

Moreover, where such historical negationism is performed in violation of law (*e.g.*, [18 U.S.C. § 1001](#) relating to “Fraud and False Statements”), it will constitute a felony and, following conviction, subject the perpetrator to punishment of fine and imprisonment for not to exceed five years.

Historical negationism, the core principle underlying Orwell’s Memory Hole in *1984*, was tangentially addressed, without identifying it as such, in a series of posts at The P&E including, for example, [here](#), [here](#) and [here](#). In those posts, your humble servant pointed out that there seemed to be a conscious effort by the Congressional Research Service (“CRS”), and others in potential “collusion” or “conspiracy” with the CRS and its personnel, to craft and issue certain memoranda and formal “Reports” which alter the actual words of a U.S. Supreme Court decision – *Perkins v. Elg*, 307 U.S. 325 (1939) – in an apparent attempt to facilitate the conclusion that Barack Hussein Obama II was constitutionally eligible to the presidency as a “natural born Citizen.” P&E veteran readers will recall what those posts showed, but newer P&E Readers should first browse those posts to get the full flavor of what the balance of the present following post reveals.

The alteration of the words was pursued through an ellipsis omission – you know, those dot-dot-dot... punctuation marks indicating the deletion of certain words from a quote – of a date which allowed the CRS to assert, falsely, that the U.S Supreme Court had long ago held that a child born to alien – *i.e.*, non-U.S. citizen – parents (or even one such parent) could if merely born here nonetheless still be deemed eligible to the presidency as a “natural born citizen.” Art. 2, § 1, cl. 5 of the U.S. Constitution exclusively restricts presidential eligibility to a “natural born Citizen.”

This original CRS conclusion was set out in an “Internal Memorandum” by a CRS attorney, one Jack Maskell, dated April 3, 2009 (SCRIBD.com image [removed](#) and no longer available on Internet) and repeated in a second CRS “[Report](#)” dated November 14, 2011 (CRS Report entitled “Qualifications for President and the “Natural Born” Citizenship [*sic*] Eligibility Requirement,” also authored by Mr. Maskell.



“...the first sitting American president to come from Kenya” –
<https://www.thepostemail.com/2018/07/23/obama-says-he-is-from-kenya/>

And this is where the “birther conspiracy theory” gets interesting (give me a moment to adjust my tinfoil hat in order to reestablish contact with the orbiting Mother Ship): in another [CRS Report](#) by the same author dated January 11, 2016, magically, the “Elg ellipsis” is reversed, erased and “undone.” See Jan. 11, 2016 CRS Report at 43. Having twice successfully bamboozled the Congress (and, parenthetically, 99.9999% of the electorate) and in the process accomplished the objective of “proving” the constitutional eligibility of Monsieur Obama in 2009 and 2011 – thereby also crushing the “birther” movement and ensuring his re-election – there was no longer (a) any need to perpetuate the hoax and (b) good reason to erase any trace of it, because if discovered, investigated (fat chance now) and prosecuted (bigger fat chance), it could really mess up one’s day. Or one’s presidency.

Or, for that matter, a former president’s “legacy” and executive [pension](#), now pegged by federal law at around \$210,000.00 annually, plus staff and office expenses, medical care, health insurance and lifetime Secret Service protection. That CRS Report cited in the preceding sentence notes that for fiscal year 2016-2017, Barack Hussein Obama II requested – and received from Congress – an appropriation of \$3,277,000.00 to meet his “transition needs.” Sweet retirement ride, no? As far as can be determined, there is no pension or post-Oval Office “expenses” table for usurpers. Recall the astute observation of Sherlock Holmes: “The perfect crime is the one that is never discovered.”

But wait... what if someone captured screenshots of the original CRS documents where the Elg ellipsis originally occurred? Would that not prove that the erasure and restoration attempts had actually happened? And if they did happen, might those same strategies be used again when, for example, a person running for president claimed to be – but was not – a “natural born citizen?” At the present time, such persons include (at minimum) Senator Ted Cruz; Senator Marco Rubio; Senator Kamala Harris; Ms. Nikki Haley; Bobby Jindal..., to name but a few, with others surely to follow.

Guess what, faithful P&E readers: it is actually happening again. Note that the original April 3, 2009 “internal memorandum” where the Elg ellipsis first occurred was uploaded to a private, digital library and document archiving website, “[Scribd.com](#).” Since the document was an internal memo not intended for public dissemination (it had been obtained and uploaded to the website by a private attorney, Mario Apuzzo, an eligibility expert), it is not and never has been available on the official [CRS website](#) which portal is, to put it mildly, about as user-friendly as a wounded hyena. However, as already noted earlier, the original April 3, 2009 memo has been “removed from Scribd.” Go ahead, try it (<http://www.scribd.com/doc/41131059/CRS-Congressional-Internal-Memo-What-to-Tell-Your-Constituents-Regarding-Obama-Eligibility-Questions>). So, unless you have preserved, either by screenshot or print from Scribd.com prior to the removal of the document, of your own copy of the April 3, 2009 CRS “internal memorandum,” you are simply out of luck.

Ah, but what about other digital libraries and Internet archiving sites? For example, take a look at www.archive.com, the proprietor of “The Wayback Machine.” Try to find any of the CRS memos or reports discussed above there. Not much luck (perhaps a P&E reader will have better luck than yours truly).

But wait... there's more. Another private, proprietary website – www.everycrsreport.com – declares that “We’re publishing reports by Congress’s think tank, the Congressional Research Service, which provides valuable insight and non-partisan analysis of issues of public debate. These reports are already available to the well-connected — we’re making them available to everyone for free.” Curious? Go to the site, but don’t try to access the April 3, 2009 memorandum because, since it was an “internal memorandum” and not a formal CRS “Report,” it is not archived there.

PERKINS v. ELG. 325

Syllabus.

PERKINS, SECRETARY OF LABOR, ET AL. v. ELG.*

CERTIORARI TO THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

No. 454. Argued February 3, 1939.—Decided May 29, 1939.

1. A child born here of alien parents becomes a citizen of the United States. P. 328.
2. As municipal law determines how citizenship may be acquired, the same person may possess a dual nationality. P. 329.
3. A citizen by birth retains his United States citizenship unless deprived of it through the operation of a treaty or congressional enactment or by his voluntary action in conformity with applicable legal principles. P. 329.
4. It has long been a recognized principle in this country that if a child born here is taken during minority to the country of his parents' origin, where his parents resume their former allegiance, he does not thereby lose his citizenship in the United States provided that on attaining majority he elects to retain that citizenship and to return to the United States to assume its duties. P. 329.
Expatriation is the voluntary renunciation or abandonment of nationality and allegiance. P. 334.
5. This right of election is consistent with the naturalization treaty with Sweden of 1869 and its accompanying protocol. P. 335.
6. The Act of March 2, 1907, in providing “That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, . . .” was aimed at voluntary expatriation and was not in-

Source: [Library of Congress](#)

On the other hand, however, if one accesses the November 14, 2011 CRS Report on the [website](#), one finds (at p. 45) that the “Elg ellipsis” is still there, but at p. 43 of the 2016 Report, the “Elg ellipsis” bell has been “un-rung” and the original quote from the Supreme Court’s decision restored. An interesting aspect of the discrete subsite where both the 2011 and 2016 CRS Reports are found is a “Revision History” dialog box allowing one to view changes and “revisions” from the 2011 Report now found in the 2016 Report.

The dialog box indicates that the 2016 Report is “14% changed” from the 2011 Report, but how that calculation is made is not disclosed. However, if one “clicks” on the “14% changed” link, one is taken to another [subsite](#) where this language is found: “Changes from November 14, 2011 to January 11, 2016 This page shows textual changes in the document between the two versions indicated in the dates above. Textual matter removed in the later version is indicated with red and textual matter added in the later version is indicated with blue.”

Scrolling through the document, it would appear just from the volume of red and blue colors displayed that a lot more than 14% of the 2011 document was changed to arrive at the current, 2016 document. Nonetheless, for purposes of the present discussion, the subsite clearly shows that a conscious and deliberate effort was made to erase the original “Elg ellipsis” which was present in the 2011 Report when making the “revisions” to arrive at the 2016 Report, which restores the original Supreme Court language. Stated otherwise, the 2016 Report – bearing the same CRS Report identifier, R42097 – is now the “last word,” or at minimum the “most recent”

word on the topic, from the CRS. Notably as well, the name of the author of the 2016 Report – Mr. Maskell – has been scrubbed from the Report, so unless one clicks on the “Nov. 14, 2011” link in the “Revision History” dialog box, not only will one be unaware of the Elg ellipsis (2011 Report) and its erasure (2016 Report), but one will also not know who authored the 2016 Report.

So what does all of this mean? That presents a question yet to be answered, but at least we know that numerous “revisions” were made to the 2011 Report to arrive at the 2016 Report *other* than relating to the “Elg ellipsis.” However, a line-by-line analysis of those changes – including other ellipsis omissions (or even bracketed additions) – is beyond the scope of this post. The point, however, is simply this: the revision of a prior document to clarify it is one thing, but the revision of an official federal document to erase what appears to have been an improper and potentially illegal exercise in historical negationism is quite another, particularly when the topic is presidential eligibility under Art. 2, § 1, cl. 5 of the Constitution.

From all appearances, it remains your humble servant’s opinion that the CRS 2009 memorandum and 2011 Report had the effect of intentionally misleading Congress, as well as the general public (also known as “the electorate”) into believing that the U.S. Supreme Court in 1939 had confirmed that, despite the principles articulated by Emmerich de Vattel in § 212 of his tome *The Law of Nations* – which treatise was of critical importance to the Founders at the Constitutional Convention in 1787 – a person who was merely a “citizen at birth” or a “citizen by birth” would qualify as a “natural born Citizen” and be eligible to the presidency. The Supreme Court said no such thing – and in fact, has stated just the opposite in *Minor v. Happersett*, 88 U.S. 162, 167-168 (1875) – and the erasure of the Elg ellipsis in the 2016 CRS Report merely serves to corroborate that conclusion.

Stated otherwise, it’s as if the Elg ellipsis never happened. Faithful P&E readers know the truth: it did happen... and it could happen again.

Just sayin’.....