OBJECTION # 3

IN RE OBAMA

Ryan Kriegshauser

From: Tom Treacy on behalf of WEB SOS
Sent: Monday, September 10, 2012 4:36 PM
To: Bryan Caskey
Cc: Ryan Kriegshauser
Subject: FW: Formal objectino to Barack Obama's Certificate of Nomination

See forwarded email below...

TOM TREACY
Assistant to the Secretary of State

Kansas Secretary of State Office
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From: Joe[redacted]
Sent: Monday, September 10, 2012 4:34 PM
To: WEB SOS
Subject: Formal objectino to Barack Obama's Certificate of Nomination

I wish to file a formal objection to the certificate of nomination for Barack Obama under KSA 25-308, given an allowance that two calendar days following the date of the document's filing (Sept. 6) fell upon a Saturday and Sunday, limiting the ability to access the document and to access the office of the Secretary of State. I file this objection with an expectation of consistency under Chapter 25 Article 3, which makes filing exceptions for Saturdays and Sundays (see KSA 25-305).

I contest the nomination of Barack Obama under KSA 25-1436(a) as referenced through KSA 25-308(e): " The causes for objection under this section as to any office may be any of those causes listed in K.S.A. 25-1346, and amendments thereto." Part A of article 1436 says: "(a) The person to whom a certificate of election was issued was ineligible to hold such office at the time of the election;" or in this case, at the time of the nomination.

Barack Obama is ineligible through multiple legal precedents established, held and affirmed by the United States Supreme Court. Despite popular misconceptions reported in the media, the U.S. Supreme Court has consistently ruled that the eligibility requirement for the office of president requires persons to be born in this country to parents who are both U.S. citizens, primarily to a U.S. citizen father. This definition was established in the landmark ruling, Minor v. Happersett, in 1875 which said:

Exhibit No. 000103

> "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."

There has been legal confusion in some other state's administrative courts that a subsequent ruling, U.S. v. Wong Kim Ark (1898), somehow changed the definition of natural-born citizen so as to apply to anyone and everyone who is born in the U.S. without regard to the citizenship of the parents. This is simply not true. That decision, while establishing such a definition for 14th amendment citizenship at birth, made a clear distinction in adhering to and by affirming the Minor ruling in saying that the Constution does not say who shall be natural-born citizens. This means that the 14th amendment does not define natural-born citizenship.

> In *Minor v. Happersett,* Chief Justice Waite, when construing, in behalf of the court, the very provision of the Fourteenth Amendment now in question, said: "The Constitution does not, in words, say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that."

There is further unanimous legal precedent that Minor v. Happersett and not U.S. v. Wong Kim Ark defines natural-born citizenship, specifically in reference to presidential eligibility. This precedent is in the 1913 ruling, Luria v. United States, when the court exclusively cited Minor, with no mention of the Wong Kim Ark ruling, even though it was a more recent ruling and could have been cited if it was the controlling decision. Obviously the Supreme Court did not think it was.

Under our Constitution, a naturalized citizen stands on an equal footing with the native citizen in all respects save that of eligibility to the Presidency. **Minor v. Happersett**, 21 Wall. 162, 88 U. S. 165; Elk v. Wilkins, 112 U. S. 94, 112 U. S. 101; Osborn v. Bank of United States, 9 Wheat. 738, 22 U. S. 827.

In each of these Supreme Court decisions, as well as variety of others such as The Venus, Shanks v. Dupont, Ex Parte Reynolds, Perkins v. Elg; all natural citizenship at birth is due strictly to birth on U.S. soil to citizen parents. The 14th amendment does not redefine this type of citizenship, and it cannot do so because naturalized citizens have all the same rights as 14th amendment birth citizens through the equal protection clause. This is why the Luria decision did NOT cite Wong Kim Ark to define presidential eligibility. To do so would have meant that naturalized citizens would be eligible for president. Instead, the Luria ruling affirms that the criteria for natural-born citizenship for presidential eligibility is defined outside of the 14th amendment and outside of the Constitution. Instead, it falls under the law of nations rule of native citizenship (as cited in The Venus decision and in U.S. v. Wong Kim Ark, among others), which is due to birth within a country to parents who are citizens. Our nation's founders wanted to prevent our president from having any citizenship conflicts due to parents who were not citizens and who did not intend to become citizens.

Barack Obama, according to multiple sources, was not born to a citizen father. His father was never even admitted to this country as a resident alien. Barack Obama Sr. retained his British and Kenyan citizenship and passed them onto his son, which Mr. Obama has publicly claimed on his Fight the Smears website. The Supreme Court specified that natural-born citizenship inherently excludes dual citizenship through a citation in U.S. v Wong Kim Ark (which was citing U.S. v Rhodes, noting that one could only be a British subject or a natural-born citizen, and not hold both citizenships):

> All persons born in the allegiance of the King are natural-born subjects, and all persons born in the allegiance of the United States are natural-born citizens.

Despite several lawsuits challenging Mr. Obama's Constitutional eligibility and place of birth, Mr. Obama has failed to provide any valid, certified documentary evidence to legally establish birth in this country, much less to citizen parents. Further there is substantial evidence showing that much of Mr. Obama's alleged birth certificates have been forged or doctored, and have not been confirmed as legally valid, true and accurate. In terms of the legal precedent expressed by the U.S. Supreme Court, this doesn't matter, We have a longstanding legal precedent through the U.S. Supreme Court, which is our nation's highest judicial authority. Under the court's definition, Barack Obama is not Constitutionally eligible for the office of president. The appearance of his name on any ballot is unconstitutional and illegitimate. As a registered voter in the state of Kansas with the

statutory right to objection to this nomination, I ask that Mr. Obama's name be excluced and/or removed from any and all Kansas ballots, and I further request through this objection that any votes cast for this candidate, either by registered voters or by the Kansas electoral college, are not counted.

Thank you.

Joe Montgomery
[redacted]

From: Bryan Caskey <Bryan.Caskey@sos.ks.gov>
To [redacted]
Sent: Monday, September 10, 2012 3:36 PM
Subject: Certificate of Nomination - public inspection

Dear Mr. Montgomery:

Thank you for contacting the Kansas Secretary of State's office.

The 2012 certificate of nomination for President Barack Obama and Vice President Joe Biden is public record. I have attached the certificate to this email. If you have additional questions or need further assistance, please contact me.

Sincerely,

BRYAN A. CASKEY | Assistant State Election Director
Kansas Secretary of State | 785-296-3488 P | 785-291-3051 F | www.sos.ks.gov
Memorial Hall, 1st Floor | 120 S.W. 10th Avenue | Topeka, KS 66612-1594

From: *Joe* [redacted]
Sent: *Monday, September 10, 2012 3:26 PM*
To: *WEB SOS*
Subject: *Certificate of Nomination - public inspection*

Hi, I'm curious, through K.S.A. 25-306c., if a certificate of nomination for candidates Barack Obama and Joe Biden is available for public inspection through electronic means. If I understand correctly, this document would have been filed last Thursday. Is it possible to view a scan of that document?

Thanks!

Joe Montgomery
Manhattan, Kansas

Exhibit No. 000105

Objection to the Certificate of Nomination of Barack Obama to appear on Kansas General Election Ballot – filed by Joe Montgomery, Manhattan

This document is to submit a formal objection to the certificate of nomination for Barack Obama under KSA 25-308, specifically through KSA 25-1436(a) as referenced through KSA 25-308(e): "The causes for objection under this section as to any office may be any of those causes listed in K.S.A. 25-1346, and amendments thereto." Part A of article 1436 says: "(a) The person to whom a certificate of election was issued was ineligible to hold such office at the time of the election;" or in this case, at the time of the nomination.

A. **Barack Obama is ineligible through multiple legal precedents established, held and affirmed by the United States Supreme Court.** Despite popular misconceptions reported in the media, the U.S. Supreme Court has consistently ruled that the eligibility requirement for the office of president requires persons to be born in this country to parents who are both U.S. citizens, although more specifically to a U.S. citizen father. This definition was established in the landmark ruling, **Minor v. Happersett**, in 1875 which 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."

B. **There is misinformation and legal confusion that a subsequent ruling, U.S. v. Wong Kim Ark (1898), somehow changed the definition of natural-born citizen** so as to apply to anyone and everyone who is born in the U.S. without regard to the citizenship of the parents. This is simply not true. That decision, while establishing such a definition for 14th amendment citizenship at birth, made a clear distinction in adhering to and by affirming the Minor ruling in saying that the Constitution does not say who shall be natural-born citizens. This means that the 14th amendment does not define natural-born citizenship.

> In **Minor v. Happersett**, Chief Justice Waite, when construing, in behalf of the court, the very provision of the Fourteenth Amendment now in question, said: "The Constitution does not, in words, say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that."

C. **There is a unanimous legal precedent that Minor v. Happersett and not U.S. v. Wong Kim Ark defines natural-born citizenship, specifically in reference to presidential eligibility.** This precedent is in the 1913 ruling, **Luria v. United States**, when the court exclusively cited Minor, with no mention of the Wong Kim Ark ruling, even though it was a more recent ruling and could have been cited if it was the controlling decision. Obviously the Supreme Court did not think it was.

> Under our Constitution, a naturalized citizen stands on an equal footing with the native citizen in all respects save that of eligibility to the Presidency. **Minor v. Happersett**, 21 Wall. 162, 88 U. S. 165; Elk v. Wilkins, 112 U. S. 94, 112 U. S. 101; Osborn v. Bank of United States, 9 Wheat. 738, 22 U. S. 827.

In each of these Supreme Court decisions, as well as variety of others such as The Venus, Shanks v. Dupont, Ex Parte Reynolds, Perkins v. Elg (see Appendices attached) all natural citizenship at birth is due strictly to birth on U.S. soil to citizen parents. The 14th amendment does not redefine this type of citizenship, and it cannot do so because naturalized citizens have all the same rights as 14th amendment birth citizens through the equal protection clause. This is why the Luria decision did NOT cite Wong Kim Ark to define presidential eligibility. To do so would have meant that naturalized citizens would be eligible for president. Instead, the Luria ruling affirms that the criteria for natural-born citizenship for presidential eligibility is defined outside of the 14th amendment and outside of the Constitution. Instead, it falls under the law of nations rule of native citizenship (as cited in The Venus decision and in U.S. v. Wong Kim Ark, among others), which is due to birth within a country to parents who are citizens. Our nation's founders wanted to prevent our president from having any citizenship conflicts due to parents who were not citizens and who did not intend to become citizens.

D. **Barack Obama, according to multiple sources (including Mr. Obama's alleged Certification of Live Birth), was not born to a citizen father.** His father was never even admitted to this country as a resident alien (see Attached documentation in Appendix D). Barack Obama Sr. retained his British and Kenyan citizenship and passed them onto his son, which Mr. Obama has publicly claimed on his Fight the Smears website (which has now been removed). The citation said:

> When Barack Obama Jr. was born on Aug. 4,1961, in Honolulu, Kenya was a British colony, still part of the United Kingdom's dwindling empire. As a Kenyan native, **Barack Obama Sr. was a British subject whose citizenship status was governed by The British Nationality Act of 1948. That same act governed the status of Obama Sr.'s children**.

E. **The Supreme Court specified that natural-born citizenship inherently excludes dual citizenship** through a citation in U.S. v Wong Kim Ark (which was citing U.S. v Rhodes, noting that one could only be a British subject or a natural-born citizen, and not hold both citizenships):

> All persons born in the allegiance of the King are natural-born subjects, and all persons born in the allegiance of the United States are natural-born citizens.

F. Despite several lawsuits challenging Mr. Obama's Constitutional eligibility and place of birth, **Mr. Obama has failed to provide any valid, certified documentary evidence to legally establish birth in this country, much less to citizen parents**. Further there is substantial evidence showing that much of Mr. Obama's alleged birth certificates have been forged or doctored, and have not been confirmed as legally valid, true and accurate. In terms of the legal precedent expressed by the U.S.

Supreme Court, this doesn't matter. We have a longstanding legal precedent through the U.S. Supreme Court, which is our nation's highest judicial authority. Under the Supreme Court's definition, Barack Obama is not constitutionally eligible for the office of president. The appearance of his name on any ballot is unconstitutional and illegitimate. The state of Kansas has the right and responsibility through Article I of the Constitution and through the 10th amendment to administer the general election held and to uphold Article II of the Constitution in administering the state's ballots.

G. **As a registered voter in the state of Kansas with the statutory right to objection to this nomination**, I ask that Mr. Obama's name be excluded and/or removed from any and all Kansas ballots, and I further request through this objection that any votes cast for this candidate, either by registered voters or by the Kansas electoral college, are not counted.

Appendix A: Caselaw - U.S. Supreme Court Cases that define presidential eligibility and natural-born citizenship as pertains to the Article II requirement for office

1. Luria v. United States, 231 U.S. 9 (1913)
   Argued April 23, 1913, Decided October 20, 1913, 231 U.S. 9

   (Note: This case specifies that presidential eligibility was addressed in previous Supreme Court case, most notably in Minor v. Happersett. It makes a distinction between naturalized and native citizens by pointing to Minor and others, but NOT to Wong Kim Ark. Minor defined native citizens as those born in the country to citizen parents. Because of the equal protection clause, naturalized citizens should have the same rights as native citizens under the 14th amendment, which would include presidential eligibility, but the court effectively denies this possibility by pointing to a decision that defined natural-born citizenship OUTSIDE of the 14th amendment. Wong Kim Ark defined native citizenship via the 14th amendment by requiring permanent residence and domicil to satisfy the 14th amendment. Children born to citizen parents, as was noted by Minor, do NOT need the 14th amendment in order to be U.S. citizens.)

   Citizenship is membership in a political society, and implies a duty of allegiance on the part of the member and a duty of protection on the part of the society. These are reciprocal obligations, one being a compensation for the other. Under our Constitution, a naturalized citizen stands on an equal footing with the native citizen in all respects save that of eligibility to the Presidency. **Minor v. Happersett**, 21 Wall. 162, 88 U. S. 165; Elk v. Wilkins, 112 U. S. 94, 112 U. S. 101; Osborn v. Bank of United States, 9 Wheat. 738, 22 U. S. 827.

   http://supreme.justia.com/cases/federal/us/231/9/case.html

2. Minor v. Happersett
   Argued: February 9, 1875 --- Decided: March 29, 1875

(Note: Virginia Minor, from Missouri, was suing for women's suffrage on the basis of equal protection and by being a citizen of the United States through the 14th amendment. The Court rejected her argument by explaining she was already a natural-born citizen, which ironically would have given her the right to run for president. The court says there are no doubts about the citizenship of natural-born citizens because they are born in the country to citizen parents, but that there are doubts about those who are born in the country without reference to the citizenship of their parents. It separates these into two classes of citizens, but only one of the classes is characterized as natural-born. This was a unanimous decision and there was no disagreement that the 14th amendment did not confer citizenship to V. Minor. The court discussed other ways persons could become citizens, but in the end, they could find no right to vote by virtue of being a citizen, thus no reason to apply the equal protection clause.)

> The Constitution does not, in words, say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that. 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 [p168] parents. As to this class there have been doubts, but never as to the first. For the purposes of this case it is not necessary to solve these doubts. It is sufficient for everything we have now to consider that all children born of citizen parents within the jurisdiction are themselves citizens.
>
> - - -
>
> **The fourteenth amendment did not affect the citizenship of women any more than it did of men**. In this particular, therefore, the rights of Mrs. Minor do not depend upon the amendment. She has always been a citizen from her birth, and entitled to all the privileges and immunities of citizenship. The amendment prohibited the State, of which she is a citizen, from abridging any of her privileges and immunities as a citizen of the United States; but **it did not confer citizenship on her**.
>
> http://www.law.cornell.edu/supct/html/historics/USSC_CR_0088_0162_ZO.html

3. United States v. Wong Kim Ark
   APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF CALIFORNIA, No. 18 Argued: March 5, 8, 1897 --- Decided: March 28, 1898

(Note: Wong Kim Ark was born to Chinese nationals who immigrated to the U.S. (Obama's father was not an immigrant, and his mother was an emigrant, divorcing Obama Sr. before he was deported, but later marrying an Lolo Soetoro with who she moved to Indonesia.). Ark was claiming to be a native citizen through the 14th

amendment, but a treaty with China barred Chinese nationals and their children from becoming citizens of foreign countries. In a split decision, the court reviewed English common law on citizenship at great length, and concluded that with permanent residence and domicil being used to satisfy the "subject to the jurisdiction of the United States" clause, the children of such aliens could become citizens by birth. The court did maintain an exclusion for the children of Indians, foreign ministers and enemy combatants, but the court did not redefine natural-born citizenship. Instead it affirmed the Minor decision by saying it relied on a definition of natural-born citizenship that falls outside of the 14th amendment (which it quoted verbatim), and then by giving the holding in Minor on the basis of being born to citizen parents.

It also cites a ruling that says the one can either be born a U.S. citizen or born a citizen of Great Britain when the parents remain loyal to British citizenship. Obama's father was asked to leave this country. He was never admitted as a permanent resident and he adhered to British citizenship. This explains why Obama's own website quoted text that said his citizenship was governed by the British Nationality Act of 1948). In the citations below, Justice Horace Gray defers to the unanimous Minor decision in showing how it defined natural-born citizen as a separate class from those who might be considered "native" citizens. When it says the Constitution does not say who shall be natural-born citizens, this means the 14th amendment does not define natural-born citizens. In another quote it shows that the children of aliens, whether white or black, were not considered as being subject to the jurisdiction UNLESS they were permanently domiciled in the U.S. This would exclude the child of an alien who was not admitted into this country as a permanent resident. I have highlighted, too, where it says the 14th amendment ONLY applies to the children born here of resident aliens. Mr. Obama was not.)

In Minor v. Happersett, Chief Justice Waite, when construing, in behalf of the court, the very provision of the Fourteenth Amendment now in question, said: "**The Constitution does not, in words, say who shall be natural-born citizens**. Resort must be had elsewhere to ascertain that."

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That neither Mr. Justice Miller nor any of the justices who took part in the decision of The Slaughterhouse Cases understood the court to be committed to the view that **all children born in the United States of citizens or subjects of foreign States were excluded from the operation of the first sentence of the Fourteenth Amendment** is manifest from a unanimous judgment of the Court, delivered but two years later, while all those judges but Chief Justice Chase were still on the bench, in which Chief Justice Waite said: "Allegiance and protection are, in this connection" (that is, in relation to citizenship),

> reciprocal obligations. The one is a compensation for the other: allegiance for protection, and protection for allegiance. . . . 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 [p680] 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. For the purposes of this case, it is not necessary to solve these doubts. It is sufficient for everything we have now to consider that all children born of citizen parents within the jurisdiction are themselves citizens.

Minor v. Happersett (1874), 21 Wall. 162, 166-168. The decision in that case was that **a woman born of citizen parents** within the United States was a citizen of the United States, although not entitled to vote, the right to the elective franchise not being essential to citizenship.

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In United States v. Rhodes (1866), Mr. Justice Swayne, sitting in the Circuit Court, said:

All persons born in the allegiance of the King are natural-born subjects, and all persons born in the allegiance of the United States are natural-born citizens. Birth and allegiance go together. Such is the rule of the common law, and it is the common law of this country, as well as of England. . . . We find no warrant for the opinion [p663] that this great principle of the common law has ever been changed in the United States. It has always obtained here with the same vigor, and subject only to the same exceptions, since as before the Revolution.

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In a very recent case, the Supreme Court of New Jersey held that a person born in this country of Scotch parents who were domiciled but had not been naturalized here was "subject to the jurisdiction of the United States" within the meaning of the Fourteenth Amendment, and was "**not subject to any foreign power**" within the meaning of the Civil Rights Act of 1866; and, in an opinion delivered by Justice Van Syckel with the concurrence of Chief Justice Beasley, said:

> The object of the Fourteenth Amendment, as is well known, was to confer upon the colored race the right of citizenship. It, however, gave to the colored people no right superior to that granted to the white race. The ancestors of all the colored people then in the United States were of foreign birth, and could not have been naturalized or in any way have become entitled to the right of citizenship. **The colored people were no more subject to the jurisdiction of the United States, by reason of their birth here, than were the white children born in this country of parents who were not citizens.** The same rule must be applied to both races, and unless the general rule, that, when the parents are domiciled here, birth establishes the right to citizenship, is accepted, the Fourteenth Amendment has failed to accomplish its purpose, and the colored people are not citizens. The Fourteenth Amendment, by the language, "all persons born in the United States, and subject to the jurisdiction thereof," was intended [p693] to bring all races, without distinction of color, within the rule which prior to that time pertained to the white race.
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> Benny v. O'Brien (1895), 29 Vroom (58 N.J.Law), 36, 39, 40.

The foregoing considerations and authorities irresistibly lead us to these conclusions: the Fourteenth Amendment affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country, including **all children here born of resident aliens**, with the exceptions or qualifications (as old as the rule itself) of children of foreign sovereigns or their ministers, or born on foreign public ships, or of enemies within and during a hostile occupation of part of our territory, and with the single additional exception of children of members of the Indian tribes owing direct allegiance to their several tribes. The Amendment, in clear words and in manifest intent, includes the children born, within the territory of the United States, of all other persons, of whatever race or color, **domiciled within the United States**. Every citizen or subject of another country, while domiciled here, is within the allegiance and the protection, and consequently subject to the jurisdiction, of the United States. His allegiance to the United States is direct and immediate, and, although but local and temporary, continuing only so long as he remains within our territory, is yet, in the words of Lord Coke in Calvin's Case, 7 Rep. 6a, "strong enough to make a natural subject, for if he hath issue here, that issue is a natural-born subject;" and his child, as said by Mr. Binney in his essay before quoted, "if born in the country, is as much a citizen as the natural-born child of a citizen, and by operation of the same principle."

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0169_0649_ZO.html

(Note: The dissent agreed that the children of resident aliens could become citizens at birth through the 14th amendment, but it made the same distinction as the majority in defining natural-born citizens by birth to citizen parents, citing Emmerich de Vattel, author of "Law of Nations," a legal source frequently cited by the Supreme Court.)

From the dissent in U.S. v. Wong Kim Ark:

Before the Revolution, the view of the publicists had been thus put by Vattel:

The natives, or **natural-born citizens**, are those **born in the country of parents who are citizens**. As the society cannot exist and perpetuate itself otherwise than by the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights. The society is supposed to desire this in consequence of what it owes to its own preservation, and it is presumed as matter of course that each citizen, on entering into society, reserves to his children the right of becoming members of it. **The country of the fathers is therefore that of the children, and these become true citizens merely by their tacit consent.**

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0169_0649_ZD.html

4. The Venus, 12 U.S. 8 Cranch 253 253 (1814)
APPEAL FROM THE CIRCUIT COURT FOR THE DISTRICT OF MASSACHUSETTS

(Note: This decision is cited to show that the Supreme Court relied on Vattle and the "Law of Nations" to define questionable citizenship. You'll see he is quoted for both domicile, permanent residence and natural citizenship at birth. This is why the Minor decision says this is the "nomenclature" known to the founders of our country. Also, it notes that there are differences in the rights of citizens, especially the native citizens, which in their terminology only meant those born to citizen parents.)

The writers upon the law of nations distinguish between a temporary residence in a foreign country for a special purpose and a residence accompanied with an intention to make it a permanent place of abode. The latter is styled by Vattel "domicile," which he defines to be, "a habitation fixed in any place, **with an intention of always staying there**." Such a person, says this author, becomes a member of the new society, at least as **a permanent inhabitant**, and is **a kind of citizen of an inferior order from the native citizens**, but is nevertheless united and subject to the society **without participating in all its advantages**. This right of domicile, he continues, is not established unless the person makes sufficiently known his intention of fixing there, either tacitly or by an express declaration.

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Vattel, who, though not very full to this point, is more explicit and more satisfactory on it than any other whose work has fallen into my hands, says

"The citizens are the members of the civil society; bound to this society by certain duties, and subject to its authority, they equally participate in its advantages. **The natives or indigenes are those born in the country of parents who are citizens**. Society not being able to subsist and to perpetuate itself but by the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights."

"The inhabitants, as distinguished from citizens, are strangers who are permitted to settle and stay in the country. Bound by their residence to the society, they are subject to the laws of the state while they reside there, and they are obliged to defend it because it grants them protection, though they do not participate in all the rights of citizens. They enjoy only the advantages which the laws or custom gives them. The perpetual inhabitants are those who have received the right of perpetual residence. These are a kind of citizens of an inferior order, and are united and subject to the society, without participating in all its advantages."

http://supreme.justia.com/cases/federal/us/12/253/case.html

5. Inglis v. Trustees of Sailor's Snug Harbor, 28 U.S. 3 Pet. 99 99 (1830)
ON POINTS OF DISAGREEMENT CERTIFIED BY JUDGES OF THE CIRCUIT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

(Note: This is a decision that notes that the loyalty of the father determines the citizenship of the child. They did not believe in the idea that simply being born on the soil would make someone a U.S. citizen, UNLESS the parent declared an intention to become a permanent resident. Note how the court cites Vattel again.)

The question then arises as to what was the operation of the treaty upon his son, the demandant, who was then an infant of tender years and incapable of any election on his own part. It appears to me that upon principles of public law as well as of the common law, he must if born a British subject, be deemed to adhere to, and retain the national allegiance of his parents at the time of the treaty. **Vattel considers the general doctrine to be that children generally acquire the national character of their parents**, Vattel, B. 1, ch. 19. sec. 212, 219, and it is certain, both by the common law and the statute law of England, that the demandant would be deemed a British subject.

- - -

That if he was born after 4 July, 1776, and before 15 September, 1776, he was born an American citizen, and that it makes no difference in this respect whether or not parents had at the time of his birth elected to become citizens of the State of New York **by manifesting an intention of becoming permanently members** thereof in the sense which I have endeavored to explain.

- - -

That if the demandant was born after 15 September, 1776, and could be deemed (as I cannot admit) a citizen of the State of New York in virtue of his parents having, before the time of his birth, elected to become citizens of that state, still **his national character was derivative from his parents**, and was under the peculiar circumstances of this case, liable to be changed during the Revolutionary War, and that **if his parents reverted to their original character as British subjects and adhered to the British Crown, his allegiance was finally fixed with theirs** by the treaty of peace.

http://supreme.justia.com/cases/federal/us/28/99/case.html

6. Shanks v. Dupont, 28 U.S. 3 Pet. 242 242 (1830)
ERROR TO THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA

(Note: This decision has some of the same issues as Inglis, but it specifically relies on a treaty to say those who are "native or otherwise" become citizens depending on the allegiance of the parents. If they were loyal to Britain, they were British subjects. If they were loyal to the United States, the children would be natural-born citizens. This shows that the founders believed you could be born on U.S. soil and NOT automatically be a U.S. citizen. Under this treaty,

Mr. Obama would be a British subject, which again, echoes what he cited on his website about his citizenship being governed by a British nationality act. Further, note the passage about "femes covert" (or married woman) did not have their citizenship protected under public law, but under principles of the "Law of Nations," which says children follow the citizenship of the father.)

The Treaty of 1783 acted upon the state of things as it existed at that period. It took the actual state of things as its basis. All those, **whether natives or otherwise**, who then adhered to the American states were virtually absolved from all allegiance to the British Crown; all those **who then adhered to the British Crown were deemed and held subjects of that Crown**. The treaty of peace was a treaty operating between states and the inhabitants thereof.

The incapacities of femes covert provided by the common law apply to their civil rights, and are for their protection and interest. But they do not reach their political rights nor prevent their acquiring or losing a national character. **These political rights do not stand upon the mere doctrines of municipal law, applicable to ordinary transactions, but stand upon the more general principles of the law of nations.**

- - -

If Ann Scott was of age before December, 1782, as she remained in South Carolina until that time, her birth and residence must be deemed to constitute her, by election, a citizen of South Carolina while she remained in that state. If she was not of age then, under the circumstances of this case, she might well be deemed to hold the citizenship of her father, for **children born in a country, continuing while under age in the family of the father, partake of his natural character as a citizen of that country**.

http://supreme.justia.com/cases/federal/us/28/242/case.html

7. U.S. Supreme Court
LOCKWOOD, EX PARTE, 154 U.S. 116 (1894)

(Note: This decision cites Minor and references very clearly that persons born in the country to citizen parents do not need the 14th amendment to be citizens, because they have always been considered citizens, as much before the adoption of the amendment, as since. This shows how the 14th amendment did not affect the citizenship or definition of natural-born citizenship.)

In Minor v. Happersett, 21 Wall. 162, this court held that the word 'citizen' is often used to convey the idea of membership in a nation, and, in that sense, **women, if born of citizen parents within the jurisdiction of the United States, have always been considered citizens of the United States, as much so before the adoption of the fourteenth amendment of the constitution as since**; but that the right of suffrage was not necessarily one of the privileges or immunities of citizenship before the adoption of

the fourteenth amendment, and that amendment did not add to these privileges and immunities. Hence, that a provision in a state constitution which confined the right of voting to male citizons of the United States was no violation of the federal constitution.

http://caselaw.lp.findlaw.com/cgi-in/getcase.pl?friend=nytimes&court=us&vol=154&invol=116

8. Perkins v. Elg, 307 U.S. 325 (1939)

(Note: Even in a more modern case, the court is consistent that when the parents are citizens, with two examples of parents who naturalized before the birth of their children, then the children are "native" or "natural born" citizens. The court has always been consistent on this.)

The question is whether the plaintiff, Marie Elizabeth Elg. who was **born in the United States of Swedish parents then naturalized** here, has lost her citizenship and is subject to deportation because of her removal during minority to Sweden, it appearing that her parents resumed their citizenship in that country but that she returned here on attaining majority with intention to remain and to maintain her citizenship in the United States.

Miss Elg was born in Brooklyn, New York, on October 2, 1907. Her parents, who were natives of Sweden, emigrated to the United States sometime prior to 1906, and **her father was naturalized here in that year**. In 1911, her mother took her to Sweden, where she continued to reside until September 7, 1929.

- - -

The court below, properly recognizing the existence of an actual controversy with the defendants (Aetna Life Ins. Co. v. Haworth, 300 U. S. 227), declared Miss Elg "to be a **natural born citizen of the United States**," and we think that the decree should include the Secretary of State as well as the other defendants.

- - -

The facts were these: one Steinkauler, a Prussian subject by birth, emigrated to the United States in 1848, **was naturalized in 1854, and in the following year had a son** who was born in St. Louis. Four years later, Steinkauler returned to Germany, taking this child, and became domiciled at Weisbaden, where they continuously resided. When the

son reached the age of twenty years, the German Government called upon him to report for military duty, and his father then invoked the intervention of the American Legation on the ground that **his son was a native citizen** of the United States.

http://supreme.justia.com/cases/federal/us/307/325/case.html

Appendix B: Legal mistakes made by a state appeals court in a challenge against Mr. Obama

Ankeny v. Daniels
COURT OF APPEALS OF INDIANA, Nov. 12, 2009

(Note: The plaintiffs in the case were challenging that the governor of Indiana failed to verify the constitutional eligibility of both McCain and Obama. While the plaintiffs were correct on the legal issues, they were found not to have cited enough case law. I've used the cues in this case to specifically introduce consistent Supreme Court precedents, and I'm going to show where this case errs, and why it should not be followed, especially since the Supreme Court supersedes state courts.

In the following quotes, the Indiana Appeals Court tries to downplay citations to Vattel, yet in Appendix A, I've shown how the highest court in this nation has cited Vattel and/or "Law of Nations" in at least four different decisions pertaining to U.S. citizenship. The citations to nineteenth century congressional debate were actually quotes from the authors of the 14th amendment, but the Indiana court felt that it was not significant, despite its own reliance on the 14th amendment to reject the appeal.)

The bases of the Plaintiffs ‟ arguments come from such sources as FactCheck.org, The Rocky Mountain News, an eighteenth century treatise by Emmerich de Vattel titled "The Law of Nations," and various citations to nineteenth century congressional debate.[11]

[11] Plaintiffs do not provide pinpoint citations to the congressional debate quotations to which they cite.

(Note: In the passage below, the court notes the two different references to citizenship from the Constitution and then cites Minor, ignoring that it says the 14th amendment does not say who shall be natural-born citizens. This court tries to make the case that the citizenship of those persons born to alien parents was left open for being natural-born citizens, but this is incorrect, because the characterization was exclusively applied to only one class of citizens: those born to citizen parents. There would be no reason to do this if the characterization could apply to anyone and everyone born in the U.S.)

Section 1 of the Fourteenth Amendment to the U.S. Constitution governs who is a citizen of the United States. It provides that "[a]ll persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States . . . ." U.S. CONST. amend XIV, § 1. Article II has a special requirement to assume the Presidency: that the person be a "natural born Citizen." U.S. CONST. art. II, § 1, cl. 4. The United States Supreme Court has read these two provisions in tandem and held that "[t]hus new citizens may be born or they may be created by naturalization." Minor v. Happersett, 88 (21 Wall.) U.S. 162, 167 (1874**). In Minor, written only six years after the**

Fourteenth Amendment was ratified, the Court observed that: "The Constitution does not, in words, say who shall be natural-born citizens. … 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. For the purposes of this case it is not necessary to solve these doubts."

Thus, the Court left open the issue of whether a person who is born within the United States of alien parents is considered a natural born citizen.[12]

(Note: The court footnotes its rationale for claiming this issue was left open, but a reading of Minor shows that the court contemplated ALL scenarios that were known at the time for becoming citizens.)

[12] Note that the Court in Minor contemplates only scenarios where both parents are either citizens or aliens, rather in the case of President Obama, whose mother was a U.S. citizen and father was a citizen of the United Kingdom.

(Note: The passage below draws an invisible conclusion that the court admits by way of footnote is not supported by the actual decision it cites. It also says the difference between natural born and naturalized is somehow irrelevant and immaterial. This is contradicted in Luria v. United States, which says the difference is material to presidential eligibility. And by law, in Kansas KSA 25-1436(a), eligibility is material for challenges to certifications of nominations and elections. There is a material difference to voters because the natural-born citizenship requirement exists to prevent conflicts of interest with persons who have ties to other countries. Below, the Indiana court says that the Wong Kim Ark decision NEVER declared Ark to be a natural-born citizen, so there is NO guidance for believing that being born in the country is sufficient for being a natural-born citizen. He might have been technically eligible to run for Congress, but NOT for president. In contrast, Virginia Minor would have been eligible for president. Mr. Obama is not.)

Based upon the language of Article II, Section 1, Clause 4 and the guidance provided by Wong Kim Ark, we conclude that persons born within the borders of the United States are "natural born Citizens" for Article II, Section 1 purposes, regardless of the citizenship of their parents.

[14] We note the fact that the Court in Wong Kim Ark did not actually pronounce the plaintiff a "natural born Citizen" using the Constitution's Article II language is immaterial. For all but forty-four people in our nation's history (the forty-four Presidents), the dichotomy between who is a natural born citizen and who is a naturalized citizen under the Fourteenth Amendment is irrelevant. The issue addressed in Wong Kim Ark was whether Mr. Wong Kim Ark was a citizen of the United States on the basis that he was born in the United States. Wong Kim Ark, 169 U.S. at 705, 18 S. Ct. at 478.

(Note: Below the Indiana court tries again to diffuse the validity of the plaintiffs' citations. In this brief, I've listed the Supreme Court in several citations as the ultimate, consistent authority behind my objection. The Indiana court said the Ankeny citations conflicted with the Supreme Court's interpretation of what it means to be a natural-born citizen, but this simply is not true. The Indiana court failed to cite Luria v. United States or the many other decisions I have cited. They failed to recognize that Minor considered other scenarios for becoming citizens, but only characterized one of those scenarios exclusively as natural-born. And the Indiana court failed to acknowledge that the Wong Kim Ark decision affirmed the Minor definition of NBC, which I showed in the previous appendix.)

The Plaintiffs do not mention the above United States Supreme Court authority in their complaint or brief; they primarily rely instead on an eighteenth century treatise and quotations of Members of Congress made during the nineteenth century. To the extent that these authorities conflict with the United States Supreme Court's interpretation of what it means to be a natural born citizen, we believe that the Plaintiffs' arguments fall under the category of "conclusory, non-factual assertions or legal conclusions" that we need not accept as true when reviewing the grant of a motion to dismiss for failure to state a claim.

http://www.in.gov/judiciary/opinions/pdf/11120903.ebb.pdf

Appendix C: Federal Rules of Evidence, self-authenticating documents and Obama's failure to produce any self-authenticating documents.

(Note: Below is a citation from the Federal Rules of Evidence. Under this rule, Obama's alleged birth certificates would be considered self-authenticating, but that's if he actually produced any in a court of law where they could be physically inspected for authenticity and/or challenged. So far, he has refused. There have been recent findings in the news that suggest Mr. Obama's records have been forged or doctored, which would explain why Mr. Obama refuses to produce said documentation in a court of law.)

1. Rule 902. Evidence That Is Self-Authenticating

   (4) Certified Copies of Public Records. A copy of an official record — or a copy of a document that was recorded or filed in a public office as authorized by law — if the copy is certified as correct by:

   (A) the custodian or another person authorized to make the certification; or

   (B) a certificate that complies with Rule 902(1), (2), or (3), a federal statute, or a rule prescribed by the Supreme Court.

   http://www.law.cornell.edu/rules/fre/rule_902

2. Hollister v. Soetoro,United States District Court for the District of Columbia

   (Note: The following citation shows a very odd footnote. In it, Mr. Obama's counsel references websites for judicial notice regarding Mr. Obama's alleged Certification of Live Birth. Mr. Obama claimed to have this document in his possession, which should have been submitted with the motion. The failure to do so is incriminating. Second, there's evidence that one of these sources doctored its photographic evidence, which was taken five months earlier than claimed in the story. The source has never explained this discrepancy, but instead scrubbed the incriminating data from its photographs. If Mr. Obama's counsel can ask a judge to take judicial notice that an alleged certificate was produced on the Internet, then it should also be allowable to take

notice that Sheriff Arpaio's investigators found evidence of forgery on these document(s). It should have been easier just to submit actual documents under the Federal Rules of evidence.)

Motion to Dismiss filed by Robert F. Bauer on January 26, 2009

President Obama has publicly produced a certified copy of a birth certificate showing that he was born on August 4, 1961, in Honolulu Hawaii. See, e.g., Factcheck.org, "Born in the U.S.A.: The truth about Obama's birth certificate," available at http://www.factcheck.org/elections-2008/born_in_the_usa.html (concluding that the birth certificate is genuine, and noting a contemporaneous birth announcement published in a Honolulu newspaper). Hawaii officials have publicly verified that they have President Obama's "original birth certification record in accordance with state policies and procedures." See "Certified," Honolulu Star Bulletin, Oct. 31, 2008. This Court can take judicial notice of these public news reports. See The Washington Post v. Robinson, 935 F.2d 282, 291 (D.C. Cir. 1991); Agee v. Muskie, 629 F.2d 80, 81 n.1, 90 (D.C. Cir. 1980).

3. Swensson-Powell-Farrar-Welden-vs-Obama, Feb. 3. 2012

(Note: In this ballot challenge, Mr. Obama's counsel wrote a letter to the Secretary of State, saying that he and his client would not honor a subpoena for Mr. Obama's April 27, 2011 Certificate of Live Birth, which again, would be considered self-authenticating if submitted to the court. They refused to do this, even after being advised by Secretary Kemp to submit evidence.)

Georgia Secretary of State Brian Kemp wrote to Obama's attorney, Michael Jablonski:

Anything you and your client place in the record in response to the challenge will be beneficial to my review of the initial decision; however, if you and your client choose to suspend your participation in the OSAH proceedings, please understand that you do so at your own peril.

(Note: Somehow, despite Obama's refusal to participate and to submit evidence, the media reported below that the challenge was dismissed, in part based on a citation of Ankney v. Daniels, rather than a direct citation to any Supreme Court precedent. The Ankeny v. Daniels case did NOT ever declare Obama to be eligible for office, but instead only upheld that the plaintiffs failed to state a claim upon which relief could be granted. The dicta in a state appeals case does NOT supersede the Supreme Court precedents that I've cited.)

Malihi noted neither Obama nor his Attorney Michael Jablonski appeared or answered and said ordinarily the court would enter a default judgment against a party that fails to participate in any stage of the proceeding.

"Nonetheless, despite defendant's failure to appear, plaintiffs asked this court to decide the case on the merits of their arguments and evidence," wrote Malihi, adding, "The court granted plaintiffs' request."

http://www.examiner.com/article/georgia-judge-rules-obama-eligible-for-ballot-as-natural-born-citizen

4. DR. ORLY TAITZ, ESQ., BRIAN FEDORKA,LAURIE ROTH, LEAH LAX, and TOMMacLERAN versus DEMOCRAT PARTY OF MISSISSIPPI,SECRETARY OF STATE MISSISSIPPI,BARAK HUSSEIN OBAMA, OBAMA FOR AMERICA, NANCI PELOSI,DR. ALVIN ONAKA, LORETTA FUDDY,MICHAEL ASTRUE, JOHN DOES, JOHNDOES 1-100

   Motion to Supplement a previous Motion for Sanctions

   (Note: In the citation below, the Mississippi Democrat Executive Counsel asked for a letter of verification from the Hawaii Department of Health to verify information in Obama's alleged Certificate of Live Birth. Under the Federal Rules of Evidence, such a certification must say that such a copy is "certified as correct." Alvin T. Onaka Ph.D., the Hawaii registrar, did not do this, but only said that information on the original certificate "matches" information that was submitted by the MDEC and as is posted online. Mr. Obama allegedly obtained TWO hard copies of this certificate. One of those could have been submitted as a self-authenticating document. Instead, this letter of verification fails to meet the standard as described in the Federal Rules of Evidence. As such, Mr. Obama has still refused to submit any legally verifiable documentation to prove that he is a natural-born citizen.)

7. Pursuant to Sections 338-14.3 and 338-18 (g)(4), MDEC Counsel recently submitted a written request to the Hawaii Department of Health, seeking verification of the following:

"1. The original Certificate of Live Birth for Barack Hussein Obama, II, is on file with the Hawaii State Department of Health.

2. The information contained in the "Certificate of Live Birth" published at http://www.whitehouse.gov/blog/2011/04/27/president-obamas-long-form-birth-certificate, a copy of which is attached to this request, matches the information contained in the original Certificate of Live [B]irth for Barack Hussein Obama, II on file with the Hawaii State Department of Health."

See Exhibit 1 (MDEC Counsel Request to HI DOH for Verification of President Obama's Hawaiian Birth(May 26, 2012)).

http://www.scribd.com/doc/96289285/Mississippi-Democratic-Party-Motion-v-Taitz

5. Purpura vs. Barack Obama (ballot challenge with New Jersey Secretary of State) Hearing held April 10, 2012

   (Note: In this case, Mr. Obama's counsel argues that neither Mr. Obama's birth certificate on the internet nor any hard copies need to be submitted to a court and are relevant to establishing Mr. Obama's eligibility. This isn't exactly a vote of confidence that Mr. Obama's alleged Certificate of Live Birth is genuine or accurate). Also, it's never suggested in this hearing as to what basis Mr. Obama would prove or document his eligibility. Counsel notes that even Mickey Mouse can be on the ballot. Ironically, Mickey could actually make a better

case of being a natural-born citizen than Mr. Obama can. My question is why there would be any reluctance to submit a document that is considered a standard document for establishing one's citizenship and birth facts, especially when a certified copy of such a document is considered to be self-authenticating under the Federal Rules of Evidence. It appears that counsel wants to avoid submitting a legally deficient document, since the plaintiffs were prepared to present evidence the document was forged.)

Obama's counsel: Even if the petitioners had an "authentic" copy of his (Obama's) birth certificate, there's no requirement under New Jersey law that candidates for president on the New Jersey ballot to publish, produce or release an official birth certificate. The claim's not relevant in the inclusion. Additionally there's been no verified contrary evidence versus Obama that he does not have a verified, authentic birth certificate.

New Jersey administrative judge: The document on the Internet is legally irrelevant to this case?

Counsel: Yes.

Judge: And indeed you concede that Mr. Obama has not produced a … alleged birth certificate to the secretary of state, saying, "Here's my birth certificate."

Counsel: Yes

- - -

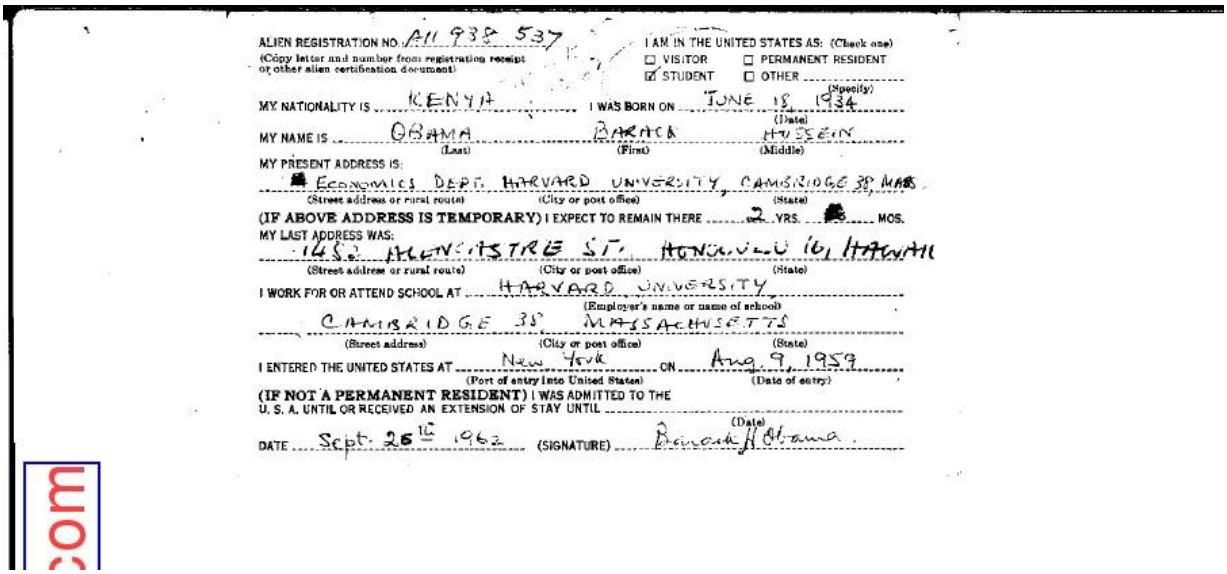
Counsel: It's not on Obama for America to present a birth certificate. The burden in this case is on the objectors to prove that the candidate is not eligible under New Jersey statutes. … If it's not necessary to have the consent of the candidate, you could have Mickey Mouse, per se, on this.

Judge: And that has happened before.

Video of hearing is linked here: http://www.youtube.com/watch?v=_grIjyq5y-w

Appendix D: Barack Obama Sr.'s immigration documents

These documents show he was not admitted into this country as a resident alien or as a permanent immigrant, and this also documents his marriage to Obama's mother, since there is no marriage license.



ALIEN REGISTRATION NO. A11 938 537
(Copy letter and number from registration receipt or other alien certification document)

I AM IN THE UNITED STATES AS: (Check one)
☐ VISITOR ☐ PERMANENT RESIDENT
☑ STUDENT ☐ OTHER (Specify)

MY NATIONALITY IS KENYA I WAS BORN ON JUNE 18, 1934 (Date)

MY NAME IS OBAMA (Last) BARACK (First) HUSSEIN (Middle)

MY PRESENT ADDRESS IS:
Economics Dept. Harvard University, Cambridge 38 Mass.
(Street address or rural route) (City or post office) (State)

(IF ABOVE ADDRESS IS TEMPORARY) I EXPECT TO REMAIN THERE 2 YRS. [redacted] MOS.

MY LAST ADDRESS WAS:
1482 Alencastre St. Honolulu 16, Hawaii
(Street address or rural route) (City or post office) (State)

I WORK FOR OR ATTEND SCHOOL AT Harvard University
(Employer's name or name of school)
Cambridge 38 Massachusetts
(Street address) (City or post office) (State)

I ENTERED THE UNITED STATES AT New York ON Aug. 9, 1959
(Port of entry into United States) (Date of entry)

(IF NOT A PERMANENT RESIDENT) I WAS ADMITTED TO THE U. S. A. UNTIL OR RECEIVED AN EXTENSION OF STAY UNTIL

DATE Sept. 25th 1962 (SIGNATURE) Barack H. Obama (Date)

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

REPORT OF INVESTIGATION

1			
TITLE: OBAMA, Barack Hussein		RELATING FILES: All 938 537	G-23 LINE: 521
		TYPE OF INVESTIGATION: Abscondee	
DATE AND PLACE OF BIRTH: 6/18/36 - Kenya	DATE, PLACE, AND MANNER OF LAST ENTRY IN U.S.: 8/9/59 - NYC - Student	NATIONALITY: Kenya	
OFFICE IN CONTROL OF INVESTIGATION: Boston	REPORT MADE AT: Boston	DATES INVESTIGATION CONDUCTED: 7/22/64	

~~SYNOPSIS~~
DETAILS

Investigation conducted pursuant to SUBJECT'S application for extension of stay which was denied SUBJECT was granted until July 8, 1964, to depart from the United States voluntarily.

(b)(6)

Service file indicates a [redacted] called on 7/17/64 and indications were that SUBJECT was apparently in the United States.

On 7/22/64 verification of SUBJECT'S departure was received. SUBJECT departed from the United States on 7/6/64 at New York City and I-94 was returned to this office.

___ PENDING	___ PENDING INACTIVE	X CLOSED	___ REFERRED TO CONTROL OFFICE

DISTRIBUTION
√1 - File

REPORT MADE BY
DATE 7/23/64
pk
Joseph M O'Connell Investigator
Signature JMcOConnell Title

REVIEWED AND APPROVED
DATE 7-23-64
Patrick Kearney
Signature Title
Assist.
for

Form G-166 (Rev. 5-16-60) GPO 962769

7

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION & NATURALIZATION SERVICE

Form approved
Budget Bureau No. 43-R068.9

APPLICATION TO EXTEND TIME OF TEMPORARY STAY
OR
APPLICATION BY ALIEN STUDENT FOR PERMISSION TO ACCEPT EMPLOYMENT

IMPORTANT

PLEASE READ ATTACHED INSTRUCTIONS BEFORE FILLING OUT APPLICATION. TYPE OR PRINT WITH BLOCK LETTERS. IF YOU NEED MORE SPACE TO ANSWER FULLY ANY QUESTIONS ON THIS FORM, USE A SEPARATE SHEET AND IDENTIFY EACH ANSWER WITH THE NUMBER OF THE CORRESPONDING QUESTION.

PART I (All applicants must fill in this part.)

1. (First Name) BARACK (Middle Name) HUSSEIN (Last Name) OBAMA — FILE NUMBER A-938 537
2. OTHER NAMES (Include all other past and present names; a married woman must give her maiden name)
3. MAILING ADDRESS IN U.S. (Number and Street) (C/O) 1482, ALENCASTRE ST. (City) HONOLULU (Zone) (State) HAWAII

PART II (Fill in this part if you are applying for extension of stay)

4. DATE OF BIRTH 18/JUNE, 1934 — COUNTRY OF BIRTH KENYA — COUNTRY OF CITIZENSHIP KENYA
5. DATE AND PORT OF LAST ARRIVAL IN UNITED STATES NEW YORK, August 9/59 — NAME OF VESSEL, AIRLINE, OR OTHER MEANS OF LAST ARRIVAL B.O.A.C
6. PASSPORT NUMBER — PASSPORT ISSUED BY (Name of Country) KENYA — PASSPORT EXPIRES ON 1964
7. MARITAL STATUS MARRIED — IF MARRIED, GIVE NAME AND ADDRESS OF SPOUSE [redacted] ANN S. DUNHAM, HONOLULU, HAWAII
   IF MARRIED, GIVE NAME AND ADDRESSES OF CHILDREN
8. OCCUPATION STUDENT — SOCIAL SECURITY NUMBER 575-44-4342
9. I HAVE (Insert "HAVE" or "HAVE NOT") BEEN EMPLOYED OR ENGAGED IN BUSINESS IN THE UNITED STATES.
   IF YOU HAVE BEEN EMPLOYED OR ENGAGED IN BUSINESS IN THE UNITED STATES, GIVE THE FOLLOWING:
   NAME AND ADDRESS OF EMPLOYER OR BUSINESS DOLE CORPORATION, HONOLULU, HAWAII
   KIND OF EMPLOYMENT OR BUSINESS ORDINARY SUMMER WORKER
   INCOME PER WEEK FROM SUCH EMPLOYMENT OR BUSINESS VARIED at $1.33 per hour — DATES SUCH EMPLOYMENT OR BUSINESS BEGAN AND ENDED August, 1960 - Sept. 1960
10. MEANS AND SOURCE OF SUPPORT WHILE IN THE UNITED STATES. Scholarships from African American Institute
11. I AM VISITING THE FOLLOWING PERSONS IN THE UNITED STATES:

NAME	RELATIONSHIP	ADDRESS

12. DATE ON WHICH AUTHORIZED STAY EXPIRES August, 9/61 — 13. DATE TO WHICH EXTENSION IS REQUESTED August 9th 1962
14. REASON FOR COMING TO THE UNITED STATES STUDIES
15. REASON FOR REQUESTING EXTENSION TO COMPLETE MY STUDIES
16. I ATTACH WRITTEN STATEMENT OF FOREIGN STUDENT ADVISER DATED 31st August, 1961 IN SUPPORT OF THIS APPLICATION. I BELIEVE SUCH STATEMENT TO BE TRUE AND I MAKE IT PART OF THIS APPLICATION (See paragraph 7 of instructions.)
17. DATE ON WHICH I WILL DEPART FROM U. S. Not sure when — NAME OF VESSEL, AIRLINE, OR OTHER MEANS OF DEPARTURE — PORT OF DEPARTURE FROM U. S.
18. I AM NOT (Insert "AM" or "AM NOT") IN POSSESSION OF A TRANSPORTATION TICKET FOR MY DEPARTURE.

Form I-539 (Rev. 6-1-60) GPO 981295

PART III (Fill in this part if you are an alien student applying for permission to accept employment

19. I AM ATTENDING (OR HAVE BEEN GRADUATED FROM)(Name & Location of School): UNIVERSITY OF HAWAII — IF GRADUATED, GIVE DEGREE CONFERRED & DATE:

20. IF ATTENDING SCHOOL, GIVE THE FOLLOWING INFORMATION: NUMBER OF RECOGNIZED CREDIT-SEMESTER HOURS TAKEN WEEKLY IN DAY CLASSES: — NUMBER OF RECOGNIZED CREDIT-SEMESTER HOURS TAKEN WEEKLY IN EVENING CLASSES:

21. MY TOTAL YEARLY INCOME IS: $ 1,190. — SOURCES OF YEARLY INCOME: FROM SCHOLARSHIPS

22. MY TOTAL YEARLY EXPENSES ARE AS FOLLOWS: $ 2,040

23. I DESIRE PERMISSION TO ACCEPT EMPLOYMENT FOR THE FOLLOWING REASON:

(A) ☐ TO OBTAIN TRAINING WHICH IS REQUIRED OR RECOMMENDED BY THE SCHOOL.

(B) ☑ BECAUSE OF ECONOMIC NECESSITY DUE TO AN UNFORESEEN CHANGE IN FINANCIAL CIRCUMSTANCES. IF YOU CHECKED (B), EXPLAIN: BECAUSE UNABLE TO GET MORE FINANCIAL ASSISTANCE

(C) ☑ TO WORK DURING SUMMER VACATION TO SUPPLEMENT FUNDS FOR NECESSARY MAINTENANCE EXPENSES.

24. THE FOLLOWING IS A DESCRIPTION OF THE EMPLOYMENT DESIRED AND AVAILABLE: ANY EMPLOYMENT

25. I HAVE PREVIOUSLY SUBMITTED AN APPLICATION FOR PERMISSION TO ACCEPT EMPLOYMENT TO THE IMMIGRATION OFFICE IN HONOLULU AND SUCH APPLICATION WAS GRANTED ON Feb, 1961 (Insert "GRANTED" or "DENIED")

PART IV (All applicants must fill in this part)

I certify that the above is true and correct

DATE	CITY AND STATE	SIGNATURE OF APPLICANT
31st AUG. 1961	HONOLULU, HAWAII	Barack H. Obama

PART V (This part is to be filled in by authorized school official if the applicant is a student applying for permission to accept employment.)

I certify that I have confirmed the facts in Part III hereof on investigation and that the proposed employment:

☐ IS RECOMMENDED FOR PRACTICAL TRAINING BY THE SCHOOL AND CANNOT BE ACCOMPLISHED IN A SHORTER PERIOD OF TIME THAN REQUESTED.

☑ WILL NOT INTERFERE WITH THE APPLICANT CARRYING SUCCESSFULLY A FULL COURSE OF STUDY.

☐ HAS BEEN GRANTED DURING THE _____ (Year) SUMMER VACATION PERIOD.

DATE	NAME OF SCHOOL	SIGNATURE OF SCHOOL OFFICIAL	TITLE
August 31, 1961	University of Hawaii	C. Le Zeglee	Foreign Student Adviser

FOR USE OF IMMIGRATION OFFICERS

☒ TEMPORARY STAY EXTENDED TO 8/8/62

☐ EXTENSION OF STAY DENIED — SATISFACTORY DEPARTURE TO

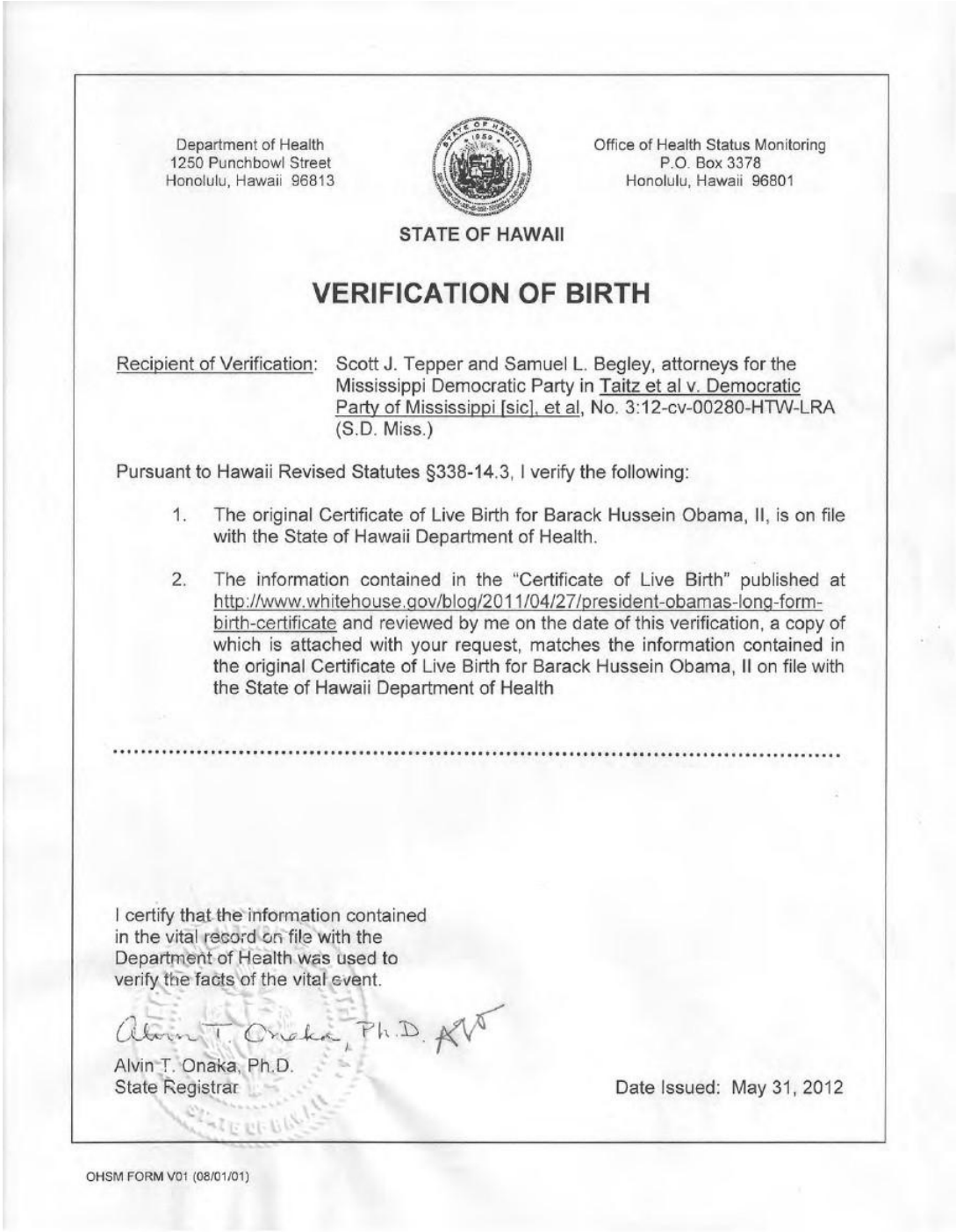
☒ STUDENT EMPLOYMENT AUTHORIZED — ☐ STUDENT EMPLOYMENT DENIED

Remarks: Up to 25 hrs/week effective on 8/8/62

ACTION TAKEN AT: Honolulu, Hawaii — ON: 8/31/61

☒ I-530 SENT TO CENTRAL OFFICE — DISTRICT DIRECTOR OR OFFICER IN CHARGE

Appendix E: Hawaii Department of Health verification letter that fails to say Obama's birth records are correct copies as is required under the Federal Rules of Evidence cited previously.



Department of Health
1250 Punchbowl Street
Honolulu, Hawaii 96813

Office of Health Status Monitoring
P.O. Box 3378
Honolulu, Hawaii 96801

STATE OF HAWAII

VERIFICATION OF BIRTH

Recipient of Verification: Scott J. Tepper and Samuel L. Begley, attorneys for the Mississippi Democratic Party in Taitz et al v. Democratic Party of Mississippi [sic], et al, No. 3:12-cv-00280-HTW-LRA (S.D. Miss.)

Pursuant to Hawaii Revised Statutes §338-14.3, I verify the following:

1. The original Certificate of Live Birth for Barack Hussein Obama, II, is on file with the State of Hawaii Department of Health.

2. The information contained in the "Certificate of Live Birth" published at http://www.whitehouse.gov/blog/2011/04/27/president-obamas-long-form-birth-certificate and reviewed by me on the date of this verification, a copy of which is attached with your request, matches the information contained in the original Certificate of Live Birth for Barack Hussein Obama, II on file with the State of Hawaii Department of Health

.....

I certify that the information contained in the vital record on file with the Department of Health was used to verify the facts of the vital event.

Alvin T. Onaka, Ph.D.

Alvin T. Onaka, Ph.D.
State Registrar

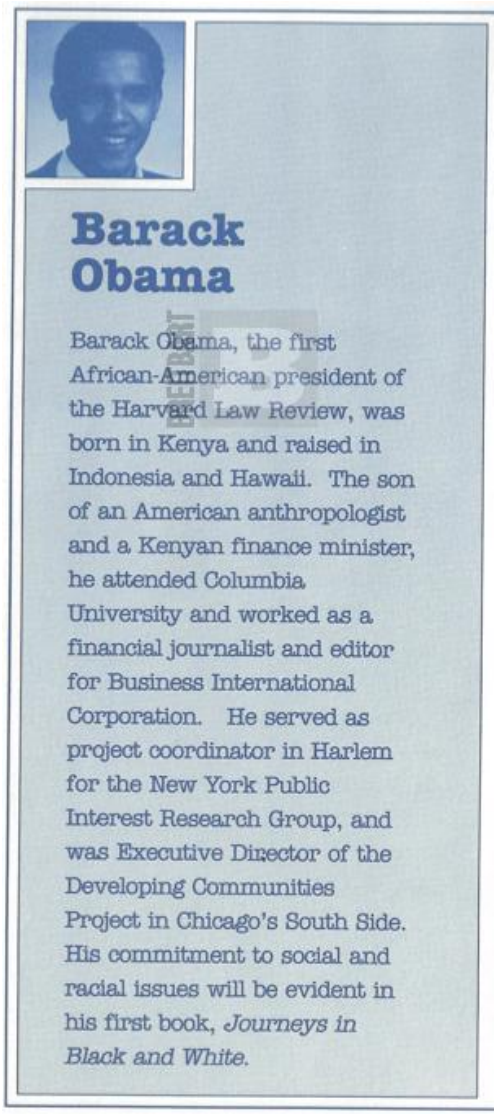
Date Issued: May 31, 2012

OHSM FORM V01 (08/01/01)

Appendix F: Miscellaneous evidence calls into doubt Mr. Obama's place of birth

1991 bio says Mr. Obama was born in Kenya. Such bios are prepared from material submitted by the subject of the bio, meaning Mr. Obama would have provided this biographical information.

http://www.breitbart.com/Big-Government/2012/05/17/The-Vetting-Barack-Obama-Literary-Agent-1991-Born-in-Kenya-Raised-Indonesia-Hawaii



Barack Obama

Barack Obama, the first African-American president of the Harvard Law Review, was born in Kenya and raised in Indonesia and Hawaii. The son of an American anthropologist and a Kenyan finance minister, he attended Columbia University and worked as a financial journalist and editor for Business International Corporation. He served as project coordinator in Harlem for the New York Public Interest Research Group, and was Executive Director of the Developing Communities Project in Chicago's South Side. His commitment to social and racial issues will be evident in his first book, *Journeys in Black and White.*

Article from Kenyan East Standard, dated June 27, 2004:

http://web.archive.org/web/20040627142700/eastandard.net/headlines/news26060403.htm

Nigerian Observer, October 15, 2009

The NIGERIAN OBSERVER

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US Presidential Polls:Obama, McCain slug it out today

By SOLOMON ASOWATA WITH AGENCY REPORTS

WASHINGTON – Americans will today go to the polls to elect their next President with Democratic Party candidate, Senator Barack Obama largely favoured to win.

The Kenyan-born Senator will, however, face a stiff competition from his Republican counterpart, John McCain who has taken the presidential battle to the finishing line with vigorous campaign strategies.

The other candidates are Cynthia Mckinney (Green Party), Bob Barr (Libertarian Party), Chuk Baldwin (Constitution Party) and Ralph Nader who is running as an independent candidate.

Aiming for a last-minute upset, Republican John McCain embarked on a grueling odyssey through seven swing states yesterday while Democrat Barack Obama was headed toward three long time GOP bastions that have become Democratic-learning battle grounds in the historic presidential contest.

Obama, cruising comfortably ahead in national and many battle ground state polls, started his day with a late morning rally in Jacksonville, before heading to events in Virginia and

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http://www.nigerianobservernews.com/4112008/4112008/news/news1.html

First Lady says her husband's "home country" is Kenya

http://www.youtube.com/watch?v=6M7Rp_Ghv6k

When we took our trip to our Africa and visited his home country in Kenya, we took a public HIV test.

Mr. Obama's half sister Maya Soetor-Ng confused on which hospital her brother was born in. The state of Hawaii's letter of verification says Kapiolani Hospital and this article quoting her on details only she would know about the Soetoro and Obama families says it was in Queen's Hospital:

published in Rainbow Edition Newsletter, Nov 2004

A New Face in Politics

By BENNETT GUIRA

Barack Obama was born on August 4, 1961 at the Queen's Medical Center in Honolulu, Hawaii. Obama lived here with his parents Barack Obama, Sr. and Ann Dunham until they divorced when he was two. Obama moved back to Hawaii when he was ten and lived with his grandmother Madelyn Dunham and half-sister of our very own, Maya Soetoro. They both attended Punahou School together when they both lived here.

Ms. Soetoro explained, "He's my brother. We share the same mother, though our fathers are different. His father was Barack Obama Sr., a Kenyan economist who met our mother at the East West Center. My father was our mother's second husband after she divorced Obama. Soetoro was from Indonesia and in the late 1960s the family moved to the island of Java where I was born."

Ms. Soetoro also added, "In many ways our relationship was like that of any brother and sister. I irritated him by standing in front of the TV when he was trying to watch a basketball game. We hugged and bickered in equal measure. But since Barack is nine years older than I am and my mother and father divorced when I was nine years old, at some point he became my mentor and guide. He gave me a lot of the advice and council that a father would give. He showed me life's treasures and helped me to make fewer mistakes as I was growing up."

Photos courtesy of Ms. Soetoro

The families of Ms. Soetoro and Senator Obama dinning together after his recent election win

Obama first graduated from Columbia University with a degree in political science and a specialty in international relations. He then attended Harvard Law School and graduated magna cum laude, and he was the first African-American to be president of the Harvard Law Review.

"He showed me life's treasures and helped me to make fewer mistakes as I was growing up" -Ms. Soetoro

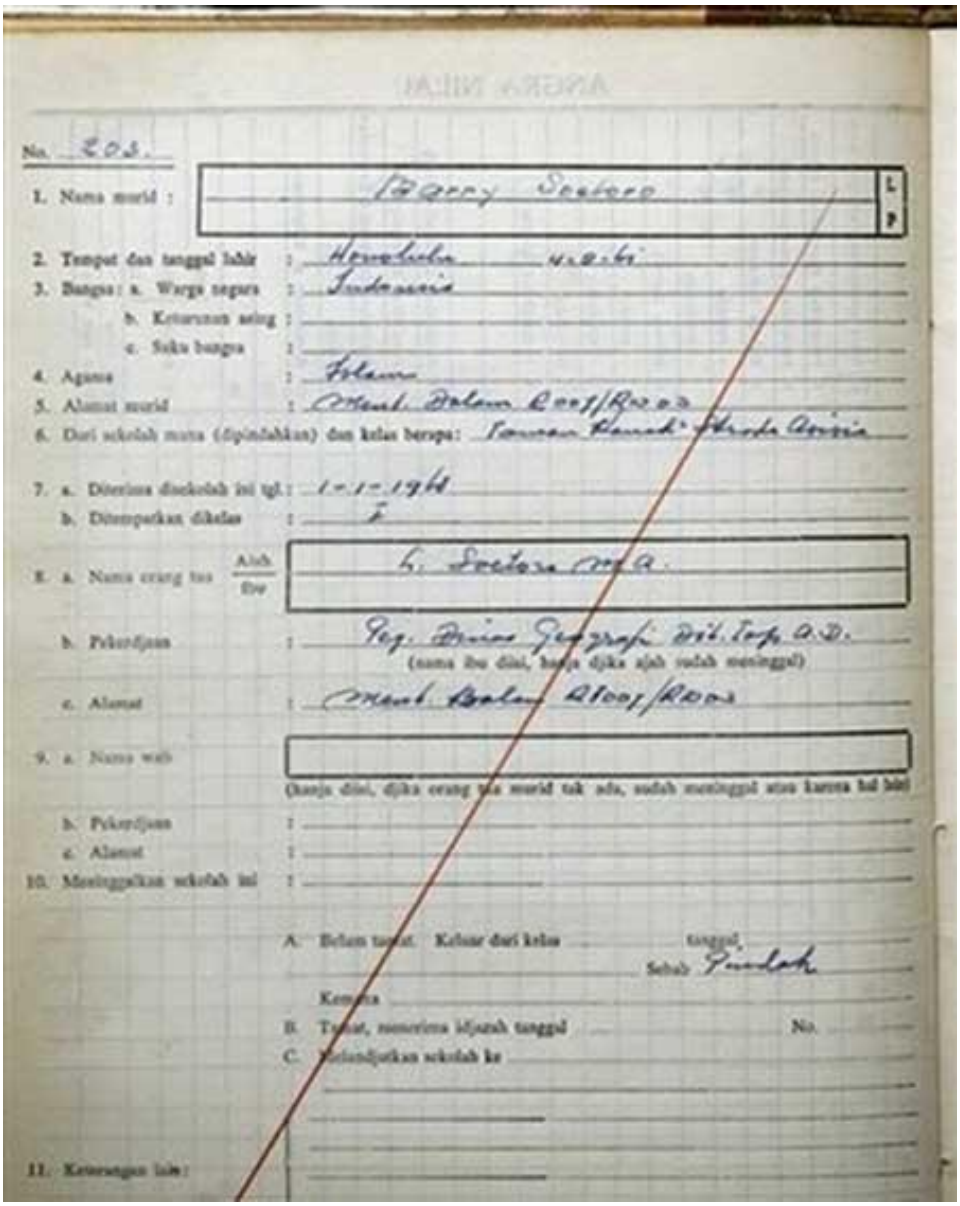
Besides his impressive educational background, Obama has also been a great community leader in Chicago. After graduating from Columbia, he became a community organizer in Chicago's toughest neighborhoods. He assisted church groups to form job-training programs, he helped improve school areas, and improved city services. After graduating from Harvard, he became a civil rights lawyer in federal and state courts, focusing on voting rights and employment discrimination cases.

Obama, a Democrat, is now the Senator of Illinois' 13th Senate District on Chicago's South side. During his campaign for U.S. Senator of Illinois, he defeated his Democratic rival in the primary, Blair Hull. His Republican opponent, Jack Ryan was forced to dropout of the race after Republican leaders questioned his integrity.

continued on page 15

http://www.supremelaw.org/cc/obama/supreme.court/Exhibit_Charter_Schools_Rainbow_Edition_Newsletter.pdf

School record from 1968 identifies Mr. Obama as “Barry Soetoro” (his stepfather’s last name) and as an Indonesian citizen (photo taken by Tatan Syuflana, an Associated Press photographer). There’s no documented evidence after this to show if and how Obama would have become a U.S. citizen.



No. 203.

1. Nama murid : Barry Soetoro (L / P)
2. Tempat dan tanggal lahir : Honolulu 4-8-61
3. Bangsa : a. Warga negara : Indonesia
   b. Keturunan asing :
   c. Suku bangsa :
4. Agama : Islam
5. Alamat murid : Ment. Dalam 2001/RW 03
6. Dari sekolah mana (tingkatan) dan kelas berapa: Taman Kanak² Abode Assisi
7. a. Diterima disekolah ini tgl. : 1-1-1968
   b. Ditempatkan dikelas : 1
8. a. Nama orang tua — Ayah / Ibu : L. Soetoro M.A.
   b. Pekerdjaan : Peg. Biro Geografi Dit. Top. A.D.
   (nama ibu diisi, hanya djika ajah sudah meninggal)
   c. Alamat : Ment. Dalam 2001/RW 03
9. a. Nama wali :
   (hanja diisi, djika orang tua murid tak ada, sudah meninggal atau karena hal lain)
   b. Pekerdjaan :
   c. Alamat :
10. Meninggalkan sekolah ini :
    A. Belum tamat. Keluar dari kelas ... tanggal ...
    Sebab Pindah
    Kenaikan
    B. Tamat, menerima idjazah tanggal ... No. ...
    C. Melandjutkan sekolah ke ...
11. Keterangan lain :

Perkins Coie

700 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005-3960
PHONE: 202.654.6200
FAX: 202.654.6211
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September 12, 2012

The Honorable Kris Kobach
Kansas Secretary of State
Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594

Re: Response to Objection to Democratic Party's Certificate of Nomination

Dear Secretary Kobach:

On behalf of President Obama, I submit this brief response to the objection filed with the Kansas Secretary of State's Office on September 10, 2012 (the "Objection") by Joe Montgomery (the "Objector"). The Objection challenges the Democratic Party's Certificate of Nomination certifying Barack Obama as its nominee for President of the United States in the November 6, 2012 general election, and requests that the Secretary prevent President Obama's name from appearing on any ballots in the State of Kansas in the November 6, 2012 general election. For the following reasons, the Objection Board should deny the Objection in its totality.

The Objection raises only one argument for keeping President Obama off the ballot: according to the Objection, the President is not an eligible candidate for re-election because he is not a natural-born citizen.[1] Like the scattered remnants of "birthers" in other proceedings, the Objector presents this argument despite a unanimous series of cases in federal and state courts that have unequivocally rejected the same factual and legal contentions, and also despite public records that have been released demonstrating conclusively that the President was born in Hawaii in 1961. These tired allegations are utterly baseless, and the Objector's arguments are entirely without merit.

President Obama satisfies the requirements of Article II of the United States Constitution, is eligible to serve as President of the United States, and is eligible to stand for re-election to that office.

[1] The Objection does not challenge any other aspects of the Certificate of Nomination, which complies with all required elements of K.S.A. § 25-304: "All certificates of nomination shall be in writing, shall contain the name of each person nominated, with such person's residence and the office for which nominated. Party certificates of nomination shall designate the political party which the convention, primary election or caucus making the nominations represented. . . ."

The Objector argues that children born in this country are natural-born citizens only if both parents – and "primarily" the father – are U.S. citizens, and that President Obama cannot be a natural-born citizen because his father was a British subject. For over a hundred years, the Supreme Court has held otherwise, most obviously in the very case that the Objector cites, *United States v. Wong Kim Ark*, 169 U.S. 649 (1898): "Every person born in the United States, and subject to the jurisdiction thereof, becomes at once a citizen of the United States," and not at a later time via naturalization. 169 U.S. at 703.[2]

For the foregoing reasons, the Objection Board should deny the Objection in its entirety and place President Obama on the Kansas ballot as the nominee of the Democratic Party for President of the United States in the November 6, 2012 general election.

Sincerely,

Kip F. Wainscott
Counsel for Obama for America

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[2] *See also, e.g., U.S. v. Marguet-Pillado*, 648 F.3d 1001, 1006 (9th Cir. 2011) (agreeing with the contention that a person born in the late 1960s is a natural born citizen if "the person was born in the United States or . . . [was] born outside the United States to a biologically-related United States citizen parent who met certain residency requirements"); *Ankeny v. Daniels*, 916 N.E.2d 678, 688 (Ind. Ct. App. 2009) ("Based upon the language of Article II, Section 1, Clause 4 and the guidance provided by *Wong Kim Ark*, we conclude that persons born within the borders of the United States are 'natural born citizens' for Article II, Section 1 purposes, regardless of the citizenship of their parents."), *transfer denied*, 929 N.E.2d 789 (Ind. 2010).