

HDOH Refusal to Issue Certified Copies of Long-forms Illegal

According to a recent [report](#) and an interview [reported](#) by Michael Isikoff, the Hawaii government is now claiming that not even Barack Obama himself could make a copy of his long-form birth certificate, much less get a certified copy. What I will document here is that Hawaii law REQUIRES ALL the records the HDOH has for a person to be available for inspection and copying, and that certified copies of the entire birth certificate - including even the confidential medical portion - are required to be issued when the registrant or anybody named on the certificate specifically requests it.

For the last 2+ years the HDOH has been claiming they won't issue certified copies of long-form birth certificates, but there is a video clip and there are certified copies of long-forms issued during that time proving that what they said publicly and what everybody in HI knew was really happening were two different things. They HAVE been issuing certified long-form birth certificates.

Enter Donald Trump, who very publicly wonders why Obama won't just disclose his long-form. Not only has he refused to disclose it, but he has spent his own, taxpayers', and concerned citizens' money in court cases where he has argued he shouldn't have to disclose his long-form because it would be so "embarrassing" to him. He allowed a decorated military surgeon and veteran, Lt Col Terry Lakin, to go to jail and lose probably at least \$3 million in savings, career wages, and retirement benefits rather than simply disclose his long-form.

Now, after 2 years of ridiculing "birthers" and sending Lakin to jail, the HDOH Director who replaced Neal Palafox (after Abercrombie, Janice Okubo, and the Attorney General's Office did a hit-job to cover that Abercrombie asked him to resign) has decided to change the policies so they can say that Obama CAN'T disclose his long-form because he can't even GET a copy of his long-form.

The problem for them is two-fold:

- 1) that doesn't explain why Obama wouldn't disclose the documents when the HDOH was still issuing certified copies of long-forms or why he won't disclose it in COURT, where a subpoena or judge's order overrides the routine policies of the HDOH Director.

2) The policies they are implementing right now are illegal, and actually reveal that they are so desperate to cover for Obama that they will even break laws to give him an excuse he can use to the Average Joe who reads articles like Isikoff's. This is the HDOH Director and the HI Attorney General's office, breaking the laws to cover for Obama in full view of everyone. What follows are the laws and rules they are violating:

1. The standard birth certificate has to include everything recommended by the CDC. HRS 338-11 says:

The forms of certificates shall include as a minimum the items required by the respective standard certificates as recommended by the Public Health Service, National Center for Health Statistics, subject to approval of and modification by the department of health.

Anything that is called a "birth certificate" has to include AT LEAST all the information recommended by the CDC. In 1961 the Hawaii DOH used the NCHS/CDC's recommended birth certificate verbatim, as can be seen by viewing the standard birth certificate on page 228 of the PDF [here](#).

(The HDOH has been trying to [waffle](#) on what is on their "birth certificate" for some time, claiming that what is on the COLB is all their birth certificates have today, but that violates the law since the CDC [currently](#) recommends much more than that. It was while they were trying to not have to answer how the COLB complies with HRS 338-11 that Fukino asked the legislature to pass the "Vexatious Requester Bill" so she wouldn't have to respond to requests she considers a nuisance, and could blacklist people who reported their law violations to the OIP or Ombudsman.)

2. All requests by those authorized by HRS 338-16 through 338-18 to receive either copies or abstracts MUST be fulfilled. (Note the word "SHALL".) **Unless disclosure is forbidden by the laws or rules** the request as made must be fulfilled. HRS 338-13 says:

(a) *Subject to the requirements of sections 338-16, 338-17, and 338-18, the department of health shall, upon request, furnish to any applicant a*

certified copy of any certificate, or the contents of any certificate, or any part thereof.

Contrary to the claims of the Hawaii Attorney General's Office, that statute specifically allows photocopies:

(c) Copies may be made by photography, dry copy reproduction, typing, computer printout or other process approved by the director of health.

3. HRS [338-18\(a\)](#) only forbids disclosures that are not authorized by the rules or by HRS 338-18. HRS 338-18(a) says:

*(a) To protect the integrity of vital statistics records, to ensure their proper use, and to ensure the efficient and proper administration of the vital statistics system, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital statistics records, or to copy or issue a copy of all or part of any such record, **except as authorized by this part or by rules adopted by the department of health.***

4. HRS [338-18b](#) allows those with a direct and tangible interest (including the registrant and his/her relatives, among others) to receive a CERTIFIED COPY OF PUBLIC HEALTH STATISTICS RECORDS. [HRS 338-1](#) defines "public health statistics records" thusly:

"Public health statistics" includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to births, adoptions, legitimations, deaths, fetal deaths, morbidity, marital status, and data incidental thereto.

And UIPA ([HRS 92F-3](#)) defines "government records" thusly:

"Government record" means information maintained by an agency in written, auditory, visual, electronic, or other physical form.

The registration of a birth, in written form, is clearly a "public health statistics record". A certified copy of that paper document is discloseable to anybody with a direct and tangible interest.

5. The DOH Administrative Rules (start at page 19 of the PDF [here](#)) distinguish between the standard birth certificate and the abstract of CONTENT from the

birth certificate ("abbreviated birth certificate", now commonly called the short-form or CertificaTION of Live Birth/COLB). Anybody who requests it is authorized to receive a non-certified copy of a COLB, but only those with a direct and tangible interest are allowed to receive a certified copy of either the COLB or the standard birth certificate.

The rules specifically say that the confidential medical portion of the standard birth certificate will not be released UNLESS SPECIFICALLY REQUESTED. "Public Health Regulations", Chapter 8b, 2.4(B)(d) says:

(d) Confidential information. Information contained in the section headed "Confidential Information for Medical and Health Use Only" or other similar designation shall not be included on a standard certified copy unless specifically requested by an individual named on the certificate or by a court of competent jurisdiction.

Disclosure of the Confidential Medical Portion - even more information than the normal long-form contains - is not forbidden by either HRS 338-18b or the DOH Administrative Rules. Because access to this information is not restricted, it is REQUIRED to be disclosed upon request by someone with a direct and tangible interest.

6. Hawaii's "Uniform Information Practices Act" (UIPA, or HRS 92F) specifically gives individuals access to government-maintained records about them. HRS 92F-21 (seen in context [here](#)) says:

[§92F-21] Individual's access to own personal record. Each agency that maintains any accessible personal record shall make that record available to the individual to whom it pertains, in a reasonably prompt manner and in a reasonably intelligible form. Where necessary the agency shall provide a translation into common terms of any machine readable code or any code or abbreviation employed for internal agency use

That access includes the right to make copies or to have copies made for them. HRS 92F-11 says:

[§92F-11] Affirmative agency disclosure responsibilities. (a) All government records are open to public inspection unless access is restricted or closed by law.

Except as provided in section 92F-13, each agency upon request by any person shall make government records available for inspection and copying during regular business hours; provided that an agency shall not be required to make government records available or respond to a person's subsequent duplicative request, if... ... (d) Each agency shall assure reasonable access to facilities for duplicating records and for making memoranda or abstracts.

In view of all this, look at the wanton lies of Joshua Wisch, former Howard Dean campaign manager who is now the spokesman for HI's attorney general, as [reported](#) by Isikoff:

"It's (the original long-form birth certificate – ed) a Department of Health record and it can't be released to anybody," he said. Nor do state laws have any provision that authorizes such records to be photocopied, Wisch said. If Obama wanted to personally visit the state health department, he would be permitted to inspect his birth record, Wisch said.

But if he or anybody else wanted a copy of their birth records, they would be told to fill out the appropriate state form and receive back the same computer generated "certification of live birth" form that everybody else gets — which is exactly what Obama did four years ago.

Summary: In a desperate, vain attempt to put the “Why doesn’t Obama just disclose his long form?” horse back in the stall after 2+ years of that horse galloping all over the country, the Hawaii government has decided within the past few weeks (since Trump raised the visibility of the issue) to openly break their vital records and open records laws – denying everybody else their lawful right to access their own records and get certified long-forms as required for a variety of legal purposes, all to cover for Obama’s refusal to simply show the long-form that supposedly has the same information as what he has already disclosed publicly.

Who'da guessed it – that Hawaii government officials would break laws – screwing the general American public – in order to try to silence the questions that Obama refuses to answer? Anybody who thought we “birthers” were crazy for saying there is a cover-up going on here and that we have a failure of the rule of law.... here's the evidence right in front of everybody.