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## Is Obama a Natural Born Citizen?

Posted on July 5, 2008

Update: Israel Insider: [Blogger admits Hawaii birth certificate forgery, subverting Obama claims](#)

Jay McKinnon, a self-described Department of Homeland Security-trained document specialist, has implicated himself in the production of fake Hawaii birth certificate images similar to the one endorsed as genuine by the Barack Obama campaign, and appearing on the same Daily Kos blog entry where the supposedly authentic document appears.

The evidence of forgery and manipulation of images of official documents, triggered by Israel Insider's revelation of the collection of Hawaii birth certificate images on the Photobucket site and the diligent detective work of independent investigative journalists (led by JimJ and Texas Darling) and imaging professionals such as Polarik in the three weeks since the publication of the images, implicate The Daily Kos, a "progressive" blog site, and the Obama campaign's "Fight the Smears" website, in misleading the public with official-looking but manipulated document images of doubtful provenance. Moreover, the blog and the campaign have been negligent in allowing the promotion of obviously forged and fake official documents together with the purported image of Obama's birth certificate.

Completely via [Atlas Shrugs](#):

Barack Obama is not a legal U.S. natural-born citizen according to the law on the books at the time of his birth, which falls between December 24, 1952, to November 13, 1986. Federal Law requires that the office of President requires a natural-born citizen if the child was not born to two U.S. Citizen parents. This is what exempts John McCain, though he was born in the US Panama Canal Zone.

US Law very clearly states: ' . . . If only one parent is a U.S. Citizen at the time of one's birth, that parent must have resided in the United States for minimum ten years, five of which must be after the age of 16.' Barack Obama's father was not a U.S. Citizen is a fact.

Obama's mother was only 18 when Obama was born. This means even though she had been a U.S. Citizen for 10 years, (or citizen of Hawaii being a territory), his mother fails the test for at-least-5-years- prior-to Barack Obama's birth, but-after-age-16.

In essence, Mother alone is not old enough to qualify her son for automatic U.S. Citizenship. At most, 2 years elapsed from his mother turning 16 to the time of Barack Obama's birth when she was 18. His mother would have needed to have been  $16 + 5 = 21$  years old at the time of Barack Obama's birth for him to be a natural-born citizen. Barack Obama was already 3 years old at the time his mother would have needed to be to allow him natural citizenship from his only U.S. Citizen parent. Obama should have been naturalized as a citizen . . . but that would disqualify him from holding the office.

The Constitution clearly declares: Naturalized citizens are ineligible to hold the office of President. Though Barack Obama was sent back to Hawaii at age 10, any other information does not matter because his mother is the one who must fulfill the requirement to be a U.S. Citizen for 10 years prior to his birth on August 4, 1961, with 5 of those years being after age 16.

Further, Obama may have had to have remained in the USA for some time frame to protect any citizenship he might have had, rather than living in Indonesia. This is very clear cut and a glaring violation of U.S. Election law. I think the Governor Schwarzenegger of California should be very interested in discovering if Obama is allowed to be elected President without being a natural-born U.S. Citizen, since this would set a precedent. Stay tuned to your TV sets because I suspect some of this information will be leaking through over the next several days.

It would be simple for Obama to dismiss this ongoing question. Can we see the freakin birth certificate already? C'mon!

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## 16 Responses to "Is Obama a Natural Born Citizen?"

1. Right2thePoint on July 5th, 2008 2:32 am

I had posted the full code applicable in an earlier post comment at Atlas

[http://feeds.feedburner.com/~r/typepad/atlasshrugs2000/atlas\\_shrugs/~3/322407828/the-missing-oba.html](http://feeds.feedburner.com/~r/typepad/atlasshrugs2000/atlas_shrugs/~3/322407828/the-missing-oba.html)

That references the following law that describes the requirements

<http://law.onecle.com/uscode/8/1401.html>

The only place the 10 year requirement from that law hits is if he was born OUTSIDE the US or it's possessions (ie born in Japan on vacation)

8 USC 1401 (g)

Since he was supposedly born in the State of Hawaii a different section would apply

8 USC 1401 (a)

That has no limitations as long as he was physically born in the State of Hawaii.

Now to throw more wrenches into the mix you have to go to the Hawaii law for issuing the certificate which has a section for births occurring out of state

[http://www.capitol.hawaii.gov/hrscurrent/Vol06\\_Ch0321-0344/HRS0338/HRS\\_0338-0017\\_0008.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0338/HRS_0338-0017_0008.htm)

[§338-17.8] Certificates for children born out of State. (a) 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.

(b) Proof of legal residency shall be submitted to the director of health in any manner that the director shall deem appropriate. The director of health may also adopt any rules pursuant to chapter 91 that he or she may deem necessary or proper to prevent fraudulent applications for birth certificates and to require any further information or proof of events necessary for completion of a birth certificate.

(c) The fee for each application for registration shall be established by rule adopted pursuant to chapter 91. [L 1982, c 182, §1]

So by that section he could get a certificate claiming Hawaiian birth even if he was physically born outside the US.

It is unclear how you could tell the difference between an out of state birth to a citizen from an in state birth unless a certification document is filed for the out of state condition.

But the USC sections only have duration requirements if the birth is overseas and not in the USA or a possession.

Look at the full USC code I posted at the atlas comment thread or the link provided and you will see the difference.

2. Right2thePoint on July 5th, 2008 2:41 am

To summarize

From my reading (an I am no lawyer and don't play one on TV)

If born in Hawaii he is a natural born citizen

He can be considered a Hawaiian citizen and not natural born only if born outside the USA and possessions with a one year requirement for Hawaii but a different requirement for USC.

Is anyone claiming he was born outside Hawaii or a US possession?

Not that I have seen.

Now if the actual certificate of live birth shows that or links to a certification of such then we have an issue.

For as long as this has floated and also been addressed by the Obama website itself , either he has proof of the Hawaii in state birth or compliance with the law.

Otherwise there could be information on the document different from the shown examples such as those prior discussed issues of racial descriptors or even as some have suggested a birth name difference.

Without a full certified true copy we have little to go on to make the determination.

I will also note there are ways under the Hawaii law to obtain a copy even if you are not family and some FOIA requests

have been submitted for a copy.

3. Richard on July 5th, 2008 4:30 am

The Obama campaign has placed what it asserts is an actual copy of his “Certificate of Live Birth” (COLB) which they currently have on their “fight the smears” portion of the official Obama campaign website.

You can see it here: <http://my.barackobama.com/page/invite/birthcert>

The only problems with it are that:

1. There is no signature.
2. There is no state seal and/or no embossment
3. The certificate number has been redacted.
4. Through careful analysis, it has been determined by experts to be faked, yet the Obama campaign continues to keep it up on the site.
5. A blogger has now admitted that it is a forgery:

<http://www.mailtribuneforum.com/forums/index.php?showtopic=12174>

In the face of all of this, one would think that the Obama campaign would simply direct Hawaiian authorities to make a certified copy of his birth certificate available for public inspection. That would end this as an issue for him. It would cost a whole \$12. But he’s not doing that.

Since he has already posted what he claims is his birth certificate on his campaign website, presumably a signed and certified copy would be the same, right? So what’s he hiding?

It would appear that Mr. Obama is praying this issue goes away because he seems to be hanging his hat on what appears to be a forged document.

The audacity of hope!

4. Roland Hall on July 5th, 2008 5:04 am

Right2thePoint... he is a natural born CITIZEN only if BOTH of her parents were citizens at the time of his birth. His father was NOT a citizen and therefore his mother must have spent 10 years in the US prior to his birth, 5 of which had to occur AFTER she turned 16. She was 18 when he was born, therefore he is ineligible to be POTUS. It just doesn’t get any clearer than that.

[http://immigration.findlaw.com/immigration/immigration-citizenship-naturalization/immigration-citizenship-naturalization-did-you-know\(1\).html](http://immigration.findlaw.com/immigration/immigration-citizenship-naturalization/immigration-citizenship-naturalization-did-you-know(1).html)

5. Mike on July 5th, 2008 6:03 am

I still don’t see that he is not a natural born citizen...if he was born in Hawaii (which was a state in ‘61) then he is a citizen even if BOTH his parents weren’t

6. [Rhymes With Right](#) on July 5th, 2008 8:41 am

Unfortunately for your argument, the Fourteenth Amendment trumps the statute you cite here. After all, by virtue of his having been born in one of the 50 states, he is automatically a natural born American citizen.

Now the statute in question would apply if he were born outside the United States — but until such time as you can produce evidence that he was not born in Hawaii, the argument that Obama is not a natural born citizen does not hold water.

7. The Machine on July 5th, 2008 11:42 am

Why can't HE produce the evidence that he was born in Hawaii and this is over and done?

Will this languish on and on, ala John Kerry's military records?

!

8. [Quilly Mammoth](#) on July 5th, 2008 1:53 pm

Hawaii became a State in Aug. 1959 before Barry was born. Therefore he was born in the United States. The reference you quote does not affect children born in the United States. Anchor babies???

Now if you can show Barry was born elsewhere.....

9. MrMax on July 5th, 2008 2:09 pm

The 14th Amendment has nothing to do with this question. The Amendment gives rights and privileges of citizenship to anyone born OE NATURALIZED in the United States. Since it doesn't distinguish between birthright citizenship and citizenship by naturalization, it doesn't deal with the question of whether Obama is a natural born citizen, and it doesn't provide anything to tell you why Obama is a natural born citizen. That comes from statute, 8 USC 1405, which states that anyone born in Hawaii after 1900 is deemed a natural born citizen.

“he is a natural born CITIZEN only if BOTH of her parents were citizens at the time of his birth. His father was NOT a citizen and therefore his mother must have spent 10 years in the US prior to his birth, 5 of which had to occur AFTER she turned 16.”

First of all, it's age 14 in that statute, not 16. Second, that provision applies only to persons born outside the geographic limits of the US. If you're going to quote laws, don't quote them out of context.

Why should Obama have to release his birth certificate simply because someone—without any information whatsoever—thinks his mother wasn't in the country when he was born? His mother went to Indonesia in 1967 after he was born. If you think he should release his birth certificate, then at the very least you should have some information that his mother left the country at some earlier time, and nobody has been able to show that.

10. [Sarge](#) on July 5th, 2008 3:48 pm

MrMax,

You may want to go back and re-read the linked post. The age 14 requirement applies to those born AFTER November 14, 1986. I am not taking sides in this debate, but if you are going to call one out, you need to have your facts straight as well. In Senator Obama's case, the time period in question is December 24, 1952 to November 13, 1986 which plainly states that if only one parent is a US Citizen, that parent MUST have lived in the US for 10 years, 5 of which MUST have been after the age of 16. It makes no distinction about being born in or outside of the US or its territories.

11. MrMax on July 5th, 2008 6:42 pm

Sorry, Sarge, but I've researched this statute, and the 16 year wording was an error made in the original Internet posting which everyone has been copying. The statute in effect at the time Obama was born plainly stated as follows:

§ 1401. Nationals and citizens of United States at birth

The following shall be nationals and citizens of the United States at birth:

“(g) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom

is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than ten years, at least five of which were after attaining the age of fourteen years.”

The amendment that was made in 1986, Subsec. (g). Pub. L. 99–653 substituted “five years, at least two” for “ten years, at least five”. It did not change the “age of 14 years” wording.

The amendment is described at the following link:

[http://www.law.cornell.edu/uscode/html/uscode08/usc\\_sec\\_08\\_00001401---000-notes.html](http://www.law.cornell.edu/uscode/html/uscode08/usc_sec_08_00001401---000-notes.html)

The language of section (g) itself, with the provision of a 14 year age for the citizen parent, is found at the following link:

<http://www.law.cornell.edu/uscode/8/1401.html>

With regard to getting facts straight, you’re wrong when you claim that “It makes no distinction about being born in or outside of the US or its territories.” 8 USC 1405(g) most certainly covers only persons born outside of the U.S. What do the words “a person born outside the geographical limits of the United States and its outlying possessions” mean to you? Do you seriously believe that someone born in the United States is not a U.S. citizen at birth regardless of the citizenship of the parents? Why do you think we have this issue of “anchor babies” with respect to illegal aliens? Because anyone born in the US and subject to its jurisdiction is deemed a citizen of the US. You have to look at the entire statute, including subsection (a):

The following shall be nationals and citizens of the United States at birth:

(a) a person born in the United States, and subject to the jurisdiction thereof

In closing, I suggest you look at the links I have posted which will show how the law is actually worded as opposed to the misleading and downright false BS being repeated at length on Internet.

12. kerwin on July 6th, 2008 4:42 am

So according to your interpretation a bastard child who was born in the U.S. to a citizen under 21 in 1952 was not an American citizen. You must really think those who hear you are extremely gullible to believe such nonsense. I am sure the far left is ecstatic over you making such absurd claims as it will aid their case in painting conservatives as out of touch with the general public. People like you are part of Obama’s best chance of becoming President so if you want him in the White House keep it up.

13. [mike giacco](#) on July 6th, 2008 10:37 am

I’m struggling with this....

Here’s something which I don’t believe anyone has mentioned anywhere.

I really believe we’re looking at a candidate and campaign who and which never initially hoped or planned would get this far (perhaps we’ll someday learn this in an interview, perhaps never). In my opinion a candidate who would have better served himself and his party by remaining in the Senate another term, chaired a committee, then at the next best opportunity run for and serve as Governor of Illinios for at part of a term. Then seek national office. I don’t believe he ever really hoped or planned to see his candidacy get past Feb 5th/Super-Tuesday. While he and they have been able to talk his and their way around and past the issues like ‘Rev. Wright,’ now they’re faced with an issue which cannot be talked around, a ‘black-or-white’ legality issue which the candidate never faced previously in other runs, and as we can observe, doesn’t have an answer for....The question of why Obama or someone in his campaign would release a copy of a document as critical as a birth certificate to the Daily Kos, and NOT the NY Times or Wash Post—the papers of record in the U.S., to put the issue to bed for all time, is troubling...that this WASN’T done allows for all the speculation.

Just two more cents to add to this....

fla mike

14. MrMax on July 6th, 2008 11:54 am

Sorry, Sarge, but I've researched this statute, and the 16 year wording was an error made in the original Internet posting which everyone has been copying. The statute in effect at the time Obama was born plainly stated as follows:

“§ 1401. Nationals and citizens of United States at birth

The following shall be nationals and citizens of the United States at birth:

(g) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than ten years, at least five of which were after attaining the age of fourteen years.”

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The language of section (g) itself, with the provision of a 14 year age for the citizen parent, is found at the following link:

<http://www.law.cornell.edu/uscode/8/1401.html>

With regard to getting facts straight, the law certainly distinguishes between persons born outside of the U.S. and persons born in the U.S. Someone born in the United States is a U.S. citizen at birth regardless of the citizenship of the parents. That is why we have this issue of “anchor babies” with respect to illegal aliens. Anyone born in the U.S. and subject to its jurisdiction is deemed a citizen of the U.S. under the 14th Amendment, and by statute anyone born in the US and subject to its jurisdiction is deemed a natural born citizen even if the parents are not citizens.

“The following shall be nationals and citizens of the United States at birth:

(a) a person born in the United States, and subject to the jurisdiction thereof.”

8 USC section 1401.

As another poster correctly said, the law doesn't care if the parents were legally married, and the law doesn't care if the parents were not citizens so long as the child was born in the United States, as Obama certainly was. There is a separate provision dealing with persons born outside the U.S. where one parent is a citizen, and that provision always had a requirement that the citizen parent had to have been present in the U.S. for a certain number of years after age 14 before the birth of the child. I've given the links to the actual wording of the law so you can see for yourself, because what's being repeated on the Internet is misleading and inaccurate.

15. James on July 9th, 2008 11:17 am

There is an error in the original discussion item. Senator Obama's mother was not born and raised in Hawaii before it became a state. She was born in Fort Leavenworth, Kansas and raised there while her father was in the military. She graduated from high school in Seattle and moved to Hawaii to go to college.

It doesn't matter when or where Senator Obama was born because his mother is a natural born citizen who resided in the US for her entire life prior to his birth wherever he might have been born.

16. Lynn on July 10th, 2008 8:06 am

I can think of only one reason why the real birth certificate is not being released. Let's even assume for the moment that the bc proves Obama really is a natural born citizen, why not release it? There must be something else on it the campaign really doesn't want to get out, so much so they are willing to endure this death by a thousand cuts to keep it covered up. I wonder what that could be?

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