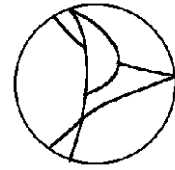


Supreme Court Confirms Barack Obama's Citizenship

By: Patricia A. O'Malley

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On December 8, the Supreme Court refused to hear arguments in a case brought by Leo Donofrio of New Jersey, claiming that President-elect Barack Obama is not eligible to be president because he is not a "natural-born" citizen. US District Court dismissed a similar suit brought by Philadelphia attorney Philip Berg in August. This means that the US Supreme Court accepts Obama's citizenship as valid. Many people throughout the country are still arguing about this, mostly because they don't understand the issues involved or they're mistaken about the law. This column is for them. Those of you who won't accept facts or who invent lies or who treasure conspiracy theories can do something else.

This is what happened.

In order to be president, Article 2, Section 1, Clause 5 of the Constitution requires three things. The candidate must be a "natural-born" citizen, at least 35 years old, and live at least 14 years in the United States. That's all.

Amendment 14, Section 1 defines a citizen as someone who is born or naturalized in the US. Throughout the last 140 years, federal law has defined a "natural-born" citizen as one who is a citizen from the moment of birth, and did not become a citizen later in life. You are a natural-born citizen if you were born in the United States *or if at least one of your parents was a citizen.*

Barack Obama is a natural-born American citizen for two reasons. First, he is a citizen because he was born in the US. He was born in Hawaii in 1961. Second, he is a citizen because his mother was a citizen. Obama would still be a citizen even if he had been born outside the US. John McCain was born in Panama. McCain is a citizen because his parents were citizens.

Obama posted his birth certificate on one of his campaign websites, www.fightthesmears.com. It's still there. You can see it for yourself. The Hawaii Health Department director and the registrar of vital statistics both personally verified that Obama's birth certificate is valid. Hawaii law forbids state officials from releasing anything other than the "Certification of Live Birth". No, it does not contain the names of the doctor present at his birth or the hospital where he was born. States have different requirements for birth certificates. I was born in Pennsylvania. My birth certificate does not contain that information. Does yours? You can see the details yourself at www.snopes.com/politics/obama.

Obama's father, born in Kenya, was a British citizen until Kenya won its independence in 1963. Then the elder Obama became a citizen of Kenya. That is irrelevant. Under Kenyan law, the younger Obama had dual citizenship as a child. According to www.factcheck.org, "Since Sen. Obama has neither renounced his U.S. citizenship nor sworn an oath of allegiance to Kenya, his Kenyan citizenship automatically expired on Aug. 4, 1982". That was his 21st birthday. Even if Obama was a dual citizen, there is no US law preventing a dual citizen from being president.



The facts that Obama's mother remarried and the family lived in Indonesia are irrelevant. The fact that his grandparents helped to raise him is irrelevant. His mother's age at the time of his birth is irrelevant. Obama did not renounce his citizenship when he lived in Indonesia. He was a minor and did not have the legal standing to do so.

Candidates are not required to show proof of citizenship before they run for public office. No government agency checks the paperwork. Anyone can challenge the citizenship of a candidate in court, as Donofrio and Berg did.

The lower federal courts dismissed their cases, but Donofrio persisted and pushed his case to the Supreme Court. He filed a *petition for certiorari*, which is a request that the court hear a particular case. The court receives thousands of those petitions each year. They dismiss the vast majority of them without hearing any arguments. That is routine procedure. The courts do that when they know that the cases have no merit.

If Obama weren't a citizen, surely McCain or one of the other candidates would have filed a challenge in court. They didn't.

You know, I don't mind people objecting to Obama's policies, or philosophy of government, or experience, or positions on issues. But I'm tired of this nonsense. Once again, we have an enormous controversy, partly because people just won't read the Constitution. It's not a classified document. It's available on millions of Web sites and in thousands of books. Go ahead, read it. I dare you.

To read the US Constitution, go to www.constitution.org or get a book from your local library.

A brief note: The Electoral College met on December 15. Vice President Cheney will open, tally, and report those votes on January 8.

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