

IN THE UNITED STATES DISTRICT COURT OF THE  
EASTERN DISTRICT OF NEW YORK

FILED  
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U.S. DISTRICT COURT E.D.N.Y.

★ MAR 11 2016 ★

LONG ISLAND OFFICE

GREGORY-JOHN FISCHER  
[aka: Greg Fischer]

PLAINTIFF,

v.

RAFAEL EDWARD CRUZ [aka: Ted Cruz],  
NYS BOARD OF ELECTIONS, AND,  
SUFFOLK COUNTY BOARD OF  
ELECTIONS,

DEFENDANTS.

CASE NO.:

**CV 16 1224**

ELECTION LAW  
DECLARATORY ACTION  
NO JURY REQUESTED  
ORAL ARGUMENT REQUESTED

**SEYBERT, J**  
**LINDSAY, M.**

COMPLAINT FOR DECLARATORY JUDGMENT

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW the Plaintiff, GREGORY-JOHN FISCHER, *in propria persona*, hereby brings his Complaint for Declaratory Judgment against Defendants Rafael Edward Cruz, NYS Board of Elections, and Suffolk County Board of Elections, and alleges the following:

1. This is a declaratory judgment action seeking judgment of the Court declaring that Rafael Edward Cruz is ineligible to qualify/run/seek and be elected to the Office of President of the United States of America. In complement, this action also begs a declaration of a more precise definition for the term "natural born citizen" as used in Section 1 of Article 2 of the United States Constitution, under Clause 5.

PARTIES

2. Plaintiff is a *bona fide* resident citizen of the Hamlet of Calverton, within the Town of Riverhead, within Suffolk County, New York. In addition, Plaintiff is a registered

voter/elector within the Eastern District of New York.

3. On information and belief Defendant, Rafael Edward (“Ted”) Cruz was born on December 22, 1970 in the City of Calgary, Province of Alberta, Country of Canada --- Certificate of Birth is attached in Exhibit 1, Attachment 1. Defendant Cruz is now a resident of Houston, Texas; however, he has significant business and other presence in New York State and Suffolk County, New York in that he is seeking to be elected to the Office of President of the United States. Defendant Cruz seeks to be balloted both withing the State of New York and the Plaintiff's polling place in Calverton, NY (which is within the jurisdiction of the EDNY Federal District Court).

4. Defendant New York State (NYS) Board of Elections is a governmental unit responsible for Public Election administration across the state of New York.

5. Defendant Suffolk County Board of Elections is a governmental unit responsible for distributing and counting actual physical ballots in the plaintiff's home jurisdiction of Calverton, NY (which is within the jurisdiction of this Federal District Court).

#### **JURISDICTION AND VENUE**

6. This Complaint arises under the Declaratory Judgment Act, 28 U.S.C. Section 2201.

7. This Court has original jurisdiction over the subject matter of this claim pursuant to 28 U.S.C. 1331.

8. This Court has personal jurisdiction over Rafael Edward Cruz because he is a candidate for Federal office in the State of New York and County of Suffolk, and he is currently balloted as a candidate for the Office of President of the United States of America in the State of New York and County of Suffolk.

9. Venue is proper in this District pursuant to 28 U.S.C. 1391.

### **ALLEGATIONS**

10. Section 1 of Article 2 of the United States Constitution, under Clause 5 states:

**“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 ....”**

11. Defendant, Rafael Edward (Ted) Cruz is not a “natural born citizen” of the United States of America. In fact, the evidence at hand suggests that his “naturalized” citizenship was FRAUDULENT and may be VOIDABLE.

12. Exhibit 1 (attached) contains a general timeline of events and documents to support Plaintiff's allegation that Defendant, Rafael Edward (Ted) Cruz's “naturalized” citizenship was FRAUDULENT. However, some documents of Defendant Cruz's “naturalization” are in the possession of the US Department of Homeland Security (USDHS), and possibly in the possession or control of the Defendant, Rafael Edward

(Ted) Cruz. Similarly, the US State Department (USDOS) holds the US Passport information and application for Defendant Rafael Edward (Ted) Cruz. The plaintiff will seek a limited discovery of those aforementioned documents from USDHS and USDOS so that any controversy might be promptly resolved. Other limited relevant facts not yet publicly found are the dates and County of Defendant Cruz' mother Eleanor Darragh's (1) marriage to; and (2) divorce from a Mr. Wilson, not otherwise identified, since those facts pertain to statutes of limitation that would apply to the statutory deadlines of the day governing, limiting, or barring the legal "naturalization" of Rafael Edward (Ted) Cruz.

13. Plaintiff provides proof (via Exhibit, Attachment 1 --- Certificate of Birth) that Rafael Edward (Ted) Cruz is a natural born citizen of Canada; as well, Rafael Edward (Ted) Cruz has publicly admitted his birth was on Canadian soil. Plaintiff alleges Rafael Edward (Ted) Cruz is thus ineligible and should be disqualified from seeking the Office of President of the United States of America.

14. Plaintiff alleges that Mr. Cruz cannot be a natural born citizen of two (2) countries. This would violate elementary rules of logic.. Since the Defendant, at the moment of birth, was located in Calgary, Alberta, Canada; he became a citizen of Canada by virtue of it. As well, Rafael Edward (Ted) Cruz has publicly admitted he was a Canadian Citizen and enjoyed the benefits thereof. However, Defendant Rafael Edward (Ted) Cruz renounced his Canadian Citizenship in 2014 (Certificate of Renunciation of Canadian Citizenship is attached in Exhibit 1, Attachment 4). Interestingly, renunciation of Canadian citizenship does not secure Defendant Cruz either a United States Citizenship nor a "birthright" to seek the Office of President of

the United States of America.

15. Plaintiff alleges that at the time of Defendant Cruz's birth, the United States could not confer "natural born" citizenship upon him under any law or legal theory that exists based upon the circumstances of his birth. "Natural born" means native born within the United States or its dominions/territories. Canada is not a territory of the United States. While there are legal exceptions and enumerated procedures that exceptionally confer a status of "natural born citizenship" Rafael Edward (Ted) Cruz did not meet those exceptions and neither he nor his parents (on his behalf) applied for such statutory exceptions in a timely manner.

16. Whether the Defendant's mother was/is a United State's citizen is irrelevant --- however, evidence shows she may have renounced her US Citizenship (possibly constructively, and she even voted in Canada) prior to the alleged naturalization of Rafael Edward (Ted) Cruz. If however, she had been an Ambassador to a foreign country; or, stationed in another country while serving in the military, such would not likely bar Mr. Cruz's candidacy.

17. Any purported claim of being a valid citizen of the United States by Defendant Rafael Edward (Ted) Cruz could only be by an administrative process of "naturalization". While Rafael Edward (Ted) Cruz (albeit by his campaign staff/process) has made his Canadian Birth Certificate public, Rafael Edward (Ted) Cruz (and his campaign) have thus far refused to make public any documents of his "naturalization process" and he (they) have thus far refused to make public any "naturalization documents" which would be part of any application for a United States Passport.

18. The Plaintiff asserts his standing as a voter and seeks to protect his voter's rights. It is not inconceivable that Rafael Edward (Ted) Cruz could win the Republican Party nomination --- in fact he has already won several primary elections in other states. As such Rafael Edward (Ted) Cruz seems to be the number two candidate in the Republican party Presidential race. Further, the media is now reporting that there are powerful groups coming together to organize and fund the defeat of the current number one voted (and caucused) for candidate. Thus the specter of Defendant Rafael Edward (Ted) Cruz ultimately being the Republican nominee is a distinct possibility. What is a far more remote possibility, based on modern history, it that a "third party" (non-Republican and non-Democratic) candidate could possibly win the US Presidential race. As such, at best, the distraction posed by an "ineligible" candidate erodes the Plaintiff's voter's rights to have any pragmatic choice of Presidential Candidate in the US general election in November 2016. The possible later, post-primary ineligibility of a Democratic or Republican candidate would create a political and governmental urgency. The possible (still later) post-general election ineligibility of a President-elect would create an unprecedented political and governmental calamity. Accordingly, this matter is ripe to be heard now; accordingly, the Plaintiff has standing at this time to have his rights, including but not limited to voting rights, protected by the Honorable Federal Courts of the United States of America.

19. The Plaintiff also alleges that this is a *qui tam* matter (31 U.S. Code § 3730 - Civil actions for false claims) in that Presidential Candidates receive Federal monies for security, matching funds, etc., as well, the US Government expends monies for

printing, communications, personnel, infrastructure, etc. A portion of those Federal election related expenditures are directly attributable to each and every individual candidate that appears on a Federal ballot or even seeks to appear on a Federal ballot. It goes to follow that any “fraudulent” or otherwise ineligible candidate causes the waste and squandering of US Taxpayer monies. There are also The New York False Claims Act, N.Y. Fin. Law §§ 187 - 194, which allows ... any person to file a lawsuit against a person or a company that obtains or withholds funds or property from the state or local government through false or fraudulent conduct – the Plaintiff asserts his rights therein as well since the State of New York has also funded the Defendant in a manner similar to what has been provided by the Federal government. Thus, addition to other rights of standing asserted in this filing, the Plaintiff also has standing as a taxpayer, voter, and *qui tam* action filer (see Memorandum of Law on Standing).

20. The Plaintiff does not pragmatically have administrative remedies defined by NYS Law for the precise relief sought --- however, for what might *possibly* be colored as available administrative remedies, said *possible* administrative relief has been attempted. The New York State Board of Elections ruled, on February 23, 2016, that the matter at hand is “... beyond the ministerial scope of the State Board ...” (as per Exhibit #2); Plaintiff agrees, to the extent, that pursuant to NYS Law, the NYS Board of Elections is “ministerial” --- and the NYS Board of Elections (and Suffolk County Board of Elections, who did not respond to this voter's objections) may not act as a Court. Certainly the NYS Boards of Elections may not interpret unsettled, disputed or arguable issues of voter's rights (or government responsibilities) stemming directly from the US Constitution; they may only follow and enforce express NYS Law, rules, and regulations. There are no express NYS Laws (or rules, or regulations) on the

subject of “natural born” citizenship required of United States Presidential Candidates.

21. This matter is ripe for the Federal Courts; it does not seem that the NYS Courts have pragmatic jurisdiction --- in fact any decision of a NYS Court in the affirmative or negative, for lack of both codified law and case law, begs for an automatic/instant appeal and/or Federal scrutiny. Since the NYS courts are not allowed to “make law” (and the NYS Legislature has not enacted any law on the subject of “natural born” citizenship required of United States Presidential Candidates) it goes to follow that the NYS Courts would not be the proper forum to settle the controversy of this suit either. Also, beginning this action in the NYS Courts seems a possible “fool's errand” in light of what might later be circular Rooker-Feldman Defense argument and scrutiny. Again, this matter is ripe for the Federal Courts right now.

22. The law as stated in the US constitution is perfectly clear, and it is affirmed by all *stare decisis*, not every citizen is entitled to run for the Office of President (or Vice-President) --- only “natural born” citizens may do so.

23. Last, to set a higher standard for the future, so that the valuable time of the voting public and the Honorable Courts are not wasted, and so that legitimate candidates might be free of distraction and so media bandwidth is no longer squandered on fundamentally ineligible challengers, I beg the court to publish more precise definition of “natural born citizen” as used in Section 1 of Article 2 of the United States Constitution, under Clause 5



**WHEREFORE**, as adopted by reference per FRCP 10(c):

- a. All allegations;
- b. All exhibits;
- c. Plaintiff's Complaint.
- d. Plaintiff's Memorandum of Law on "Standing"
- e. Plaintiff's Memorandum of Law on "natural born citizen"

**WHEREFORE**, Plaintiff respectfully requests that the Court enter judgment as follows:

(A) To declare that Rafael Edward (Ted) Cruz is ineligible and disqualified to run/seek the Office of President of the United States of America; and,

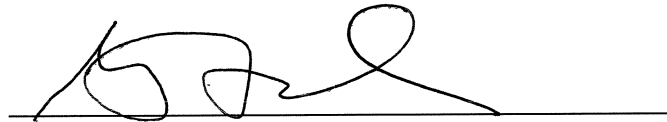
(B) To provide a more precise definition of "natural born citizen" as used in Section 1 of Article 2 of the United States Constitution, under Clause 5, and,

(C) To award Plaintiffs their costs, expenses and reasonable attorney fees (if any) pursuant to the Court's equitable and discretionary powers.

Respectfully submitted,

Dated: MARCH 11, 2016

Calverton, New York



**Gregory-John Fischer, *in propria persona***  
303 Southfield Road  
Calverton, New York 11933  
Office (631) 727-9637  
Cell (631) 834-9559  
perfect100@hotmail.com

## **EXHIBIT 1**

Gregory-John Fischer  
303 Southfield Road, P.O. Box 285  
Calverton, NY 11933-0285  
Voice: 631-727-9637 Fax: 631-727-9638

February 9th, 2016

New York State Board of Elections (518) 474-6220  
Commissioners: Andrew J. Spano and Gregory P. Peterson  
Co-Chairs: Peter S. Kosinski and Douglas A. Kellner  
40 North Pearl Street, Suite 5  
Albany, New York 12207-2729

Subject: Specific Objection Letter to the Republican Party Nomination of  
Ted Cruz for President of the United States  
for the Presidential Primary to be held on April 19th, 2016.

To whom it may concern;

This letter is to announce and record my Specific Objections to the Republican Party Nomination of Rafael Edward Cruz (a/k/a and herein: "Ted Cruz") for President of the United States for the Presidential Primary to be held on April 19th, 2016 and/or the General Election to be held November 8<sup>th</sup>, 2016.

The core of the substance of the objection is as follows: Ted Cruz is not a "natural born citizen" and is thus ineligible to run for the Office of President of the United States --- a requirement enumerated in Section 1 of Article Two of the United States Constitution.


Attachments:

- 1.) Ted Cruz birth certificate
- 2.) Ted Cruz's mother's birth certificate
- 3.) Documentation of Ted Cruz's parents as Canadian ELECTORS (presumed Citizens)
- 4.) Documentation of Ted Cruz's renouncing Canadian Citizenship
- 5.) Timeline
- 6.) Additional Analysis & Articles

Very truly yours,

Gregory- John Fischer  
New York State Registered Voter in Suffolk County

Attachment 1: Ted Cruz Birth Certificate

  
DIVISION OF VITAL STATISTICS      DEPARTMENT OF HEALTH  
EDMONTON

## Certificate of Birth

This is to Certify that the particulars of the undated birth which is on record in this Department are as follows:

Name RAFAEL EDWARD CRUZ Sex Male

Date of Birth 22nd December 1970 Place of Birth Calgary, Alberta  
(Day) (Month) (Year)

Name of Father Rafael Bienvenido Cruz His Birthplace Matanzas, Cuba

Name of Mother Eleanor Elizabeth Wilson Her Birthplace Wilmington, Delaware, U.S.A.


Before Marriage Eleanor Elizabeth Wilson

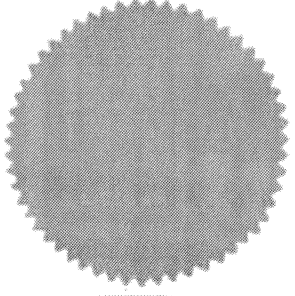
Occupation of Father Geophysical Consultant

Registered at Calgary on 31st December 1970 Record No. 70-08-032264  
(Day) (Month) (Year)

Given under my hand and seal of the Director at Edmonton, this

Twenty-first day of January 19 71

  
DIRECTOR



332631

Attachment 2: Ted Cruz's Mother's Birth Certificate

**STATE OF DELAWARE**  
**STANDARD CERTIFICATE OF BIRTH**  
 JAN 1 1935 3638

**VITAL STATISTICS**  
 1. PLACE OF BIRTH —  
 County New Castle  
 Hundred Wilmington or Village  
 City Wilmington No. H. Dennis Hwy St. B Ward  
 (If birth occurred in a hospital or institution, give its NAME instead of street and number)

State File No. 3638  
 Registered No. 2110  
 State of Delaware

2. Full name of child Eleanor Darragh (If child is not yet named, make supplemental report, as directed)

3. Sex Female 4. Twin, triplet, or other 1 5. Number, in order of birth 1 6. Premature Yes 7. Legitimate Yes 8. Date of birth 11-23-34 (Month, day, year)

9. Full name EDWARD J. DARRAGH FATHER 18. Full maiden name ELIZABETH CEKINE MOTHER

10. Residence (usual place of abode) 222 N 7th St 19. Residence (usual place of abode) 222 N 7th St  
 (If nonresident, give place and State) (If nonresident, give place and State)

11. Color or race W 12. Age at last birthday 29 (years) 20. Color or race W 21. Age at last birthday 22 (years)

13. Birthplace (city or place) Wilmington Delaware 22. Birthplace (city or place) Wilmington Delaware  
 (State or country) (State or country)

14. Trade, profession, or particular kind of work done, as spinner, sawyer, bookkeeper, etc. Clerk 23. Trade, profession, or particular kind of work done, as housekeeper, typist, nurse, clerk, etc. housewife

15. Industry or business in which work was done, as silk mill, sawmill, bank, etc. Reading Railroad 24. Industry or business in which work was done, as own home, lawyer's office, silk mill, etc. own home

16. Date (month and year) last engaged in this work 19 17. Total time (years) spent in this work 19 25. Date (month and year) last engaged in this work 19 26. Total time (years) spent in this work 19

27. Number of children of this mother (At time of this birth and including this child) (a) Born alive and now living 1 (b) Born alive but now dead 1 (c) Stillborn 1

28. If stillborn, period of gestation 9 months 0 weeks 29. Cause of Stillbirth Before Labor 30. Prophylactic Used in Eyes During Labor

31. VERIFICATION OF NAME BY PARENT  
Eleanor Darragh Edward J Darragh  
 CORRECT NAME OF CHILD NAME OF PARENT

**CERTIFICATE OF ATTENDING PHYSICIAN OR MIDWIFE**  
 I hereby certify that I attended the birth of this child, who was 2:16 P. at 2:16 P. m. on the date above stated.  
 (Born alive or stillborn)  
 (Signed) H. L. Verteford M. D.  
 or Perdy Midwife  
 Address Wilmington, Del.  
 Filed DEC 3 1934 19 James W. Butler Registrar

**MARGIN RESERVED FOR BINDING**  
 THIS IS A PERMANENT RECORD.  
 Entries Must Be Given. See Extract of  
 Certificate.  
 On Bk.  
 WRITE PLAINLY, WITH UNFADING INK.  
 Must Be Carefully Supplied. Exact  
 Informa  
 N. B.—Eve





Attachment 3: Documentation of Ted Cruz's parents as Canadian ELECTORS (presumed Citizens)  
 --- Page 2 of 2

		115736 Page 2
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1128	Browning, Jane, Mrs.	173
1128	Browning, James, student.	174
1128	Browning, Jane, Mrs.	175
1129	Browning, James, student.	176
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Attachment 4: Documentation of Ted Cruz's renouncing Canadian Citizenship



*Certificate  
of Renunciation  
of Canadian Citizenship*

*Certificat de  
Répudiation de la  
Citoyenneté Canadienne*

*Name - Nom*

**RAFAEL EDWARD CRUZ**

*Place of birth - Lieu de naissance*

*Birth date - Date de naissance*

**ALBERTA, CANADA**

D	J	M	Y	A
2	2	1	2	1
9	7	0		

*This is to certify that the person  
named above has formally renounced  
Canadian citizenship and pursuant to  
the Citizenship Act will cease to be a  
citizen on*

*Ce certificat atteste que la personne  
nommée ci-dessus a formellement  
répudié la citoyenneté canadienne et,  
selon la Loi sur la citoyenneté, cessera  
d'être citoyen le*

D	J	M	Y	A
1	4	0	5	2
0	1	4		

*Minister - Ministre*

*No. - N° 6278*



Government  
of Canada

Gouvernement  
du Canada

Canada



Attachment 5: Timeline (Page 1 of 6)

Ted Cruz Citizenship Timeline --- on information and belief

What is presented in this timeline is a matter of public record. This timeline is based upon public documents, law, publicly reported events, public statements made by Ted Cruz, persons of the campaign to elect Ted Cruz, or US and Canadian officials.

Introduction and summary: The facts and law presented in this filing generally support the “naturalized” citizenship (and refute the “natural born” citizenship) of Ted Cruz. However, pursuant to what is revealed in the four corners of this filing, it is possible that even the “naturalized” citizenship of Ted Cruz was fraudulently obtained. State of Delaware Vital Records says, no record of Eleanor Elizabeth Darragh Wilson birth exist. Ted Cruz's mother does not have a US birth certificate under that name. Ted Cruz's mother's birth name seems to be Eleanor Darragh (Attachment 2). Ted Cruz's own birth certificate (Attachment 1) listed his mother as “Eleanor Elizabeth Wilson.” “Elizabeth” was her mother's first name, and “Wilson” is alleged to be a surname from a “previous” marriage. Ted Cruz was affirmatively born on Canadian soil by a purportedly US citizen mother --- but that may not be true as revealed in this filing. No status as “natural born citizen” was sought for Ted Cruz via the US Consulate in Canada. No expedited “naturalization” was sought for Ted Cruz subsequent to his residency in the US via the US Immigration and Naturalization Service (herein “INS”, see notes/analysis on INS provided below, since INS was in 2003 incorporated into other US Departments and Agencies ).

Ted Cruz may be a naturalized citizen (but he is certainly not not a natural born citizen) having been born in the nation of Canada --- but he fails to meet the statutory requirements to be deemed a “natural born citizen”. Additionally, Ted Cruz had willfully maintained his citizenship for Canada (being a natural born citizen of Canada) into 2014 (Attachment 3). Ted Cruz was not of Canadian birth “by accident” of a US Citizen parent (with 10 years of affirmed and consecutive US residency) or of a parent in US Military Service or of a parent in US Foreign Service --- yet, Ted Cruz was intentionally raised in Canada for the early years of his life. However, the willful 2014 Canadian citizenship of Ted Cruz highlights his conflicted dual-citizenship (and possibly mixed loyalties) demonstrating an important (but prohibited) element (a prohibition of non-US citizenship) underlying the legislative intent of the US Constitution for prohibiting someone other than a natural born citizen from seeking to assume, or even run for, the Office of the President of the United States.

1957 - After working as a teen to help Fidel Castro gain power in Cuba, and being imprisoned for his actions by the Batista regime, Cuban Rafael Cruz applies for admittance to the University of Texas as a foreign student; he enters the US on a four year student visa to attend four years of college. He is a Cuban citizen attending a US college on a foreign student visa obtained through the US Consulate in Havana. It is of note that Fidel Castro had a history of anti-American activities.

## Attachment 5: Timeline (Page 2 of 6)

1961-1962 - After graduating college at the University of Texas, and upon the expiration of his foreign student visa, Cruz Sr. applied for and received "political asylum" and was issued a "green card." A green card is a permit to reside and work in the United States, without becoming a "citizen" of the United States, in this case, under political asylum from Castro's Cuba. His citizenship status was that of a Cuban national living and working in the United States, under a green card work permit. According to US laws, the "green card" holder must maintain permanent resident status, and can be removed from the United States if certain conditions of this status are not met.

1964-1966 - Cruz Sr. takes a few odd jobs, purports to "marry" "Eleanor Elizabeth Darragh Wilson" (herein, the woman to become, "Ted Cruz's mother"), and moves to Canada to work in the oil fields. The couple resides in Canada for the next eight years. "I worked in Canada for eight years," Rafael Cruz says. "And while I was in Canada, I became a Canadian citizen." – (From an interview with NPR). Peter Spiro, a legal expert on US citizenship at Temple University. Spiro says Rafael Cruz's multi-country odyssey did not follow traditional models for immigration. SPIRO - "Ted Cruz himself seems to be an advocate of those traditional immigration models. Maybe he should be a little more tolerant of the nontraditional versions, given his own father's history."

1970 - Ted Cruz is born in Canada (Attachment 1) to Rafael Cruz and "Eleanor Elizabeth Darragh Wilson". His parents had lived in Canada for at least four years at the time of his birth. Rafael Cruz had applied for and received Canadian citizenship under Canadian Immigration and Naturalization Laws, as stated by Rafael Cruz. As a result, US statutes would have voided the prior "green card" status which requires among other things, permanent residency within the United States and obviously, not becoming a citizen of another country during the time frame of the US green card. (There are conflicting reports as to Canadian Citizenship applications or other Canadian applications made by Ted Cruz's mother.) However, Ted Cruz's mother DID NOT have 10 or more years in the US just subsequent to the birth of Ted Cruz. Nor was Ted Cruz's mother a resident of the US within a year of the birth of Ted Cruz.

At the time of Ted Cruz's birth, he was subject to the Immigration and Nationality Act of 1952. Section 301(a)(7) stated that a person born outside the United States who has only one citizen parent was a citizen only if the parent "was physically present in the United States . . . for a period or periods totaling not less than 10 years [before the birth], at least five of which were after attaining the age of fourteen years." To conclude that Mr. Cruz is eligible to be president, it must be established that his mother had fulfilled ALL the U.S. residency requirements. This is why the relevant Harvard Law Review article stated that "subject to certain residency requirements on the parents, someone born to a U.S. citizen generally becomes a citizen without regard to where the birth takes place."

Thus Ted Cruz's citizenship could only come subsequently and by way of naturalization, pursuant to United States v. Wong Kim Ark [169 U.S. 649] --- the most extensive discussion of the 14th Amendment's citizenship clause, the Supreme Court affirmed her point that there are two paths to citizenship — birth and naturalization — and delineates that birthright citizenship requires birth in territory under U.S. jurisdiction. This would seem to make Mr. Cruz ineligible. As of February, 8<sup>th</sup> 2016, the US Government, Department of Homeland Security, has not released (nor denied the existence of) the naturalization documents on Ted Cruz --- of course it is possible that Ted Cruz is NEITHER a naturalized nor "natural born" citizen.

Attachment 5: Timeline (Page 3 of 6)

1974 – Ted Cruz and his mother move to the United States when Ted is approximately four years old. This is subsequent to the Rafael Cruz leaving the Canadian home --- leaving Ted Cruz and his mother behind. However, Rafael Cruz eventually reunites with his wife and child (Ted Cruz) in Texas. Rafael Cruz has publicly stated that he remained a citizen of Canada until he renounced his Canadian citizenship when he applied for and became a US Naturalized citizen in 2005. Ted Cruz maintained a Canadian citizenship --- being born a citizen of Canada in 1970. Up until this time there are no documents filed to claim Ted Cruz is a “natural born” citizen.

While Ted Cruz may have a birthright to be a “naturalized” US citizen, his right to claim a right to be a “natural born” US Citizen has long past. Prior to this move, Ted Cruz, via his parents, do not show commitment to have Ted Cruz be raised as a US Citizen --- in fact, the obvious logistics to this point shows the parental intent to have Ted Cruz recorded and raised as a Canadian citizen. As well, important statutes of limitation have passed.

To underscore that Ted Cruz's parents raised Ted Cruz as a Canadian citizen while in Canada, his parents were Canadian “electors” participating by electing and nominating representatives that would represent Canada --- by this, Ted Cruz's parents participated in demonstrated loyalties to the function and sovereignty of the Canadian Government (Attachment 3, Ref.#s: 920 & 183/184 [Page 2]). It may be implied that as a US Citizen actively supporting the sovereignty of a foreign government, Ted Cruz's mother was actively participating in acts of Treason or Seditious Conspiracy against the interests of the US Government. All this prior to the purported naturalization of Ted Cruz.

2005 - Rafael Cruz applies for legal US citizenship --- allegedly renouncing his Canadian citizenship. There is no record of Ted Cruz renouncing his Canadian citizenship or applying for US citizenship exists as of 2005.

2013 - Freshman Senator Ted Cruz is a rising star in the Tea Party movement, and calls for him to run for the White House begin. In July, Ted Cruz is questioned by the press about his interest in running for President, and the issue of his Canadian born citizenship is brought up Sen. Ted Cruz rejected questions Sunday over his eligibility to be president, saying that although he was born in Canada “the facts are clear” that he is a US citizen --- in reality, none of purported “facts” are clear. “My mother was born in Wilmington, Delaware. She is a US. citizen, so I'm a US citizen by birth,” Cruz told ABC (“Ted Cruz Dismisses Talk of 2016 Presidential Bid While in Iowa”, July 2013), “I'm not going to engage in a legal debate.”

It seems, Ted Cruz omits the part of his father's story, in particular, the part about his parents applying for and receiving Canadian citizenship prior to Ted's birth in Calgary. He also attempts to gloss past the actual definition of natural born citizen by implying it is a mere legal debate for others to figure out.

August 2013 - As Ted's political stock rises in the Tea Party, so do press questions about his eligibility for office. Ted Cruz decides to quiet the questions by releasing his birth certificate, which now becomes absolute proof of Ted's Canadian citizenship at birth, 1970, Calgary, Canada. The release of the Canadian birth records only serve to further fuel the controversy and settles nothing about his purported American citizenship.

Attachment 5: Timeline (Page 4 of 6)

Ted Cruz seeks Legal Counsel, as the media is now pressing members of Canadian Immigration and Naturalization to clear the matter up, when instead, Canadian officials confirm the Ted Cruz was in fact born a legal citizen of Canada, the son of two parents who had also applied for and received Canadian citizenship prior to Ted's birth.

"He's a Canadian," said Toronto lawyer Stephen Green, past chairman of the Canadian Bar Association's Citizenship and Immigration Section. "Generally speaking, under the Citizenship Act of 1947, those born in Canada were automatically citizens at birth unless their parent was a foreign diplomat," said ministry spokeswoman Julie Lafortune.

Legal counsel advises Ted to "renounce his Canadian citizenship" in order to make himself eligible to run for the presidency. Of course, renouncing one's original citizenship only further proves one's original citizenship. It does not prove a purported American citizenship or that an American "citizenship" (or some sort) was not fraudulently applied for.

May 2014 - Ted Cruz legal counsel files to renounce Ted's Canadian citizenship in an effort to make him eligible to run for high office under the natural born Citizen clause Article II in the US Constitution.

AUSTIN, Texas - Canada-born US Sen. Ted Cruz has given up his citizenship from his birth country, making good on a promise from last summer. spokeswoman Catherine Frazier said "the Tea Party favorite formally gave up his citizenship May 14th. He received official confirmation of the action at his Houston home Tuesday." News that he had renounced his citizenship was first reported by the Dallas Morning News. The newspaper also broke that Ted Cruz had dual Canadian and US citizenship when he released his birth certificate in August.

Further said Ted Cruz "he is pleased to have the process finalized" and that it "makes sense he should be only an American citizen."- of course, the Constitution does not require that one be only an American citizen, but rather a "natural born citizen". The endless careful choice of words, and partial release of documents, is nearly perfect in how it artfully the truth is obscured.

As of February 4, 2015 - No evidence of any US Citizenship (naturalization or governmental process of documenting citizenship) has been released to confirm anything at all about the true citizenship status of Ted Cruz. Further, the ex-patriot tax returns of Ted Cruz's mother have not been released for her years in Canada;. Combined with her Canadian voting status (Attachment 3), evidence points to Ted Cruz's mother constructively abandoning her American citizenship.

Because Ted Cruz has been confirmed a legal citizen of Canada up until renouncing his Canadian citizenship in May of 2014, and because he has been confirmed a citizen of Canada at birth, and because his father is on public record stating that he and his purported "wife" became citizens of Canada during their eight years living in Canada and because Rafael Cruz remained a citizen of Canada until he renounced and applied for legal US citizenship in 2005. There is simply NO WAY that Ted Cruz was, is or ever can be a Natural Born Citizen of the United States eligible for the offices of President or Vice President.

Attachment 5: Timeline (Page 5 of 6)

One who inherits their Citizenship at birth **via nature ALONE** is clearly a natural born Citizen of the United States. However, there are statutory exceptions that would allow Ted Cruz to be deemed a “natural born citizen”. Those exceptions (like birth on a military base, or some other narrow exceptions) for foreign birth by a US Citizen parent, require papers to be filed with the US Government --- where are those papers? According to all available documentation and verifiable information on Ted Cruz and his family, Ted Cruz was a native born citizen of Canada and not a natural born Citizen of the United States.

An important open question is: “how did did Ted Cruz ever get a US Passport?” He could not have presented a US birth certificate to the US State Department. What was presented as his “Evidence of ...U.S. Citizenship”? Did he present US naturalization papers? If so where are those naturalization (or other) papers and what do they show?

Now, Ted Cruz would surely authorize the release of the thus far withheld Homeland Security Department (naturalization) and State Department (passport) documents if those documents supported his eligibility. However, it seem intuitively obvious that his campaign is not benefiting from the mystery created by an incomplete document trail. The only possible inference that a reasonable person can draw is Ted Cruz is actually aware that he is not a “natural born citizen”. Lastly, if the absent documents were later revealed, at best Ted Cruz would be viewed negatively for that extended time he concealed those documents from the American People --- Ted Cruz is clearly in the unenviable current position of choosing between being harmed by the current concealment or being completely damned by the eventual truth.

At this moment, Ted Cruz is a *de facto* “Manchurian candidate” in that his willful presence in a Presidential race, combined with a muddled citizenship status, creates controversy that he alone is in the best position to solve and bring peace to the now extended, nearly year-round, Presidential election process. Ted Cruz can (1.) willingly release to the public domain all Department of Homeland Security records related to himself, and/or (2.) he can commence a declaratory action --- to have the courts declare that he is in fact a “natural born citizen” (or otherwise qualified to run for the Office of President of the United States), Interestingly, since “Election Law” is given first priority by the courts (such that the courts MUST, set aside all other matters to give priority to election law cases), this controversy could be resolved promptly. However, it is Cruz that has inserted DELAY into a fundamental legal process and now willfully confuses the American voting public.

If the Ted Cruz is a citizen by any means at all, as of this date (in February 2016), considering the birthdate of Ted Cruz and the date Ted Cruz renounces his Canadian citizenship, Ted Cruz had actually been a Canadian citizen (natural born) for more years than he has been a US Citizen (naturalized).



## Attachment 5: Timeline (Page 6 of 6)

Further, and most disconcerting, for lack of DHS documents, it appears that Ted Cruz' mother was not legally divorced from her prior husband at the time of Ted Cruz' birth. Her married name from her first marriage is on the birth certificate, not the name of "Cruz". Also, it appears that Ted Cruz's father was not legally divorced from his first wife. In other words, they were just living together, and never married. If so, then, it seems, Ted Cruz was born of a woman out of wedlock. While he obtained natural born Canadian citizenship nonetheless, the rules for conferring US Naturalization citizenship were different if the mother is out of wedlock on the date Ted Cruz was born. Under those rules, the mother has to have been living continuously in the US (or otherwise on US soil) during the year prior to the birth in order to transfer citizenship to the offspring. She had, instead, been living for 3 (or more) years in Canada prior to the birth. Accordingly, Cruz never legally obtained US citizenship, and likely could be adjudicated to be an "undocumented worker" (or "illegal alien") living in the US. Thus far, neither divorce papers, nor a marriage certificate, has been found or provided and that is another "game changer".

In summary for the purpose of this timeline, under the most liberal of interpretations, citizenship by statute is not the same as natural born citizenship. To legally alter anything in the Constitution, there must be an amendment to the Constitution and that amendment must be very specific in wording, as to what is being changed, altered or removed. The amendment itself must also be in perpetuation of the original context and intent of the Constitution, and cannot violate the original text or intent (without crystal clear "modernized" legislative intent and full debate), or the measure itself may become "unconstitutional." As a result, the term "Natural Born Citizen" now means exactly the same thing it meant when the Founders made it a condition for access to the Oval Office in September of 1787. Ted Cruz does not meet any of the narrow exceptions of foreign birth that allow for being affirmed a "natural born citizen". Ted Cruz was not born on US soil (albeit implied "foreign") and NONE of the statutory "broadening" legislation otherwise enabling required procedural steps were complied with. Further, the purported "citizenship" of Ted Cruz may have been applied for "fraudulently" and thus may be voidable. The Ted Cruz bald assertions of candidacy legitimacy are couched in politics and double-speak --- however, his continuing and active concealment of "naturalization" (DHS) documents speaks louder than anything he is saying. Therefore, Ted Cruz must be denied ballot access for the Office of President of the United States.

Attachment 6: Analysis. Articles, and other information --- Page 1 of 11

Ted Cruz is not eligible to be president

[https://www.washingtonpost.com/opinions/ted-cruz-is-not-eligible-to-be-president/2016/01/12/1484a7d0-b7af-11e5-99f3-184bc379b12d\\_story.html](https://www.washingtonpost.com/opinions/ted-cruz-is-not-eligible-to-be-president/2016/01/12/1484a7d0-b7af-11e5-99f3-184bc379b12d_story.html)

By Mary Brigid McManamon, January 12, 2016

Mary Brigid McManamon is a constitutional law professor at Widener University's Delaware Law School.

Donald Trump is actually right about something: Sen. Ted Cruz (R-Tex.) is not a natural-born citizen and therefore is not eligible to be president or vice president of the United States.

The Constitution provides that "No person except a natural born Citizen . . . shall be eligible to the Office of President." The concept of "natural born" comes from common law, and it is that law the Supreme Court has said we must turn to for the concept's definition. On this subject, common law is clear and unambiguous. The 18th-century English jurist William Blackstone, the preeminent authority on it, declared natural-born citizens are "such as are born within the dominions of the crown of England," while aliens are "such as are born out of it." The key to this division is the assumption of allegiance to one's country of birth. The Americans who drafted the Constitution adopted this principle for the United States. James Madison, known as the "father of the Constitution," stated, "It is an established maxim that birth is a criterion of allegiance. . . . [And] place is the most certain criterion; it is what applies in the United States."

Cruz is, of course, a U.S. citizen. As he was born in Canada, he is not natural-born. His mother, however, is an American, and Congress has provided by statute for the naturalization of children born abroad to citizens. Because of the senator's parentage, he did not have to follow the lengthy naturalization process that aliens without American parents must undergo. Instead, Cruz was naturalized at birth. This provision has not always been available. For example, there were several decades in the 19th century when children of Americans born abroad were not given automatic naturalization.

Article I of the Constitution grants Congress the power to naturalize an alien — that is, Congress may remove an alien's legal disabilities, such as not being allowed to vote. But Article II of the Constitution expressly adopts the legal status of the natural-born citizen and requires that a president possess that status. However we feel about allowing naturalized immigrants to reach for the stars, the Constitution must be amended before one of them can attain the office of president. Congress simply does not have the power to convert someone born outside the United States into a natural-born citizen.

Let me be clear: I am not a so-called birther. I am a legal historian. President Obama is without question eligible for the office he serves. The distinction between the president and Cruz is simple: The president was born within the United States, and the senator was born outside of it. That is a distinction with a difference.

Attachment 6: Analysis. Articles, and other information --- Page 2 of 11

In this election cycle, numerous pundits have declared that Cruz is eligible to be president. They rely on a supposed consensus among legal experts. This notion appears to emanate largely from a recent comment in the Harvard Law Review Forum by former solicitors general Neal Katyal and Paul Clement. In trying to put the question of who is a natural-born citizen to rest, however, the authors misunderstand, misapply and ignore the relevant law.

First, although Katyal and Clement correctly declare that the Supreme Court has recognized that common law is useful to explain constitutional terms, they ignore that law. Instead, they rely on three radical 18th-century British statutes. While it is understandable for a layperson to make such a mistake, it is unforgivable for two lawyers of such experience to equate the common law with statutory law. The common law was unequivocal: Natural-born subjects had to be born in English territory. The then-new statutes were a revolutionary departure from that law.

Second, the authors appropriately ask the question whether the Constitution includes the common-law definition or the statutory approach. But they fail to examine any U.S. sources for the answer. Instead, Katyal and Clement refer to the brand-new British statutes as part of a “longstanding tradition” and conclude that the framers followed that law because they “would have been intimately familiar with these statutes.” But when one reviews all the relevant American writings of the early period, including congressional debates, well-respected treatises and Supreme Court precedent, it becomes clear that the common-law definition was accepted in the United States, not the newfangled British statutory approach.

Third, Katyal and Clement put much weight on the first U.S. naturalization statute, enacted in 1790. Because it contains the phrase “natural born,” they infer that such citizens must include children born abroad to American parents. The first Congress, however, had no such intent. The debates on the matter reveal that the congressmen were aware that such children were not citizens and had to be naturalized; hence, Congress enacted a statute to provide for them. Moreover, that statute did not say the children were natural born, only that they should “be considered as” such. Finally, as soon as Madison, then a member of Congress, was assigned to redraft the statute in 1795, he deleted the phrase “natural born,” and it has never reappeared in a naturalization statute.

When discussing the meaning of a constitutional term, it is important to go beyond secondary sources and look to the law itself. And on this issue, the law is clear: The framers of the Constitution required the president of the United States to be born in the United States.



Attachment 6: Analysis. Articles, and other information --- Page 3 of 11

#### Ted Cruz Isn't a 'Natural Born' Citizen

According to the Constitution, because Sen. Ted Cruz was not born in the United States, he is not eligible to run for president.

<http://www.usnews.com/opinion/articles/2016-01-27/ted-cruz-is-not-a-natural-born-citizen-according-to-the-constitution>

By Robert Clinton, U.S. News and World Report, Jan. 27, 2016, at 7:00 a.m.

Cruz owes his American citizenship to legislation, not virtue of birth.

As expected, the question of whether Sen. Ted Cruz is eligible to hold the office of the president based on his Canadian birth is now front-and-center thanks to Cruz's GOP presidential nominee rival Donald Trump. Constitutional scholars are dusting off their crystal balls as they are asked to discern what the Founding Fathers really meant by "natural born" citizen. Let me join the chorus of opinions by saying that based on the original framework of the Constitution and the 14th Amendment, Sen. Ted Cruz does not appear to be constitutionally eligible to hold the office of the president.

Article II, Section 1, Clause 5 of the Constitution states: "No Person except a natural born Citizen ... shall be eligible to the Office of President." The original structure of the Constitution does suggest that "natural born" was meant to contain a geographic component of birth in the United States. The "Inhabitant" requirements for senators and representatives in Article I of the Constitution clearly were intended to be geographic. Since the qualifications stated for president contain no other obvious parallel geographic reference, it would seem the framers meant the "natural born" citizenship requirement for president to refer to those born geographically in the United States.

The framers, however, contemplated later migration into the United States and authorized Congress in Article I, Section 8, Clause 4 to provide means of acquiring citizenship by naturalization for those who were not natural born citizens. Thus, as originally drafted, the Constitution recognized only two means of acquiring national citizenship – "natural born" citizens (birthright citizenship), and naturalization.

Originally, however, neither the Constitution nor anything else clearly defined birthright citizenship. Until after the Civil War, it was widely assumed that one was a citizen of the United States if one was a citizen of any state, leaving state law to define national, as well as state, citizenship. This omission in the Constitution formed a basis for Supreme Court Justice Taney's decision in the infamous Dred Scott decision, holding that a slave taken to a free state did not and could not become a citizen of that state or of the United States. To correct this omission and to overturn Dred Scott, after the Civil War the country adopted the 14th Amendment, a constitutional provision that has hardly been discussed in the recent debate of presidential citizenship qualifications. The first sentence of the 14th Amendment reads:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

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This language made both national and state citizenship a matter of federal, rather than state, law. More importantly, the 14th Amendment explicitly states precisely what was only implied in the original document – there are only two classes of citizenship, birthright citizens and naturalized citizens. Those "born ... in the United States" are constitutionally citizens of the United States, while those who were born elsewhere derive their citizenship from federal law, rather than the Constitution. The authority to pass such laws, including the laws that made Ted Cruz, George Romney or John McCain automatically citizens of the United States, derives from the naturalization power set forth in Article I, Section 8, Clause 4 of the Constitution.

The problem is that in modern parlance, naturalization has come to be understood not as the legislatively conferred citizenship but as a process of acquiring citizenship. Cruz, McCain and George Romney did not have to go through any process to acquire their citizenship; Congress conferred that citizenship automatically by statute. These are not the only examples, however, of automatic naturalization by statute without any process or request. For example, United States citizenship was statutory conferred on all Native Americans living within the United States by the Indian Citizenship Act of 1924, even though some tribes actually objected, then as now.

Thus, naturalization as a term seems to have two very different meanings: (1) legislatively conferred citizenship either automatically or pursuant to some process, and (2) the more recent understanding, the process for acquiring citizenship where Congress has prescribed such a process. The Constitution appears to adopt the former reading on the issue of presidential eligibility, however much modern language usage employs the latter. In his recent comments on whether he is a "natural born" citizen, Sen. Ted Cruz appears to confuse or obfuscate these two.

The more natural reading of the language and original understanding of the "natural born" citizenship requirement therefore would seem to be that one needed to be born, as the 14th Amendment put it, "in the United States," rather than that one had an American parent. The Constitution, as opposed to any statute, prescribes birthright citizenship, not lineage, as the constitutional definition of acquiring citizenship at birth. Any statute expanding that definition to take into account the massively increased mobility of American citizens since the rural agrarian roots of the Constitution in 1787 would provide a means of automatic naturalization. In short, the framers of both the original Constitution and the 14th Amendment seem to have distinguished between constitutionally and legislatively conferred citizenship. Those who acquire their citizenship by virtue of birth in the United States are, according to the 14th Amendment, constitutionally conferred citizens, which also seems to be the original understanding of "natural born" citizens. All others must secure their citizenship through legislative enactment, i.e. naturalization, whether with or without any required process or prerequisites.

The irony, of course, which cannot be lost on Sen. Ted Cruz, is that under the Constitution anyone born in the United States to a set of undocumented immigrants has a much clearer and more certain legal entitlement to run for president of the United States than he does. No wonder Cruz has railed against birthright citizenship, even though it is expressly contained in the first sentence of the 14th Amendment, a document he swore an oath of office to uphold.

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## Other papers and articles

Originalism and the Natural Born Citizen Clause,  
Lawrence B. Solum , Georgetown University Law Center, April 18, 2010  
Illinois Public Law Research Paper No. 08-17  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1263885](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1263885)

### Abstract:

The enigmatic phrase "natural born citizen" poses a series of problems for contemporary originalism. New Originalists, like Justice Scalia, focus on the public meaning of the constitutional text, but the notion of a "natural born citizen" was likely a term of art, derived from the idea of a "natural born subject" in English law - a category that most likely did not extend to persons, like John McCain, who were born outside sovereign territory. But the constitution speaks of "citizens" and not "subjects," introducing uncertainties and ambiguities that might (or might not) make McCain eligible for the presidency.

What was the original public meaning of the enigmatic phrase that establishes the eligibility for the office of President of the United States? There is general agreement on the core of settled meaning: some cases of inclusion and exclusion seem indisputable. As a matter of inclusion, anyone born on American soil with an American parent is clearly a "natural born citizen." As a matter of exclusion, anyone whose citizenship is acquired after birth as a result of "naturalization" is clearly not a "natural born citizen." But these clear cases of inclusion and exclusion do not exhaust the possibilities. John McCain's citizenship was conferred by statute - perhaps before, but perhaps after his birth. That leaves John McCain in a twilight zone - neither clearly naturalized nor natural born [added: pursuant to "originalism"].

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**Was there fraud *ab initio* in the “naturalization of Ted Cruz?”**

The obfuscation of the naturalization papers of Ted Cruz (being held by the Department of Homeland Security[DHS] US Citizenship and mostly within U.S. Citizenship and Immigration Services [USCIS] for the former United States Immigration and Naturalization Service [see notes/analysis on “INS” provided below]) presents a fatal problem to the Ted Cruz claim that he is qualified to seek the Office of President of the United States. Convincing evidence for the demand of complete allegiance required for citizenship can be found in the "Naturalization Oath of Allegiance to the United States of America," an oath required to become an American citizen of the United States. The "Oath of Allegiance," 8 C.F.R. Part 337 reads:

I hereby declare, on oath, that **I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I have heretofore been a subject or citizen;** that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.

Of course, this very oath leaves no room for dual-citizenship --- and Ted Cruz seems to have broken this oath continuously for thirty to forty years --- and he was obviously suborned by his parents.

Further, to highlight the intent of the law, Rep. John Bingham of Ohio, considered the father of the Fourteenth Amendment, confirms the understanding and construction the framers used in regards to birthright and jurisdiction while speaking on civil rights of citizens in the House on March 9, 1866:

[I] find no fault with the introductory clause [S 61 Bill], which is simply declaratory of what is written in the Constitution, that every human being born within the jurisdiction of the United States of parents not owing allegiance to any foreign sovereignty is, in the language of your Constitution itself, a natural born citizen ...Congressional Globe, 39th Congress (1866) pg 1291

Thus, by way of original legislative debate, even birth on American soil of US citizen parents may have been insufficient, and undeniable allegiance may have been a necessary component to even “natural born” citizenship.

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From the US State Department:

<https://travel.state.gov/content/passports/en/abroad/events-and-records/birth.html>

#### Birth of U.S. Citizens Abroad

A child born abroad to a U.S. citizen parent or parents may acquire U.S. citizenship at birth if certain statutory requirements are met. The child's parents should contact the nearest U.S. embassy or consulate to apply for a Consular Report of Birth Abroad of a Citizen of the United States of America (CRBA) to document that the child is a U.S. citizen. If the U.S. embassy or consulate determines that the child acquired U.S. citizenship at birth, a consular officer will approve the CRBA application and the Department of State will issue a CRBA, also called a Form FS-240, in the child's name.

According to U.S. law, a CRBA is proof of U.S. citizenship and may be used to obtain a U.S. passport and register for school, among other purposes.

The child's parents may choose to apply for a U.S. passport for the child at the same time that they apply for a CRBA. Parents may also choose to apply only for a U.S. passport for the child. Like a CRBA, a full validity, unexpired U.S. passport is proof of U.S. citizenship.

Parents of a child born abroad to a U.S. citizen or citizens should apply for a CRBA and/or a U.S. passport for the child as soon as possible. Failure to promptly document a child who meets the statutory requirements for acquiring U.S. citizenship at birth may cause problems for the parents and the child when attempting to establish the child's U.S. citizenship and eligibility for the rights and benefits of U.S. citizenship, including entry into the United States. By law, U.S. citizens, including dual nationals, must use a U.S. passport to enter and leave the United States.

#### Consular Report of Birth Abroad (CRBA, or Form FS-240)

If you are a U.S. citizen and have a child overseas, you should report his or her birth as soon as possible so that a Consular Report of Birth Abroad can be issued as an official record of the child's claim to U.S. citizenship. Report the birth of your child abroad at the nearest U.S. embassy or consulate. Check the American Citizens Services portion of the web-page for the nearest Embassy or Consulate in the country where your child was born for further instructions about how to apply for a CRBA. Please note:

A Consular Report of Birth Abroad of a U.S. citizen is only issued to a child who acquired U.S. citizenship at birth and who is generally under the age of 18 at the time of the application. The U.S. embassy or consulate will provide one original copy of an eligible child's Consular Report of Birth Abroad of a U.S. Citizen.

A more secure Consular Report of Birth Abroad of a U.S. Citizen was introduced in January 2011. This new CRBA has been updated with a variety of state of the art security features, and is printed centrally in the United States. U.S. embassies and consulates no longer print CRBAs locally, but you still must apply there. The central production was initiated to ensure uniform quality and reduce vulnerability to fraud. The previous version of the CRBA continues to be valid proof of U.S. Citizenship.



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You may replace, amend or request multiple copies of a Consular Report of Birth Abroad of a U.S. Citizen at any time.

Persons who acquired U.S. citizenship or U.S. nationality at birth in one of the following current or former territories or outlying possessions of the United States during relevant time periods are not eligible for a Consular Report of Birth Abroad of a U.S. Citizen because such persons are not considered to have been born abroad. Individuals born in these locations during the relevant times may establish acquisition of U.S. citizenship or non-citizen nationality, based upon the applicable agreement or statute, by producing their birth certificate issued from the local Vital Records Office along with any other evidence required to establish acquisition:

Puerto Rico

U.S. Virgin Islands American Samoa

Guam

Swains Island

The Panama Canal Zone before October 1, 1979

The Commonwealth of the Northern Mariana Islands after January 8, 1978 (8PM EST)

The Philippines before July 4, 1946

Other Citizenship Documents Issued to U.S. Citizens Born Abroad

Certification of Report of Birth (DS-1350)

As of December 31, 2010, the Department of State no longer issues Certifications of Reports of Births (DS-1350). All previously issued DS-1350s are still valid for proof of identity, citizenship and other legal purposes.

Certificate of Citizenship issued by U.S. Citizenship and Immigration Services (USCIS)

A person born abroad who acquired U.S. citizenship at birth but who is over the age of 18 (and so not eligible for a CRBA) may wish to apply for a Certificate of Citizenship to document acquisition pursuant to 8 U.S.C. 1452. Visit [USCIS.gov](http://uscis.gov) for further information.

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Note: The **United States Immigration and Naturalization Service (INS)** was an agency of the U.S. Department of Justice from 1933 to 2003.

Referred to by some as as “INS”, “former INS” and “legacy INS”, the agency ceased to exist under that name on March 1, 2003, when most of its functions were transferred to three new entities – U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (CBP) – within the newly created Department of Homeland Security (DHS), as part of a major government reorganization following the September 11 attacks of 2001.

With respect to currently unreleased documents relevant to Ted Cruz's citizenship (as well as naturalization, border crossings, etc.) they are in releasable via DHS and its agencies.

Attachment 6: Analysis. Articles, and other information --- Page 9 of 10

Only the U.S. Supreme Court can finally decide, determine judicially and settle this issue now since this matter is now before numerous Federal Circuit Court jurisdictions. However, interimly, the New York State Board of Elections is a ministerial body that must take the most obvious course of action and then leave matters of appeal for the appropriate litigation thereafter. The most obvious course is to determine, in light of the Birth Certificate of Ted Cruz (and his own intentional withholding of “natural born citizen” documentation that might compel a Board decision to the contrary), that Ted Cruz is NOT a “natural born citizen” and must have been naturalized in some way. As a naturalized citizen, Ted Cruz is NOT eligible to run for the office of President of the United States.

Suits in other states:

Alabama: <http://www.obamaconspiracy.org/wp-content/uploads/2016/02/Green-v.-Cruz.pdf>

Texas: <http://i2.cdn.turner.com/cnn/2016/images/01/15/1-main.pdf>

Utah: <http://www.scribd.com/doc/296702913/Ted-Cruz-Lawsuit#scribd>

Attachment 6: Analysis. Articles, and other information --- Page 10 of 11

This issue is RIPE immediately because of the rules of the NYS Republican party. In addition, PROMPT response by the NYS Board of Elections is necessary to help prevent voter fraud.

1/26/16 – 2/16/16

Dates for nationally-known candidates or matching fund eligible candidates to file certificate with State Board requesting to appear on ballot. §2-122-b(3)(a-b)

2/24/16

Last day for SBOE to certify nationally-known or matching fund candidates. §2-122-b(3)(b)

3/22/16

Last day for presidential candidate to file certificate to have their name removed from the primary ballot. §2-122-b(3)(d)

4/18/16

Last day for presidential candidate to file certificate deeming any vote for such candidate to be a void vote. §2-122-b(3)(d)



Attachment 6: Analysis. Articles, and other information --- Page 11 of 11

Copy to:

Ted Cruz  
3333 Allen Parkway, APT. #1906  
Houston, TX 77019

and

US Senator Ted Cruz  
808 Travis Street, Suite 1420  
Houston, TX 77002

## **EXHIBIT 2**

Peter S. Kosinski  
Co-Chair



Douglas A. Kellner  
Co-Chair

Gregory P. Peterson  
Commissioner

40 NORTH PEARL STREET, SUITE 5  
ALBANY, N.Y. 12207-2109

Andrew J. Spano  
Commissioner

Todd D. Valentine  
Co-Executive Director

Phone: 518/474-8100 Fax: 518/486-4068  
<http://www.elections.ny.gov>

Robert A. Brehm  
Co-Executive Director

February 23, 2016

STATE OF NEW YORK  
STATE BOARD OF ELECTIONS

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In the Matter of the objections of GREGORY-  
JOHN FISCHER, to the designating certificate  
of the Republican Party purporting to designate  
delegates for TED CRUZ as a candidate for the  
office of President of the United States

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**DETERMINATION**

After an examination of the specific objections of GREGORY-JOHN FISCHER to the designating certificate of the Republican Party purporting to nominate delegates for TED CRUZ as a candidate for the office of President of the United States, and the matter having been considered by the Commissioners of the State Board of Elections on February 23, 2016, the State Board finds that the objection raises issues which are beyond the ministerial scope of the State Board to determine and such objection is made in the incorrect venue, as no direct election for President of the United States occurs via election day ballots. Rather, the April 19, 2016 Presidential Primary is the ballot access process which provides for the election of delegates to a national party convention or a national party conference in 2016. Further, the specific objections are rendered invalid since the general objection filed by this objector was determined to be not timely filed, as it was postmarked on January 30, 2016 and received on February 4, 2016, past the statutory deadline of January 29, 2016. Additionally, no proof of service of the specific objections was provided as required by statute. For the reasons cited herein, the objection is determined to be invalid and the designating certificate retains its presumption of validity.

  
Todd D. Valentine  
Co-Executive Director

  
Robert A. Brehm  
Co-Executive Director

Peter S. Kosinski  
Co-Chair



**Board of  
Elections**

Douglas A. Kellner  
Co-Chair

Gregory P. Peterson  
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**DETERMINATION**

After an examination of the objection of GREGORY-JOHN FISCHER to the designating certificate of the Republican Party purporting to nominate delegates for TED CRUZ as a candidate for the office of President of the United States, and the matter having been considered by the Commissioners of the State Board of Elections on February 23, 2016, the State Board finds that the objection raises issues which are beyond the ministerial scope of the State Board to determine and such objection is made in the incorrect venue, as no direct election for President of the United States occurs via election day ballots. Rather, the April 19, 2016 Presidential Primary is the ballot access process which provides for the election of delegates to a national party convention or a national party conference in 2016. Further, the objection was received after the deadline set in statute, as it was postmarked on January 30, 2016 and received on February 4, 2016. January 29, 2016 was the last day to file objections. For the reasons cited herein, the objection is determined to be invalid and the designating certificate retains its presumption of validity.

A handwritten signature in black ink, appearing to read "Todd D. Valentine".  
Todd D. Valentine  
Co-Executive Director

A handwritten signature in black ink, appearing to read "Robert A. Brehm".  
Robert A. Brehm  
Co-Executive Director

**Back Page**