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An investigative report detailing the Obama eligibility controversy [Part II]

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Part II of an investigative series

In the [first part](#) of this investigative report, background was provided to identify the core legal and constitutional arguments in the matter of Barack Hussein OBAMA II's eligibility to hold the office of President of the United States. Using my investigative experience, I performed this investigation in compliance with the same "industry standards" that apply to performing background investigations of individuals selected for corporate positions by Fortune 100 companies.

As noted in my initial report, the primary intent of this investigation has been to establish whether Barack Hussein OBAMA has indeed furnished the necessary proof to confirm his eligibility to assume the position of the President of the United States, and whether that proof has been properly authenticated. In other words, this investigation sought to determine whether there are any *legitimate* questions or concerns over the eligibility issue, or whether the matter has been sufficiently resolved. Or to put it yet another way, is there a legitimate reason to mock, belittle, marginalize, or otherwise consider the so-called "Birthers" as kooks living on the fringe of conspiracy?

Despite assertions by politicians, media pundits and others, this issue is far from having been resolved. Investigation found that those who will not discuss this issue or mock the questions and those asking the questions either do not fully understand the issue, or have agendas that conflict with the truth being disclosed. This part of the investigation will provide detailed information outlining how that conclusion has been reached, and will offer additional information of relevance pertaining to the narrow scope of the issue of eligibility itself. Additional investigative results in the form of supplemental reports will address the methods being presently employed – and identify those who are employing them – to keep the truth from being made known to the American people.

It is the conclusion of this investigator that Barack Hussein OBAMA II has not only failed to provide proof of eligibility, but has and continues to fight efforts to release the proof necessary to confirm that he is legally eligible to occupy his current position as the president of the United States.

To be clear, it is important to understand that there is a vast and significant difference between the meaning of the words *evidence* and *proof*, although most people use the terms synonymously. While Black's Law Dictionary offers the legal definition of both terms, they can be easily summarized for the purpose of this investigation as follows: Evidence is something that offers the basis for belief or disbelief, or knowledge on which to base belief, **while proof is the establishment of facts by evidence.**

Clearly, the United States Constitution requires the higher standard of *proof and not merely evidence* of eligibility to hold the office of President. Contrary to the assertions of representatives speaking on behalf of OBAMA, media accounts and numerous reports on various Internet sites, OBAMA has provided absolutely no *proof* that he meets the eligibility requirements as of the date of this investigation.

Before proceeding, it's important to understand that the distinction between evidence of proof is neither petty nor is it "mere semantics," as the legal definitions between evidence and proof are exceptionally clear, especially in a court of law and especially when considering someone to assume the highest position in U.S. government. In fact, it is this distinction that is being methodically exploited to misrepresent the facts of this case, and to pejoratively label anyone who continues to demand proof as a "birther."

"Certification of Live Birth" as proof

CERTIFICATION OF LIVE BIRTH

STATE OF HAWAII
HONOLULU

DEPARTMENT OF HEALTH
HAWAII U.S.A.

CERTIFICATE NO. [REDACTED]

CHILD'S NAME
BARACK HUSSEIN OBAMA II

DATE OF BIRTH
August 4, 1961

HOUR OF BIRTH
7:24 PM

SEX
MALE

CITY, TOWN OR LOCATION OF BIRTH
HONOLULU

ISLAND OF BIRTH
OAHU

COUNTY OF BIRTH
HONOLULU

MOTHER'S MAIDEN NAME
STANLEY ANN DUNHAM

MOTHER'S RACE
CAUCASIAN

FATHER'S NAME
BARACK HUSSEIN OBAMA

FATHER'S RACE
AFRICAN

DATE FILED BY REGISTRAR
August 8, 1961

OHDM 1.1 (Rev. 11/01) LADER This copy serves as prima facie evidence of the fact of birth in any court proceeding. (HRS 338-13(b), 338-19)

ANY ALTERATIONS INVALIDATE THIS CERTIFICATE

Clearly, the image of the Certification of Live Birth is a large part of the eligibility question. Much debate and discussion has taken place over the image's authenticity and provenance. As noted, that document first appeared in JPEG image format on or about 12 July 2008 on the political website DailyKos, and was subsequently published on the OBAMA-backed website "[Fight the Smears](#)" and also on www.FactCheck.org.

Controversy became rampant as numerous analyses of the image at each site suggested that in certain cases, alterations to the image were made. The controversy became exacerbated by the obvious revisions made to

that image that appeared on various web sites to such an extent that the accusations distracted from the most basic of issues: **The Certification of Live Birth, even if authenticated, is not legally sufficient to be considered proof of citizenship and therefore, is legally insufficient to be prove the eligibility of**

Barack Hussein OBAMA II. Accordingly, the “long form,” or “vault copy” of the actual birth certificate needs to be released for the legal burden of proof to be satisfied.

The release of the authenticated “long form” of OBAMA’s birth certificate will identify the parents, the exact location of birth, as well as the source of the information provided on that form. By virtue of the legal definition and standards of proof, it is the *only* document suitable to meet the legal definition of proof, and the only document that will contain all of the necessary information to prove or disprove his eligibility to hold office.

While investigation of possible alterations of the JPEG of the COLB posted and presented as “genuine” on a site sanctioned by OBAMA or those representing him could become relevant in a separate criminal investigation, the topic is subordinate to and detracts from the primary issue of OBAMA’s eligibility. Analysis of the JPEG image purported to be that of OBAMA’s Certification of Live Birth is beyond the scope of this investigation, especially since the document itself (and not a JPEG image of the document) has not been made accessible for review. Nonetheless, allegations of alteration must be properly investigated as any evidence of alterations with the intent to deceive, done by an individual or group acting in an official capacity, can be used to illustrate a course of conduct that might later prove useful in the venue of a criminal investigation.

The authenticity of the Certification of Live Birth notwithstanding, it is the conclusion of this investigator that OBAMA has not only failed to produce the appropriate form necessary to prove eligibility (the vault copy or long form birth certificate), but has gone to significant lengths to keep that form from being released.

Investigation into this area has produced sufficient evidence to indicate that representatives of Barack Hussein OBAMA II, either at his direction or with his knowledge and consent, posted or caused to be posted the [Certification of Live Birth at the Fight the Smears website](#), claiming the document is incontrovertible proof of his citizenship status and thus, his eligibility to hold the office of President. At that site, the Certification of Live Birth is improperly labeled and presented to the visitors as “Barack Obama’s Official Birth Certificate.” **It is, in fact and reality, no such document.**

FIGHT *The* SMEARS

"What you won't hear from this campaign or this party is the kind of politics that uses religion as a wedge, and patriotism as a bludgeon – that sees our opponents not as competitors to challenge, but enemies to demonize."
 – Barack Obama, June 3, 2008

JOIN
 the
OBAMA
 ACTION WIRE
 STAY UP TO DATE ON
 RIGHT WING SMEARS

**HELP US
 SPREAD
 THE TRUTH**
 DONATE NOW

The Truth About Barack's Birth Certificate

CERTIFICATION OF LIVE BIRTH

Smears claiming Barack Obama doesn't have a birth certificate aren't actually about that piece of paper — they're about manipulating people into thinking Barack is not an American citizen.

The truth is, Barack Obama was born in the state of Hawaii in 1961, a native citizen of the United States of America.

Next time someone talks about Barack's birth certificate, make sure they see this page.

Barack Obama's Official Birth Certificate

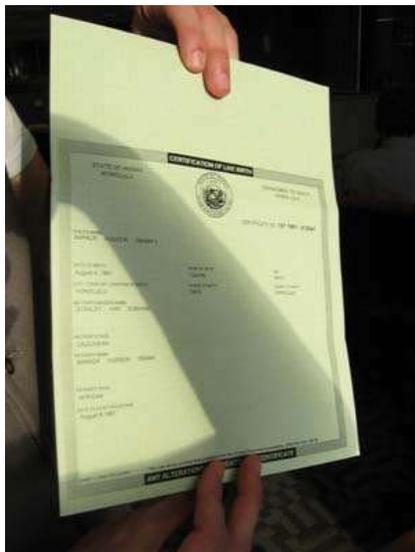
CERTIFICATION OF LIVE BIRTH

STATE OF HAWAII DEPARTMENT OF HEALTH

When one considers the text above the image as shown above, it is reasonable to question the intent of the site operators with regard to improperly representing that the document is something it is not, and to allege that those “claiming Barack Obama doesn’t have a birth certificate aren’t actually about that piece of paper — they’re about manipulating people into thinking Barack is not an American citizen.” It would appear that the actual manipulation is not originating from anyone asking reasonable, fact-based questions, but by those who deceitfully represent that the image of the COLB is an actual birth certificate.

Arguments used to deflect the truth

To be sure, there are numerous individuals and groups who claim that the presentation of the Certification of Live Birth is sufficient to prove Obama’s Constitutional eligibility. In January 2009, Janice OKUBO, director of communications for the Hawaii Department of Health, stated that the COLB provides sufficient information to answer all of the questions surrounding OBAMA’s eligibility. To illustrate her assertion, she noted that the COLB lists OBAMA’s location of birth as Honolulu, Hawaii:



"If you were born in Bali, for example, you could get a certificate from the state of Hawaii saying you were born in Bali. You could not get a certificate saying you were born in Honolulu. The state has to verify a fact like that for it to appear on the certificate."

As noted in the previous section of this report, it is important to understand that the COLB does not provide the critical information pertaining to OBAMA’s parents, the exact location of birth, or the

source of information provided. **Only one document (of current relevance) will provide that information: an authenticated copy of the long form or vault copy of the birth certificate of Barack Hussein OBAMA II.**

In an article titled "[Born in the U.S.A](#)" originally published on 21 August 2008 and updated on 1 November 2008, FactCheck.org also attempted to quell further questions of OBAMA's eligibility by commenting on the Certification of Live Birth:

"FactCheck.org staffers have now seen, touched, examined and photographed the original birth certificate. We conclude that it meets all of the requirements from the State Department for proving U.S. citizenship. Claims that the document lacks a raised seal or a signature are false. We have posted high-resolution photographs of the document as "supporting documents" to this article. Our conclusion: Obama was born in the U.S.A. just as he has always said."

This assertion is a bit more misleading, as the author refers to the Certification of Live Birth as a "birth certificate." In other words, the "staffers" examined the COLB, not the long form or vault copy of the birth certificate of Barack Hussein OBAMA II. The affirmation that the COLB is genuine notwithstanding, **only one document (of current relevance) will provide that information: an authenticated copy of the long form or vault copy of the birth certificate of Barack Hussein OBAMA II.**

In summary, arguments over the authenticity of the COLB are nothing more than a distraction from the primary issue: **the Certification of Live Birth, even if authenticated, is not legally sufficient to be considered proof of citizenship and therefore, is legally insufficient to be prove the eligibility of Barack Hussein OBAMA II.** Accordingly, the "long form," or "vault copy" of the actual birth certificate needs to be released for the legal burden of proof to be satisfied. And THAT is the document that Barack Hussein OBAMA II continues to fight against being released.

Nomination without proof

It is reasonable to ask how any individual could successfully secure the nomination of their respective party if they did not furnish the necessary proof of eligibility as required by the U.S. Constitution. This question is especially relevant considering the intense examination of Senator John McCain as candidate for the Republican Party. A follow-up and equally reasonable question is who would allow such an event to occur absent of such proof, and who would have had to know about the potential controversy in advance? A prevailing yet erroneous theory is that for one to believe that Barack Hussein OBAMA II is not constitutionally eligible to hold the office of President of the United States, there must be a massive conspiracy that involves numerous individuals and multiple levels of government.

Although one would reasonably suspect that there had to have been a large number of "co-conspirators" involved in such an act, the opposite is actually true.

An investigation into this issue found that only the chairperson of each party (the party's national convention that nominates the candidate) has to sign an "Official Certification of Nomination," which is the recognized legal instrument that affirms that the party's candidate meets all of the eligibility requirements to hold the office of President. In the case of Barack Hussein OBAMA II, that responsibility fell with Ms. Nancy PELOSI. It is a surprisingly simple process that is completed following the official nomination of the candidate for office, and is usually filed immediately after the close of the party's convention.

In the case of Barack Hussein OBAMA, PELOSI signed the affirmation of eligibility in her capacity as Chair of the Democratic National Convention along with Alice GERMOND, the Secretary of the Democratic National Convention. Her signature, affixed and notarized to this legal instrument, was viewed as "sufficient documentation" by the Federal Elections Commission (FEC) "that both OBAMA and BIDEN were duly nominated and met the Constitutional eligibility requirements," according to an official interviewed by this investigator at the FEC in Washington, DC. According to this FEC official, "no further verification was required or performed at any level [within the FEC]."

Unsurprisingly, repeated attempts by this investigator to secure information from Ms. PELOSI's Washington, DC office for information about the eligibility and background verification process were not answered as of the date of this report. Meanwhile, one Washington insider with ties to the FEC told this investigator that the process of filing the Official Certification of Nomination is "easier than getting a DC driver's license. No one asks any questions and the process is nothing more than a mere formality," stated this source.

Oddities surrounding the "Official Certification of Nomination" affidavits

One very suspicious circumstance verified during the course of this investigation involves the production and filing of the "Official Certification of Nomination" forms. Numerous web sites and open sources have furnished two images of the same affidavit as best illustrated at the web site operated by Reverend James David MANNING ([at this link](#)). Under the heading of "Exhibit 6" at this location are two nomination documents, each with different wording as to the certification of the candidates.

This investigator took steps to verify the authenticity of the original documents and not the Internet copies. Using a federal index system of certified election documents, the authenticity of both documents was established and it was verified that *both* exist on file. Additionally, this investigator and Judi McLeod, founder and editor of [Canada Free Press](#), interviewed Reverend MANNING in February 2010 about this and other matters, in a further attempt to secure bona fide documentation about OBAMA's background and the authentication of documents. Reverend MANNING noted the discrepancies in the wording, and has since conducted his own inquiries of these documents.

Interestingly, the wording within the certifications is significantly different; one contains the Constitutional certification clause within the body of the document, while the other does not. The different wording of these two separate documents is detailed as follows:

Document “with” Constitutional certification clause:

“THIS IS TO CERTIFY that at the National Convention of the Democrat Party of the United States of America, held in Denver, Colorado on August 25 through 28, 2008, the following were duly nominated as candidates of said Party for President and Vice President of the United States respectively and that the following candidates for President and Vice President of the United States are legally qualified to serve under the provisions of the United States Constitution.”

Document “without” Constitutional certification clause:

“THIS IS TO CERTIFY that at the National Convention of the Democrat Party of the United States of America, held in Denver, Colorado on August 25 though 28, 2008, the following were duly nominated as candidates of said Party for President and Vice President of the United States respectively.”

During the course of this investigation, attempts were made by this investigator to have the differences between documents explained by various government officials within the Federal Elections Commission (FEC). Despite numerous attempts, no explanations were obtained. The absence of the “constitutionality clause” remains of significant concern to this investigator and is an area that requires further exploration.

This discrepancy was also addressed in an [article written by Canada Free Press columnist JB Williams on 24 April 2010](#). In that article, Mr. Williams accurately described the difference in documents:

“Note that the language which certifies that Barack Hussein Obama meets all constitutional qualifications is missing in the DNC documents filed in 49 of the 50 states. The certification of constitutional qualification for the office of president was filed only in Hawaii. That text is missing in the DNC certification filings for all other states.”

“Whereas the RNC filed the exact same certification document, including the constitutional text for John McCain in all 50 states, Obama was technically certified in only one state, Hawaii.”

Prior knowledge of eligibility problems

That the process of filing the “Official Certification of Nomination” is indeed a simple one and rests on the sworn statements of two individuals, it is not intended to mean that others did not possess prior knowledge of OBAMA’s failure to provide sufficient proof of eligibility. In fact, as early as 2005, some individuals presently serving in his administration appear to have known that the eligibility issue relative to his citizenship might become a future problem.

A twenty-six page article written by Sarah P. HERLIHY was published in the *Chicago-Kent Law Review*, Volume 81:275 titled “*Amending the Natural Born Citizen Requirement: Globalization as the Impetus and the Obstacle.*” The date of publication is 22 February 2006, although the article appears to have been written by HERLIHY in late 2005.

As the title implies, the author argues that Article II of the U.S. Constitution inhibits “globalization” of the U.S. She further opines that the provision is discriminatory, outdated, and undemocratic. On page fifteen of her article, HERLIHY references several hypothetical arguments that bear an eerie likeness to the not-so-hypothetical implementation of policies we are witnessing under the OBAMA administration.

The “[HERLIHY BRIEF](#),” as I have labeled it, is interesting on several levels, but relevant on one level in particular: HERLIHY was employed as an associate by **Kirkland & Ellis, LLP**, a Chicago, Illinois based law firm with offices worldwide. Further investigation found that a senior partner of that same firm, Bruce I. ETTELSON, was a former member on the finance committee of Barack Hussein OBAMA II when he was a Senator in Illinois. Could this be a mere coincidence, or perhaps an attempt to break psychological barriers while grooming a future President?

That, combined with legislative efforts during the 2008 campaign involving McCain’s eligibility (as documented in Part I of this report), appear to suggest a broader level of knowledge among individuals that the issue of eligibility as it relates to the U.S. Constitution, might present a future problem.

A mission gone wrong?

John O. BRENNAN is currently the assistant to President OBAMA and Deputy National Security Adviser for Homeland Security and Counterterrorism. Until he began working for OBAMA, BRENNAN was the CEO of a firm called the **Analysis Corporation**, a government subcontractor whose work involved providing intelligence-related consulting services to federal agencies. In 2008, a contract employee of BRENNAN’s firm was caught inappropriately accessing certain passport files in the State Department’s passport office. BRENNAN’s firm was “cited” in March, 2008 for breaching sensitive files, including the passport files of Hillary Rodham CLINTON, John McCain and Barack Hussein OBAMA.

On 21 March 2008, U.S. State Department spokesman Sean McCormack confirmed that the contractor from BRENNAN’s company had accessed the passport files of the presidential candidates that included OBAMA. It is significant to note that the passport files include a virtual treasure trove of personal information, including an applicant’s name, social security number, date and place of birth. The files would likely contain additional information including original or authenticated copies of birth certificates, naturalization certificates, or oaths of allegiance for U.S.-born persons who adopted the citizenship of a foreign country as minors.

It should be noted that at the time of the incident, BRENNAN was working as an unpaid adviser to the Obama campaign and was said to have virtually unfettered access to the candidate. BRENNAN, of course, denounced the actions of the employee.

The nature of the “breach,” according to intelligence sources close to this investigator, confirmed that the target of the unlawful access was the file containing documents related to Barack Hussein OBAMA (a fact that was originally reported in an [article written by Ken Timmerman for NewsMax.com](#)). This is significant, of course, as OBAMA has not permitted the release of his passport records or the documentation contained in that file.

It is important to note that this was not the first breach, nor the only one. At least two other incidents that resulted in the termination or other disciplinary action took place in the several months around this same time period. This breach, however, was different, and the difference between this incident and the others must not be dismissed as it is directly related to the potential disclosure of personal information of Barack Hussein OBAMA II, including his original, “long form” birth certificate. This incident involved more than a curious subcontractor worker; it involved other co-conspirators, including an unidentified contact within the U.S. State Department itself.

Research into the three separate incidents was performed, noting that two of those incidents were somewhat limited in terms of what was accessed. The breach that involved HARRIS, however, as often happens with “the use of unmanageable criminal assets,” went dangerously awry.

Following this incident, federal investigators identified a cooperative witness with direct information about the breach of the passport records – allegedly by accident. That individual, identified as Lieutenant Harris Junior, 24, was stopped for a minor traffic infraction on 25 March 2008, and was found to be in possession of stolen credit cards and documents that were traced back to the breach of the passport records. ([Copy of arrest record here in PDF format](#)) HARRIS, known to DC police, began working with federal authorities to strike a deal as they expanded their investigation into the passport incident. According to a review of the arrest record, HARRIS admitted to investigating officers that he obtained the documents from (an unnamed) co-conspirator “**who works for the U.S. Department of State**” [emphasis added by this author].

Less than a month later, HARRIS was found with a [single bullet wound to his head](#) on Thursday, 17 April 2008, inside of his car that was parked in front of the Judah House Praise Baptist Church in Washington, DC. HARRIS was described as “an important witness in the breach of the passport records.” While his death was attributed to an increase in violence in the city, at least one detective interviewed by this investigator is not too sure. “It’s an awfully big coincidence, and you know how I feel about coincidences,” stated this homicide detective. “I’ve considered that it was someone tying up loose ends,” he added. The murder of HARRIS remains unsolved.

Legal stonewalls

From an investigative perspective, the reluctance of Barack Hussein OBAMA to release an authenticated copy of his actual long form birth certificate is as revealing as it is troubling. The exact number of lawsuits filed within the last two years to legally compel Barack Hussein OBAMA to release a copy of his authenticated, long form birth certificate is unknown. According to Canada Free Press columnist [JB Williams in an article he wrote on 24 April 2010](#) discloses that OBAMA has spent “in excess of \$2 million in legal fees” [to prevent the release of that document]. Mr. Williams stated “nobody spends \$2 million in legal fees to hide an authentic birth certificate. At least no one who is not hell bent on hiding information of significance.”

Mr. Williams also notes that “[I]n every instance, the lawsuits were dismissed prior to discovery, or the legal process that in these cases, permit the petitioning party to review evidence relevant to the lawsuit.”

From an investigative perspective, the most obvious and nagging question is why Barack Hussein OBAMA II has refused and continues to refuse to authorize the release of that document for review. Consistent with the background investigations I have conducted on behalf of Fortune 500 and 100 companies, such a refusal would be sufficient cause to automatically dismiss the individual seeking the high-level executive position from such consideration. By comparison to the 150 or so investigations of this type I have performed over the last 25 years, I have yet to find anyone under consideration for such a position to refuse this most routine and basic request. Moreover, I have never experienced anyone who has not only refused to do so, but spent extraordinary sums of money in legal fees to fight against such disclosure.

The authenticated long form birth certificate is not the only document of interest that OBAMA refused to provide, but it is the most salient and direct method of furnishing proof to answer the eligibility issue once and for all.

Barack Hussein OBAMA II promised transparency to the American people during his campaign and if elected, during his time in office of President. Yet, that promise of transparency has been replaced with walls of lawyers and an administration of individuals who have mounted an unprecedented campaign of opacity. In addition to his actual birth certificate, OBAMA has refused to release the following records that would provide insight into the individual currently occupying the highest office in the United States:

- Official U.S. passport records
- Medical records
- Occidental College records & transcripts
- Columbia College records & transcripts
- Harvard College records
- State of Illinois Bar Records
- Private practice law client list

Each of the above records would be considered relevant to his position as President, and most previous presidents have themselves authorized the release of such information for public review. Requesting the release of the above records is certainly reasonable, and is consistent with the requests of previous administrations.

Of course, cursory research of various web sites will provide lists of other documents undisclosed by OBAMA, including but not limited to his natural parent's marriage license, records from overseas primary schools, and even his Baptismal certificate, if one even exists. Also included by some sites are his adoption records, various grade school and high school transcripts, and published articles that he would have authored while enrolled in college. While the release of such records would indeed prove enlightening, they are not necessarily intrinsic to the issue of his Constitutional eligibility.

The production of a single document could put this entire controversy to rest: the long form birth certificate. As noted in this investigative segment, it is that single document that OBAMA has not only refused to release or authorize to be released, but has spent an estimated \$2 million to keep under wraps.

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