

Why Nebraska LB 654 is Needed

In this article I'm going to be referring to a lot of things from the 2008 election, simply because that election revealed so many vulnerabilities and problems. The information that I give is accurate, the culmination of thousands of hours of research, widely misreported by the media and politicians, and is mentioned simply because it illustrates so clearly why this bill is necessary. Clickable links lead to documentation for what is stated.

It's a long read, but I guarantee you will not find this information in the Journal-Star, World-Herald, or 2+ years' worth of media verbiage. Every bit of this article speaks to the PROCESS – why the current PROCESS has failed us and needs to be corrected. Information about specific people and events is intended solely to illustrate the current inadequacy of the PROCESS.

Background to why this bill is needed – Part One: The Constitutional Process

As affirmed by a [Congressional Research Memo](#) distributed to US Congress members in response to the deluge of public requests regarding the eligibility issue, State legislatures are Constitutionally authorized to choose their own electors as they see fit. There is no federal law or entity which vets Presidential eligibility. The US Congress counts the electoral votes and certifies the electoral winner, who is then the President elect. The US House of Representatives breaks a tie or chooses a President when no candidate wins the majority of the votes. Beyond that vote-counting and tie-breaking role for Congress, neither Congress nor any intelligence group has any say in who can be President. The vote is the only security check that is done. See [here](#) and [here](#). The Federal Elections Commission only deals with campaign finance.

After both the states and the US Congress have finished their roles in the election, resulting in a "President elect", the 20th Amendment says that President elect can STILL "fail to qualify" by Jan 20th – in which case the VP elect is to "act as President until a President shall have qualified." The only Constitutional qualifications listed for the President are that he/she be at least 35 years old, a US resident at least 14 years, and a "natural born citizen."

But the 20th Amendment doesn't specifically say who is supposed to determine whether the President elect qualifies. Congress is specifically given the authority to determine the eligibility of ITS OWN MEMBERS but is nowhere given authority over Presidential elections. Each State administers its own Presidential election. In *general*, Article III of the Constitution says that the judiciary has the authority and responsibility to decide cases arising out of the Constitution, and the 10th Amendment says that powers not delegated specifically to the US government are retained by the States or by the people.

Most the time there is no problem, and the framers of the Constitution and 20th Amendment most likely didn't foresee any problem, because if a President elect's eligibility was questioned the courts would decide the case by interpreting the Constitution and applying it to the particular situation. The problem, though, is that in the 2008 election the courts steadfastly refused to do that, insisting that there have been no "cases" for them to decide because Presidential eligibility and Constitutionality are not the particular business of anybody who has filed suit. Not the business of party donors, state Electors, other candidates, military personnel, or concerned citizens. Polls have indicated that over 60% of the American public have questions about the eligibility of the 2008 Presidential winner, and the courts have ruled that Constitutional eligibility is not the business of ANY of those people.

And during the 2008 election the courts ruled it's nobody's business whether their state officials **obey state law** regarding Presidential elections. New Jersey law required its Secretary of State to verify Constitutional eligibility before placing a candidate's name on the Presidential ballot but ended up placing on the ballot 2 candidates who may or may not be eligible depending on the definition of "natural born citizen" (one democrat and one republican) and one candidate who would not be eligible by ANY definition of "natural born citizen" since he was born in Nicaragua to non-US citizen parents and whose only legal connection to the United States at all was the fact that he had a green card. Still, when a concerned citizen filed suit to have the SOS obey the State law, the courts told him it was none of his business whether the law was obeyed or not. (Donofrio v Wells)

So the 2008 election revealed that the only place where the people can go to make sure the Constitution's provisions are followed and protected is to their state legislature – which decides the terms for choosing its own electors. The state legislatures can make provisions so that only Constitutionally-eligible candidates can receive the state's electoral votes. Currently there is no state that REQUIRES documentation of eligibility, according to the CRS Memo cited above, and without the requirement no Secretary of State to my knowledge has even asked to see legal documentation for ANY of the candidates, even though states like HI allow disclosures - even without the consent of the registrant - to government entities which need to see the records to effect a benefit for the registrant, such as placement on a ballot.

At the same time, the people can only have legal standing to force their state officials to obey those laws and provisions if the state legislature specifically gives them that legal standing, as a way to hold the system accountable.

Background to why this bill is needed – Part Two: Nebraska's Current Law

Nebraska's law currently allows our electors to vote for whoever wins the most votes on the ballot, and the only requirement to get on the ballot for political party candidates is a signed Certification of Nomination from the national party (DNC or RNC). For all sakes and purposes Nebraska implicitly trusts the leaders of the DNC and RNC to only certify a candidate they know to be Constitutionally eligible. There are several problems with this.

First off, even if these officials saw documentation for a person, they don't have a functioning definition of "natural born citizen" – without which neither they nor the SOS knows for sure what they're even looking for in the documents. The NJ Secretary of State apparently thought a green card was sufficient proof of "natural born citizenship". If she was the secretary of the DNC or RNC Nebraska could be stuck with putting Hugo Chavez on the ballot, because we are legally committed to trusting the party leaders. We've made Nebraska's own adherence to the US Constitution dependent on THEIR adherence to the US Constitution, and put the interpretation of the US Constitution into their hands alone, which is both dangerous and unconstitutional.

Second, the Certification of Nomination isn't required to directly state that the candidate is Constitutionally eligible. Party rules may say that the candidate must be Constitutionally qualified but since there is no specific procedure for determining that, the signer can CLAIM that somebody else was responsible to check eligibility. This results in a toothless oath – one that allows wiggle room that could make even known perjury unable to "stick" in a criminal trial because of plausible deniability. That means there is no LEGAL incentive for absolute truthfulness and no real legal accountability.

Third, since party leaders are not government entities they have no more authority to see documentation without the candidate's permission than you or I do.

One would hope that a party leader would refuse to swear to a candidate's eligibility if the candidate refused to give permission to view the documentation. But that was not the [case](#) in 2008 – and here I will use a specific case in point to illustrate the vulnerabilities we have because the people currently have no means to hold the PROCESS accountable (again, it is the PROCESS we are concerned with), even when red flags surface at every level. The next 2 pages are in green print to denote that the following portion is a case-study showing the failure of the PROCESS, which makes clear why it is essential to correct the integrity of the PROCESS in order to make government trustworthy to normal people:

The Hawaii DOH has confirmed that nobody from the DNC even ASKED to see either Obama's [documents](#) or a [verification](#) of his birth facts. Pelosi & Germond signed and submitted to Nebraska's SOS an oath that Obama was "legally qualified to serve as President" even though they saw no legal documentation of any kind.

And they can't claim that the state party vetted eligibility either, because the Hawaii Democratic Party was so intent on taking out the Constitutional eligibility language from their standard Certification of Nomination that they took out a whole physical line of print, including the only language required by Hawaii law to be on that piece of paper (a statement that Obama was the candidate of specifically the Hawaii Democratic Party). (See page 2 [here](#)) Pelosi and Germond had to sign a separate CON specifically for Hawaii because of the HDP refusal to certify Constitutional eligibility. So Pelosi and Germond knew that there was no tacit approval by the Hawaii democrats.

It could be that Pelosi and Germond trusted the online images of the COLB posted on Obama's campaign website (Fight the Smears) and Factcheck. But online images are NEVER acceptable as legal evidence because they are so easily manipulated. And in fact, the Hawaii DOH has indirectly confirmed in 2 different ways, through LEGAL UIPA (Hawaii's FOIA) responses, that the Factcheck image is in fact a [forgery](#) and that they have no legally valid BC for Obama. And despite media attempts to say otherwise, no Hawaii official has ever said they saw a LEGALLY VALID birth record for Obama.

And one very prominent Hawaii official has stated very publicly that in spite of looking everywhere, his investigative team has NOT been able to unearth a legally valid birth record for Obama. Hawaii governor Neil Abercrombie, a friend of Obama, made a splash around Christmas 2010 by saying he would uncover Obama's birth certificate and embarrass the "birthers" but when later asked by a reporter how the search was going indicated that he had not found a birth certificate but that there was something "actually written down" in the State Archive. Retention schedules for the HDOH show that only 2 kinds of records are authorized to be kept in the State Archive rather than at the Vital Records Office: Certificates of Hawaiian Birth that are 75 years old, and registrations of foreign birth. Abercrombie told his friend, Mike Evans (who then reported it on multiple recorded radio shows throughout the country), that his investigators had gone to the 2 hospitals with search warrants and that there is no proof in Hawaii for a Hawaii birth – a fact which he felt would hinder Obama's chances of getting on the ballot, given the upcoming state eligibility bills.

And Tim Adams has signed an affidavit saying that his supervisor at the Hawaii Elections Office told him it was common knowledge that there is no birth certificate for Obama in Hawaii – which, if so, would explain why the HDP refused to certify his Constitutional eligibility.

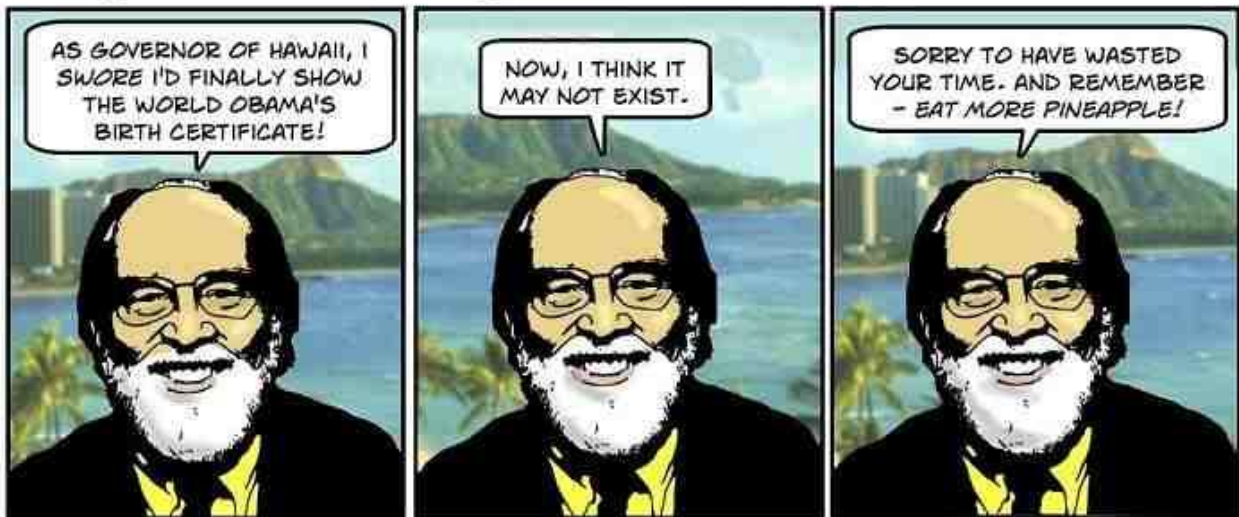
If Pelosi and Germond were scammed by an internet forgery, then the real people with egg on their face are Nebraska voters and legislators, who staked the entire Constitutionality of our process on the integrity of unaccountable politicians signing an affidavit that nobody could hold them legally responsible for perjuring themselves on anyway, and that no prosecutor would investigate for fear of the media calling them a “birther”.

So, to summarize Nebraska’s current situation, since Nebraska gives the DNC and RNC a signed blank check we are stuck with whatever they think they can get away with, and judging by the fact that 3 Hawaii officials have said there is no Hawaii birth certificate for Obama and either affirmed or confirmed that what Obama presented on his website was a forgery, I’d say they think they can get away with a lot.

Before the 2008 election I spoke with Secretary of State John Gale, who told me that we didn’t need any documentation because an ineligible candidate could never get elected even if they got on the ballot; the media would never let them “get away with” lying. The cartoon below illustrates what the media accepted from Hawaii officials without a blink – since the week after Abercrombie made his public statements about Hawaii not having a birth certificate for Obama, Anderson Cooper, Bill O’Reilly, and David Gregory were out with a vengeance saying how stupid “birthers” and the state eligibility bills are because Hawaii officials have repeatedly insisted that they’ve already shown Obama’s birth certificate. Those who had seen what Abercrombie had said and had heard the recordings of Mike Evans got a real education about the credibility of the media. I hope John Gale was one of them. Suffice it to say that if Nebraska places its adherence to the Constitution on the credibility of the media then we are of all people the most to be pitied.

Hope n' Change

HopeNChangeCartoons.com / ©2011 by Stilton Jarlsberg



But American voters – including Nebraska voters – are disgusted with corrupt politicians who can’t be trusted even when they swear an oath, media that misreports and/or ignores the facts, and law enforcement that cares more about what the media thinks of them than about actually enforcing the law. The facts that I’ve presented show exactly why Nebraska’s current system is unacceptable, both legally and morally. “We trust the politicians and media” is not a trustworthy answer for a country

whose very survival has always depended on the vigilance of the citizenry and their ability to hold their government accountable to the rule of law.

Why LB 654 is needed

From that lengthy background, there are some vulnerabilities we can note:

1. We have no functioning definition of “natural born citizen” and so Secretaries of State and political party leaders are left, at best, guessing what is required for eligibility. They are as qualified to make those decisions as Mickey Mouse is qualified to do brain surgery, which is why the Constitution does not authorize them to interpret the Constitution. The current situation is unconstitutional and dangerous. We need the courts to rule on the definition of NBC.
2. Even when the SOS or government worker makes a blatantly wrong decision or blatantly breaks the law, normal citizens cannot force them to obey the law, and law enforcement personnel have political conflicts of interest when it comes to applying the rule of law to their fellow government workers. The rule of “standing” is currently being used by judges to say that as long as politicians rip us all off equally nobody has particularized harm and thus no standing to hold government accountable to the rule of law between elections. That is legal incentive to “sin big” so you can get away with it. If “absolute power corrupts absolutely”, then this is a recipe for America to go the way of Libya. We need to legally empower normal people to sue to have laws obeyed.
3. The national news media and so-called “fact checking” websites cannot be trusted. Period. Especially in light of [this](#) (More info [here](#), [here](#), and [here](#)) We need to totally bypass the media as a means of investigating candidates’ eligibility. We need the means for the factual documentation to be accessible to people without media involvement at all.
4. Online images cannot be trusted for vital records documentation purposes. We need to require the actual official documents, with inspection available to the public.
5. Until they are routinely prosecuted with crimes whenever they commit perjury, the political parties cannot be trusted. Period. They are able to tell us who their candidate is and that’s about it.
6. State legislatures need to take responsibility to defend the US Constitution because nobody else is allowed to do it at this point.

Those are the major lessons to be learned from the 2008 election.

Answering the Critics/Concerns

This is just a political hit-job on the first African-American President

This has very little to do with Obama himself, who can easily simply produce the documentation if he has it and be done with it, leaving “birthers” wallowing in shame. If this was a political attempt to discredit Obama it would be a very stupid one.

But this is neither political nor racist. Leo Donofrio sued the NJ Secretary of State because a white republican, a black democrat, and a Hispanic communist were all placed on the NJ ballot even though there were reasons to doubt that they were “natural born citizens”. That is party-blind and color-blind. The only concern was the rule of law.

And the judge said it was none of his business. Is the Nebraska legislature going to stand before the people of Nebraska and say that it is “none of our business”? That is a relationship that has nothing to do with Obama or any presidential candidate, but everything in the world to do with Nebraska and the credibility of Nebraska’s governing process.

Parent’s Citizenship. Some take objection to the citizenship of the parents being at issue, saying it is not necessary for natural born citizenship and just proves that this is an assault on Obama. This presumes that natural born citizenship is the same thing as “citizen at birth”. It did not mean the same thing at the time the Constitution was framed, according to Vattel, a legal source [cited \(page 29\)](#) by Constitution professor Barack Obama as a primary legal source for the Founders. And according to Notre Dame School of Law professor emeritus [Charles E Rice](#), 7 years after the 14th Amendment was ratified the Supreme Court still said,

At common-law, with the nomenclature of which the framers of the Constitution were familiar, it was never doubted that all children born in a country of parents who were its citizens became themselves, upon their birth, citizens also. These were natives, or natural-born citizens, as distinguished from aliens or foreigners. Some authorities go further and include as citizens children born within the jurisdiction without reference to the citizenship of their parents. As to this class there have been doubts, but never as to the first."

In other words, even after the 14th Amendment was ratified, the Supreme Court was saying that people born in the United States might not be “natural-born citizens” because the non-citizenship of their parents might affect whether the children were, as the 14th Amendment says, “subject to the jurisdiction” of the United States. Rice agrees that the definition of “natural born citizen” (NBC) is very much up in the air to this day.

The fact of the matter is that nobody knows how the Supreme Court would define NBC because they refuse to do so. Using the definition in LB 654 ensures that the law would be challenged in court, which would then have to give a definition for NBC – which is the goal. Anybody who believes they know how the Supreme Court would rule should be thankful for this bill because it would ultimately prove them right. One of the purposes of this bill is to get a legally-binding definition of NBC.

State v federal control. Some say federal election laws trump state election laws because of the Supremacy Clause so states can’t make laws about Presidential elections. But – again - the Congressional Research Service has [said](#) that the Constitution requires the STATES to implement their Presidential elections, saying,

"The mechanics of elections of federal officials within the several states are administered under state law. The quadrennial presidential election, although required since 1845 to be held on the same day in each state is, in an administrative and operational sense, fifty-one separate elections in the states and the District of Columbia for presidential electors. States generally control, within the applicable constitutional parameters, the administrative issues, questions, and mechanisms of ballot placement and ballot access."

The only part of the Presidential election that is subject to federal control is the part that the federal government is able to oversee, which is the COUNTING of the electoral votes. That's why there are no federal laws that govern state Presidential elections above and beyond the normal Constitutional protections of due process, and thus no Supremacy Clause issue.

Waste of time. Some say this is a waste of time. If verifying accuracy and holding people accountable to the truth is a waste of time then let's save a lot of money and get rid of the IRS. And law enforcement. Let's just trust everybody and everything will be wonderful. And why do we even HAVE a Passport Office anyway, and keep records of birth and citizenship? It's so petty and racist to expect people to document any of that. We should just trust everybody and have..... anarchy. Anything else would be petty, racist, and a waste of time and effort. That is the logical conclusion of that argument.

The claim that this is a "waste of time" flies in the face of the whole idea of the rule of law – that the society holds its members equally accountable to standards of truth. If we don't have time for this, we don't have time for what America IS.

I explain [here](#) why this issue is especially critical right now: because of

1. national security implications,
2. the current frustration of government function, and
3. the current inability of the people to "petition the government for a redress of grievances and the resulting frustration, polarity, and lack of government credibility. World events today should remind everyone of the critical need for government to have the respect of its people.

With new political leaders of differing citizenship backgrounds coming up (such as Jindahl, Rubio, Romney, and Schwartzneggar), this issue is not going to fade away but will become MORE prominent over time. The time to resolve this is now – not after America becomes Libya because of lawlessness and boiling-over polarized factions.

Unavailability of long-form birth certificates. Some say there are states which don't disclose long-form birth certificates.

First off, this bill provides alternative forms of documentation for that situation, if it arises.

Secondly, the claims that no long-forms are available are largely hype. For instance, in October of 2008 the Hawaii DOH claimed that they no longer disclose long-form birth certificates but there is [video](#) of a woman at the HDOH office in the summer of 2010 ordering a certified copy of a long-form BC and being told that she would receive it in 2 weeks. All the HDOH claims amount to is the fact that unless you request a long-form the default is to get a COLB. Common knowledge to everybody in Hawaii, but nobody in the media bothered to report it; it only surfaced because of diligent BLOGGERS, who are steadfastly ridiculed by the so-called "credible" media.

Thirdly, even in electronic form, the data is stored and can be put to paper. The CDC has a [model birth certificate](#) which contains all the items from the old long-form birth certificates and more, and the states all have that model form or something basically equivalent, so they can report that information to the CDC. They collect and store that information. Whether the information is stored on paper or electronically, that information can be disclosed on paper and certified by Vital Records Office staff. At

the federal level, FOIA and The Privacy Act allow individuals to get copies of their own records, and most states have similar provisions, so even if the records are not routinely issued, they can be accessed through FOIA/Privacy Act requests .

Full Faith and Credit/Short-Form is Good Enough for Passport Office. Others say that if a COLB is good enough to get a passport it should be good enough for anything, and that not accepting another state's COLB at face value is a violation of the Full Faith and Credit Clause. That's not what the Dept of Health and Human Services Inspector General said in a [1999 report](#) on birth certificate fraud. That report specifically recommends that states NOT take any single document at face value because it is so easy to get authentic documents from fraudulent documents – especially since half of the state registrars reported that someone in their system had been caught falsifying records. Each state is allowed to decide what kind of evidence it requires for specific claims and is strongly encouraged to always require more than one form of proof for claims, as well as implementing means to detect fraudulent documents.

An expert in electronic document fraud [adds](#) that fraud is so very much easier to accomplish now that records are stored electronically, and can be manipulated remotely by hackers – in which case what is printed out electronically would seem legitimate to anybody looking at it. The only way to know the fraud that had happened would be by looking at the detailed history of the record, the embedded transaction log for the electronic record. It's harder to fake an original long-form than an electronic record, because a fake paper record involves physically replacing the record in the Vital Records Office, whereas an electronic record can be altered remotely and leave no signs of tampering.

It is known that the passport records of John McCain, Hillary Clinton, and Barack Obama were all illegally [accessed](#) in early 2008 – Obama's 3 separate times. Several investigations of the breaches have been done (internal DOS investigation mentioned [here](#) and OIG report [here](#)), but according to the descriptions none of them seemed to involve checking to see whether those passport files had been altered. All were concerned about the security of the system and how the breach happened or internal disciplinary issues, not the potential result of the breaches.

Imagine that the only birth or citizenship record for Obama was in his passport file, and that file had been accessed by “birthers” who changed his record to say he was born in Indonesia. Checking the genuineness of records that could be compromised is a necessary protection for everyone – especially in a politically-charged climate where the stakes are high and opponents abundant.

Why should somebody be ineligible just because they were adopted? Adoptees can't get access to original birth certificates. If a child doesn't even know they were adopted they would get their post-adoption birth certificate when they request their BC from the Vital Records Office and there would be no way for anybody to know the difference.

If the child knew he/she was adopted, he/she could petition the court to open the records, and the court would ultimately have to decide whether that candidate's knowledge of adoption has any bearing on their undivided allegiance to the US, which is the primary reason for the “natural born citizen” requirement.

There are any number of “what-ifs” that could be discussed but ultimately it is the courts which have to decide those issues, and this bill – by providing candidates and registered NE voters the opportunity to bring a case before the courts – puts those decisions squarely where it belongs: with the judiciary who

alone is authorized to interpret the US Constitution and apply its provisions to specific cases. After the constitutional challenge nothing will be left in this bill that either adds to the Constitutional requirements or interferes with the judiciary's role of interpreting and applying the Constitution.

If anybody can sue, political opponents will use this to harass candidates and our Attorney General will spend all his/her time defending the SOS decisions. If the bill is amended to require the documentation to be placed online there would be heavy public pressure against someone making unreasonable demands. A candidate would risk a huge PR disaster by filing a frivolous lawsuit.

And if a case is initiated and the plaintiff is allowed to get discovery of critical records (as determined by the judge, which would prevent non-relevant snooping), the case would most likely be dropped if the records showed no issue. A plaintiff who pursued the case without records showing just cause could conceivably face sanctions by a judge for a frivolous lawsuit.

In addition, if only ONE COURT CASE had been actually heard on the merits during the 2008 election, there would have been no need for the 50+ lawsuits, any of the federal judiciary's expense associated with those lawsuits, any government expense for the court-martial of Lt Col Terry Lakin (or his jail time and personal loss of at least \$3 million in wages, benefits, and personal savings), or any of the tax dollars spent on lawyers to defend Obama in eligibility suits after his inauguration. There also would have been no need for average Joe's (like myself and many of my colleagues) to spend literally thousands of hours of personal time and hundreds of dollars of personal money investigating what little documentation I can get access to, nor for government agencies such as the Hawaii Department of Health, the US Passport Office, etc to respond to a deluge of requests from citizens who know that the current process can't be trusted.

In other words, providing for a case to actually be legally resolved will lead to LESS litigation in the long run, which is better for the health of the country, the finances of candidates and the government, and the nation's political climate. Anybody who wants to shut up "birthers" and prevent this from happening again should be JUMPING to support this bill.

This law would be overturned as unconstitutional anyway. The only way we will get a definition of "natural born citizen" is by having a law (or a case by someone with standing) that is challenged in the courts. If the law is found unconstitutional we have still achieved what we were after: a functional definition of NBC, decided by the right people to interpret and apply the Constitution – the judiciary. And if a severability clause is added to the bill, only the parts that are found to be unconstitutional, if any, would be struck down, leaving Nebraska with a law to verify Constitutional eligibility that is fully compliant with the Constitution and latest court rulings.

So any argument about the law being challenged on Constitutional grounds actually affirms the reason to have this law. A more timid law would never ask the question that the country needs an answer to and truly WOULD be a waste of time.

What about the right to privacy? Doesn't a President have a right to privacy? Four things about that, based on the example of the 2008 election, where records from Hawaii were hidden because of "privacy rights". Other states have similar provisions, so this is a case study.

- 1) The State of Hawaii protects records and information in which a person has a significant privacy interest, but according to their rulings that basically includes social security number (which isn't

listed on a long-form BC), birth date (which is necessary to determine Constitutional eligibility), and address of residence (which is not usually the same for the candidate as it was on the BC anyway).

- 2) In addition, the State of Hawaii already has protections in place to make sure that the usual sources of social embarrassment are not included on a birth certificate, but are covered up by the issuance of a new birth certificate so that embarrassing situations cannot even be detected by simply viewing that new long-form – illegitimacy or parentage, adoption, and a change in gender.

If the mother is married, the husband is listed as the father. If she is not married but later marries the child's father he is listed as the father. If the child is born with the father unlisted the child gets the mother's last name. If the child is adopted and takes the adoptive father's last name, the adoptive father is listed on the BC as the father. So whatever the child's last name is – that father will be listed on the BC that would be available upon request. Religion is not listed on a long-form, and the child's race is not listed on the long-form although the race of the parents is.

The only other potential sources for “embarrassment” on the non-medical/confidential portion of a 1961 long-form are: birth number, time of birth, place of birth, Is place of birth inside city limits?, mother's usual residence, Is mother's residence inside city limits? On a farm or plantation? Single/twin/triplet?, child born 1st, 2nd, or 3rd?, father's age, father's birthplace, father's usual occupation, father's kind of business or industry, mother's maiden name, mother's age, mother's birthplace, previous deliveries, mother's type of occupation outside home during pregnancy, date last worked, informant name, mother's mailing address, attendant at birth's signature, address, and medical status, date received by local registrar, registrar's signature, date on which given name added, date accepted by Registrar General, and evidence for delayed filing or alteration.

Nothing real steamy there.

- 3) Even information or records that involve a privacy interest are discloseable if there is a “scintilla of public interest” in disclosure. That is the standard for Hawaii records. The current AG of HI says that Hawaii cannot disclose a CERTIFIED copy of the records without Obama's permission. But with just a scintilla of public interest they can disclose non-certified copies to anybody who asks to see them, and because former HDOH Director Fukino made an announcement about the vital records non-certified copies of them are REQUIRED to be disclosed to anybody who asks to see them. Because Obama claims to have published his COLB already, that would make his COLB a public record, thus required to be disclosed to anybody who asks to see it. So even those records that were initially “private” are now public according to 3 key public records provisions, stated clearly by the OIP in a similar case [here](#), snarkily explained [here](#). Unfortunately, Hawaii hasn't been following their laws or rules for quite some time. (See the “Government Corruption in HI” section [here](#).)
- 4) Any of the above information that a candidate cares enough about keeping secret that they would fight tooth and nail to keep hidden poses a national security risk to the country if that candidate is elected, because anybody who has access to that information has the opportunity to bribe the President. So disclosure is in the national interest if only to remove the potential for bribery.

Conclusion: The current system is broken and needs to be fixed. LB 654 is a reasonable, fair bill that would put accountability back into the system. Legislators can respect both the rule of law and the concerns of their constituents by passing this bill.