

STATE OF NEW JERSEY  
OFFICE OF THE SECRETARY OF STATE

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**OBJECTION OF NICHOLAS E. PURPURA AND THEODORE T.  
MORAN TO PETITION OF NOMINATION OF BARACK OBAMA,  
ALSO KNOWN AS BARACK HUSSEIN OBAMA II, BARACK  
HUSSEIN OBAMA, BARRY SOETORO, AND BARACK HUSSEIN  
OBAMA SOEBARKAH**

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On the Objection:  
Mario Apuzzo, Esq.  
Law Offices of Mario Apuzzo  
185 Gatzmer Avenue  
Jamesburg, New Jersey 08831  
(732) 521-1900  
[apuzzo@erols.com](mailto:apuzzo@erols.com)

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DIVISION OF ELECTIONS

Objectors, **NICHOLAS E. PURPURA** and **THEODORE T.**

**MORAN**, hereby enter their objection pursuant to N.J.S.A. 19:13-10 to the Petition of Nomination of Barack Obama, also known as Barack Hussein Obama II, Barack Hussein Obama, Barry Soetoro, and Barack Hussein Obama Soebarkah.

## **I. STATEMENT OF FACTS**

### **A. Who the parties are**

Objector, Nicholas E. Purpura, is a “natural born Citizen” of the United States. He is a registered Republican, voter, and taxpayer, in the State of New Jersey. He resides in Monmouth County, New Jersey.

Objector, Theodore T. Moran, is a “natural born Citizen” of the United States. He is a registered Democrat, voter, and taxpayer in the State of New Jersey. He resides in Ocean County, New Jersey.

Candidate Obama is the current President of the United States. He is running for re-election in 2012 to the Office of President.

Kimberly M. Guadagno is the New Jersey Secretary of State. She is the New Jersey government official who receives the filings from candidates of their Petition of Nomination for the Primary Election. She oversees the petition filing process for both state and federal offices. She oversees the

certifying of election results. She also protects the integrity of the voting process in the State of New Jersey.

**B. The Identity of Candidate Obama is Not Known**

Barack Obama is also known as Barack Hussein Obama II, Barack Hussein Obama, Barry Soetoro, and Barack Hussein Obama Soebarkah. Candidate Obama has had a political career for a number of years. But that alone does not provide the New Jersey Secretary of State with competent and sufficient evidence of his true identity.

WND has reported at <http://www.wnd.com/2011/05/295289/> that when Obama was in Indonesia with his Indonesian stepfather and his mother from ages 6 to 10, he was registered in school as an Indonesian citizen and a Muslim. Adopting the surname of his Indonesian stepfather, he went by the name Barry Soetoro. His mother's passport listed him with the surname Soebarkah.

250 members of the Surprise, Ariz., Tea Party, presented a signed petition to Arizona Maricopa County Sheriff Joseph Arpaio in August 2011, asking him to undertake an investigation into putative President Obama's alleged Certificate of Live Birth which he released on the internet on April 27, 2011. The Tea Party members petitioned under the premise that if a forged birth certificate was used to place Barack Obama on the 2012

Arizona presidential ballot, their rights as Maricopa County voters could be compromised. Sheriff Arpaio agreed to investigate the matter through a cold case posse. Sheriff Arpaio organized the posse. The posse was comprised of former law enforcement officers and lawyers with law enforcement experience. Beginning in October 2011, it interviewed dozens of witnesses and examined hundreds of documents. It also took numerous sworn statements from witnesses around the world.

Sheriff Joe Arpaio, based on that 6-month investigation, has concluded that there is probable cause that Obama's April 2012 internet released Certificate of Live Birth is a forgery. His report was release on March 1, 2012. His posse concludes that there is "probable cause" to believe someone committed two crimes. They say it appears the White House created a forgery of a government document that it characterized as an officially produced governmental birth record. Second, the White House fraudulently presented to the residents of Maricopa County and to the American public at large a forged government document representing that it was "proof positive" of President Obama's alleged 1961 Hawaii long-form birth certificate and therefore proof that Obama was born in Hawaii.

"President Barack Obama's long-form birth certificate released by the White House on April 27, 2011, is suspected to be a computer-generated forgery,

not a scan of an original 1961 paper document as represented by the White House when the long-form birth certificate was made public," Arizona's Maricopa County Sheriff Joe Arpaio said at a press conference on March 1, 2012 in Phoenix. He continues: "My investigators believe that the long-form birth certificate was manufactured electronically and that it did not originate in a paper format as claimed by the White House."

This is the major preliminary finding of a six-month ongoing Sheriff's Cold Case Posse law enforcement investigation into the authenticity of Obama's birth certificate and his eligibility to be president. The Cold Case investigators further determined that the Hawaii Department of Health has engaged in systematically obstructing the public from inspection whatever original 1961 birth records the Hawaii Department of Health may have in their possession. The investigators documented a number of inconsistent and misleading representations that various Hawaii government officials have made over the past five years regarding what, if any, original birth records are held by the Hawaii Department of Health. "Officers of the Hawaii Department of Health and various elected Hawaiian public officials may have intentionally obscured 1961 birth records and procedures, to avoid having to release to public inspection and to the examination of court-authorized forensic examiners any original Obama 1961 birth records the

Hawaii Department of Health may or may not have," said Mike Zullo, the lead investigator in Sheriff Arpaio's Cold Case Posse.

The Cold Case investigators have not yet determined who, when, or precisely how the long-form computer-generated birth certificate released on April 27 may have been forged. But the investigators say that based on the evidence contained in the computer-generated PDF file released by the White House as well as important deficiencies in the Hawaii process of certifying the long-form birth certificate they have established "probable cause" that a forgery has been committed.

"A continuing investigation is needed to identify the identity of the person or persons involved in creating the alleged birth certificate forgery, and to determine who, if anyone, in the White House or the state of Hawaii may have authorized the forgery," Arpaio said. "As I said at the beginning of the investigation, the president can put all this to rest quite easily," Arpaio said. "All he has to do is demand the Hawaii Department of Health release to the American public and to a panel of certified court-authorized forensic examiners all original 1961 paper, microfilm and computer birth records the Hawaii Department of Health has in its possession."

Arpaio also emphasized that the Hawaii Department of Health needs to provide, as part of the full disclosure, evidence regarding the chain of custody of all Obama birth records, including paper, microfilm and electronic records to eliminate the possibility that a forger or forgers may have tampered with the birth records. The sheriff also said that Obama needs to authorize Kapi'olani Hospital to release any medical records that it may have on Stanley Ann Dunham Obama, his mother, and for the newly born Barack Obama, to provide corroboration for the records held in the Hawaii Department of Health vault. Only with "authentic Hawaii Department of Health 1961 birth records for Barack Obama" can we reasonably conclude that Obama was born in Hawaii as he claims, Zullo said. "[A]bsent the authentication of Hawaii Department of Health 1961 birth records for Barack Obama, there is no other proof he was born anywhere within the United States."

The investigators have also concluded that Obama's Selective Service card was most likely a forgery, revealed by an examination of the postal date stamp on the document.

Additionally, records of Immigration and Naturalization Service cards filled out by airplane passengers arriving on international flights originating outside the United States in the month of August 1961, examined at the

National Archives in Washington, D.C., are missing records for the week of President Obama's birth, including the dates Aug. 1, 1961 through Aug. 7, 1961.

Among the evidence released at the press conference are five videos which demonstrate why the Obama long-form birth certificate is suspected to be a computer-generated forgery. In these videos, Sheriff Joe Arpaio presents the results of his investigation. He has also produced a sixth video which show that by examining the postal date stamp on the document the posse has concluded that President Obama's Selective Service card is most likely a forgery. The videos consist of step-by-step computer demonstrations using a control document. They display the testing used by the investigators to examine various claims made by supporters of the April 27 document. The investigators contend the videos illustrate their conclusion that the features and anomalies observed on the Obama long-form birth certificate were inconsistent with features produced when a paper document is scanned, even if the scan is enhanced by Optical Character Recognition, OCR, and optimized. Additionally, the posse says, the videos demonstrate that the Hawaii Department of Health Registrar's name stamp and the registrar's date stamp were computer-generated images imported into an electronic document, as opposed to rubber stamp imprints inked by



hand or machine onto a paper document. “That we were able to cast reasonable suspicions on the authenticity of the registrar stamps was especially disturbing, since these stamp imprints are designed to provide government authentication to the document itself,” Zullo said. He stressed that if the registrar stamps are forgeries, the document itself is likely a forgery.

The videos may be seen here: Pt 1 Introduction – Regular Scan:

[http://www.youtube.com/watch?feature=player\\_embedded&v=QOqkFar5Q](http://www.youtube.com/watch?feature=player_embedded&v=QOqkFar5Q)

MI.

Pt 2 Layers, Stamp & Noise

<http://www.youtube.com/watch?v=blh0lmX9jo4&feature=youtu.be>.

Pt 3 OCR Theory

<http://www.youtube.com/watch?v=pu3XpWh4HRM&feature=youtu.be>.

Pt 4 Optimization

[http://www.youtube.com/watch?v=C-5\\_AWIYJUs&feature=youtu.be](http://www.youtube.com/watch?v=C-5_AWIYJUs&feature=youtu.be).

Pt 5 Conclusion

<http://www.youtube.com/watch?v=diYEOBERyZg&feature=youtu.be>.

Pt 6 Selective Service

[http://www.youtube.com/watch?v=Q\\_EGEIqY6S0&feature=youtu.be](http://www.youtube.com/watch?v=Q_EGEIqY6S0&feature=youtu.be).

With “probable cause” having been established that crimes have been committed, Sheriff Arpaio has concluded that a criminal investigation is warranted. He asked that any other law enforcement agency with information referencing this investigation be forwarded to his office. He has also added that greater scrutiny of presidential candidates is needed.

Arpaio has concluded that a congressional investigation might be warranted.

For more information, see <http://www.wnd.com/2012/03/sheriff-joes-posse-probable-cause-obama-certificate-a-fraud/> and

<http://nation.foxnews.com/sheriff-joe-arpaio/2012/03/01/sheriff-joe-arpaio-obama-birth-certificate-forgery>. CBS Television coverage of Sheriff

Arpaio’s investigation and press conference can be seen here

[http://www.youtube.com/watch?v=ikaajbOEWpk&feature=player\\_embedde](http://www.youtube.com/watch?v=ikaajbOEWpk&feature=player_embedde)

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### **C. Candidate Obama’s Place of Birth Is Not Known**

Obama has not provided the New Jersey Secretary of State with any competent and sufficient documents showing that he was in fact born in the United States.

### **D. Candidate Obama Was Not Born to Two U.S. Citizen Parents**

Assuming that Candidate Obama's information that he has released to the public is correct, it shows that he was allegedly born on August 4, 1961 to Barack Hussein Obama and Stanley Ann Dunham. At his birth, his mother was a United States citizen. But under the British Nationality Act of 1948, his father, who was born in the British colony of Kenya, was born a Citizen of the United Kingdom and Colonies (CUKC) which under that same law and by descent made Obama himself a CUKC. Prior to Obama's birth, Obama's father neither intended to nor did he become a United States citizen. Being temporarily in the United States only for purpose of study and with the intent to return to Kenya, his father did not intend to nor did he become even a legal resident or immigrant to the United States.

## **II. LEGAL ARGUMENT**

### **A. IN GENERAL**

1. The Constitutional eligibility requirements to be President are found in Article II, Section 1, Clause 5, which provides:

No person except a natural-born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

2. The Fifth Amendment, which applies to the federal government, provides in relevant part that “[n]o persons shall be ... deprived of life, liberty, or property, without due process of law.”

3. The Fourteenth Amendment, which applies to the State of New Jersey, provides in pertinent part that “[n]o State shall ... deprive any person life, liberty, or property, without due process of law.”

4. Applicable New Jersey constitutional provisions Article I, Section 1 of the New Jersey Constitution provides:

All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

Article I, Section 2.a. of the New Jersey Constitution provides:

All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

5. New Jersey has constitutional obligations regarding Article II presidential eligibility. New Jersey must conform to Article 2 of the U.S. Constitution in Presidential elections, although it has some flexibility in its presidential election rules. McPherson v. Blacker 146 US 1 (1892).

6. The United States shall guarantee to New Jersey a republican form

of government and shall protect it from invasion and domestic violence.

Article IV, Section 4. Having only an Article II qualified president is part of having republican government. The state has the right to also make sure that it keeps a republican form of government. New Jersey voters and citizens also have the right under the Fifth, Ninth, and Fourteenth Amendment to protect their life, liberty, and property and to assure themselves that their state will continue to have republican form of government.

7. New Jersey has statutes requiring a presidential candidate to be qualified under the Constitution. N.J.S.A. 19:29-1.b. provides that an incumbent for political office must be eligible for that office at the time of the election. A presidential candidate must therefore meet the constitutional requirement on Article II, Section 1, Clause 5 which includes that he must be a “natural born Citizen.” Hence, New Jersey’s authority to hear a primary election ballot challenge concerning Presidential Candidate Obama is not only a matter for the Electoral College and Congress

## **B. THE OBJECTION AGAINST CANDIDATE OBAMA**

### **1. The identity of Candidate Obama is Not Known**

Candidate Obama has not conclusively proven his identity and he is perpetrating a fraud upon Objector Purpora and Moran by not revealing his true identity which is harmful to their rights as voters and citizens. The

objection to Candidate Obama's nominating petition is twofold. We first allege that he has not conclusively proven that he was born in the United States. We also allege that even if he was born in the United States, he is still not an Article II "natural born Citizen" because he fails to meet the requirements of the traditional American common law definition of the clause which is a child born in the country to two U.S. citizen parents. See Minor v. Happersett, 88 U.S. 162, 167-68 (1875); U.S. v. Wong Kim Ark, 169 U.S. 649, 708 (1898).

Our first objection regarding place of birth includes knowing the true identity of the person who filed the nominating petition and who calls himself "Barack Obama." In order to know whether Candidate Obama is a person entitled to file the nominating petition, it is first necessary to know the true identity of the person who filed the petition. So, before we get to the second part of Objectors' objection, whether Candidate Obama was born to two U.S. citizen parents, the person who filed the nominating petition has to first prove his identity. So, by Candidate Obama proving his identity, he would also be proving that he was born in the United States and by proving his place of birth, he would be proving his true identity. In other words, Candidate Obama cannot prove that he was born in the United States unless he first proves his identity and he cannot prove his identity unless he first

proves where he was born. Hence, Candidate Obama, to prove both his true identity and his place of birth, has to present some type of evidence to the Secretary of State which conclusively proves his true identity and his place of birth.

There is little doubt that even though others may have filed the nominating petition for Candidate Obama, he is still considered the person who filed it. The person who filed the petition which is the subject of Objectors' objection claims to be "Barack Obama." But "Barack Obama" has not presented any evidence to the Secretary of State proving that he is in fact "Barack Obama." Only by knowing the person's true identity can we then move forward to address question of the correct definition of an Article II "natural born Citizen" which goes to the question of the eligibility of Candidate Obama to be elected President. By not yet conclusively proving that he was born in the United States, Candidate Obama has not yet presented evidence of his true identity. Hence, Objectors' objection first goes to the fact that we do not yet know the true identity of the person who claims to be "Barack Obama" and on whose behalf the nominating petition has been filed. Obama's school records from Indonesia has his name as Barry Soetoro. Stanley Ann Dunham's passport list "Obama" as Barack Hussein Obama Soebarkah. Obama has not provided the New Jersey

Secretary of State with any documents showing that his true name is Barack Obama. We have even reflected the doubts regarding Candidate Obama by addressing him in our objection by the various alias by which he has been known, Barack Hussein Obama II, Barack Hussein Obama, Barry Soetoro, and Barack Hussein Obama Soebarkah. We also request the Secretary of State take notice of the fact that Candidate Obama has refused to release to the public his many birth, education, travel, and work documents.

Without proof of identity, the New Jersey Secretary of State cannot allow Obama's name on the primary ballot. Candidate Obama filed his petition saying that he is a candidate for nomination of President of the United States. But in all this, we do not know who "he" is. Since Objector's challenge first goes to Candidate Obama's identity which is necessarily an element to be established in order to know that Candidate Obama is a person entitled to file his petition, and that challenge first goes to a defect in his nominating petition, the Secretary of State has to first address this threshold issue. Surely, not knowing the identity of the person filing a nominating petition is as serious as filing a false affidavit and goes to whether that person is entitled to file that petition in the first place.

## **2. Obama Was Not Born in the United States**



Birth in the United States is a constituent element of being an Article II “natural born Citizen.” But Candidate Obama has provided a forged Certificate of Live Birth so we can only conclude that he was not born in the United States. That the state of Hawaii says that Obama was born there is hearsay and not admissible in these proceedings unless such a statement appears in a document such as a certified true copy of a birth certificate that is admissible into evidence and which could be entitled to receive Full Faith and Credit under Article IV, Section 1. Obama has yet to produce for New Jersey a certified true copy of his Certificate of Live Birth. The only “birth certificate” that Obama has released is one appearing on his White House server which he released on April 27, 2011.

But we have seen that Sheriff Arpaio has concluded that there exists probable cause that the birth certificate internet image is a forgery. Hence, there does not exist any competent evidence showing where Obama was born which as we have seen also means that there does not exist any competent evidence as to his true identity. It does not matter that Obama did not state in any affidavit or certification to New Jersey that he is Article II constitutionally eligible to be elected to the Office of President. To satisfy New Jersey statute, Candidate Obama has to satisfy Article II, Section 1,

Clause 5 by conclusively showing that he is at least 35 years old, at least a 14-year resident of the United States, and a “natural born Citizen.”

Without knowing Obama’s place of birth, the Secretary of State cannot be assured that he meets these basic eligibility requirements. Given his lack of conclusively proving his place of birth, Obama has not shown that he is eligible for the Office of President. Candidate Obama must therefore be removed from the New Jersey primary ballot.

### **3. If Obama Was Born Out of the U.S. He Would Be An Alien**

If Obama was not born in the United States, he would not qualify to obtain U.S. citizenship from his U.S. citizen mother. A child born in wedlock and abroad to one U.S. citizen parent and one alien parent acquires U.S. citizenship at birth under Section 301(g) INA, provided the citizen parent was physically present in the U.S. for the time period required by the law applicable at the time of the child's birth. (For birth on or after November 14, 1986, a period of five years physical presence, two after the age of fourteen is required. For births between December 24, 1952 and November 13, 1986, a period of ten years, five after the age of fourteen are required for physical presence in the U.S. to transmit U.S. citizenship to the child). [http://travel.state.gov/law/info/info\\_609.html](http://travel.state.gov/law/info/info_609.html).

Obama was born in wedlock. Obama's parents' marriage has been confirmed for many years both publicly and in court. Obama himself has confirmed the marriage in his books. There was even a divorce by a court of competent jurisdiction. We know that Obama's father was not a United States citizen but rather a British citizen when Obama was born.

Obama's mother was a United States citizen when Obama was born allegedly in 1961. Nevertheless, her U.S. citizen status would not help Obama gain the same U.S. citizen status. Obama's mother, born on November 29, 1942, was 18 years old when she gave birth to Obama on August 4, 1961. She was 117 days short from being 19 years old. But she had to be at least 19 years old (14 years old plus 5 years of U.S. physical presence) to satisfy the legal requirement of Section 301(g).

Hence, if Obama was not born in the United States, under the Fourteenth Amendment, he is neither a U.S. citizen by birth on U.S. soil nor one by naturalization. There is no existing evidence that Obama was ever naturalized. Nor would he qualify to be a U.S. citizen under Section 301(g) INA by being born abroad to at least one U.S. citizen parent or by any other act of Congress. If this scenario is accurate, it can be reasonably argued that Obama is an illegal alien.

**4. Even if Candidate Obama is who he represents to be, he is not and cannot be as a matter of law an Article II “natural born Citizen” because he was not born to citizen parents**

A “natural born Citizen” is not simply a child simply born in the United States, regardless of the citizenship of the parents. At the Founding, unlike the states which put in place statutes and state constitutions which retained the English common law on the state level except to the degree those laws were abrogated by the state legislature, the national government did not adopt the English common law for the needs of the national government, but rather the law of nations which was natural law applied to the affairs of nations. In fact, unlike the states, there is nothing in the Constitution or any Act of Congress which suggests that the English common law continued to have any effect on the national level. I have shown that in that connection, we adopted the definition of a “natural-born citizen” as provided by Emer de Vattel in his *The Law of Nations*, Section 212 (London 1797) (1st ed. Neuchatel 1758), where he tells us:

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 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. We shall soon see, whether, on their coming to the years of discretion, they may renounce their right, and what they owe to the society in which they were born. I say, that, in order to be of the country, it is necessary that a person be born of a father who is a citizen; for if he is born there of a foreigner, it will be only the place of his birth, and not his country.

The definition that the law of nations provides, a definition that has been incorporated into American common law and recognized by Congress in 1790, 1795, 1802, and thereafter, is a child born in a country to citizen parents.

Article II, Section 1, Clause 5 makes a critical constitutional distinction between an Article I “Citizen of the United States” and an Article II “natural born Citizen.” This distinction necessarily means that any U.S. citizen who is not a “natural born Citizen” is only a “Citizen of the United States,” a member of American society and nothing more. The Founders and Framers gave us only one and only one definition of an Article II “natural born Citizen” which is a child born in the country to parents, both of whom are citizens of the United States at the time of such birth. The Founders and Framers sought to have a "strong check" on foreign and monarchical influence and to make sure that it stayed out of the administration of government and the Office of President and Commander in Chief of the Military. Congress, through the Naturalization Acts of 1790, 1795, 1802,

and 1855, showed us through a process of elimination that only a child born in the country to citizen parents did not come within the naturalization reach of any of those laws which means that it was only that child which Congress deemed to be a “natural born Citizen.” Influential and highly respected Founders, David Ramsay and St. George Tucker, both limited birthright citizenship after July 4, 1776 to the children of citizens. Tucker even maintained that the "civil right" to be elected president belonged only to the children of citizens. Throughout American history, there has been debate as to the doubtful meaning of a “citizen of the United States,” but never as to the meaning of a “natural born Citizen” whose meaning has never been in doubt.

This time-honored natural law/law of nations/American “common-law” definition of a “natural born Citizen” has also been recognized and accepted by a Founder and member of our U.S. Supreme Court as early as 1814 in The Venus, 12 U.S. (8 Cranch) 253, 289 (1814) (Chief Justice John Marshall dissenting and concurring for other reasons). It was also again confirmed by Inglis v. Sailors’ Snug Harbor, 28 U.S. 99 (1830) and Shanks v. Dupont, 28 U.S. 242, 245 (1830). It was again confirmed by Justice Daniels in Dred Scott v. Sandford, 60 U.S. 393 (1857). The original American “common-law” definition of a “natural born Citizen” was not

changed by either the Fourteenth Amendment or U.S. v. Wong Kim Ark, 169 U.S. 649 (1898), which only deal with a “citizen of the United States” and not a “natural born Citizen.” Hence, the same original definition of a “natural born Citizen” was again expressly confirmed by the whole U.S. Supreme Court in Minor v. Happersett, 88 U.S. 162 (1875) and U.S. v. Wong Kim Ark, 169 U.S. 649 (1898), and a lower federal court in Ex parte Reynolds, 20 F.Cas. 582, 5 Dill. 394, No. 11,719 (C.C.W.D.Ark 1879) and United States v. Ward, 42 F.320 (C.C.S.D.Cal. 1890). Finally, this same definition was implicitly confirmed by Slaughter-House Cases, 83 U.S. 36 (1872), Elk v. Wilkins, 112 U.S. 94 (1884), Perkins v. Elg, 307 U.S. 325 (1939) and Schneider v. Rusk, 377 U.S. 163 (1964).

Assuming that Candidate Obama’s information that he has released to the public is correct, it shows that he was born on August 4, 1961 to Barack Hussein Obama and Stanley Ann Dunham. Under these birth circumstances Barack Obama fails to meet the “natural born Citizen” eligibility test because when he was born in 1961 (wherever that may be), he was not born to a United States citizen father and mother. At his birth, his mother was a United States citizen. But under the British Nationality Act of 1948, his father, who was born in the British colony of Kenya, was born a Citizen of the United Kingdom and Colonies (CUKC) which under that same law and

by descent made Obama himself a CUKC. Prior to Obama's birth, Obama's father neither intended to nor did he become a United States citizen. Being temporarily in the United States only for purpose of study and with the intent to return to Kenya, his father did not intend to nor did he become even a legal resident or immigrant to the United States.

The U.S. State Department has confirmed that Obama was born with dual allegiances. Leventhal cites FactCheck.org to state, "Obama was originally both a U.S. citizen and a citizen of the United Kingdom and Colonies from 1961 to 1963 given that his father was from Kenya, which gained its independence from the British Empire in 1963. Upon independence, Obama became both a U.S. and Kenyan citizen from 1963 to 1982 [sic should be 1984], and solely a U.S. citizen after that." The entry "The Obama Birth Controversy" was written by Todd Leventhal, the chief of the Counter-Misinformation Team for the U.S. Department of State.

Obama may be a born "citizen of the United States" under the Fourteenth Amendment or a Congressional Act (if he was born in Hawaii). But he is not an Article II "natural born Citizen," for upon Obama's birth his father was a British subject and Obama himself by descent was also the same. Hence, Obama was born subject to a foreign power. Obama lacks the



birth status of natural sole and absolute allegiance and loyalty to the United States which only the President and Commander in Chief of the Military and Vice President must have at the time of birth. Being born subject to a foreign power, he lacks sole allegiance and unity of Citizenship to the United States from the time of birth which assures that required degree of natural sole and absolute birth allegiance and loyalty to the United States from birth, a trait that is constitutionally indispensable in a President and Commander in Chief of the Military. Like a naturalized citizen, who despite taking an oath later in life to having sole allegiance to the United States cannot be President because of being born subject to a foreign power, Obama too cannot be President.

If he was born in the United States, Obama can be a “citizen of the United States” under either the Fourteenth Amendment or 8 U.S.C. Sec. 1401(a). Article V, Section 1, paragraph 2 provides:

The Governor shall be not less than thirty years of age, and shall have been for at least twenty years a citizen of the United States, and a resident of this State seven years next before election, unless the Governor shall have been absent during that time on the public business of the United States or of this State. A person shall be eligible for the office of Lieutenant Governor only if eligible under this Constitution for the office of Governor (emphasis supplied).

As can be seen the New Jersey Constitution distinguishes between an Article II “natural born Citizen” and a Fourteenth Amendment or statutory “citizen

of the United States,” requiring that a would-be Governor must be, among other things, at least a twenty-year “citizen of the United States.” Being a “citizen of the United States” for twenty years, under our New Jersey Constitution, Obama could be eligible to be Governor of the State of New Jersey, if he satisfied the seven-year residency requirement. But not being an Article II “natural born Citizen,” he is not constitutionally eligible to be President and Commander in Chief of the Military. Hence, the Secretary of State is constitutionally obligated to set aside his nominating petition.

### **C. The Duty of the New Jersey Secretary of State**

Under Article VI of the Constitution, “all executive and judicial Officers” of the State of New Jersey are “bound by Oath or Affirmation, to support this Constitution.” New Jersey Constitution Article 7, Section 1, paragraph 1 provides:

Every State officer, before entering upon the duties of his office, shall take and subscribe an oath or affirmation to support the Constitution of this State and of the United States and to perform the duties of his office faithfully, impartially and justly to the best of his ability.

The Secretary of State under her oath under the U.S. and New Jersey Constitution and obligation under New Jersey election laws has a clear and present duty to determine whether Candidate Obama was born in the United States, which is a requirement of the “natural born Citizen” clause of Article

II, Section 1, Clause 5. The Secretary of State under her oath under the U.S. and New Jersey Constitution and obligation under New Jersey election laws has a clear and present duty to determine whether Candidate Obama was born to two citizen parents which is a requirement of the “natural born Citizen” clause of Article II, Section 1, Clause 5.

No person shall be eligible for placement on any ballot as a candidate for President or Vice President unless the Secretary of State shall have received and approved adequate evidence of such person’s eligibility for election to such office. The Secretary’s duties do not end with simply accepting a presidential candidate’s primary petition on its face without assuring herself pursuant to the oath she has given under Article VI of the Constitution, which provides that “all executive and judicial Officers” of the State of New Jersey are “bound by Oath or Affirmation, to support this Constitution,” that such candidate has meet the minimum eligibility requirements. The Secretary of State has a duty to protect the integrity of the election process in New Jersey. Under Article VI, he or she must take affirmative steps to support the Constitution which means making sure that the republican form of government is preserved.

As part of those constitutional duties, the Secretary of State does have the authority to make sure that a presidential candidate who is seeking to be

placed on the primary ballot in New Jersey is qualified for that office under the Constitution. The Secretary of State has the power and authority to refuse to qualify a presidential candidate who has filed documentation with the State of New Jersey seeking to be placed on the primary ballot to be voted upon by New Jersey voters when the veracity of that documentation is put into question by an objector. And the Secretary of State has the power and authority to refuse to place a presidential candidate on a ballot for the primary presidential election in New Jersey.

The Secretary of State has been put on official notice that Sheriff Joe Arpaio has conducted an investigation pursuant to his official duties as the Sheriff of Maricopa County, Arizona, regarding Obama's Certification of Live Birth released by him on the White House web site on April 27, 2011 and selective service registration also posted on the internet and has determined that there exists probable cause that the electronic "documents" are forgeries. Sheriff Arpaio has concluded that the investigation that he commissioned "has lead me to believe there is probable cause to believe that President Barack Obama's long-form certificate released by the White House on April 27, 2011, is a computer-generated forgery." Sheriff Arpaio relied in part upon the report of Mara Zebest to come to his conclusion. Ms. Zebest is an expert on computer technology and software. Her complete

report will be provided to the Secretary of State at the hearing on this matter. See attached as Exhibit A a copy of an order of the Supreme Court of Alabama. Justice Parker, concurring states that the documentation provided to the court presents “serious questions about the authenticity of both the “short form and the “long form” birth certificates of President Barack Hussein Obama that have been made public.” See attached as Exhibit B also the affidavit of Timothy Lee Adams in which he states that there was no birth certificate in Hawaii for Barack Obama found during the 2008 election. It is also common knowledge and Obama himself has conceded the point that his father was never a U.S. citizen. Hence, the Secretary of State also knows that Obama’s father was never a U.S. citizen.

By allowing Candidate Obama to commit election fraud upon him, the New Jersey Secretary of State would be violating Objectors Purpura and Moran’s voting rights which would equate to abridging their Fourteenth Amendment Privileges and Immunities to which they are entitled as citizens of the United States. Moran wants to be able to vote for an eligible Democratic candidate for President. He cannot vote for a candidate who is ineligible because in the end it would equate to disenfranchising him from his vote.

By allowing Candidate Obama to commit election fraud upon them, the New Jersey Secretary of State would be depriving Objectors Purpura and Moran's of their rights under the Fifth and Fourteenth Amendment to life, liberty, and property without due process of law. The President and Commander in Chief has immense powers involving international political relations, international commerce, treaties, and war. Such immense powers cannot be potentially given to a person whose identity is not known. Objectors Purpura and Moran have rights to protect his life, liberty, and property and making sure that a person whose identity is not know is a means by which they can accomplish that. Giving such immense powers to a person whose identity is not know presents a substantial risk to Objectors' life, liberty, and property. Candidate Obama is perpetrating a fraud upon Objectors Purpura and Moran which puts them in jeopardy his life, liberty, and property under the Fourteenth Amendment. We still have absolutely no idea who Candidate Obama is or where he was born or even when he was born. Because Candidate Obama has not adequately proven his identity, he has no right to appear on any New Jersey state ballot or have any delegates assigned to him from this State. New Jersey Secretary of State must therefore not allow candidate Obama's name on the ballot or at least investigate whether Obama was born in the United States.

By allowing Candidate Obama to commit election fraud upon him, the New Jersey Secretary of State would be denying Objector Moran his First Amendment right to association. Objector Moran has a First Amendment right to associate with the Democratic Party. Allowing an ineligible person to run as a Democrat if later discovered, will irreparably damage the Democratic Party. New Jersey Secretary of State must therefore be compelled to investigate whether Obama was born in the United States.

Obama has not provided any evidence as to his place of birth. He has admitted that his father was never a “citizen of the United States.” He has admitted that his mother, a U.S. citizen, was only 18 years old on August 4, 1961. If Obama was not born in the United States, under these admitted facts, he is not even a “citizen of the United States.” New Jersey Secretary of State must therefore be compelled to investigate whether Obama was born in the United States. If her investigation shows that Obama was not born in the United States, the Secretary of States cannot as a matter of law allowing Candidate Obama’s name to be printed on the New Jersey primary ballot because he would not be an Article II “natural born Citizen.” Even if Obama was born in the United States, New Jersey Secretary of State must be prohibited as a matter of law from allowing Candidate Obama name to be printed on the New Jersey primary ballot because he was not born to two

U.S. citizen parents which disqualifies him from being an Article II “natural born Citizen.”

**III. OBJECTORS RESPECTFULLY REQUEST THE FOLLOWING RELIEF:**

A. That the Secretary of State not allow candidate Barack Obama to appear on any New Jersey ballot for election to the Office of President, including the primary ballot and the general election ballot, because he is not an Article II “natural born Citizen” given that not having provided any valid proof of his identity and of having been born in the United States, we can only conclude that he was not born in the United States which disqualifies him from being an Article II “natural born Citizen.”

B. Should the Secretary of State not want to declare that Obama has not provided any valid proof of his identity and of having been born in the United States, the Secretary of State investigate and verify under the authority given to her under N.J.S.A. 19:13-11, whether Obama was born in the United States, which includes but is not limited to subpoenaing witnesses and taking testimony and deposition, and requesting of Obama that he produce a certified true copy of his alleged long-form Certificate of Live Birth (not a Certification of Live Birth), and if he refuses to provide that



document subpoenaing from the State of Hawaii a certified true copy of that very document.

C. If the Secretary of State, after having conducted such investigation, cannot conclusively confirm that Obama was born in the United States, the Secretary of State not allow Obama to be placed on any New Jersey election ballot, whether for the primary or the general election, because Obama was not born in the United States which disqualifies him from being an Article II “natural born Citizen.”

D. Even if the Secretary of State is able to conclusively confirm that Obama was born in the United States, the Secretary of State not allow Obama to be placed on any New Jersey election ballot, whether for the primary or the general election, because Obama was not born to two U.S. citizen parents which also disqualifies him from being an Article II “natural born Citizen.”

E. Declare all of candidate Barack Obama’s Petitions of Nomination for the Primary Election to be null and void because none of them certify pursuant to N.J.S.A. 19:23-7 that candidate Barack Obama is qualified under the laws of the State of New Jersey to be nominated as President of the United States.

F. Declare all of candidate Barack Obama's Petitions of Nomination for the Primary Election to be null and void because none of them are accompanied by a certificate in which candidate Barack Obama states that he is qualified for the Office of President, contrary to N.J.S.A. 19:23-7 and N.J.S.A. 19:23-15 which require that such a certificate accompany the petitions.





IN THE SUPREME COURT OF ALABAMA  
March 27, 2012

1110665

Ex parte Hugh McInnish. PETITION FOR WRIT OF MANDAMUS; CIVIL  
(In re: Hugh McInnish v. Beth Chapman in her official capacity  
as Secretary of State).

ORDER

The petition for a writ of mandamus to be directed to the  
Honorable Beth Chapman, Alabama Secretary of State, having  
been duly filed and submitted to the Court,

IT IS ORDERED that the petition for a writ of mandamus is  
stricken.

Malone, C.J., and Stuart, Shaw, and Main, concur.

Parker, J., concurs specially (unpublished writing).

I Robert G. Esdale, Sr., as Clerk of the Supreme Court  
of Alabama, do hereby certify that the foregoing is  
a full, true and correct copy of the instrument(s)  
herewith set out as same appear(s) of record in said  
Court.

Witness my hand this 27th day of March, 2012

*Robert G. Esdale, Sr.*  
Clerk, Supreme Court of Alabama

A

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concurrency)

PARKER, Justice (concurring specially by unpublished writing).

I concur in the Court's decision to strike the petition for a writ of mandamus.

The petitioner, Hugh McInnish, seeks from this Court a writ of mandamus, directly ordering Beth Chapman, as Secretary of State for the State of Alabama,

"to demand that [President Barack Hussein] Obama cause a certified copy of his Bona Fide birth certificate to be delivered to her direct from the government official who is in charge of the records in which it is stored, and to make the receipt of such a prerequisite to his name being placed on the Alabama ballot for the March 13, 2012, primary election, and on the ballot for the November 6, 2012, general election."

McInnish has attached certain documentation to his mandamus petition, which, if presented to the appropriate forum as part of a proper evidentiary presentation, would raise serious questions about the authenticity of both the "short form" and the "long form" birth certificates of President Barack Hussein Obama that have been made public.

In his mandamus petition, McInnish claims that this Court "has original jurisdiction in this case" pursuant to § 12-2-7(2), Ala. Code 1975, which provides that the Alabama Supreme Court "shall have authority" "[t]o exercise original jurisdiction in the issue and determination of writs of quo warranto and mandamus in relation to

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matters in which no other court has jurisdiction."

The Constitutional basis for this Court's jurisdiction is set forth in Ala. Const. 1901, Art. VI, § 140, which provides, in relevant part:

"(b) The supreme court shall have original jurisdiction (1) of cases and controversies as provided by this Constitution, (2) to issue such remedial writs or orders as may be necessary to give it general supervision and control of courts of inferior jurisdiction, and (3) to answer questions of state law certified by a court of the United States.

"(c) The supreme court shall have such appellate jurisdiction as may be provided by law."

The language of the foregoing provision of the Alabama Constitution implies that this Court is without jurisdiction over McInnish's original petition for a writ of mandamus. It is not our appellate jurisdiction that is being invoked, and this matter is not within the original jurisdiction of this Court "to issue such remedial writs or orders as may be necessary to give it general supervision and control of courts of inferior jurisdiction." Ala. Const. 1901, Art. VI, § 140. The office of the Secretary of State of Alabama is not a "court[] of inferior jurisdiction" that this Court may control through the issuance of a writ in response to a petition first filed in this Court. McInnish cites no cases involving § 12-2-7(2), nor does he show this Court any instances in which it has exercised original jurisdiction over a petition for a writ of mandamus addressed to an elected state official. Furthermore, McInnish has not shown that § 12-2-7(2) has a legitimate field of operation in the face of apparent

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conflict with Art. VI, § 140.

It is well settled that "[t]his Court can act only within the jurisdiction conferred by law ...." Ex parte Tubbs, 585 So. 2d 1301, 1302 (Ala. 1991) (citing Ex parte Alabama Textile Prod. Corp., 242 Ala. 609, 7 So. 2d 303 (1942)). Because McInnish has not shown that this Court has original jurisdiction over his petition for an extraordinary writ, the petition is due to be stricken.



AFFIDAVIT

In the State of Kentucky, County of Warren, this affiant being duly sworn, deposes and says that he is Timothy Lee Adams, residing at 1132 Fairview Avenue, Apt. F, Bowling Green, KY 42101 and that the statements below are true concerning his employment at the City and County of Honolulu Elections Division in Honolulu, Hawaii:

1. I was employed at the City and County of Honolulu Elections Division from May 2008 through September 2008.
2. My position at the City and County of Honolulu Elections Division was Senior Elections Clerk.
3. My responsibilities were to oversee the activities of the Absentee Ballot Office.
4. During the course of my employment, I became aware that many requests were being made to the City and County of Honolulu Elections Division, the Hawaii Office of Elections, and the Hawaii Department of Health from around the country to obtain a copy of then-Senator Barack Obama's long-form, hospital-generated birth certificate.
5. Senior officers in the City and County of Honolulu Elections Division told me on multiple occasions that no Hawaii long-form, hospital-generated birth certificate existed for Senator Obama in the Hawaii Department of Health and there was no record that any such document had ever been on file in the Hawaii Department of Health or any other branch or department of the Hawaii government.
6. Senior officers in the City and County of Honolulu Elections Division further told me on multiple occasions that Hawaii State government officials had made inquiries about Senator Obama's birth records to officials at Queens Medical Center and Kapi'olani Medical Center in Honolulu and that neither hospital had any record of Senator Obama having been born there, even though Governor Abercrombie has asserted and various Hawaii government officials continue to assert Barack Obama, Jr. was born at Kapi'olani Medical Center on August 4, 1961.
7. During the course of my employment, I came to understand that for political reasons, various officials in the government of Hawaii, including then-Governor Linda Lingle and various officials of the Hawaii Department of Health, including Dr. Chiyome Fukino, the director of the Hawaii Department of Health, were making representations that Senator Obama was born in Hawaii, even though no government official in Hawaii could find a long-form birth certificate for Senator Obama that had been issued by a Hawaii hospital at the time of his birth.
8. During the course of my employment, I was told by senior officers in the City and County of Honolulu Elections Division to stop inquiring about Senator Obama's Hawaii birth records, even though it was common knowledge among my fellow employees that no Hawaii long-form, hospital generated birth certificate existed for Senator Obama.

In witness whereof he has hereto set his hand and seal.

Affiant's signature: *T. Lee Adams*  
 Affiant's title: adjunct faculty, WKU

I, Heather Berry, a Notary Public of the County and State aforesaid, hereby certify that Timothy Lee Adams personally known to me to be the affiant in the foregoing affidavit, personally appeared before me this day and having been duly sworn deposes and says the facts set forth in the above affidavit are true and correct.

Witness my hand and official seal this 21<sup>st</sup> day of March, 2012.

Notary Public's signature: *Heather Berry*  
 My commission expires: My Commission Expires July 19, 2014

B



# Partisan Candidates

(Primary Elections)

Candidates must meet the age, residence and petition signature requirements listed below as set forth in the United States Constitution, New Jersey Constitution and N.J.S.A. 19:23-8

Office	Age	Residence	Citizenship	Number of Signatures	Office Filed
President	35	Country 14yrs.	Natural Born	1,000	Division of Election
U.S. Senate	30	Resident	9 yrs.	1,000	Division of Elections
House of Representatives	25	Resident	7 yrs.	200	Division of Elections
Governor	30	7 yrs.	20 yrs.	1,000	Division of Elections
Delegates to National Convention	18	Resident	Citizen	100	Division of Elections
N.J. Senate	30	Resident - 4 yrs.	Citizen	100	Division of Elections
N.J. General Assembly	21	Resident - 2 yrs.	Citizen	100	Division of Elections
County Office	18	Resident	Citizen	100	County Clerk
State Committee	18	Resident	Citizen	100	County Clerk
Municipalities over 14,000	18	Resident - 1 yr.	Citizen	*50	Municipal Clerk
Municipalities under 14,000 or wards in any Municipality	18	Resident - 1 yr.	Citizen	*25	Municipal Clerk
Election District	18	Resident	Citizen	*10	Municipal Clerk

\*NOTE: The required number of signatures may vary. Candidates for the primary election should contact the Municipal Clerk's office for an exact number. (N.J.S.A. 19:23-8)

## NJ Division of Elections



State of New Jersey  
Department of State  
**Division of Elections**

Office Location:  
225 West State Street, 5th Floor  
Trenton, NJ 08608

Tel: (609) 292-3760  
Fax: (609) 777-1280  
TTD/TTY: 1-800-292-0039

Mailing Address:  
PO Box 304  
Trenton, NJ 08625-0304

For 24 hour pre-recorded assistance, please call 1-800-NJVOTER