

The Eligibility Zombie

CRS MEMO CONTENDED THAT THE “CERTIFICATION OF LIVE BIRTH” WAS ENOUGH TO QUALIFY OBAMA; WHAT ABOUT NOW?

by Joseph DeMaio



Photo of the Capitol at the website for the CRS, which states, "As a legislative branch agency within the Library of Congress, CRS has been a valued and respected resource on Capitol Hill for nearly a century."

(May 25, 2011) — For anyone following, even casually, the continuing controversy over Obama’s eligibility under the Constitution, the saga just gets more and more weird. And, yes, the controversy continues each day to grow more problematic for Mr. Obama following his “release” of a “picture” of what he claims is his “original Hawaiian birth certificate.” To paraphrase one of the crewmen from the new “Pirates of the Caribbean” movie, the issue has been “zombified,” seemingly dead and buried, but still skulking around, terrorizing the White House and its occupants.

This seems to be all the more the case now that the same author who contributed to Sen. John Kerry’s implosion in 2004 – Dr. Jerome Corsi of “[*Unfit for Command: Swift Boat Veterans Speak Out Against John Kerry*](#)” fame – has written an even more compelling book, “*Where’s the Birth Certificate? The Case That Barack Obama is Not Eligible to be President.*”

In this book, it is alleged that Barack Obama was not born in Hawaii but instead, was likely born in Kenya, and that Kenyan governmental birth records were at some time in the past altered or destroyed in an effort to obscure or erase that fact. Corsi contends that this circumstance, coupled with the fact that his father was never a U.S. citizen and that his mother’s citizenship status alone was insufficient to confer citizenship on her child, would disqualify him as a “natural born Citizen” under the Constitution.

Time will tell if the new Corsi book will prove the undoing of the Obama presidency. But in the meantime (a) the book has steadily risen on the bestseller lists, much to the dismay of *The New York Times* and *Esquire Magazine*; (b) Dr. Corsi separately promises

that even more damaging revelations will be forthcoming in the near future; and (c) in response to matters of this sort, the White House last week was panicked into creating a new “rapid-response-to-squash-negative-online-stories” [post](#). Hey, maybe this P&Email article will be among its first targets.

To quote John Kerry from 2004: “Bring it on.”

The fact of the matter is that, when all the smoke clears and the mirrors are smashed, it may well be revealed that, indeed, the emperor has no clothes, regardless of whether he was born in Kenya, as Dr. Corsi claims, or in Honolulu, as Mr. Obama claims. And contrary to popular belief – stoked, in large part by a mainstream media that has long ago forgotten the meaning of an “unbiased and independent Fourth Estate” –, the fact that a person is born “in” the United States, regardless of the citizenship status of the parents, does not alone make that person eligible to the presidency as a “natural born Citizen.” While the person may be a “native born citizen” under the Fourteenth Amendment, he or she is not a “natural born Citizen” unless the parents are at the time of birth also citizens. And no U.S. Supreme Court decision to date has held otherwise, contrary, again, to popular belief.

For example, Dr. Corsi’s book notes that there exists an April 3, 2009 Congressional Research Service [document](#) which confirms that there is no formal state or federal process whereby such examinations or eligibility “vetting” of presidential candidates takes place. But that so-called “Maskell Memorandum” (so-named after the lawyer who authored it in the American Law Division of the Congressional Research Service) was issued at a point in time when the only official “public” evidence of a Hawaiian birth of Mr. Obama was yet another image of a “certification of live birth” or “short-form” birth record posted on the Internet.

The CRS document makes tacit reference to this image and concludes that, under Hawaii law, the document it claims to represent is “prima facie” evidence of Mr. Obama’s birth in Hawaii. According to the CRS document, nothing more was apparently needed to confirm his eligibility. Back then, it was the “last word” on this question. However, if that were true, then why has there been over a two-year delay in the “release” of the new “image” of what is now claimed to be the “we’re-not-kidding-this-time-final-last-word-real-authentic-Hawaiian-certificate-of-live-birth?” In fairness, reporters were given photocopies of the Internet image too, but no examination of either of the claimed “certified copies” of the certificate were made available for examination.

And what about any corrections which may now be needed to update or make the April 3, 2009 CRS document conform to the new facts? Will that exercise take place? Since the Congressional Research Service exists in the first place to provide “authoritative, confidential, objective and nonpartisan” analysis of legal issues only to members of Congress rather than the general public, will enough voters and constituents of members of Congress when they learn of these things bother to take the time to request of their Senators and Representatives answers to these questions? We are, after all, only talking

about who can, and who cannot, lawfully and constitutionally occupy the Office of the President of the United States of America. Is that significant enough?

To repeat, the issue of Mr. Obama's eligibility to serve as president remains an unanswered question. Dr. Corsi's new book will undoubtedly add more fuel to the fire. The April 3, 2009 CRS document issued by Mr. Maskell, while confirming that no formal "vetting" process took place, inadequately makes the case for Mr. Obama's constitutional eligibility. And might there be other CRS documents bearing on these issues?

And since the April 3, 2009 CRS document may have been distributed to all 535 members of Congress, if, in fact, it does not adequately make the case for eligibility, then perhaps 535 members of Congress are laboring under the misapprehension that the issue has been resolved, purportedly either as a result of Supreme Court decision or as a result of the release of a picture of a birth certificate posted to the Internet. On the contrary, the issue remains zombieified and those in a position to correct that situation seem unwilling to do so.

Leaving one to wonder: why?