

Response to JBJD Rebuttal

JBJD has posted a [rebuttal](#) of my claims regarding the HDP potentially refusing to certify Obama's Constitutional eligibility. The main points of her argument are that:

- 1) The DNC did not mail the HDP and DNC certificates of nomination together in 2008, based on the HI Elections Office telling Justin Riggs that the HDP had actually forwarded them; she seems to imply that they were faxed. Thus, the procedures the HDP followed were not altered in 2008 and my argument is bogus.
- 2) The 2008 election was the first time that the DNC had required the state parties to document state laws, and the DNC wanted that information so the DNC itself could take care of everything legally necessary to get their candidate on the general election ballot in each state. Thus, the DNC took on the responsibility of certifying Constitutional eligibility for all the states which required it – which is why they certified eligibility in Hawaii in 2008 but not in 2004 (leaving it unnecessary for the HDP to certify eligibility in 2008).

Did the HDP follow different protocols in 2008?

I know that the documents were not faxed, because the Elections Office official told me that the HDP Cert, DNC Cert, and Joe Sandler's transmittal letter had all been received in an envelope together. (The upper-left fax time-stamps jbjd referenced actually show that the Elections Office had faxed their response - including the certs and transmittal letter - to moniquemonicat when she requested the documents proving that Obama is Constitutionally eligible, not that the certs themselves were faxed to the Elections Office).

Considering that Sandler's letter of transmittal was addressed to Cronin at the HI Elections Office, all the documents came to the Elections Office in an envelope, and letters of transmittal are usually sent by the people who are transmitting documents, I presumed that Sandler was transmitting the documents via the mail. Apparently he did it through the HDP. Jbjd references an HDP transmittal letter but I've not been able to find that anywhere (The virus on my computer is now redirecting me if I try to get on jbjd's blog to look, or if I click on a Google result, so I can't get either place).

The certifications were either hand-delivered or mailed to the Elections Office in an envelope together, with letter of transmittal from the DNC, about a week after the National Convention.

Is that method of delivery different than in other years? Hard to say because of the lack of date stamps on the certificates. The only cert which has a date stamp is the HDP certificate from 2000, which has a date bleeding through the back showing it was received at the Elections Office the same day it was signed, so it was hand-delivered. (Thus my statement that the HDP hand-delivered their certs.) It is possible that in past years the DNC mailed their certs to the HDP official, the HDP official waited a month to sign their own cert, and then the HDP official hand-delivered both certs to the Elections Office. If so, then the method of delivery would have been the same in 2008 as in other years. The inclusion of a letter of transmittal from the DNC is different in 2008.

But the timing of both the actual signing and delivery of the certs, as well as what the certs contained, are still very different in 2008 than in other years.

In 2008 the HDP signed their cert at the National Convention before the DNC signed theirs, rather than signing theirs a month later as in other years. In 2008 the certs were delivered with a DNC letter of transmittal to the Elections Office within a week of the National Convention, instead of arriving at the Elections Office a month later with no DNC letter of transmittal.

The late convention can account for there not being a month-long delay (by my calculation the certs were due at the Elections Office by 4:30 pm on Sept 9th), but the specific timing of the HDP signing being BEFORE the DNC signed their certification is what is peculiar – especially since the HDP bases their candidate selection on the official candidate of the DNC. The timing of this means that if the content of the certs had been as usual, the HDP would have certified their candidate before the DNC had even officially certified a candidate.

But what the HDP cert contains is different than in other years, which is the main point . If you compare the 2000/2004 certs with the 2008 cert you realize that one line was taken out, leaving a statement that doesn't even make sense.

The language from the 2000/2004 certs:

“THIS IS TO CERTIFY that the following candidates for President and Vice-President of the United States are legally qualified to serve under the provisions of the **United States Constitution and are the duly chosen candidates of both the state and the national Democratic Parties by** balloting at the Presidential Preference Poll and Caucus held”

What is in bold there is the line that was taken out. It leaves out the Constitution (where the legal qualifications are provided) and it leaves out that the candidates were actually duly chosen by the state party – which is a legal requirement for placement on the Hawaii ballot. HRS 11-113 says:

(1) In the case of candidates of political parties which have been qualified to place candidates on the primary and general election ballots, the appropriate official of those parties shall file a sworn application with the chief election officer not later than 4:30 p.m. on the sixtieth day prior to the general election, which shall include:

(A) The name and address of each of the two candidates;

(B) A statement that each candidate is legally qualified to serve under the provisions of the United States Constitution;

(C) A statement that the candidates are the duly chosen candidates of both the state and the national party, giving the time, place, and manner of the selection.

In her rebuttal jbjd says that the “HDP did not add the line...”, as if the line in question was extraneous and they opted to not add it in this time. But what we see is that the “extraneous line” they failed to add actually includes the statement that Obama is the state party’s candidate, which is all the HDP is legally required to state.

As Buttercup from “Princess Bride” would say, “We sort of left out that part...” And as Wesley would respond, “If you didn’t say it you didn’t do it.” The HDP left out the only thing required by state law – a direct statement that the candidate chosen is the STATE PARTY’S duly chosen candidate. If that was a

deliberate action it was very, very stupid because it leaves questions as to whether the legal requirement was ever actually fulfilled.

My hunch is that this was an “oh crap what do we do” kind of a move rather than a deliberate change made by the DNC reviewing the laws and deciding to make changes to make absolute sure that the legal requirements were all met. I know that’s a radical, conspiratorial suggestion (cough), but I’ve had enough of those “oh crap” moments to recognize one when I see it. Lol

The statement that remains is that the candidates are “legally qualified to serve under the provisions of the balloting”. From what I’ve seen, the balloting procedures never state the legal qualifications for President and VP. The DNC by-laws state that the candidates must meet the requirements set forth in the Constitution. IOW, it is the Constitution which provides the qualifications; the balloting and all the provisions for the balloting only give the means for the candidate to be chosen for placement on the ballot.

So the HDP’s actual certification – signed before the DNC had ever certified their candidate – fails to say that Obama and Biden are specifically the candidates of the state party – the whole reason for the cert in the first place - and seems to inaccurately claim that the convention vote itself makes the candidate qualified for the position.

Did the DNC take over the legal requirements for placement on the general election ballot?

1. If they did, they “fixed” the DNC Certification by breaking it. As I showed in my original post on this subject, the initial claim by a DNC source was that they were being “cautious”. If - after for the first time asking the state party for the laws concerning elections - they were being “cautious” to make sure all the state requirements were met, they would never have counseled the HDP to take out their statement that Obama/Biden were the candidates of the state party – since that is the thing that only the HDP could certify.
2. If they did, the angry and closed-mouth response of the HDP to me and to World Net Daily when we asked for information on who made the decision to change the HDP cert and why makes no sense. As soon as I mentioned the certificate of nomination I got sheer venom thrown in my face regarding the “birthers”. If this was a planned transfer of responsibility that was done in advance by the DNC, there is no reason for that reaction or for their continued refusal to clarify what happened and why. I am sure the Hawaii Elections Office and Schulaner are both tired of “birthers” as well, but they were cordial and answered my questions with professionalism. It was a cordial exchange with the HDP worker as well, until I mentioned the Certificate of Nomination.

But when I look at what the DNC actually requested from the state parties’ plans beginning with the 2008 election, I think it had to do with the delegates to the convention, not the general election ballot. Here are the relevant items they requested, from the [link](#) which jbjd provided :

- G. a blank copy of all forms to be filed with the state or State Party by delegate candidates; ...*
- I. a copy of all state statutes reasonably related to the delegate selection process; and*
- J. a copy of any qualifying forms to be filed with the state or the State Party by presidential candidates.*

In Hawaii there is no form that the candidate files. Deputy AG Schulaner told me that the certificate of nomination is considered the application for placement on the ballot. Hawaii doesn't have a primary. So all the HDP was required to provide the DNC was about the legal requirements for actual delegates to the National Convention – not about the general election ballots at all.

I will update my original post to reflect that I don't know whether the method of delivery for the certifications was done differently in 2008. I'm thankful to have the additional information that Justin Riggs had found out; based on what the Elections official had told me I would never have guessed that the envelope with Sandler's transmittal letter was actually from the HDP. The more information we have, the better. I will also add a link to this post with a reference to jbjd's claim that she rebutted my argument. People can see all the arguments and come to their own conclusions.