

**WorldNetDaily Exclusive****Eligibility case finds 'standing'?**

New suit claims unique state law enables citizens to demand proof

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By Drew Zahn

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A new case challenging Barack Obama's natural-born citizenship and, therefore, constitutional eligibility to serve as president has the potential to clear a hurdle that caused several other similar cases' dismissal: the issue of "standing."

In the case brought by Pennsylvania Democrat Philip Berg, for example, [a federal judge ruled against the lawsuit](#) in deciding Berg lacked the "standing" to sue, arguing that the election of Obama wouldn't cause the plaintiff specific, personal injury.

In Washington state's Broe v. Reed case, however, plaintiff's attorney Stephen Pidgeon says a unique state statute grants everyday citizens the required standing.



Attorney Stephen Pidgeon

"These lawsuits have pointed their fingers at the various secretaries of state and said, 'You handle the elections, it's your job [to verify Obama's eligibility],'" Stephen Pidgeon told WND, "and the secretaries of state have said, 'No, it's not our job. You the voter have to prove he was ineligible.' But when the voters try to do it, the courts tell them they have no standing. So it presents a catch-22.

"Here, we have standing by means of statute," Pidgeon continued. "This particular statute provides for any registered voter to challenge the election of a candidate if the candidate at the time of the election was ineligible to hold office."

*Where's the proof Barack Obama was born in the U.S. or that he fulfills the "natural-born American" clause in the Constitution? If you still want to see it, join more than 200,000 others and sign up now!*

Further, Pidgeon explained, "In Washington we also have a constitutional clause in Article 1 that says the U.S. Constitution is the supreme law of land, so it's very much a state issue that the secretary of state has a duty to enforce the U.S. Constitution.

"He doesn't think he does; we think he does. That's really the issue before the court," Pidgeon said.

*(Story continues below)*

Washington's secretary of state, Mr. Sam Reed, has opposed the lawsuit, brought by a group of 12 registered Washington voters with Pidgeon's representation, on several grounds, including the argument that the issue is moot now that Obama has been voted upon by the people.

Pidgeon argues, however, that even if Obama remains in office two years from now, the issue will not

be moot.

"The Constitution's criteria for president are never moot," Pidgeon explained. "Article 2, Section 1 says 'eligible to the Office of President'; it doesn't say 'eligible for candidacy to the Office of President.'"

Therefore, Pidgeon argues, the Constitution's natural-born citizen clause specifically and expressly addresses the man sitting in the Oval Office, not just the man elected and waiting to get in.

"If, at any time during his tenure, a birth certificate actually surfaces showing [Obama] born in Kenya," Pidgeon said, "he is disqualified from the presidency *at any time*. And the constitutional crisis that is rising out of this – the longer he's in that office, the greater the problem becomes, because everything he does will be illegal."

The Washington Supreme Court is set to hear *Broe v. Reed* on Jan. 8, but the entire case may be delayed intentionally, as the plaintiffs wait to see if the court will rule first on a requested subpoena of Obama's birth certificate from Hawaii.

Unlike other states where lawsuits challenging Obama's natural-born citizen status were required to move through lower courts, Washington law grants the case "original jurisdiction" at the state Supreme Court, which means the plaintiff can present new evidence, including – if the court will indeed subpoena it – Obama's birth records.

"We have opportunity to present facts before the Supreme Court, where you wouldn't have that normally," Pidgeon told WND. "With original jurisdiction, we have the opportunity to present factual argument, and so what we have said to the court is, 'At no time did Senator Obama produce a single piece of evidence upon which the secretary of state could rely to establish that he was a natural born citizen, or that he was even an American citizen, or that he was running under his legal name.' Those are the three facets of our lawsuit."

Pidgeon also told WND that the case's primary hurdle now is the natural predisposition judges have toward complying with the democratic will of the people. They rarely "upset the apple cart," Pidgeon said, by overturning the results of an election.

Still, Pidgeon believes pursuing *Broe v. Reed* is necessary.

"I expect the truth of Senator Obama's birth is going to come out," Pidgeon told WND. "It may not be today, it may not be tomorrow, but the truth of his birth is going to come out, and when that true fact comes out that he was born in Kenya, we will have an unprecedented constitutional crisis in this nation.

"The question is," Pidgeon figures, "will the Washington Supreme Court stand for the rule of law or are they going to stand for an overthrow of the constitutional republic by the will of the electorate?"

Last month, WND reported on the potential complications an ineligible president could create.

"Should Senator Obama be discovered, after he takes office, to be ineligible for the Office of President of the United States of America and, thereby, his election declared void," argues a similar case brought by Alan Keyes and pending in California, "Americans will suffer irreparable harm in that (a) usurper will be sitting as the President of the United States, and none of the treaties, laws, or executive orders signed by him will be valid or legal."

With such high stakes potentially at risk, WND earlier launched a letter campaign to contact Electoral College members and urge them to review the controversy.

That followed a campaign that sent more than 60,000 letters by overnight delivery to the U.S. Supreme Court when one case contesting Obama's eligibility for the Oval Office was pending.

A separate petition, already signed by more than 200,000 also is ongoing asking authorities in the election to seek proof Obama was born in the U.S. or that he fulfills the "natural-born American" clause in the Constitution.

WND senior reporter Jerome Corsi had gone to both Kenya and Hawaii prior to the election to investigate issues surrounding Obama's birth. But his research and discoveries only raised more questions.

The biggest question was why, if a Hawaii birth certificate exists as his campaign has stated, Obama hasn't simply ordered it made available to settle the rumors

The governor's office in Hawaii said there is a valid certificate but rejected requests for access and left ambiguous its origin: Does the certificate on file with the Department of Health indicate a Hawaii birth or was it generated after the Obama family registered a Kenyan birth in Hawaii?