

# Obama Sued in Philadelphia Federal Court on Grounds he is Constitutionally Ineligible for the Presidency

By [Jeff Schreiber](#)

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## Editor's Note

*Is this legal filing on Obama's birth certificate part of a carefully prepared ploy to trigger a crisis at the Democratic Convention? The suit was filed in Philadelphia five days prior to the Democratic Convention.*

Philip Berg is close to Hillary Clinton. Is this action being launched because Hillary Clinton was not chosen as Obama's running mate for the office of the Vice President?

Will the law suit be allowed to proceed?

Are the Republicans supportive of this initiative? Will the lawsuit be used by the McCain campaign?

The mainstream media has not covered the issue. There is barely mention of the lawsuit by America's main news sources. The text of the Press Release is contained in Annex. Links to the main legal documents are also provided.

The article below is posted with a view to informing our readers. Global Research does not necessarily support the views expressed in the article.

Global Research will provide further analysis as events unfold.

Michel Chossudovsky, Global Research, August 23, 2008



A prominent Philadelphia

attorney and Hillary Clinton supporter filed suit this afternoon in the U.S. District Court for the Eastern District of Pennsylvania against Illinois Sen. Barack Obama, the Democratic National Committee and the Federal Election Commission. The action seeks an injunction preventing the senator from continuing his candidacy and a court order enjoining the DNC from nominating him next week, all on grounds that Sen. Obama is constitutionally ineligible to run for and hold the office of President of the United States.

Philip Berg, the filing attorney, is a former gubernatorial and senatorial candidate, former chair of the Democratic Party in Montgomery (PA) County, former member of the Democratic State Committee, and former Deputy Attorney General of Pennsylvania. According to Berg, he filed the suit-just days before the DNC is to hold its nominating convention in Denver-for the health of the Democratic Party.

"I filed this action at this time," Berg stated, "to avoid the obvious problems that will occur when the Republican Party raises these issues after Obama is nominated."

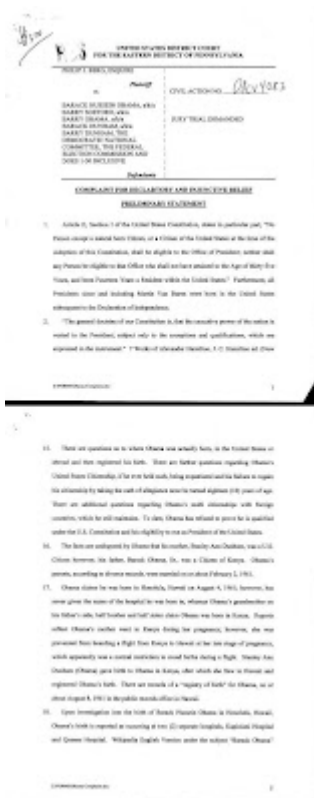
Berg cited a number of unanswered questions regarding the Illinois senator's background, and in today's lawsuit maintained that Sen. Obama is not a natural born U.S. citizen or that, if he ever was, he lost his citizenship when he was adopted in Indonesia. Berg also cites what he calls "dual loyalties" due to his citizenship and ties with Kenya and Indonesia.

Even if Sen. Obama can prove his U.S. citizenship, Berg stated, citing the senator's use of a birth certificate from the state of Hawaii verified as a forgery by three independent document forensic experts, the issue of "multi-citizenship with responsibilities owed to and allegiance to other countries" remains on the table.

In the lawsuit, Berg states that Sen. Obama was born in Kenya, and not in Hawaii as the senator maintains. Before giving birth, according to the lawsuit, Obama's mother traveled to Kenya with his father but was prevented from flying back to Hawaii because of the late stage of her pregnancy, "apparently a normal restriction to avoid births during a flight." As Sen. Obama's own paternal grandmother, half-brother and half-sister have also claimed, Berg maintains that Stanley Ann Dunham-Obama's mother-gave birth to little Barack in Kenya and subsequently flew to Hawaii to register the birth.

Berg cites inconsistent accounts of Sen. Obama's birth, including reports that he was born at two separate hospitals-Kapiolani Hospital and Queens Hospital-in Honolulu, as well a profound lack of birthing records for Stanley Ann Dunham, though simple "registry of birth" records for Barack Obama are available in a Hawaiian public records office.

Should Sen. Obama truly have been born in Kenya, Berg writes, the laws on the books at the time of his birth hold that U.S. citizenship may only pass to a child born overseas to a U.S. citizen parent and non-citizen parent if the former was at least 19 years of age. Sen. Obama's mother was only 18 at the time. Therefore, because U.S. citizenship could not legally be passed on to him, Obama could not be registered as a "natural born" citizen and would therefore be ineligible to seek the presidency pursuant to Article II, Section 1 of the United States Constitution.



Moreover, even if Sen. Obama could have somehow been deemed “natural born,” that citizenship was lost in or around 1967 when he and his mother took up residency in Indonesia, where Stanley Ann Dunham married Lolo Soetoro, an Indonesian citizen. Berg also states that he possesses copies of Sen. Obama’s registration to Fransiskus Assisi School In Jakarta, Indonesia which clearly show that he was registered under the name “Barry Soetoro” and his citizenship listed as Indonesian.

The Hawaiian birth certificate, Berg says, is a forgery. In the suit, the attorney states that the birth certificate on record is a forgery, has been identified as such by three independent document forensic experts, and actually belonged to Maya Kasandra Soetoro, Sen. Obama’s half-sister.

“Voters donated money, goods and services to elect a nominee and were defrauded by Sen. Obama’s lies and obfuscations,” Berg stated. “If the DNC officers ... had performed one ounce of due diligence we would not find ourselves in this emergency predicament, one week away from making a person the nominee who has lost their citizenship as a child and failed to even perform the basic steps of regaining citizenship as prescribed by constitutional laws.”

“It is unfair to the country,” he continued, “for candidates of either party to become the nominee when there is any question of the ability to serve if elected.”

## ANNEX. TEXT OF PRESS RELEASE

### PRESS RELEASE

For Immediate Release: – **08/21/08**

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Philip J. Berg, Esq. Files Federal Lawsuit

Requesting Obama

Be Removed as a Candidate as he does not meet the

Qualifications for President

(Lafayette Hill, Pennsylvania – 08/21/08) – Philip J. Berg, Esquire, [Berg is a former Deputy Attorney General of Pennsylvania; former candidate for Governor and U.S. Senate in Democratic Primaries; former Chair of the Democratic Party in Montgomery County; former member of Democratic State Committee; an attorney with offices in Montgomery County, PA and an active practice in Philadelphia, PA, filed a lawsuit in Federal Court today, **Berg vs. Obama, Civil Action No. 08-cv-4083**, seeking a Declaratory Judgment and an Injunction that Obama does not meet the qualifications to [\FORMS\PressReleaseObama08212008](#) to be President of the United States. Berg filed this suit for the best interests of the Democratic Party and the citizens of the United States.

Philip J. Berg, Esquire stated in his lawsuit that Senator Obama:

1. Is not a naturalized citizen; and/or
2. Lost his citizenship when he was adopted in Indonesia; and/or
3. Has dual loyalties because of his citizenship with Kenya and Indonesia.

Berg stated: "I filed this action at this time to avoid the obvious problems that will occur when the Republican Party raises these issues after Obama is nominated.

There have been numerous questions raised about Obama's background with no satisfactory answers. The questions that I have addressed include, but are not limited to:

1. Where was Obama born? Hawaii; an island off of Hawaii; Kenya; Canada; or ?
2. Was he a citizen of Kenya, Indonesia and/or Canada?
3. What was the early childhood of Obama in Hawaii; in Kenya; in Indonesia when he was adopted; and later, back to Hawaii?
4. An explanation as to the various names utilized by Obama that include: Barack Hussein Obama; Barry Soetoro; Barry Obama; Barack Dunham; and Barry Dunham.
5. Illinois Bar Application - Obama fails to acknowledge use of names other than Barack Hussein Obama, a blatant lie.

If Obama can prove U.S. citizenship, we still have the issue of multi-citizenship with responsibilities owed to and allegiance to other countries.

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Berg continued:

“Eighteen million Democratic Primary voters donated money, volunteered their time and energy, worked very hard and then not only supported Senator Clinton, but voted for her and often recruited other supporters as well. All the efforts of supporters of legitimate citizens were for nothing because this man lied and cheated his way into a fraudulent candidacy and cheated legitimately eligible natural born citizens from competing in a fair process and the supporters of their citizen choice for the nomination.

Voters donated money, goods and services to elect a nominee and were defrauded by Senator Obama's lies and obfuscations. He clearly shows a conscience of guilt by his actions in using the forged birth certificate and the lies he's told to cover his loss of citizenship. We believe he does know, supported this belief by his actions in hiding his secret, in that he failed to regain his citizenship and used documents to further his position as a natural born citizen. We would also show he proclaims himself a Constitutional scholar and lecturer, but did not learn he had no eligibility to become President except by means of lying, obfuscations and deceptions. His very acts prove he knew he was no longer a natural born citizen. We believe he knew he was defrauding the country or else why use the forged birth certificate of his half sister?

Americans lost money, goods and services donated in their support of a candidate who supposedly was a natural born citizen simply because the DNC officers and party leaders looked the other way and did not demand credentials to answer the questions and prove whether or not Senator Obama was a legitimately natural born citizen, even in light of recent information that has surfaced on websites on the Internet suggesting Senator Obama may not be eligible to become President and questioning his status of multiple citizenships and questionable loyalties! If the DNC officers and/or leaders had performed one ounce of due diligence we would not find ourselves in this emergency predicament, one week away from making a person the nominee who has lost their citizenship as a child and failed to even perform the basic steps of regaining citizenship through an oath of allegiance at age eighteen [18] as prescribed by Constitutional laws!

The injunctive relief must be granted because failing to do so, this inaction defrauds everyone who voted in the Democratic Primary for a nominee that is a fair representation of

the voters. Failure to grant injunctive relief would allow a corrupted, fraudulent nomination process to continue. It not only allows, but promotes an overwhelming degree of disrespect and creates such a lack of confidence in voters of the primary process itself, so that it would cement a prevailing belief that no potential candidate has to obey the laws of this country, respect our election process, follow the Constitution, or even suffer any consequence for lying and defrauding voters to get onto the ballot when they have no chance of serving if they fraudulently manage to get elected! It is unfair to the country for candidates of either party to become the nominee when there is any question of their ability to serve if elected.

All judges are lawyers and held to a higher standard of practice than a regular lawyer. It is this Judicial standard that demands injunctive relief prayed for here. This relief is predicated upon one of the most basic premises of practicing law which states no lawyer can allow themselves to be used in furthering a criminal enterprise. And by that gauge alone, failing to give injunctive relief to the 18 million supporters of the other candidate, a true natural born citizen eligible to serve if elected, this court must not allow itself to be used to further the criminal and fraudulent acts to continue and be rewarded by becoming the Democratic Nominee. Failure to give the injunctive relief prayed for will insure that a corrupted Presidential election process will only guarantee a show of unfair preference of one group of people over another group by not demanding the same rules be applied to all groups equally and fairly, especially in light of the fact that both candidates are each considered a minority.

#### LINKS TO KEY DOCUMENTS

File
Description
File size

[Complaint for declaratory and injunctive relief](#)

142 Kb

[Memorandum in support of temporary restraining order](#)

This document contains a complete narrative of the facts.

164 Kb



[Plaintiff's motion for temporary restraining order](#)  
Plaintiff's motion for temporary restraining order  
108 Kb

[Temporary Restraining Order](#)

79 Kb

[Press Release](#)

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