

No. 08A469

In The

Supreme Court of the United States

Cort Wrotnowski

v.

Susan Bysiewicz, Secretary Of The State Of Connecticut

SUPPLEMENTAL BRIEF IN SUPPORT OF APPLICATION FOR EMERGENCY STAY AND/OR INJUNCTION

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UNITED STATES SUPREME COURT PROCEDURAL HISTORY

The application was originally submitted to the Honorable Associate Justice Ruth Bader Ginsburg on Nov. 25, 2008. It was denied on Nov. 26. The application was renewed to the Honorable Associate Justice Antonin Scalia on Nov. 29. It was referred to the full court on Dec.8 and distributed for conference of Dec. 12 on that same day.

AFFIRMATION OF COMPLIANCE WITH UNITED STATES SUPREME COURT RULE 15.8

Applicant-Cort Wrotnowski affirms that the content of this supplemental brief concerns an "intervening matter not available at the time of the party's last filing."

POINT 1

IT WAS FIRST DISCOVERED ON DEC. 6, 2008 THAT PRESIDENT CHESTER ARTHUR - DUE TO HIS FATHER HAVING NOT NATURALIZED UNTIL 1843 - WAS BORN A BRITISH SUBJECT IN 1829 AND THAT HE ACTIVELY CONCEALED THIS FACT FROM HISTORY BY MULTIPLE LIES CONCERNING HIS FATHER'S EMIGRATION, AGE, AND RESIDENCE IN CANADA.

In Applicant's original application papers he stated:

"And if history is any guide, other than those Presidents who were eligible to that office via the Article 2, Section 1, grandfather clause, it does not appear that the United States has ever had a President who wasn't born in the United States to parents who were both United States citizens. There have been Presidents who had one parent born abroad, but as far as Applicant has been able to verify, in each of those cases, the alien parent had become a Citizen prior to giving birth to their child who later became President."

The above conclusion is accurate with one exception. New evidence came to light on December 6, 2008 which revealed that the naturalization records for President Chester Arthur's father, William Arthur, had been located in the "Chester A. Arthur Papers" at the Library of Congress. The New York State record proved William Arthur wasn't naturalized as a United States citizen until August 1843, fourteen years after Chester Arthur was born in 1829. The fact of Chester Arthur's having been born a British subject was published for the first time on Dec. 6, 2008 and is therefore an "intervening matter not available at the time of the party's last filing."

The twenty-first President of the United States, Chester Arthur, was a British subject at the time of his birth, and it is respectfully submitted that he was

therefore not a "natural born citizen" of the United States. Whether under laws of 1829 he was even a "citizen" would be better known to this Honorable Court than to Applicant.

It was further revealed that in 1880 Chester Arthur perpetrated a fraud which concealed his Vice Presidential eligibility dilemma by uttering various lies about his father's emigration from Ireland, his father's age, and his parents' residence in Canada.

It's important for Applicant to show that Chester Arthur's birth as a British subject was concealed by Chester so that the Court does not take this fact as precedent as to the issue of whether Barack Obama is Constitutionally eligible to be President. Quite the opposite, it appears Chester Arthur's intentional obfuscation of family history is evidence his British birth caused him to believe he was ineligible for the office of Vice President.

But this isn't the first time Chester Arthur has been accused of being a British subject. During the 1880 Presidential campaign, a man named A.P. Hinman alleged that Arthur was born in Ireland or Canada.

Hinman lobbied the press for support while searching relentlessly for Chester Arthur's birth records but never found them. Perhaps, because all of the attention had been focused on that issue, history has previously neglected to reveal the issue of William Arthur's failure to naturalize before Chester was born.

The definitive biography of Chester Arthur's life is "*Gentleman Boss*" by Thomas

Reeves. Since Chester Arthur burned his papers around the time of his death, this biography fills many gaps with interviews of family members and authentic documents such as the Arthur family Bible. "Gentleman Boss" establishes, on page 4, that Chester Arthur's father William was born in Ireland, 1796, and emigrated to Canada in 1818 or 1819. His mother Malvina was born in Vermont. His parents met in Canada and were married in 1821. They had their first child, Regina, in Dunham, Canada on March 8, 1822. By no later than 1824, the Arthur family had moved to Burlington, Vermont. Chester Arthur was their fifth child, and he was born in Fairfield, Vermont on October 5, 1829.

From "Gentleman Boss", page 202 and 203:

"...Hinman was hired, apparently by democrats, to explore rumors that Arthur had been born in a foreign country, was not a natural-born citizen of the United States, and was thus, by the Constitution, ineligible for the vice-presidency. By mid-August, Hinman was claiming that Arthur was born in Ireland and had been brought to the United States by his father when he was fourteen. Arthur denied the charge and said that his mother was a New Englander who had never left her native country — a statement every member of the Arthur family knew was untrue."

In the Brooklyn Eagle newspaper, an article containing an interview with Chester Arthur regarding Hinman's accusations was published on August 13, 1880. In that article, Chester Arthur defended himself as follows:

"My father, the late Rev. William Arthur, D.D., was of Scotch blood, and was a native of the North of Ireland. He came to this country when he was eighteen years of age, and resided here several years before he was

married.”

This was another blatant lie. His father emigrated from Ireland to Canada at the age of 22 or 23. William Arthur didn't come to the United States until sometime between March 1822 - when his first child was born in Dunham, Canada - and March 1824 - when his second child was born in Burlington, Vermont. The youngest he could have been when he came to Vermont was 26.

On August 16, 1880 Chester Arthur told the Brooklyn Eagle newspaper that at the time of his birth, his father was forty years old. Another blatant lie. His father would have been only thirty-three years old when Chester was born. In that same article he lied that his father settled in Vermont and reiterated the lie that William came here at the age of eighteen. This age discrepancy was exposed in the August 19, 1880 edition of the Brooklyn Eagle in an article written by Hinman .

It's also important to note that Chester Arthur changed his year of birth, according to Reeves, to sometime between 1870 and 1880, from 1829 to 1830. He also burned his personal papers near the time he died.

Chester Arthur's attempt to obfuscate family history during the 1880 campaign provides context that he believed his birth as a British subject made him ineligible to the office of Vice President.

**SUPREME COURT JUSTICE HORACE GRAY WAS APPOINTED BY
PRESIDENT ARTHUR**

This is relevant to Applicant's case in that Justice Gray - who wrote the seminal opinion in *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898) - was appointed by Chester Arthur. Justice Gray's opinion in *Wong Kim Ark*, as this Honorable Court is well aware, provides important historical precedent and dicta somewhat relevant to the Barack Obama natural born citizen issue.

The recent discovery of Chester Arthur's Presidential eligibility problem requires review of the relationship between Arthur and Gray since Justice Gray's decision in *Wong Kim Ark* seems tailor made to the circumstances of Arthur's birth. It must also be considered that the integrity of Justice Gray's United States Supreme Court appointment might have been called into question if Chester Arthur's secret had become known.

CONCLUSION

Applicant respectfully submits that all of the above is relevant to the issue of whether Barack Obama is a natural born citizen for two reasons. First, the information establishes that no precedent was set for conceding that having been born to an alien father does not cause one to be ineligible to be President. Had Chester Arthur wore the fact of his British birth on his sleeve, then perhaps it would have set such a precedent. But he didn't. He concealed this fact with numerous public lies uttered during the Presidential campaign of 1880.

Second, this controversy also illustrates that enduring an ineligible

President risks that official actions he took, appointments he made, laws and treaties he signed, will become tainted by necessary doubts of authenticity. The same is true for the official activities of those he appointed such as Justice Horace Gray.

“I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.”

_____, November 25, 2008
Cort Wrotnowski, Pro Se