

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MONTGOMERY BLAIR SIBLEY,

CASE No.:12-cv-1984

PLAINTIFF,

VS.

YVETTE ALEXANDER, DON R. DINAN AND
WILLIAM LIGHTFOOT,

DEFENDANTS.

**PLAINTIFF’S EMERGENCY SECOND
MOTION FOR ORDER TO RELEASE
PRIVACY ACT-PROTECTED RECORDS AND
EXPEDITED CONSIDERATION BASED UPON
PRIMA FACIE EVIDENCE OF DESTRUCTION
OF EVIDENCE RELATED TO OBAMA’S
BIRTH**

Plaintiff, Montgomery Blair Sibley (“Sibley”), pursuant to 5 U.S.C. §552a(b)(11), moves this Court for an Expedited Order directing the National Archives Record Administration (“NARA”) to produce and release the original I–9 arrival records described herein which relate to the nationality of Barack Hussein Obama, II, and which NARA has claimed are documents protected by the Privacy Act of 1974 codified at 5 U.S.C. §552a, and (ii) for expedited consideration of this Motion and for grounds in support thereof states:

I. BACKGROUND

Sibley has served subpoenas duces tecum which seeks Mr. Obama’s: (i) Social Security number application, (ii) Selective Service number application, (iii) Passport application, (iv) Harvard Law School and Columbia University admission applications and (v) the originals of the two (2) Certificates of Live Births that he has publicly released. Attorneys have thrown up a number of procedural objections to allowing those records to be released which issues are pending resolution before this Court.

However, one set of records subpoenaed that Mr. Obama’s attorneys failed to block were

those kept by the National Archives Records Administration. The records released pursuant to that subpoena is troubling and raises legitimate concerns about Mr. Obama's past and thus his eligibility to be President under Article II of the Constitution.

Pursuant to a subpoena duces tecum, NARA made available to Sibley the "Arrival Records" for August 1 through August 10, 1961, of all passengers arriving in Honolulu, Hawaii. Sibley sought these records given the date of Obama's birth on his publicly-released Certificate of Live Birth of August 4, 1961 in Hawaii to see if he and/or his Mother arrived during that time-frame. If they did, it would prove that Mr. Obama was not born in the United States and as such is not a U.S. Citizen.

The significance of this "arrival form" evidenced can be seen from the arrival record of a three year old in Honolulu on August 8, 1961, a copy of which is attached hereto as Exhibit "A". That arrival record indicates the citizenship of the child.

What NARA produced on December 13, 2012, were two microfilm spools of the arrival records for July 28 through August 1, 1961 and August 8 through August 12, 1961. Attached hereto as Exhibit "B", is a photograph of the boxes those two microfilm spools are stored in which show the dates the spools cover. Even more significant, the date of "August 1" has been altered. It appears that "white-out" was applied and a new date was written over the original date of "August 7, 1961". Proof of that alteration comes from a photograph of the same box taken six months before on or about March 22, 2012 which reveals the date was originally "August 7, 1961". Thus, indisputably the box has been tampered with – a criminal offense.

Moreover, the microfilm of the July 28 spool ends on August 1, 1961 without the notice of "end of roll" that other microfilm spools evidence. Simply stated, someone appears to have tampered with the documents material to the question of the location of Obama's birth and altered NARA

records to conceal that alteration. The records for August 2 through August 7, 1961 are missing.

Title 5 U.S.C. §552a(b) “Conditions of Disclosure” states: “No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be . . . (11) pursuant to the order of a court of competent jurisdiction.”

Here, the “relevance” under Rule 26(b)(1) of the I-9 arrival records related to the birth of Barack Hussein Obama, II, are manifest as such records will reveal the “evidence of the U.S. nationality” of Barack Hussein Obama, II. That “evidence” will address the seminal question of whether Barack Hussein Obama, II, is indeed a “natural born Citizen” eligible – under Article II, §1, clause 5 of the United States Constitution – to be President. Upon such determination of ineligibility, the Defendants will be legally barred from casting their Twelfth Amendment votes for Barack Hussein Obama, II.

WHEREFORE, Plaintiff respectfully requests an order from this Court pursuant to 5 U.S.C. §552a(b)(11) directing the National Archives Record Administration to produce and release the original I-9 arrival records described herein. Given the evidence of tampering, Plaintiff respectfully requests expedited resolution of this Motion.

RULE 12.I(A) STATEMENT

The undersigned has consulted with Defendants’ counsel who has indicated that he **does/does not** oppose the relief requested herein.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing was served by U.S. Postal Service first class mail this December 19, 2012, on Andrew J. Saindon, Assistant Attorney General, Equity Section, 441 Fourth Street, N.W., 6th Floor South, Washington, D.C. 20001, Telephone: (202) 724-6643, Facsimile: (202) 730-1470, E-mail: andy.saindon@dc.gov.

I declare under penalty of perjury that the foregoing is true and correct.

MONTGOMERY BLAIR SIBLEY
Plaintiff
4000 Massachusetts Ave., N.W., #1518
Washington, D.C. 20016
(202) 478-0371

By: _____
Montgomery Blair Sibley

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MONTGOMERY BLAIR SIBLEY,

PLAINTIFF,

VS.

YVETTE ALEXANDER, DON R. DINAN AND
WILLIAM LIGHTFOOT,

DEFENDANTS.

CASE No.:12-cv-1984

**ORDER ON PLAINTIFF'S EMERGENCY
SECOND MOTION FOR ORDER TO RELEASE
PRIVACY ACT-PROTECTED RECORDS AND
EXPEDITED CONSIDERATION BASED UPON
PRIMA FACIE EVIDENCE OF DESTRUCTION
OF EVIDENCE RELATED TO OBAMA'S BIRTH**

THIS MATTER came on to be heard on Order on Plaintiff's Emergency Second Motion for Order to Release Privacy Act-Protected Records and Expedited Consideration Based Upon Prima Facie Evidence of Destruction of Evidence Related to Obama's Birth and the Court being advised in the premises, it is hereby:

ORDERED AND ADJUDGED that the motion is granted. By the authority vested in this Court by 5 U.S.C. §552a(b)(11), the National Archives Record Administration shall forthwith produce and release the original I-9 arrival records to Montgomery Blair Sibley all records in its possession relating to the arrival records in Honolulu, Hawaii for August 1 through August 10, 1961.

DONE AND ORDERED in Chambers this ____ day of _____, 2012.

By: _____
United States District Judge

Copies to:.

Montgomery Blair Sibley
Andrew J. Saindon

PLEASE PRINT IN BLOCK CAPITAL LETTERS

Initial

Given Name

Family Name

D

BABARA

CRATE

Nationality (Citizenship)

Passport Number

PRER-CAN
United States Address

896121

60 Elm St.

Norwood

Mass

Arrival & Flight No. of Vessel of Arrival

Passenger Boarded At

Slick

744/08

Tachikawa

Permanent Address

60 Elm St.

Agrucan

HONOLULU

HAWAII

401

Birthdate

9-18-57

Service

ADMITTED

AUG 8 1961

CLASS U. S. C.

TO

Birthplace

Greenville, N.C.

Signature

RG 85, INS HONOLULU, HI
August 8, 1961 - August 12, 1961
A 3573 ARRIVALS **185**

RG 85, INS HONOLULU, HI
July 28, 1961 - August 1, 1961
A 3573 ARRIVALS **184**

RG 85
July 28, 1961 - HONOLULU, HI
A 3573 ARRIVATS 184

Exhibit "C"