

Update: Presidential Eligibility, Part 2

HOW MANY WORDS WERE OMITTED BY JACK MASKELL TO ACHIEVE THE DESIRED RESULT?

by Joseph DeMaio



What did members of Congress know about Obama's lack of eligibility, and when did they know it?

(May 31, 2011) — **[Editor's Note:** The essay which follows is a continuation of our previous [article](#), which disclosed the existence of a second Congressional Research Service memo produced with the apparent purpose of providing a rationale to members of Congress for their constituents regarding the eligibility of Barack Hussein Obama under [Article II](#), Section 1, clause 5 of the U.S. Constitution to serve as president and commander-in-chief. Neither CRS memo was disseminated to the public. The first was obtained through citizen researchers assisting with the [Kerchner v. Obama & Congress, et al](#) lawsuit; the second was obtained through another citizen researcher who provided it directly to The Post & Email.]

Unless otherwise stated, the term "CRS Memo" in this essay refers to the first CRS memo dated [April 3, 2009](#).

Perhaps the best way to explain the concern is to begin at the end of the CRS Memo, where it announces its conclusion, and work backward from there to expose the errors (or less innocuous shortcomings) contributing to the result. In the final paragraph, the CRS Memo states:

“The constitutional history and relevant case law thus indicate that one born ‘in the United States,’ and subject to its jurisdiction, that is, when one’s parents are not official diplomatic personnel representing a foreign nation in the U.S., would be considered a U.S. citizen ‘at birth’ or ‘by birth,’ and thus, a ‘natural born Citizen’ of the United States, regardless of the citizenship status of that individual’s parents.”

Dr. Corsi’s book (at p. 303) quotes this paragraph from the CRS Memo in a section which the book labels as “The Push to Eliminate Article 2, Section 1.” Dr. Corsi is correct: the CRS Memo seems clearly intent upon eliminating any distinction between the “natural born Citizen” identified in Article 2, Section 1, Clause 5 of the Constitution and the “native born citizen” recognized under the Fourteenth Amendment and the decision in *Wong Kim Ark*. But there, unlike in this post, the book’s analysis stops, turning to the potential under the CRS Memo’s reasoning for a President Arnold Schwarzenegger. Scary.

So, according to the CRS – again, the federal agency claiming to be possessed of “the nation’s best thinking” – as long as a person’s parents are not in the official diplomatic service of a foreign nation here, *anyone* born to such parents on United States soil (or soil over which it exercises jurisdiction) will qualify as a ‘natural born Citizen’ of the United States and thus be eligible to be president. This means, of course, that anyone – from the “garden variety” undocumented pregnant immigrant seeking only employment here to support a family to any fanatical pregnant terrorist intent on the destruction of the nation as we know it – who can make it here and give birth here, can produce an offspring eligible to serve as president under the “natural born Citizen” clause of the Constitution.

By semantically confusing and conflating the concept of a “native born citizen” as contemplated under the Fourteenth Amendment with that of a “natural born Citizen” as required for a president under the Constitution itself, the CRS Memo turns the concept of presidential eligibility on its head and, worse, thereafter attempts to market it as truth. The two terms may sound similar, but, as Mark Twain once observed, “it’s the difference between ‘lightning’ and ‘lightning bug.’”

If the CRS Memo is the product of the nation’s best thinking, we are in far deeper trouble than heretofore even imagined. In fact, the CRS Memo’s ultimate conclusion cannot be reached *at all* upon a closer examination of the mechanisms it utilizes to “drive” and “shoehorn” the result sought.

THE DETAILS OF THE CRS MEMO ATTACK

It first must be kept in mind that the CRS Memo bases virtually its entire ultimate conclusion on what it claims is the U.S. Supreme Court decision in *Perkins v. Elg*, cited above. While it cites a number of other decisions, those cases are secondary chaff in light of what the CRS Memo contends is the holding in *Elg*. In that case, the issue was whether one Marie Elizabeth Elg – who was born in the United States to parents who, although originally Swedish citizens, *were at the time of the child's birth both naturalized U.S. citizens* – could be deprived by the United States of her citizenship by virtue of her mother's removal of her to Sweden during her minority. The Court held that she could not be so deprived.

Despite this fact – *i.e.*, that both of Marie Elg's parents were, at the time of her birth, United States citizens, thus making her a “natural born citizen” consistent with § 212 of *The Law of Nations* – the CRS Memo asserts exactly the opposite and then builds its case for the presidential eligibility of all “native born citizens,” including (surprise, surprise...), Barack H. Obama.

The CRS Memo contends (at p. 13) that:

“The Supreme Court in *Perkins v. Elg* thus found that one born ‘in’ the U.S., even of *alien* [*sic*][emphasis in original CRS Memo] parentage, is a U.S. citizen ‘at birth,’ and in *dicta* [Latin for “side comment”] in the case indicated that such person is eligible to be President of the United States. The Court explained that even if that person's parents move back to their country of origin with their child, and obtain citizenship for that child in the foreign country, such a U.S. citizen ‘at birth’ who returns or intends to return to the United States by the age of majority remains a ‘natural born citizen’ of the United States.”

The only problem with this assertion in the CRS Memo is that it is wrong.

First, the CRS claim that the Court in *Elg* was addressing a fact situation involving a child born in the United States of *alien* parents is flat wrong. Both of Marie Elg's parents were naturalized U.S. citizens at the time of her birth, a fact confirmed through an examination of the U.S. Court of Appeals prior decision in the case (*Perkins v. Elg*, 99 F.2d 408, 409 (App. D.C. 1938)) and later reiterated and confirmed in *Thomasicchio v. Acheson*, 98 F. Supp. 166, 170 (D.C.D.C. 1951).

Stated otherwise, even under the principles set out in § 212 of *The Law of Nations*, Marie Elg would have qualified as a “natural born citizen.” Thus, to reiterate, the CRS contention that the Supreme Court in *Elg* was examining a fact situation involving a child born of “alien” parents is demonstrably and manifestly in error. Whether the error is “innocent,” of course, is quite another question.

Second, the source of the CRS Memo's apparent “confusion” is seemingly traced to the Supreme Court's prior decision in *United States v. Wong Kim Ark*, 169 U.S. 649 (1897).

The majority opinion in that case – yes, unlike the unanimous decision in *Perkins v. Elg*, the *Ark* decision was a 6-2 split (one Justice did not participate) with a strong dissent – did, in fact, hold that one born within the boundaries and jurisdiction of the United States is a U.S. citizen at birth, regardless of the citizenship status of the parents. The dissent, of course, disagreed, but until the current or some future Supreme Court decision overrules the *Ark* majority opinion, it stands as the law. The decision, of course, is part of the genesis of the “anchor baby” illegal immigration debate.

But the *Wong Kim Ark* decision has nothing to do with presidential eligibility under the “natural born Citizen” clause of the Constitution. Unlike Marie Elg, who, as stated, was a “natural born citizen,” the Court held only that Wong Kim Ark was a “native born citizen.” And this is where the CRS Memo strays far from the facts.

Again, hearkening back to its “Background/Summary” portion at p. 4 of the Memo document, the CRS Memo, after referencing (by footnote) the *Ark* decision’s holding that all persons born “in” the United States and subject to its jurisdiction are citizens of the United States “at birth,” states:

“... all persons born ‘in’ the United States and subject to its jurisdiction are citizens of the United States ‘at birth.’ As such, any person physically born ‘in’ the United States, regardless of the citizenship status of one’s parents (unless such parents are foreign *diplomatic* personnel *not* subject to the jurisdiction of the United States) would appear to be a ‘natural born’ citizen eligible to be President of the United States [fn. 25]” (Emphasis in original)

A more spectacular *non sequitur* would be difficult to construct. The full text of footnote 25 of the CRS Memo (one should always read the footnotes carefully, as they frequently leave traces of how one is trying to cover one’s tracks...), reads as follows:

“25. See specifically *Perkins v. Elg, supra* at 329-330, where the Supreme Court explains that ‘a child born here of alien parentage becomes a citizen of the United States’ even if she or he is removed to a foreign country by a parent and made a citizen there. The Court favorably cites a decision of the Attorney General that such a person is “a native-born American citizen. There is no law of the United States under which his father or any other person can deprive him of his birthright. He can return to America at the age of twenty-one, and in due time, if the people elect, he can become President of the United States ... [even though] the father, in accordance with the treaty and the laws, has renounced his American citizenship and his American allegiance and has acquired for himself and his son German citizenship and the rights which it carries...”

First, there are two “quotes within the quotes” in the footnote. The first one – in the initial sentence of the footnote and signaled through enclosure by single quotation marks – is a summation by the Court in *Elg* of its prior decision in *Wong Kim Ark*. That case, as noted here previously, involved a *native born* citizen only (Wong Kim Ark) and *not* a *natural born* citizen (Marie Elg). Yet the CRS Memo totally disregards that manifest distinction and suggests that it is the Court in *Elg* announcing a new principle of law as to

Marie Elg rather than what it was actually doing, *i.e.*, merely summarizing the principle from its prior case as to Wong Kim Ark.

Second, the next quote – signaled by double quotation marks – is a quote from an 1875 Attorney General “letter of advice” rendered by then-U.S. Attorney General Edwards Pierrepont to then-Secretary of State Hamilton Fish. *See Perkins v. Elg*, 307 U.S. at 330. Although indexed as “15 Op. Atty. Gen. 15,” contrary to the CRS Memo’s characterization of the “letter of advice” as a “decision” such as might come from a court of law and have value as precedent, the letter of advice is just that: one lawyer’s opinion as to what the answer to a legal question might be.

It is far from binding precedent and any suggestion that it is a “decision” equivalent to an appellate court case opinion or decision is off the mark. Stated otherwise, it is akin to a response by, say, a research agency of the Library of Congress to a congressman who has asked, in the hypothetical: “What should I tell my constituents about Obama’s eligibility?” To the extent that the Supreme Court in *Elg* thought it necessary to cite to the letter from Pierrepont to Fish, at least the Court accurately quoted the letter in its decision. The CRS Memo does not.

THE SNEAKY ELLIPSIS IN THE CRS MEMO ATTACK

Here is the actual language of a portion of the full quote from Pierrepont’s letter cited in the *Elg* decision (307 U.S. at 330), which in turn the CRS Memo cites in support of its conclusions in fn. 25 of the memo:

“Young Steinkauler is a native-born American citizen. There is no law of the United States under which his father or any other person can deprive him of his birthright. He can return to America at the age of twenty-one, and in due time, if the people elect, he can become President of the United States; but the father, in accordance with the treaty and the laws, has renounced his American citizenship and his American allegiance and has acquired for himself and his son German citizenship and the rights which it carries....”

The rest of the quote, omitted by the CRS Memo from its footnote 25, follows:

“... and he must take the burdens as well as the advantages. The son being domiciled with the father and subject to him under the law during his minority, and receiving the German protection where he has acquired nationality and declining to give any assurance of ever returning to the United States and claiming his American nationality by residence here, I am of the opinion that he cannot rightly invoke the aid of the Government of the United States to relieve him from military duty in Germany during his minority. But I am of opinion that when he reaches the age of twenty-one years he can then elect whether he will return and take the nationality of his birth with its duties and privileges, or retain the

nationality acquired by the act of his father. This seems to me to be ‘right reason,’ and I think it is law.”

However, what the Supreme Court *actually* said in the *Elg* case (*Elg*, 307 U.S. at 330) – again addressing the Pierrepont letter, but, critically, not purporting to quote from it – is this:

“This principle [*i.e.*, that a native-born child taken by his/her parents to their country of origin will not lose U.S. citizenship if on attaining majority returns here and reclaims it] was clearly stated by Attorney General Edwards Pierrepont in his letter of advice to the Secretary of State Hamilton Fish, in *Steinkauler’s Case*, 1875, 15 Op.Atty.Gen. 15. The facts were these: One Steinkauler, a Prussian subject by birth, emigrated [*sic*] 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. To an inquiry by our Minister, the father declined to give an assurance that the son would return to this country within a reasonable time. On reviewing the pertinent points in the case, including the Naturalization Treaty of 1868 with North Germany, 15 Stat. 615, the Attorney General reached the following conclusion:...” (Bold and underlining emphasis added) At this point in the *Elg* opinion, the Court sets forth the full quote from Pierrepont’s letter previously referenced here, *i.e.* beginning with “Young Steinkauler...” The CRS Memo, however, claims that the Court in *Elg* said something quite different.

The following is a verbatim replication of the CRS Memo language beginning at the bottom of p. 13 and continuing over to p. 14 of the memo, and note the ellipsis deletion of the punctuation and words “..., was naturalized in 1854,...” and the ellipsis omission of the entire ensuing two sentences from Pierrepont’s letter:

“One Steinkauler, a Prussian subject by birth, emigrated to the United States in 1848 ... 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. ...” On reviewing the pertinent points in the case, including the Naturalization Treaty of 1868 with North Germany, 15 Stat. 615, the Attorney General reached the following conclusion:...” (Ellipsis underlined)

Stated otherwise, and in graphic form, this is what Attorney General Pierrepont said in *Steinkauler’s Case*.

SIR: The facts upon which the Secretary of State asks the opinion of the Attorney-General are these:

“Mr. A. Steinkauler, a Prussian subject by birth, emigrated to the United States in 1848, became naturalized in 1854, and in the following year had a son born in Saint Louis, Mo. Four years after the birth of his son Steinkauler returned to Germany, taking his family, including this infant child, and became domiciled at Weisbaden, where they have all continuously resided. Nassau, in which Weisbaden is situated, became incorporated into the North German Confederation in 1866. This son has now reached the age of twenty years, and the German Government has called upon him to report for military duty. Mr. Steinkauler thereupon invokes the intervention of the legation of the United States at Berlin, on the ground that his son is a native-born American citizen.”

Pierrepoint's "letter advice" to Hamilton Fish on the Steinkauler case. From Opinions of the U.S. Attorney General, Vol. 15, p. 15, 1875

And this is what the Court in *Perkins v. Elg* said about Pierrepoint's opinion:



Supreme Court Page From *Elg* Case Discussing Steinkauler Letter

The text of the decision pictured above reads:

This principle was clearly stated by Attorney General Edwards Pierrepoint in his letter of advice to the Secretary of State, Hamilton Fish, in *Steinkauler's Case*, 15 Op. Attys. Gen'l, 15 (1875). 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 Wiesbaden 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. To an inquiry by our Minister, the father declined to give an assurance that the son would return to this country within a reasonable time. On reviewing the pertinent points in the case,

including the Naturalization Treaty of 1868 with North Germany, the Attorney General reached the following conclusion:

“Young Steinkauler is a native-born American citizen. There is no law of the United States under which his father or any other person can deprive him of his birthright. He can return to America at the age of twenty-one, and in due time, if the people elect, he can become President of the United States; but the father, in accordance with the treaty and the laws, has renounced his American citizenship and his American allegiance and has acquired for himself and his son German citizenship and the rights which it carries, and he must take the burdens as well as the advantages. The son being domiciled with the father and subject to him under the law during his minority, and receiving the German protection where he has acquired nationality and declining to give any assurance of ever returning to the United States and claiming his American nationality by residence here, I am of opinion that he cannot rightly invoke the aid of

And finally, here is how the CRS Memo used an ellipsis to alter the language of both of those documents on page 13:



Page 13 of Jack Maskell's first CRS memo which omitted the text indicating that Steinkauler's father had become a U.S. citizen before his son was born

One Steinkauler, a Prussian subject by birth, emigrated to the United States in 1848 ... and in the following year had a son who was born at St. Louis. Four years later Steinkauler returned to Germany taking this child and became domiciled in Weisbaden where they continuously resided. ... On (continued on page 14)

And what, you may ask, is the significance of the CRS Memo omission of the words “... was naturalized in 1854...?” Simple: because the younger Steinkauler’s father was naturalized in **1854**, and the son was born “... in the following year...,” it means that in Pierpont’s original letter, quoted accurately by the Court in *Elg*, the son was born in **1855**, *after* his father became a naturalized citizen the year before, in 1854. By omitting the language in question through ellipsis, the CRS Memo leaves the impression – whether intentionally or not will be a matter for others to decide – that the Supreme Court, rather than Pierpont or the CRS Memo author, was stating that the son was born in **1848**, at a point in time *before* his father was naturalized, which is contrary to the fact.

The legal significance is this: the younger Steinkauler, born in 1855, one year after his father had been naturalized, in addition to being a “native born citizen” – recalling that all natural born citizens are also native born citizens, but not all native born citizens are natural born citizens – was also a natural born citizen, consistent with the observations in *Rusk* and the principles articulated in § 212 of *The Law of Nations*. The son was *not*, as apparently believed by Attorney General Pierrepont, solely a “native-born American citizen,” but was instead additionally a “natural born citizen” who would have been, all other requirements being met, eligible for the presidency.

On the other hand, to the extent that Attorney General Pierrepont knew that Steinkauler the younger was in addition to being a “native born citizen” also a “natural born citizen,” it would have helped had he emphasized that fact. But since Pierrepont also knew that the son, being born in the year after his father had become a naturalized citizen, and thus, was himself a natural born citizen, he most likely felt it unnecessary to reiterate the obvious point as being redundant.

However, the CRS Memo erroneously seeks to alter the language of the Supreme Court’s actual verbiage describing Attorney General Pierrepont’s “letter of advice” in order to portray the son’s status as being *only* that of a “native-born citizen,” but *nonetheless* eligible to the presidency upon that ground. In fact, the son’s automatic status as a “natural born citizen,” he being born after his father was naturalized, would have accomplished that anyway. Stated otherwise, to the extent that the CRS Memo seeks to rely “specifically” on the decision in *Elg* to support its manufactured conclusion, the only way it can do so is by omitting from the language of *Elg* the facts which would confirm Steinkauler the younger’s status as a natural born citizen.

If there is a rational explanation for this conscious omission, CRS should disclose it and publicly correct it, because if the unexplained and apparent impropriety of the omission is confirmed, it would elevate intellectual dishonesty to a new level.

From a grammatical standpoint, an ellipsis is a “signal” to a reader that words, phrases and sometimes even entire sentences have been deliberately deleted from a quote. The ellipsis grammatical device is frequently used to excise verbiage from quotes. It is defined in the online Webster’s “English Learner’s Dictionary” as “(1) the act of leaving out one or more words that are not necessary for a phrase to be understood, or (2) a sign (such as ...) used in printed text to show that words have been left out.” (<http://www.learnersdictionary.com/search/ellipsis>). Where redundant, superfluous or immaterial words are thus omitted, there is “no harm, no foul.”

On the other hand, when clearly relevant or material words are deliberately deleted and omitted from a quote and the effect is to alter – sometimes radically – the meaning of the remaining quote not excised, the omission is anything but “no harm, no foul.”

Here, the effect is to leave the reader – and perhaps 535 members of Congress, if each member received the CRS Memo – under the erroneous impression that the Supreme Court held in *Elg* that a “native born citizen” is the same as a “natural born citizen” for

presidential eligibility purposes. The two are not the same, and the suggestion that the Supreme Court held otherwise in *Elg* is, at minimum, disingenuous. Word to the wise, especially when dealing with federal documents: whenever an ellipsis is spotted within a quote from elsewhere, be suspicious and examine the original.

In other words, the CRS Memo seems – whether carelessly or by design – to have seized upon, at minimum, the incomplete and perhaps even erroneous characterization used by Attorney General Pierrepont to describe the elder Steinkauler’s son as a “native born American citizen,” thereby camouflaging the reality of his status as a natural born citizen through the ellipsis omission discussed, and then conflating the concept through (misplaced) reliance on the decision in *Elg* to generate its equally erroneous conclusion. That defective conclusion, of course, is that Supreme Court case law establishes – in the words of the author of the CRS Memo, not Justice Hughes in *Elg* – that:

“... one born ‘in the United States,’ and subject to its jurisdiction, that is, when one’s parents are not official diplomatic personnel representing a foreign nation in the U.S., would be considered a U.S. citizen ‘at birth’ or ‘by birth,’ and thus, a ‘natural born Citizen’ of the United States, regardless of the citizenship status of that individual’s parents.”

Again, while there is little doubt that such a person would correctly be deemed to be a native born citizen under existing case law, those cases do *not* establish that such a person would “... thus [be] a ‘natural born Citizen’ of the United States, regardless of the citizenship status of that individual’s parents.” On the contrary, the actual opinions – not to be confused with the CRS Memo’s “paraphrasing” of the opinions – plainly establish that “... *only the ‘natural born’ citizen is eligible to be President.*” (Emphasis added) *Schneider v. Rusk, supra.*

Finally, and somewhat ironically, when one examines the full text of Attorney General Pierrepont’s letter (15 Op.Atty.Gen. 15, at 18-19), one finds that Mr. Pierrepont notes that he is “gratified” to find support in his conclusions in the work “*Nationality*” by the Lord Chief Justice of England, quoting, in part, § 212 of the work as follows:

“As regards the children, *those born after the naturalization should of course follow the nationality of the father.* Of those born before, a distinction should be made between those who accompany the father to the new country and those who do not. The latter should retain their nationality of origin. As regards the former, a distinction is again to be made between those who have attained their majority and those who have not. *Those who are still minors, and who as such are still subject to the authority of the father and form part of his family, must be taken, at all events for the time, to follow his nationality;* and as it may fairly be presumed that they will in the future remain in the new country and desire to become its citizens, they should be deemed to be such in the absence of any declaration to the contrary. But, inasmuch as by their birth they have acquired a right to the nationality of the country of birth, it ought not be in the power of the parent to deprive them of it, if, on arriving at full age, they [*19] desire to retain it, and a reasonable time should be allowed them to reject the nationality acquired by the father, and to claim that

of the former country, without being subjected to the necessity of becoming naturalized in it.” (Emphasis added)

This quote from Pierrepont’s letter articulates two important facts. First, the conclusion is entirely consistent with another “§ 212,” *i.e.*, § 212 of de Vattel’s *The Law of Nations*, noting that it is the citizenship status of *both* parents – but in *particular* that of the father – that determines who is, and more importantly, who is not, properly defined to be a “natural born citizen” as contrasted with a “native born citizen.”

Second, and of particular relevance to the situation of the current putative president, is the fact of his removal by his mother and stepfather – one Lolo Soetoro – to Indonesia while he was still a minor. Exploration of that issue is beyond the scope of this memo, so its analysis will be left to another time.

While Steinkauler the younger, as a natural born citizen, would not need to become “naturalized” under the Lord Chief Justice of England’s opinion, if one’s father was *never* a U.S. citizen, even under the views of Attorney General Pierrepont and the Lord Chief Justice of England, that person could also never be a natural born citizen.

While there is no certain way of determining whether Attorney General Pierrepont’s use of the term “native born citizen” was intended, *sub silentio*, to also encompass Steinkauler the younger as a “natural born citizen,” the facts of the case as related by the Attorney General and accurately repeated by the Supreme Court in *Elg* – as opposed to the same facts as “modified” by the author of the CRS Memo – plainly establish that Steinkauler the younger was a natural born citizen. To reiterate: while all natural born citizens are also native born citizens, not all native born citizens are natural born citizens.

The CRS Memo’s portrayal of Steinkauler the younger being “only” a native born citizen – and conscripting the U.S. Supreme Court opinion in *Elg*, altered by ellipsis, into the cause of purportedly supporting the conclusion that he would “thus,” nonetheless, be eligible to become president without regard to his actual natural born status – is, at best, misleading. At worst, it is something quite different and more ominous.

THE NEXT CHAPTER: THE BILBRAY TRANSMITTAL

The next event (at least as thus far discovered) in the unfolding saga of Mr. Obama’s purported constitutional eligibility occurred on June 5, 2009, some two months following the issuance of Mr. Maskell’s April 3, 2009 CRS Memo above-discussed. That event took the form of a CRS “Transmittal” document to Rep. Brian P. Bilbray (R-Cal.) authored by one Jerry W. Mansfield, Information Research Specialist, CRS Knowledge Services Group, and entitled “Qualifications of Barack Obama to Be President of the United States.”

The “Transmittal” (accessible here: <http://www.scribd.com/doc/41916222/BILBRAY-MEMO-2009-Jun-8-Bilbray-Fax-Re-CRS-Research-Redacted>) was prepared for Congressman Bilbray in response to a constituent request. Included with the document are, in the author’s words:

“... several articles that address concerns about the birth certificate of President Obama, his place of birth, and how questions surrounding it were ultimately resolved. Also included are a lengthy piece prepared by the Annenberg Public Policy Center of the University of Pennsylvania, [<http://www.factcheck.org>] and an article that points out that the Internet includes falsehoods and they can live forever.

“We hope you find this information helpful. Please contact me if I can be of further assistance.”

Taking the points in reverse order, Mr. Mansfield’s statement that, on the Internet “falsehoods... can live forever,” is most ironic. Given that the comment is being interposed in the context of a mind-set extolling as forever unassailable the *only* species of evidence thus far “revealed” to the general public regarding Mr. Obama’s claimed eligibility, *i.e.*, two Internet images – repeat, *images* – of documents purporting to be “genuine” documentation of Mr. Obama’s birth data, rather than the “best evidence” of same, to wit, the original documents themselves, the term “hypocritical” rather than merely “ironic” might better describe the situation.

Second, the notion that, somehow, the fact that an Internet-based website (www.factcheck.org) is funded by the Annenberg Public Policy Center should lend credibility to the assertions made in the website post is nonsense. It is a well-known fact that the Annenberg Public Policy Center has a long record of being a strong political and financial supporter of Mr. Obama. As noted here (<http://www.wnd.com/index.php?fa=PAGE.view&pageId=226697>), in 1995, the organization financed Mr. Obama when he served as the Chairman of the “Chicago Annenberg Challenge.” According to the author of the post – oddly enough, one Dr. Jerome Corsi – the Chicago Annenberg Challenge made a \$482,000+ grant to a workshop project headed by one Mike Klonsky, a former top communist activist who is an associate of former Weather Underground terrorist leader William Ayers, also rumored to be an “acquaintance” of Mr. Obama.

Those facts aside, the Bilbray Transmittal document also recklessly asserts that the Internet-based articles being supplied – again, under the auspices of the repository of “the nation’s best thinking” – address questions surrounding Mr. Obama’s eligibility and reveal how, in Mr. Mansfield’s words, those questions “...were ultimately resolved.” With due respect, the only place where such questions have been “ultimately resolved” is somewhere in the deep recesses of the minds (or imaginations) of Messrs. Maskell and Mansfield.

Which brings us to the final point regarding the Bilbray Transmittal. In light of the fact that, a mere 63 days earlier, the CRS had issued its original CRS Memo – in response to

virtually the *identical* inquiry posed from “congressional offices” – two legitimate questions arise. First, why did not Mr. Mansfield simply remind Congressman Bilbray of the original CRS Memo and enquire whether he had received a copy? Second, why did Mr. Mansfield not make reference to the Maskell CRS Memo of April 3, 2009 in his Transmittal?

For a federal agency claiming to have been “... a valued and respected resource on Capitol Hill for nearly a century...,” these facts plainly seem to undercut that contention. Indeed, a cynic might be tempted to jump to the conclusion that, instead of maintaining its reputation for being objective and nonpartisan, it is on this issue being converted into an advocacy arm for a particular political viewpoint.

If, as the CRS claims on its website, its “... highest priority is to ensure that Congress has 24/7 access to the nation’s best thinking...,” and that its work is “... authoritative, objective and non-partisan...,” an argument can be made that the agency should begin acting more like an independent resource and acting less like an appendage of a political party or a Washington, D.C. “K” Street lobbying firm.

And if that were the end of the saga, it would be one thing. Sadly, however, it is not the end.

Editor’s Note: Please watch for Part 3 of this series in the near future, which will conclude Mr. DeMaio’s analysis of the CRS Memos as they pertain to presidential eligibility requirements.