b. The President received his British Citizenship from Part II Section 5 of the British Nationality Act of 1948, and therefore not impacted by the KIA 1963. However, since the Counter view contends that the 1963 KIA superseded the 1958 Children Bill Lords then the British Nationality, HC Dec 16 July 1963 vol. 681 cc341-3 which states “It is now the law that all persons born in the United Kingdom or its Colonies, or in countries which were Colonies at the time when they were born, have British nationality whether they are legitimate or illegitimate. . . .” must then have superseded the Dec 12th 1963 KIA. Therefore the President seems
to hold dual citizenship with Great Briton and the United States.

c. Additionally if the Counter view disregards the above, their rebuttal missed section 2(1)(a) of the KIA 1963, which states that the British Nationality Act 1948 was amended to include “and Kenya.” This made the newly Kenyan Citizens also “(Commonwealth citizens by virtue of citizenship of certain countries)” Effectively, Kenya went from a Protectorate 2(1)(b) to a Commonwealth 2(1)(a). Among other benefits, as a Commonwealth Citizen, civilian Obama could have been able to secured a British Passport with the nationality of Commonwealth Citizen”

d. The KC article 95 confirms the status of Commonwealth status to its Kenyan citizens. No Act, law or decree therefore removed Barak’s Commonwealth Citizenship status as received when he received Kenyan Citizenship.

Well there you have it. If you actually read all the way through this document, you are no longer ignorant. You may disagree, but you at least have a strong foundation on the issue. There are a lot of distracting birther ideas, but I still contend that the President simply needs to show his original long form if he has one. If he dose not have one, then he need to provide sufficient evidence to support that he is indeed a Natural Born Citizen.

Finally, I do not like being ignorant! If you find an alternative counter view to my arguments, let me know! I would research and include them.

John Hannigan, Ph.D.