

No. 08A524

In The

## Supreme Court of the United States

Gail Lightfoot, Neil B. Turner, Kathleen Flanagan, James M. Oberschain, Camden W.  
McConnell, Pamela Barnett, Evelyn Bradley

v.

Debra Bowen, Secretary of The State Of California

### APPLICATION FOR EMERGENCY STAY AND/OR INJUNCTION AS TO THE 2008 ELECTORAL COLLEGE MEETING AND ALTERNATIVELY AS TO CALIFORNIA ELECTORS

DR. Orly Taitz, ESQ

Attorney for the Petitioners

26302 La Paz

Mission Viejo CA 92691

949-683-5411

100 100 100 43

**TO: THE HONORABLE JOHN J. ROBERTS, CHIEF JUSTICE**

### **Motion to Reconsider**

Petitioners, by and through their undersigned counsel of record, submit this motion for reconsideration due to the following reasons:

1. The Clerk of this Court, Danny Bickel, of his own volition and on his own authority refused to file of record, docket, and forward to the Chief Justice and Associate Justices Petitioners' Supplemental Brief presented on January 15, 2009.

2. The Rules of this Court provide that supplemental briefs are allowed, when there is a new law or changed circumstance in the case.
3. On January 8, 2009, Barack Obama was confirmed as President by the Congress, at which time it was timely to file a supplemental brief, requesting this Court to determine that Mr. Obama is not eligible to serve, according to the terms of the Constitution.
4. According to the 20<sup>th</sup> amendment Mr. Biden must be appointed president pro tempore, until the president qualifies or new president is chosen.
5. This supplemental motion has made the underlining petition proper and timely according to the changed circumstances of the electoral vote and subsequent confirmation of Congress.
6. The Clerk of this Court, Mr. Bickel categorically refused to file this brief in the docket, stating that he would send it back to the undersigned counsel with explanation. Nothing was sent back and no explanation provided.
7. Due to the fact that all mention of this case was erased from the docket of the Supreme Court on January 21, 2009, one day after the inauguration and two days before this Court was to meet regarding this matter, this sua sponte action by somebody, which prejudiced the cause of the petitioners.
8. Only after numerous phone calls from outraged citizens, members of the media and state representatives, was the case reentered on the docket in the evening of January the 22<sup>nd</sup>, shortly before the meeting of the Justices held on the morning of January 23<sup>rd</sup>.
9. No explanation was provided by the Supreme Court for this occurrence.
10. When an attorney, licensed with the Supreme Court, Ms. Teresa Ward, called the court to inquire about the location online of the docket, a deputy clerk put her on hold for several minutes, then claimed that all dockets were unavailable due to a computer error that affected all cases. However Ms. Ward could clearly see other case dockets, going back years, including closed cases which had not been

erased, This was done by performing a name search using 'Lightfoot,' as the search term.

11. Similarly, after the case was reentered on the docket, Mr. Bickel claimed, that the case never disappeared. However, a number of citizens have written affidavits and screenshots were made of the case disappearing from the docket and reappearing at a later date.
12. Further, a few days before hearing this petition in the conference of the full Supreme Court, eight out of nine Supreme Court Justices had a private closed door meeting with Mr. Obama, who was a party of interest in this action and the subject of this petition, wherein there may have been ex parte communication that prejudiced the petitioners.
13. Further, on March 9, 2009 at a book signing ceremony in Los Angeles, California the undersigned counsel had an opportunity to talk to Associate Justice Scalia, as he was signing her books, and she had an opportunity to ask about this case and inquired , as to why the case was not forwarded from the conference to the oral argument. Justice Scalia had no knowledge about this case. Similarly he had no knowledge about any cases brought in front of the Supreme Court, that challenged Obama's eligibility for presidency. The only reasonable explanation is that the clerks of the court did not provide the case to the Justices at all or summarized them in a light, that is unfavorable to the petitioners, which is prejudicial..
14. At a reception held in Los Angeles, California, on March 9<sup>th</sup>, Justice Scalia has told the audience of some 300 attorneys, members of the media, business and entertainment industries, that the cases are heard in the Supreme Court based on importance. He reiterated that it is not the beauty of the argument and legal reasoning, but importance of the case.
15. The instant case, dealing with a fundamental Constitutional question, affecting each and every citizen of these United States, in alleging a complete lack of legitimacy in the presidency of Barack Obama is a question of great public importance.
16. It was supposedly heard by the full conference of nine Justices on January 23<sup>rd</sup> and yet, the Justices did not think this issue to be

important enough to forward to the next step, to the open court for argument on the merits of the case.

17. At the same time it was announced on the radio that the Supreme Court has heard a case dealing with the rights of smokers of light cigarettes to sue tobacco industry; and two Justices, including Chief Justice Roberts, have written lengthy opinions on this issue.
18. The undersigned reiterates that at issue is the probable illegal usurpation of our highest elected office by a foreign national, a citizen of Indonesia and possibly still a citizen of Kenya and Great Britain, Barry Soetoro, a/k/a Barack Hussein Obama.
19. Were these allegations the case, and taken true as pled for the purposes of this Motion, any party illegally usurping the position of the President of the United States and Commander in Chief of all the US Armed forces and assuming control of our nuclear arsenal would be in a position to devastate not only the United States but the world.
20. The undersigned reasonably believes that based upon the above, and in light of the statistics that the court's clerks sort through some 80,000 cases that are submitted to the Supreme Court each year and pick 0.1% - roughly 80 - which are considered the most deserving cases, the clerks that are preparing the summaries for the justices, have never shown the instant case to the Justices or have summarized it in a false light.
21. Further, attached hereto and incorporated by reference is a letter from the magazine World Net Daily, showing that 326,841 American citizens have signed a petition requesting this Court to hear this matter.
22. Aside from the petition, World Net Daily has delivered to the Supreme Court 540,000 individual form petitions: 60,000 for each Justice.
23. In addition, it is estimated that some 100,000 Americans have faxed or mailed petitions drafted by themselves, not form petitions to this Court, in essence, again, requesting that this Court hear the merits of this cause.

24. In essence, each Justice has heard, or should have heard from roughly a half a million American citizens, urging this Court to hear this case on the merits.
25. The undersigned questioned Justice Scalia during the above mentioned book signing in Los Angeles, as to what happened, and asked why the case was not forwarded to the open court hearing on the merits, he had absolutely no clue about the case. And not only this case, Justice Scalia had no recognition of similar cases filed by well known plaintiffs on the same topic such as Wrotnowski and Donofrio.
26. It is astounding to the under signed that the Justice would get letters from half a million American citizens, urging him to hear the case on the merits, and wouldn't remember one thing about the case. Again, the only reasonable explanation is that the clerks have never shown the Justices either this case *Lightfoot v Bowen* or letters from half a million American citizens supporting this issue. Due to the fact that the above mentioned became known to the under signed counsel only on March 9<sup>th</sup> 2009, a motion for reconsideration is filed at this late date due to special circumstances.
27. Due to the fact that there is evidence of sabotage within the Supreme Court, and there is no guarantee this petition will be forwarded to the Justices through regular channels; this petition will be hand delivered to Chief Justice Roberts at his appearance with students at the University of Moscow, Idaho, on Friday, March 13<sup>th</sup>, 4:00 p.m.
28. In case something happens to the undersigned, and hand delivery is prevented, it is being posted on the blog [DefendOurFreedomS.us](http://DefendOurFreedomS.us); it is being mailed to each and every Justice by certified mail with restricted signature delivery, to be personally signed by the Justices; and it is being forwarded as a press release to Congress, Senate, State Houses of Representatives, State Senates, Governors of all 50 States, FBI, Secret Service, Department of Justice, Department of Defense, Homeland security, Attorney Generals of all 50 states and 26,000 outlets of US and World media in order to bring awareness of the above to the world community.
29. At the same meeting at the University of Idaho the undersigned is forwarding to Chief Justice Roberts a Petition for Quo Warranto and

a Petition for Leave of Court to File as Original Jurisdiction a second case Easterling et al. v. Obama and State of Hawaii, wherein it is alleged that due to the fact that the Attorney General of the United States, Eric Holder, did not agree to institute Quo Warranto proceedings against Mr. Obama, in spite of ample information received, including a 164 page dossier of suspected criminal activity, the petitioners led by active duty officer, currently serving in Iraq, Scott Easterling, Major General Carroll D. Childers, officers from all branches of the military, State Representatives and an elector are seeking the leave of court to file Quo Warranto as ex relators on behalf of the United States government.

#### **Attachments**

1. APPLICATION FOR EMERGENCY STAY AND/OR INJUNCTION AS TO THE 2008 ELECTORAL COLLEGE MEETING AND ALTERNATIVELY AS TO CALIFORNIA ELECTORS WITH REQUEST THAT APPLICATION BE TREATED AS PETITION FOR WRIT OF CERTIORARI AND/OR MANDAMUS AND/OR PROHIBITION. Filed December 11<sup>th</sup>, 2008.
2. SUGGESTION FOR RECUSAL OF HONORABLE CHIEF JUSTICE ROBERTS AND HONORABLE ASSOCIATE JUSTICES FROM SWEARING OF BARAK HUSSEIN OBAMA AS THE PRESIDENT OF THE UNITED STATES ON JANUARY 20<sup>TH</sup> DUE TO DUE TO CONFLICT OF INTEREST WITH THE FULL COURT CONFERENCE HEARING ON THE 23<sup>RD</sup> OF JANUARY OF LIGHTFOOT V BOWEN, SEEKING TO FIND BARACK HUSSEIN OBAMA NOT ELIGIBLE FOR PRESIDENCY. Filed January 12<sup>th</sup> 2009.
3. SUPPLEMENT, MOTION TO DECLARE THE PRESIDENT ELECT RESPONDENT BARACK HUSSEIN OBAMA HAS FAILED TO QUALIFY BY DEFAULT UNDER US CONSTITUTION ARTICLE 2, §1, AND AMENDMENT 20, PER RULE 21 (2)(B) AND (4). Duly filed January 15, 2009, not docketed and not distributed to the Justices due to the refusal by clerk Bickel.

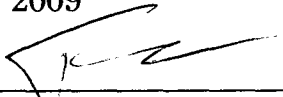
4. SUPPLEMENT TO APPLICATION FOR EMERGENCY STAY AND/OR INJUNCTION AS TO THE 2008 ELECTORAL COLLEGE MEETING AND ALTERNATIVELY AS TO CALIFORNIA ELECTORS.

Supplement is based on the Executive Order by President Bush, issued January 16, 2009. EXECUTIVE ORDER; GRANTING RECIPROCITY ON EXCEPTED SERVICES AND FEDERAL CONTRACTOR EMPLOYEES FITNESS AND REINVESTIGATING INDIVIDUALS IN POSITIONS OF PUBLIC TRUST. Filed January 21, 2009.

5. Petition letter from World Net Daily to the Supreme Court signed by 326,841 American citizens.

"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."

March 12, 2009

  
\_\_\_\_\_  
Dr. Orly Taitz, ESQ  
Attorney for Petitioner

Notice to Consumer

Certificate of service

I, Orly Taitz, hereby certify, that petitioners motion for reconsideration was served upon the following parties via first class mail, postage fully prepaid, this 12<sup>th</sup> day of March, 2009-03-12

Debra Bowen

California Secretary of State

1500 11th Street Sacramento, CA 95814

Gregory G. Garre

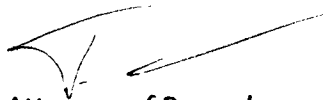
K8

Solicitor General,

United States Department of Justice

950 Pennsylvania Ave, NW

Washington DC 20530-0001

A handwritten signature in black ink, appearing to read "Orly Taitz", written over a horizontal line.

Attorney of Record

Dr. Orly Taitz, ESQ

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Mission Viejo CA 92691





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*Orly Taitz*  
RECEIVED  
CLERK OF THE SUPREME COURT  
2008 DEC 11 P 4:47

**ADDRESSED TO THE HONORABLE ASSOCIATE JUSTICE ANTHONY KENNEDY, CIRCUIT  
JUSTICE FOR THE 9TH CIRCUIT. Special request to join this petition with Wrotnowski v  
Bysiewicz Petition to be reviewed at the full court conference on December 12, 2008, due to  
the fact that the petitions raise common issues and arguments and the matter is of great  
National importance and Great National Urgency.**

### **AFFIRMATION OF JURISDICTION**

Applicants respectfully submit to this Honorable Court that  
they had brought this emergency application directly from a final judgment with

prejudice issued by the California Supreme Court. The United States Supreme Court is the final jurisdiction available to them. Applicants respectfully submits that this matter reflects an important public interest and involves a Constitutional issue of first impression as to the legal significance of the term "natural born citizen" as enumerated in Article 2, Section 1, Clause 5, of the Constitution of the United States.

Furthermore, the Respondent's challenged failure to perform legally prescribed constitutional duties is directly related to Article 6, Section 3, wherein she is required to swear an oath to uphold the United States Constitution.

#### **PROCEDURAL HISTORY**

This emergency application is brought to this Honorable Court from a final decision of the Honorable California Supreme Court, issued December 5 2008, dismissing Applicant's complaint. .

#### **REQUEST THAT APPLICATION BE TREATED AS PETITION FOR WRIT OF CERTIORARI AND/OR MANDAMUS AND/OR PROHIBITION**

Because the Electoral College is set to meet in 2 working days, Applicants respectfully submit there is no time for a more formal approach to the issues listed herein. In *Bush v. Gore*, 531 U.S. 98 at 98 (2000), this Honorable Court accepted an emergency stay application as a full petition:

"Governor Bush and Richard Cheney, Republican Candidates for the Presidency and Vice Presidency, filed an emergency application for a stay of this mandate. On December 9, we granted the application, treated the application as a petition for a writ of certiorari, and granted certiorari."

In *Purcell v. Gonzales*, 127 S. Ct. 5 (2006), this Honorable Court construed an application for a stay as a Petition for a Writ of Certiorari, and then granted Certiorari in an election dispute - two weeks before election day - regarding alleged unconstitutional voter registration conditions. Applicant respectfully submits this application be treated the same.

### STATEMENT OF FACTS

In August of 2008 attorney Philip J Berg has filed a legal action in the Federal Court in Pennsylvania, presenting affidavits, that Senator Obama was born in Kenya and not a "natural born Citizens" as required by Article 2. Attorney on this case, Orly Taitz, esq. followed the suit and to her dismay discovered that instead of providing an original birth certificate with the name of the hospital and the name and the signature of the doctor, that could be verified against the vital records, Mr. Obama and DNC have filed a motion to dismiss based on Mr. Berg's lack of standing as an ordinary voter, but refused to provide any independent, corroborating evidence, that Mr. Obama was indeed born in Hawaii. Mr. Obama and DNC kept presenting a **short** version Certification of Live Birth, a computer generated printout obtained in 2007, that did not contain the name of the hospital, nor the name of the doctor. As Ms Taitz continued to investigate the matter, she found out that Hawaii statue 338-178 allows Hawaiian residents to obtain Certification of Live Birth in Hawaii for their children actually born abroad. This statue goes back to precursor statues from 1911, from the times of Hawaiian Kingdom and could be explained by the fact that numerous Hawaiians worked abroad and needed to preserve Hawaiian citizenship for their children born abroad. United States never had a president born in Hawaii and this problem never came to light. Additionally Department of Health of Hawaii has posted on

line guidelines for obtaining Certification of Hawaiian birth, which stated that it can be obtained based on a statement of one relative. Ms. Taitz has found out that most of the facts surrounding Mr. Obama's birth presented by Obama campaign were not true. Obama campaign stated that in around Mr. Obama's birth in August of 1960 Mr. Obama's mother, Ms. Ann Dunham was a student of university of Hawaii and resided in Hawaii, happily married to Mr. Obama, sr. In reality Mr. Stuart Lau, registrar of the University of Hawaii, provided records that Mr. Dunham dropped out of the University of Hawaii after the first semester in December of 1960. She was not registered in any university and there were no records of her whereabouts for some 9 months from beginning of January 1961 until end of August 1961, when she reappeared in Seattle Washington area and enrolled in the University of Seattle Washington and was enrolled there as a student in Fall of 1961, Winter and Spring of 1962 according to Madolyne Lawson, registrar of university of Washington. Mr. Obama in his biography **Dreams of my Father** stated that his parents were married in Hawaii, there were no records of them actually being married on Hawaii. Different articles in the news papers and interviews with Mr. Obama's sister, Ms. Maya Soetoro named different hospitals as the place of birth of Mr. Obama: Queens hospital and Kapiolani hospital. Clearly no human being could be born in three different places: Kenya, and two different hospitals in Hawaii. With all the intensive search no birth records were ever found, no doctor, no nurse no hospital official ever came forward with any records of Mr. Obama ever being born in any hospital in Hawaii. All of the above was not consist with Mr. Obama being born in Hawaii, but rather with him being born in Kenya, but simply obtaining Registration of live birth in Hawaii, pursuant to Hawaiian statute 338-178, and it was consistent with a scenario of birth certificate obtained based on a statements of one relative, such as grandmother or grandfather, that could've made this statement in order to avoid going through the hassle of

immigration procedures, rather than independent hospital records that were never found. Additional fact was of great concern to Ms. Taitz. Mr. Obama has repeatedly stated in his memoirs that he went under the name Barry. His school registration from Indonesia, presented in Berg v Obama showed him as Barry Soetoro, Citizenship Indonesian, religion Islam. A divorce agreement between Ann Dunham and Lolo Soetoro, reached in 1980 was consistent with that statement, in that it stated that the couple had two children, since Ms. Dunham and Mr. Soetoro had only one biological child, daughter, Ms. Maya Soetoro, which means that the second child was Mr. Barry Soetoro (aka Barack Hussein Obama). Mr. Obama was denying facts described in the Indonesian school registrations. He was stating that he was never a Muslim. Moreover, Illinois state bar has posted attorney's records on line. In his posted application, on the question "any other names used", Mr. Obama has posted "None". Clearly Mr. Obama knew that he used the name Barry Soetoro and Barry Obama. It was extremely alarming that Mr. Obama took an oath as an attorney and the officer of the court of the state of Illinois based on a fraudulent statement, hiding his identity and previous aliases. It was quite conceivable that he would sign an application as a candidate on the ballot and even take an oath of the president of the United States of America based on a fraudulent statement. Ms. Taitz has downloaded this information and on October 25th sent an e-mail to the Secretary of State of California (SOS herein) Ms. Debra Bowen, describing her concerns and inquiring as to what procedures were followed in order to verify that Mr.Obama is indeed a Natural Born citizen. SOS has acknowledged receipt of the e-mail and sent a response, stating that they do not verify anything in the candidate's application. One is put on the ballot based on the fact that the candidate's party provides his name and the candidate signs a statement that he is able to perform the duties of the office. As of that time SOS was on notice of the facts and had a duty to act. Ms. Taitz had a subsequent

conversation with an election analyst of the SOS office, Ms. Philly Crosby. Ms. Taitz requested an administrative hearing on the matter in question. Ms. Crosby stated that she would discuss the matter with Ms. Bowen and SOS General Counsel, Ms. Pam Giarizzo and that Ms. Giarizzo will call Ms. Taitz to discuss the issue. Ms. Taitz had followed this conversation with a second e-mail, confirming all the details of the conversation. Neither Ms. Bowen, nor Ms. Giarizzo have ever scheduled any administrative hearing.

Ms. Taitz has written about her findings to the media, however this whole election cycle was marked by a mass hysteria fueled by mostly liberal media, controlled by only a handful of conglomerates that weren't willing to publish anything showing that the candidate they pre-selected and anointed, was actually ineligible. In one of the articles, titled "Osama Bin Ladin can be on your ballot", Ms. Taitz has written that since the SOS requires only a statement by a candidate, that he is eligible, hypothetically speaking Osama Bin Ladin can come to this country and sign such a statement and be considered eligible. Ms. Taitz has received a response that some of members of the British Parliament were reading the article, that there were bets put in Ireland on Mr. Obama's resignation or impeachment, Russian news -paper Pravda was calling Mr. Obama "The conman of the Century", e-mails and phone calls were received from Japan, Australia, Sweden, Germany and England. In the US mass media was still hiding the issue and the voters in this country ended up voting based on the fraudulent information.

Some 19 legal actions were filed in different states of the union, seeking proof of Mr. Obama's birth in Hawaii, but none of these actions were decided on the merits and the evidence was never reviewed. Several such legal actions were dismissed on lack of legal standing of the regular voter. Two days before the election a large article appeared on the internet, claiming that a decision was reached by a Federal judge in Virginia, stating that Mr. Obama's original birth

certificate was reviewed, found to be valid and that any legal actions on that matter were frivolous. Apparently, somebody with limitless resources has posted this article, since it appeared in the top position with each and every search engine. The voters were casting their ballots based on such information. Later nobody could find any mention of such legal action in Virginia, no docket number, no name of the plaintiff or defendant or attorneys. The posting was made by someone by name Wild Bill. This was only one of the numerous examples of massive voter disinformation and massive fraud campaign conducted during this election. At one of the voter meetings, after making a presentation on the issue Ms. Taitz was approached by Mr. Wiley Drake, a Vice Presidential Candidate for Alan Keyes in the State of California. It was decided that Ms. Taitz will represent Mr. Drake in a legal action seeking an injunction of the election in the State of California. Later Ambassador Alan Keyes and Mr. Markham Robinson, an elector and the Chair of American Independent party decided to join as additional plaintiffs. Mr. Robinson has suggested including Mr. Gary Kreep Esq as an additional attorney, since he has represented Mr. Keyes and The American Independent party against the SOS on a previous occasion. Mr. Kreep has become a second attorney and indeed has provided a valuable information on the procedures and form of the pleading. On November 13 the first legal action, A Petition for Writ of Mandate was filed in the Superior Court of California in Sacramento by Ms. Taitz and Mr. Kreep on behalf of Mr. Keyes, Mr. Drake and Mr. Robinson against Ms. Bowen, Mr. Obama, Mr. Biden and 55 California electors. As the plaintiffs were conducting the Service of Process, more and more troubling facts were coming to light. The plaintiffs had hard time finding and serving the electors, one of them was Ms. Eileen Huber. She was an elector, supposedly representing Congressman Berman and residing in Los Angeles area in Southern California. Due to the fact that in the State of California the electors have to be registered voters,



Mr. Mark Seidenberg, the Vice Chair of American independent party and former high ranked official with Reagan administration has personally visited the office of the Registrar of voters of the Los Angeles County searching for the address of Ms. Ileen Huber. There was no Ileen Huber registered to vote, which made her ineligible as an elector, however there was more to it. Only one Ilene Huber could be found in the State of California, whose last known address was in year 2000, in a retirement home in Eureka, in Northern California. Ms. Huber could not be located there either. Finally a response was received from the Humboldt county court house, showing a Death Certificate, Ms Huber being deceased seven years ago in year 2001. Puzzled by the fact, that Ms. Bowen, SOS of California would certify as a Democratic party 2008 elector somebody who was deceased for seven years, Mr. Markham Robinson, one of the plaintiffs, has requested certified copies of the Certificates of Electors, that were supposed to be filed by each and every Congressional Candidate and each and every Senatorial candidate by the October the 1<sup>st</sup>. None of such Certificates could be located. Above findings were reported by Mr. Seidenberg, vice-chair of the American Independent Party to the National Archives and the office of the SOS. On and around the November 21 the Plaintiffs in the Keyes v Bowen were contacted by Mr. Robby Andersen, one of the attorneys for SOS, he stated that indeed none of the congressional or Senatorial candidates had filed out such certificates, but rather somebody from the DNC has sent an e-mail with names. These names were copied, however the e-mail contained numerous mistakes and Mr. Chris Mayers from the DNC will fax a new list. Mr. Anderson was told that no new list will be accepted, since changing the list of electors and accepting a changed list after the fact, after the elections would constitute aiding and abetting fraud in voting. Moreover, a letter was sent to all the registrars of voters in the state of California, advising them that a changed list cannot be accepted. This turn of events put a serious

cloud of a doubt on the certification process of both the candidates and electors, implemented by Ms. Bowen. The citizens of the State of California had no safeguards against any possible fraud being perpetrated in the certification process.

At the same time, while getting thousands of e-mails from supporters and volunteers, Ms Taitz got in touch with a new group of citizens of the state of California, that were interested in being represented in their own action against Ms. Bowen. Those are the plaintiffs in the current legal action: Gail Lightfoot-vice presidential candidate on the ballot in California for Ron Paul, Kathleen Flanagan, an elector, Neil B. Turner, an elector, James Obenschain, an elector, retired from US Air Force, Camden McConnell, an elector, retired Lieutenant Colonel of the US army, Pamela Barnett, registered voter, captain in the US army, temporary retired, and Evelyn Bradley, registered voter. This group of plaintiffs was greatly concerned about the fact that the electors are sworn to uphold constitution, but are unable to do so, due to the fact that the candidate's eligibility is not verified. They were also concerned about the fact that as military personal, they can be called to duty to take orders from the commander in chief, whose legitimacy was never proven. If they, as members of the US military will be following orders of illegitimate president, an usurper in the White House, they will be subject to the charge of treason. Due to great urgency of the matter, a petition for Extraordinary Emergency Writ of Mandamus for Stay of certification of 2008 Presidential Election was filed in the Supreme Court of California on he 3<sup>rd</sup> of December. Two days later, on Friday the 5<sup>th</sup> of December, at 9:45 PM the Supreme Court has issued a denial.

**REASONS FOR GRANTING WRIT(S)**

This Honorable Court is the only legal power that can now grant the extraordinary relief requested herein. No other jurisdiction holds legal dominion over the several Secretaries of State of the United States as well as all Presidential electors casting votes at the Electoral College meeting on December 15, 2008. Furthermore, Applicant's cause of action may become moot if the case is remanded in that Barack Obama is still just a candidate for President. But if the Electoral College meets and causes Barack Obama to become the president-elect, Applicant's standing to maintain this cause of action will be severely jeopardized as specific powers to challenge the president-elect after the Electoral College meets have been enumerated to Congress, and Applicant's standing is likely to face a "political question" challenge.

Applicant notes that the Senate was negligent in failing to verify the candidates' eligibility and by authoring a legally flawed and publicly deceptive Senate Resolution which attempted to confer, at least in the public eye, the idea that John McCain was a natural born citizen even though he was born in Panama. While that resolution may have looked like a law, it had no legal authority, but rather served to confuse and obfuscate the important Constitutional issue now before this Honorable Court. (See U.S. S. Res. 511, 110th Congress.)

Furthermore, Congress showed no concern whatsoever that candidate Obama was facing multiple legal challenges to his eligibility and was actively concealing all records of his past from public view.

Applicants respectfully submits that Congress has not shown any interest in protecting Applicant from the harms perpetrated upon him by this fraudulent election and so he requests that this Honorable Court accept full review of the underlying merits of this controversy while his case is ripe.

While Applicant requests that this Honorable Court grant the injunctive relief requested herein, he also recognizes this Court's authority to issue an extraordinary writ of mandamus and/or prohibition to either the Secretary of State or the Connecticut Supreme Court and/or the Connecticut Superior Courts.

Applicant respectfully submits that the issuance of an extraordinary writ in this case would be in aid of this Honorable Court's appellate jurisdiction and that such a writ is authorized by the All Writs Act, 28 U.S.C. Sec. 1651. Furthermore, as this case involves the possible voiding of the popular vote of our national election, it concerns a matter of vital public importance and is of such an extraordinary nature that no other Court should be responsible for the incredible weight of decision now before this Honorable Court. That the Court has the power to fashion whatever writ it deems necessary under the extraordinary circumstances of this case was made clear in *Ex Parte Republic Of Peru* 318 U. S. 578, 584-585 (1943) (citing *Ex Parte United States*, 287 U.S. 241 at 248-249 (1932)):

"...[T]his court has full power in its discretion to issue the writ of mandamus...such power will be exercised only where a question

of public importance is involved, or where the question is of such a nature that it is peculiarly appropriate that such action by this court should be taken.

This Honorable Court has also exercised its power to issue extraordinary writs to state courts. See *Deen v. Hickman*, 358 U.S. 57 (1958), and *Bucolo v. Adkins*, 424 U.S. 641 (1976).

### **RELIEF REQUESTED**

Applicant respectfully requests a stay of the certification of California Electors for Barack Obama and an accompanying order from this Honorable Court by way of a writ of mandamus and/or prohibition preventing Respondent and California electors from casting Electoral College votes for Barack Obama should this Honorable Court hold that he is not eligible to the office of President of the United States.

Applicant couldn't request - in the lower courts - that the national election be stayed or enjoined. But since the issue of whether Barack Obama is a natural born citizens is now before this Honorable Court, Applicant respectfully submits that should this Honorable Court agree with the legal arguments herein, specifically that Barack Obama is not eligible to the office of President of the United States in that he is not a natural born citizen of the United States, Applicant now respectfully requests a stay of the 2008 Electoral College meeting and that an order be issued, whether by mandamus and/or prohibition, to the several Secretaries of State of the

United States and to all Presidential electors eligible to cast votes in the 2008 Electoral College, preventing the same from respectively allowing to Electoral College votes to be cast for Barack Obama.

Applicant also respectfully requests, in the alternative, that Respondent be issued an order commanding her to demand from Barack Obama that he provide proper documentation to prove that he was born in the state of Hawaii. Should this Honorable Court issue such a writ to Respondent, Applicant leaves it to the sound discretion of this Court to determine the nature of such compliance.

Applicant sought "injunctive relief" from the lower courts by requesting orders for Respondent to protect Applicant by ensuring that California did not certify ineligible candidate for the United States Presidency.

Applicant respectfully submits that the defective Presidential election of 2008 may still be cured by this Honorable Court by way of an injunction voiding the election on the grounds that Mr. Obama is not a natural born citizen as is required by the Constitution to be eligible to the office of President.

In *McCarthy v. Briscoe*, 429 U.S. 1317 n.1 (1976), the Honorable Justice Powell stated:

"Although the application is styled 'Application for a partial stay of an order and judgment of the United States Court of Appeals, Fifth Circuit,' the applicants actually seek affirmative relief. I have therefore treated the papers as an application for an injunction pursuant to 28 U.S.C. § 1651 and Rules 50 and 51 of this Court."

In that case, late in the Presidential election cycle of 1976, six weeks before election day, third party candidate Eugene McCarthy submitted an application for a stay to Justice Powell, in his capacity as Circuit Justice in charge of Texas, for injunctive relief ordering the Texas Secretary of State to cause McCarthy's name to appear on general election ballots in Texas as an independent candidate for the office of President. McCarthy alleged that a Texas statute which prevented third parties from gaining access was unconstitutional. Justice Powell granted relief and the Texas election officials were commanded to alter the ballots to include McCarthy's name.

In the present case Appellant requested that the California Supreme Court issue a writ of mandamus ordering Respondent to investigate whether Mr. Barack Obama was eligible under Article 2, Section 1, Clause 5, of the Constitution which 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;*

#### **ASSIGNMENTS OF ERROR**

Applicants initiated this litigation by filing on December 3<sup>rd</sup> 2008 in the Supreme Court of California an Emergency Petition for a Writ of Mandamus to Stay the 2008 Election in the state of California. The petition was denied two days later on December 5, 2008, no reason was

provided.

## CONSTITUTIONAL ISSUE RAISED IN CALIFORNIA SUPREME COURT

### QUESTIONS PRESENTED

#### POINT I

**DID THE LOWER COURT ERR IN DENYING APPLICANT'S REQUEST FOR INJUNCTIVE RELIEF OR A WRIT OF MANDAMUS ORDERING RESPONDENT TO STAY THE 2008 PRESIDENTIAL ELECTION UNTIL MR OBAMA'S ELIGIBILITY IS VERIFIED - TO PROTECT APPLICANT FROM FRAUDULENT PRESIDENTIAL CANDIDATE HOLDING THE OFFICE OF PRESIDENT OF THE UNITED STATES?**

#### **RESPONDENT'S PRESCRIBED DUTY TO UPHOLD THE US CONSTITUTION**

Respondent, as required by Article 6, Section 3, of the United States

Constitution swore an oath to uphold the Constitution. California elections code 8148 states: "Not less than 68 days before the general election, the Secretary of State shall deliver to the appropriate county officials a certificate showing:

The name of every person **entitled** to receive votes within the county at the general election... (Emphasis added)

The SOS has a ministerial duty to put on the ballot only candidates that are **entitled** to be on the ballot based on the constitution of this country.

. The Supremacy Clause, Article VI, Clause 2 of the United

States Constitution, reads:

*This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*

The duties prescribed in Elections code 8148 must be interpreted, in so far as the election for President of the United States is concerned, in light of Article 2,



Section 1, of the Constitution:

*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;*

Respondent's minimum standard in fulfilling her prescribed duty to uphold the Constitution must require that she protect the electoral process in California from candidates who are not natural born citizens. The exact manner in which she goes about executing that duty is certainly up to her. Applicant seeks a writ of mandamus, and/or injunctive relief, not to tell her how to do that job, but simply to compel her to do it.

**STANDING TO REQUEST WRIT OF MANDAMUS**

Honorable Supreme Court of California did not raise the issue of standing and did not find that the petitioners have no standing.

**POINT 2**

**IS PRESIDENTIAL CANDIDATE BARACK OBAMA INELIGIBLE TO HOLD THE OFFICE OF PRESIDENT FOR FAILING TO MEET THE CONSTITUTIONAL REQUIRMENT OF BEING A NATURAL BORN CITIZEN?**

*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;*

The meaning of the words **natural born citizen** is one that was used at the time of adoption of Constitution. Our constitution was based on the "**Law of Nations**", a treatise written by the Swiss lawyer and diplomat Emerich de Vattel as a manual for how government should function. Written in 1758, it was well known to the framers of the Constitution as well as the citizens at

large. Book 1, chapter 19, part 212 says **“The natives, or natural born citizens, are those born in the country, of parents who are citizens”** (Emphasis added). The framers of the constitution knew this definition and there was no need for further explanation in the body of the Constitution. It was a well known term. It clearly states **“parents are”** in plural, meaning both parents. Since Mr. Obama’s father was a British citizen, not a US citizen, Mr. Obama is **not** a natural born citizen and cannot become a US president. This in itself is a sufficient argument, according to which there is no possible way to Certify Mr. Obama as President-elect. The Natural born requirement was never taken out of the Constitution and there was **never** any law or statute passed that would provide any new meaning or change the meaning of natural born citizen. (1790 immigration act tried to expand it, but was repealed shortly thereafter in 1795). The Petitioners can end the legal argument at this point, since it is so clear and self explanatory, but just in the interest of due diligence the petitioners will review other points and arguments.

The grandfather clause allowed all those who were citizens of the United States "at the time of the adoption of this Constitution" to be President. Nobody alive today can claim Presidential eligibility thereunder. And it's clear that the Framers sought to exclude those same classes of citizens from being President in future generations by reducing the field of eligible people to only natural born citizens once the grandfather clause had run its course..

The Framers didn't consider themselves to be natural born citizens as they were, for the most part, British subjects at the time of their birth. Considering they had recently fought a difficult war to rid themselves of the British monarchy, it doesn't seem likely they intended that those born subject to the British monarchy would be eligible to hold the office of President.

One of the framers of the Constitution, first Chief Justice of the United States, John Jay has written on July 25, 1787 to George Washington: “Permit me to hint, whether it would be wise and reasonable to provide a strong check to the admission of foreigners into the administration of the National Government; and to declare expressly that the commander in chief of the American

Army shall not be given to, nor devolve on any but a natural born citizen”

In explaining the meaning of Natural Born Citizen, the framer of the 14<sup>th</sup> amendment, John A. Bingham defined Natural Born Citizen as follows:” every human being born within the jurisdiction of the United States **of parents not owing allegiance to any foreign sovereignty”**.

Based on definition by John Bingham, **Barack Obama does not qualify as a natural born citizen, since his father was a British citizen and owed allegiance to British crown.**

Barack Obama, at birth, was both a British citizen as well as a United States citizen. And like the Framers, Applicant respectfully submits that he is not a "natural born Citizen", but rather a "native born Citizen" (if it be established that he was actually born in Hawaii.).

Article 1, Section 2, provides that Representatives must be seven years a "Citizen" while the Senate requires nine. Again, what distinction have the Framers drawn here between "Citizens" and "natural born Citizens"?

In 1790, Congress sought to expand the pool of natural born Citizens. The *Naturalization Act of 1790* was the only Congressional legislation which has ever attempted to confer "natural born citizen" status. The relevant portion reads as follows:

“...the children of citizens of the United States that may be born beyond Sea, or out of the limits of the United States, shall be considered as natural born Citizens...”

However, the *Naturalization Act of 1795* specifically repealed the act of 1790 and replaced it with virtually the same clause as that of 1790, except the words "natural born" were deleted and have never been replaced by Congress. The 1795 act reads as follows:

"the children of citizens of the United States born out of the limits and jurisdiction of the United States, shall be considered as citizens of the United States."

So Congress effectively kept the part of that clause which granted

citizenship, but repealed the words "natural born" from that level of citizenship. Congress never again attempted to legislate a definition of "natural born citizen."

Congress and the several states had their chance to expand the pool of "natural born Citizens" with the 14th Amendment. Had they sought to avenge their prior attempt in 1790 to expand the pool of natural born Citizens, a Constitutional amendment would have been the perfect chance for them to have done so. But they didn't. The 14th Amendment only confers the status of Citizen, and only to those born under the jurisdiction of the United States.

Since the Constitution, from its very genesis, has distinguished between "natural born Citizens" and other "Citizens" in Article 2, Section 1, as well as Article 1, Section 2, "Citizen" status under the 14th Amendment also must be distinguished from that of "natural born Citizens." And it is the burden of those seeking an implication to prove otherwise. The plain meaning and spelling of the word "Citizen" in the 14th Amendment evidences the same status as is used to set the requirements for those wishing to become Representatives or Senators, as well as those who were "Citizens at the time of the adoption" of the Constitution.

It is respectfully submitted that the Framers, in their wisdom, sought to restrict the office of President to those Citizens who had a slightly closer bond to the United States. 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.

## NATURAL BORN STATUS OF PRESIDENTIAL CANDIDATE AT BIRTH

Since Article 2, Section 1, Clause 5, limits itself to a status available at birth - as evidenced by its use of the words "natural born Citizen" - Applicant respectfully submits that Barack Obama, having been a British citizen (as well as a United States citizen), at birth, can never cure the presidential defect. Article 2, Section 1, Clause 5, eligibility is set *at birth*, not at the time the proposed candidate is running for office.

## DUAL NATIONALITIES

It is respectfully submitted that the Framers sought to exclude dual national Citizens from holding the office of President since having dual nationalities, at birth, would help create the conditions whereby a future President might take the office with a competing loyalty to another nation. And at the time of the adoption of the Constitution, the Framers would have been particularly wary of the British monarchy calling for some degree of loyalty by the Commander in chief.

As to the problems associated with dual nationalities, the U.S. Department of State *Foreign Affairs Manual* at 7 FAM 081 states:

**"e. U.S. Policy on Dual Nationality:** While recognizing the existence of dual nationality, the U.S. Government does not encourage it as a matter of policy because of the problems it may cause. Dual nationality may hamper efforts by the U.S. Government to provide diplomatic and consular protection to individuals overseas. When a U.S. citizen is in the other country of their dual nationality, that country has a predominant claim on the person. A foreign country might claim you as a citizen of that country if (a) you were born there; (b) your parent or parents (and sometimes grandparents) are or were citizens of that country or (c) you are a naturalized U.S. citizen but are still considered a citizen under that country's laws. (The oath you take when you are naturalized as a U.S. citizen (8 CFR 337.1) doesn't mean the foreign country does not still regard you as a citizen of that country.)"

And at 7 FAM 082 it states:

"Current U.S. nationality laws do not explicitly address dual nationality, but the U.S. Supreme Court has stated that dual nationality is a 'status long recognized in the law' and that 'a person may have and exercise rights of nationality in two countries and be subject to the responsibilities of both.' See *Kawakita v. United States*, 343 U.S. 717 (1952)."

#### **NATURAL BORN CITIZEN V. NATIVE BORN CITIZEN**

In *United States v. Wong Kim Ark*, 169 U.S. 649 (1898), this Honorable Court held that a child born in the United States, of parents of Chinese descent, who, at the time of his birth, were subjects of the Emperor of China, but had a permanent domicile and residence in the United States, was, at the time of his birth, a citizen of the United States, by virtue of the first clause of the Fourteenth Amendment of the Constitution.

That case also engaged in a thorough discussion of the history of citizenship in as much as the United States has been influenced by the English common law. Indeed, the opinion in that case is a dissertation on citizenship wherein it was discussed that "natural born subjects" of the King were person's born in the King's land. But despite the exhaustive undertaking of that opinion, and the careful deconstruction of British and United States common law, the Honorable Justice Gray comes to the conclusion that those born in the United States are "native born" citizens.

And for well over 200 years this phrase "natural born Citizen" has continued to remain elusive. The Framers were very aware of the common law but the weight of evidence is against the term "natural born Citizen" being equal to "natural born subject". If one returns to the pre-Amendment initial Constitution, the most compelling evidence available that "natural born Citizen" status - as it pertains to Presidential eligibility - was intended to restrict rather than enlarge the pool of possible Presidents can be found in the grandfather clause and the requirements to be a Representative or Senator.

**THAT WHICH IS NATURAL IS SELF EVIDENT.**

It is common parlance to say that one has a natural born right to something. Being that one has the natural right to it, there is no need for a statute to confer it. The absence of statutory use of this term "natural born citizen" for 200 years witnesses to the truth of this interpretation. Because statutory grants of citizenship confer citizenship when there is some defect to or absence of the claim of a natural right. Indeed every statutory grant of citizenship, excepting naturalization of a foreign born foreigner, is a certain sort of sanation of the defect which bases its title of justice to confer the rights of citizenship on the partial right the person already has. Thus the very requirement in the minds of some that the phrase be previously defined in law for it to have a clear meaning is itself a testimony to their misunderstanding of its authentic meaning.

Throughout the writings of the Founders there is a constant reference to the natural right to do this or that, whether regarding expatriation, freedom of taxation, self determination etc.. It would be historical to confer a meaning on "natural born citizen" which conforms to statutory definitions. Indeed to expand on its meaning apart from a Constitutional amendment - which opportunity was present in the past, but rejected - would alter the contract of the sovereign people with the government and violate the fundamental norms upon which they have conferred authority on the government and the court to exercise their appropriate powers.

**POINT 3**

**Was Barack Obama born in Hawaii?**

While Mr. Obama is not a natural born citizen by virtue of the fact, that his father was a British citizen at the time of Mr. Obama's birth, there is an additional hurdle to his natural born citizen status, due to the fact that the mounting evidence shows him to be born in Kenya and not in the US. This honorable court has received a Certiorari Writ of Mandamus from Mr. Phillip Berg with affidavits, showing Mr. Obama being born in Kenya. Hawaii statute 338-176 allows Hawaiian residents to obtain Hawaiian birth certificates for their children born abroad; extensive searches didn't show any record from any hospital, any doctor, any nurse, any hospital official with any evidence of Mr. Obama being born in Hawaii. Over 20 legal actions were filed all over the country, demanding disclosure of original birth certificates, immigration records, passports and school records. These legal records are making their way to the Supreme Court of the United States, however Mr Obama never presented such documents, even though he is a candidate for the position of the president and the burden of production and burden of persuasion is on him, not on the citizens of this country. The SOS of California has relied on the statement of the Democratic party, assuming Mr. Obama to be a natural born citizen. SOS didn't do any verification and the citizens of the state of California have no recourse of demanding any verification from the Democratic party, due to the effect that it is not subject to any particular statutes. The citizens of the state of California have no ability to access the private records of Mr. Obama, however, while running for public office, Mr. Obama has given up his right to privacy, particularly his right to privacy as far as original birth certificate is involved, since it is a document necessary to verify natural born status of the candidate, particularly as far as state of Hawaii is involved. Due to the above, Mr. Obama cannot be certified as a president until proof



of his status of natural born citizen is obtained.

#### **POINT 4**

#### **ARE 55 DEMOCRATIC PARTY ELECTORS FROM CALIFORNIA ELIGIBLE TO VOTE IN THE NATIONAL ELECTORAL COLLEGE ON DECEMBER 15<sup>TH</sup>. 2008**

According to California election code section 7100, "each congressional nominee shall designate one presidential elector and shall file his or her name, residence and business address with the Secretary of State by October 1 of the presidential year. Each United States Senatorial nominee, determined by the last two United States Senatorial elections, shall designate one presidential elector and shall file his or her name, residence and business address with the Secretary of State."

None of such Certificates of electors were ever filed by any Congressional or Senatorial candidates in the State of California in the 2008 Presidential elections. That lead to a situation, where California SOS could not properly vet the electors and indeed one of the electors, Ilene Huber, has been deceased for 7 years.

#### **Point 5**

#### **CAN ANY ELECTOR VOTE FOR OBAMA?**

If Democratic party electors are disqualified, the question arises, whether any electors can legally vote for Barack Obama? The electors take an oath to uphold the Constitution of the United States of America in signing the Certificate of Vote. 3 United States code (USC) Section 8 provides, "The electors shall vote for president and vice president, respectfully, in the manner directed by the Constitution". Since Barack Obama is not eligible to be the President of the United States, not being a Natural Born Citizen, the electors cannot uphold the Constitution and will be aiding and abetting fraud and possibly aiding and abetting treason, in signing the vote for a candidate, who is not eligible to be the president and who might hold citizenship of three foreign

sovereignties. Additionally, California Elections Code § 18500 states “Any person who commits fraud and any person, who aids and abets fraud or attempts to aid and abet fraud, in connection with any fraud cast, to be cast, or attempted to be cast, is guilty of felony, punishable by imprisonment for 16 months or two years or three years.” Due to all of the above, no elector is able to vote for Barack Obama.

### CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that a natural born Citizen – as required by Article 2, Section 1, Clause 5, of the Constitution of the United States - is a person born in the United States to parents who are both citizens of the United States, and as such Barack Obama would not be eligible to be president. Additionally, as shown in the petition, the electors in the state of California were not certified properly, since none of the congressmen or senators in the state of California filled out Certificates of electors and those were never certified by the SOS, which was demonstrated by the fact that the elector, that was deceased for seven years was on the ballot. The petitioners are praying for the stay of certification, based on the fact that both the Presidential Candidate, Mr. Barack Obama and the Democratic Presidential Electors were not eligible to be on the ballot.

“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.”

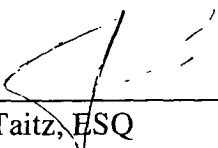
  
\_\_\_\_\_, December 10, 2008  
Orly Taitz, ESQ

Exhibit 1, Petition for extraordinary Emergency Writ of Mandamus For Stay of Certification of 2008 Presidential Election, filed in the Supreme Court of California December 3, 2008. Docket number S168690

# **EXHIBIT 1**

**S168690**

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SUPREME COURT  
FILED

6 Attorney for Petitioners

DEC - 3 2008

Frederick K. O'Riordan Clerk

7 SUPREME COURT OF CALIFORNIA

Deputy

8 Gail Lightfoot, Neil B. Turner, Kathleen Flanagan, James M. ) Case No.:  
9 Obenschain, Camden W. McConnell, Pamela Barnett, Evelyn )  
10 Brady )

Petitioners,) PETITION FOR EXTRAORDINARY  
) EMERGENCY WRIT OF  
) MANDAMUS FOR STAY OF  
) CERTIFICATION OF 2008  
) PRESIDENTIAL ELECTION

v.

11 California Secretary of State Debra Bowen, and DOES 1-100, )  
12 Respondents.)

13 )  
14 )  
15 )

) Date:  
) Time:  
) Dept.:  
) Judge:  
) Filed:  
) Trial:

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22 Gail Lightfoot , Neil B. Turner, Kathleen Flanagan, Camden W. Mc Connell, James M.

23 Obenschain, Pamela Barnett, Evelyn Brady are residents of the State of California, all Petitioners herein,  
24 bring this litigation.

25 PETITIONERS allege:



1 issues presented are of great public importance and must be resolved promptly.” (County of Sacramento  
2 v. Hickman(1967) 66 Cal 2d 841, 845(59 Cal Rptr. 609. 428 P. 2d 593), Mooney v Pickett (1971) 4 Cal  
3 3d 669 675 (94 Cal Rptr. 279. 483 P 2d 1231) If these criteria is satisfied, the existence of alternative  
4 appellate remedy will not preclude this court’s original jurisdiction. (Cal civil writs (cont Ed. Bar 1970)  
5 5.39.p91; see Action v Henderson 91957) 150 Cal App.2d1 7 (309 P 2d m4811)). The issue of eligibility  
6 for Presidency is an issue of great public importance and the issue of national security. Secretary of State  
7 of California is about to certify Mr. Barack Obama as the winner of the California 2008 presidential  
8 election, eligible based on the Constitution of the United States, even though there is no proof of Mr.  
9 Obama’s eligibility and the available law and precedents described in this Petition show him not to be  
10 eligible.

11 10. California Supreme Court Internal Practices and Operatic Procedures, Chapter 16 state:  
12 “whenever exceptional or emergency conditions require speedy action, or whenever there is other cause  
13 for special action regarding any matter, the operation of these procedures may be temporarily suspended  
14 by affirmative voice of four justices.”

15 11. Code of Civil procedure section 1085 will allow the courts to rely on mandamus to  
16 review validity of the quasi-legislative action. (Cal. Civil Writs (Cont. Ed. Bar1970) 5.37.p89). If an  
17 administrative agency has exceeded it’s authority in the exercise of its quasi –legislative powers, a court  
18 may issue a writ of mandate (See Griffin v. Board of Supervisors 91963) 60 Cal 2d 318 (33 Cal Rptr.  
19 101.384 P 2d 421; Manjares v Newton (1966) 64 Cal.2d 365 (49 Cal Rptr.805. 411 P 2d 901).)

20 12. Article II, Section I of the United States Constitution, states, in pertinent part, as follows:

21 "No Person except a natural born citizen, or a citizen of the United States at the time of the  
22 adoption of this constitution, shall be eligible to the Office of President;"

23 13. California Elections Code 8148 states: “Not less then 68 days before the general election,  
24 the Secretary of State shall deliver to the appropriate county elections official a certificate  
25 showing:

(a) The name of every person **entitled** to receive votes within that county at the general election  
who has received the nomination as a candidate for public office pursuant to this chapter”  
(Emphasis added)

1           14.     Senator Barack H. Obama is a candidate for the Office of the President of the United  
2 States, Mr. Obama has the highest number of votes in the California 2008 Presidential election and is  
3 supposed to be certified by the Secretary of State. The plaintiffs do not address the eligibility of any other  
4 candidates, since their eligibility is moot at this time. In order to be certified Mr. Obama must meet the  
5 qualifications specified for the Office of the President of the United States, which includes that he must be  
6 a "natural born" citizen. Mr. Obama has failed to demonstrate that he is a "natural born" citizen. Mr.  
7 Obama is unable to proof his "natural born" status, since at the time of Mr. Obama's birth, Mr. Obama's  
8 father was a foreign subject, a citizen of British Protective Territory of East Africa (currently Kenya) and  
9 therefore, having been born with split and competing loyalties, candidate Obama is not a "natural born  
10 citizen" as is required by Article 2, Section 1, of the United States Constitution. There are other legal  
11 challenges before various state and federal courts regarding aspects of lost or dual citizenship concerning  
12 Senator Obama. Those challenges, in and of themselves, demonstrate Petitioners' argument that  
13 reasonable doubt exists as to the eligibility of the Democratic Party's nominee for President.

14           15.     SOS is responsible for ensuring the validity of the State election process by, among other  
15 things, verifying the qualifications of the voters, approving the ballots and the candidates, supervising the  
16 counting of the ballots, and certifying the results. In each year of the general election at which electors of  
17 President and Vice President of the United States are to be chosen, each congressional nominee shall  
18 designate one presidential elector and shall file his or her name, residence and business address with the  
19 Secretary of State by October 1 of the presidential year. Each United States Senatorial Nominee,  
20 determined by the last two United States senatorial elections, shall designate one presidential elector and  
21 shall file his or her name, residence and business address with the Secretary of state by October 1 of the  
22 presidential election year. (California Elections Code Section 7100). Certification of the vote by SOS,  
23 based upon which Electors received the highest number of votes in the state, is the method provided for in  
24 California law for ascertaining which Electors are appointed to vote for president (California Elections  
25 Code § 15505, 3 U.S.C. § 6). On December 1, or as soon as soon as the election results have been  
received from all counties in the state, SOS shall certify the names of the ascertained Electors to the



1 Governor, and then transmit to each presidential Elector a certificate of election (California Elections  
2 Code § 15505). The Governor then issues and seals a Certificate of Ascertainment which is delivered to  
3 the Electors by December 15 (3 U.S.C. § 6), who then meet to sign the Certificate of Vote (Federal  
4 Election Code § 192.006).

5 16. The office of SOS is intended to be non-biased and to provide the critical sense of  
6 fairness and impartiality necessary for the people to have faith in the fundamental underpinnings of the  
7 democratic basis for our elections.

8 17. There is a reasonable and common expectation by the voters that to qualify for the ballot,  
9 the individuals running for office must meet minimum qualifications as outlined in the federal and state  
10 Constitutions and statutes, and that compliance with those minimum qualifications has been confirmed by  
11 the officials overseeing the election process. Heretofore, only a signed statement from the candidate  
12 attesting to his or her meeting those qualifications was requested and received by SOS, with no  
13 verification demanded. This practice represents a much lower standard than that demanded of one when  
14 requesting a California driver's license or signing up a child for a little league. Since SOS has, as its core,  
15 the mission of certifying and establishing the validity of the election process, this writ seeks a Court  
16 Order barring SOS from certifying the California Electors until documentary proof that Senator Obama is  
17 a "natural born" citizen of the United States of America is received by her. This proof could include  
18 items such as his original birth certificate, showing the name of the hospital and the name and the  
19 signature of the doctor, all of his passports with immigration stamps, and verification from the  
20 governments where the candidate has resided, verifying that he did not, and does not, hold citizenship of  
21 these countries, and any other documents that certify an individual's citizenship and/or qualification for  
22 office.

23 18. In the case of individuals seeking the Office of President of the United States, the United  
24 States Constitution provides for a system of Electors, wherein citizens of the respective states have a state  
25 controlled election in which Electors representing the interests of the respective candidates for President

1 on the state ballot are elected to represent the interests of the respective state in the Electoral College.  
2 Thus, there is no federal ballot controlled by the federal government. There is a California State ballot  
3 where voters elect Electors who in turn represent the named candidate for office on the ballot. That is one  
4 more reason why SOS has responsibility for the certification of not just the counts of the ballots cast, but,  
5 also, the propriety of the contents of the ballot. In case Senator Obama cannot present proper  
6 documentation verifying his citizenship, he cannot be elected President of the United States, and SOS has  
7 a duty to bar the casting of votes by California Electors in support of his candidacy.

8 19. To avert a constitutional crisis which would certainly accrue after the election through  
9 laborious legal challenges, this writ seeks to resolve such complaints. It was incumbent on the candidates  
10 to present the necessary documentation confirming his citizenship, but, to date, Senator Obama has failed  
11 to do so.

12 20. At this point, Senator Obama has not allowed independent or official access to his vault  
13 (original hospital) birth records and supporting hospital records. Senator Obama's citizenship status has  
14 been, and is being, challenged in 17 different legal actions in various federal and state courts, 4 of them  
15 currently in front of the Supreme Court of the United States, one of them, *Donofrio v Wells* is already  
16 scheduled for the conference by the full court on December the 5<sup>th</sup>, which challenges cast doubt on the  
17 validity of the electoral process, regardless of outcome, if not resolved prior to the certification of the  
18 election by the Electors. SOS is specifically charged with certifying and guaranteeing the validity of  
19 official documents and overseeing the elections in California, such that the people's confidence in the  
20 fundamental aspect of democracy is maintained. To date, in this regard, SOS has not carried out that  
21 fundamental duty.

22 21. Moreover, the plaintiffs don't have a legal right to object to political party's choice of  
23 candidate as such party is not a public official or agency, and has no Constitutional or statutory mandate.

24 22. Similarly, plaintiffs, as ordinary voters and citizens of this state and this country have no  
25 ability to verify the eligibility of the Presidential candidate, when the candidate like Mr. Obama chooses  
to hide behind the privacy laws and chooses not to provide any measure of transparency or accountability

1 that prevent the ordinary citizens any access to the candidate's information., such as his original birth  
2 certificate, his passports with immigration stamps, immigration records and other essential documents.

3 23. While privacy laws exist to protect private individuals, when one steps in the lime light of  
4 the public life and becomes a public figure, he gives up some of his privacy rights. Due to the fact that the  
5 President of the United States has to be a natural born citizen, it is upon the candidates for this highest  
6 office in the land, to waive their privacy rights and submit necessary documents, that would prove their  
7 eligibility, such as original birth certificate, immigration records and passports, it is upon the candidates to  
8 **consent** to the release of such records in order to be certified.

9 24. Until the candidate is certified, he is just a candidate. The word candidate means, one  
10 seeking a position. The plaintiffs collectively are the employers, that are hiring him. The burden of  
11 production and the burden of submission is upon the candidate.

12 25. The word certify means to attest to, to vouch for. The SOS and the electors have to  
13 certify the candidate as a natural born citizen. The SOS and the electors have to attest to, to vouch for the  
14 fact that the candidate is a natural born citizen. If the candidate does not produce necessary proof, he  
15 cannot be certified.

16 26. A question has risen, what did the framers of the constitution Constitution mean by the  
17 term "Natural born citizen". It is thought that the explanation to this term can be found in the letter to the  
18 father of our Nation, George Washington, written on July 25, 1787 by the first Chief Justice of the  
19 Supreme Court, Justice John Jay. It states: "Permit me to hint, whether it would be wise and seasonable to  
20 provide a strong check to the admission of Foreigners into the administration of our national Government;  
21 and to declare expressly that the commander in chief of the American army shall not be given to, nor  
22 devolve on any but a natural born citizen." This letter shows that the meaning of natural born citizen, is  
23 one without allegiance to any foreign powers, not subject to any foreign jurisdiction at birth. Today, when  
24 the United States is at war on a number of fronts, after 3,000 Americans were slaughtered in 9/11  
25 terrorist attack, when the commander in chief is in charge of the largest military in the world with the vast  
nuclear arsenal, it is paramount that the Constitutional provisions are adhered to. Ms. Obama is a son of a

1 citizen of Kenya, that in 1961 was a British protectorate, whereby regardless of whether he was born in  
2 Kenya or US, he was a foreign citizen based on his fathers citizenship, he was a subject of a foreign  
3 power and foreign jurisdiction and does not qualify as a natural born citizen.

4 27. In adherence to the natural born citizen provision, the first presidents of this country, such  
5 as George Washington and John Adams, that were born on this soil, in Virginia and Massachussets  
6 respectively, had to include an additional constitutional provision in addition to the natural born citizen,  
7 "...or a citizen of the United States, at the time of the adoption of this Constitution...", in order to allow  
8 themselves, as British subjects at the time of their birth to be sworn as Presidents. Since Mr. Obama is not  
9 221 years old and was not a US citizen at the time of adoption of the Constitution, he, as a British citizen  
10 at birth does not fall under this provision and does not qualify as a natural born citizen and is not eligible  
11 to become the President regardless of whether he was born in Kenya or Hawaii.

12 28. John A. Bingham, the framer of the 14<sup>th</sup> amendment, defined natural born citizen as  
13 follows: "every human being born within the jurisdiction of the United States of parents not owing  
14 allegiance to any foreign sovereignty". Yet again it illustrates that Mr. Obama, who was a British Citizen  
15 based on his fathers British citizenship and British immigration act of 1948, does not qualify as a natural  
16 born citizen and is not eligible to be the President of the US.

17 29. Perkins v Elg , 307 U.S. 325, 328 (1939) is a precedent on point, explaining the  
18 difference between a US citizen and a natural born citizen. Ms. Elg, that was born in Brooklyn, NY to an  
19 American mother and a foreigner (Swedish) father was considered a US citizen, but not a natural born  
20 citizen. Similarly Mr. Obama, being a child of an American mother and a foreigner father would be  
21 considered a US citizen, but not a natural born citizen, even if he was born in Hi. This illustrates, that it is  
22 not a political question, not a racial issue, but rather a Federal Law, Constitutional issue.

23 30. The plaintiffs have relied on the SOS, as a non-partisan State agency to fulfill her duty, to  
24 uphold her **oath of office to protect the constitution of the United States** in making sure that the  
25 candidates submitted by the parties, indeed are **entitled to take office** based on Article 2, Section 1 of the  
Constitution of the United States of America. If the SOS did not do any such verification, the only avenue

1 left for the citizens of this country, absent total revolt and uprising, is to seek justice via Petition for  
2 Extraordinary Writ of Mandamus from the court, to provide such verification and to make sure that  
3 somebody who is not a natural born citizen, who was the citizen of a foreign power at birth and later a  
4 citizen of three foreign powers does not become the president of the United States and the commander in  
5 chief of the US military.

6 31. This writ requests a court order barring the SOS from both certifying to the Governor the  
7 names of the California Electors, and from transmitting to each presidential Elector a Certificate of  
8 Election, until such documentary proof is produced and verified showing that is a "natural born" citizen  
9 of the United States and does not hold citizenship in Indonesia, Kenya or Great Britain. In addition, this  
10 writ requests a court order barring the California Electors from signing the Certificate of Vote until such  
11 documentary proof is produced and verified showing that Senator Obama is a "natural born" citizen of  
12 the United States and does not hold citizenship in Indonesia, Kenya or Great Britain.

13 32. Should Mr. Obama be discovered, after he takes office, to be ineligible for the Office of  
14 President of the United States of America and, thereby, his election declared void, Petitioners, as well as  
15 other Americans, will suffer irreparable harm in that an usurper will be sitting as the President of the  
16 United States, and none of the treaties, laws, or executive orders signed by him will be valid or legal.

17 33. 3 United States Code (U.S.C.) Section 8 provides, "The electors shall vote for President  
18 and Vice President, respectively, in the manner directed by the Constitution." This federal statute confers  
19 upon each elector an affirmative duty to discover whether the candidate for President for which the  
20 elector is seeking election is a "natural born" citizen. Otherwise, the elector would not know if his vote  
21 was being cast in the "manner directed by the Constitution."

22 34. Given this constitutionally mandated duty, PETITIONERS have standing to bring this  
23 Writ before this Court.

24 35. A growing number of questions have arisen in litigation in at least 10 states contesting  
25 whether Senator John McCain or Senator Barack Obama are "natural born" citizens and, therefore,  
constitutionally eligible to be entrusted with the Office of President of the United States. In the litigation

1 against Senator Obama, allegations have been made that his admitted dual citizenship in Indonesia, and  
2 lack of evidence that he renounced the same, caused a loss of his United States Citizenship as a matter of  
3 law. Moreover, evidence released by the Obama campaign purporting to be a "Certification of Live  
4 Birth" on its face appears to be of questionable authenticity. One of the many problems with this  
5 evidence is that the border design differs from the border designs of other Certifications of Live Birth  
6 printed during the same time period. All these questions about both of the candidates are still unresolved.  
7 In the course of those lawsuits, some of which have been dismissed, it has been determined that there  
8 exists no designated official in the federal government, or the government of the states, directly charged  
9 with the responsibility of determining whether any Presidential candidate meets the qualifications of  
10 Article II of the Constitution of the United States. In most states, that responsibility is vested with the  
11 political parties, all of which have a conflict of interest in making any such determination, and none of  
12 which have been forthcoming with information or evidence verifying any candidate's compliance with  
13 the eligibility requirements.

14 36. A press release was issued on October 31, 2008, by the Hawaii Department of Health by  
15 its Director, Dr. Chiyome Fukino. Dr. Fukino said that she had "personally seen and verified that the  
16 Hawaii State Department of Health has Senator Obama's original birth certificate on record in accordance  
17 with state policies and procedures." That statement failed to resolve any of the questions being raised by  
18 litigation and press accounts. Being "on record" could mean either that its contents are in the computer  
19 database of the department or there is an actual "vault" original.

20 37. Further, the report does not say whether the birth certificate in the "record" is a  
21 Certificate of Live Birth or a Certificate of Hawaiian Birth. In Hawaii, a Certificate of Live Birth  
22 resulting from hospital documentation, including a signature of an attending physician, is different from a  
23 Certificate of Hawaiian Birth. For births prior to 1972, a Certificate of Hawaiian Birth was the result of  
24 the uncorroborated testimony of one witness and was not generated by a hospital. Such a Certificate  
25 could be obtained up to one year from the date of the child's birth. For that reason, its value as prima  
facie evidence is limited and could be overcome if any of the allegations of substantial evidence of birth

1 outside Hawaii can be obtained. The vault (long Version) birth certificate, per Hawaiian Statute 338.176  
2 allows the birth in another State or another country to be registered in Hawaii. Box 7C of the vault  
3 Certificate of Live Birth contains a question, whether the birth was in Hawaii or another State or Country.  
4 Therefore, the only way to verify the exact location of birth is to review a certified copy or the original  
5 vault Certificate of Live Birth and compare the name of the hospital and the name and the signature of the  
6 doctor against the birthing records on file at the hospital noted on the Certificate of the Live Birth.

7 38. An unprecedented and looming constitutional crisis awaits if a President elected by the  
8 popular vote and the electoral vote does not constitutionally qualify to serve in that capacity. In addition,  
9 if Senator Obama is not a "natural born" citizen and not eligible for presidency, Senator Obama will be  
10 subject to the criminal Provisions of the California Elections Code, stating, "Any person who files or  
11 submit for filing a nomination paper or declaration of candidacy knowing that it, or any part of it, has  
12 been made falsely is punishable by a fine not exceeding one thousand dollars (\$1,000) or by  
13 imprisonment in the state prison for 16 months or two or three years or by both the fine and  
14 imprisonment" (California Elections Code § 18203). Further, Senator Obama, SOS, the Governor of the  
15 State of California, and all of the California Electors may be subject to the penal provisions of the  
16 California Elections Code which states, "Any person who commits fraud and any person who aids or  
17 abets fraud or attempts to aid or abet fraud, in connection with any vote cast, to be cast, or attempted to be  
18 cast, is guilty of felony, punishable by imprisonment for 16 months or two or three years" (California  
19 Elections Code § 18500 ).

20 39. The Twentieth Amendment to the United States Constitution provides, "if the President  
21 elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall  
22 have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a  
23 Vice President elect shall have qualified, declaring who shall then act as President, or in the manner in  
24 which one who is to act shall be elected, and such person shall act accordingly until a President or Vice  
25 President shall have qualified." Thus, if Senator Obama cannot take office due to his citizenship,  
succession to the Presidency is set.

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**II**

**BACKGROUND OF THE CASE**

40. The Office of the Secretary of State of California is the California agency responsible for certifying candidates for inclusion on the ballot. Historically, California Secretaries of State have exercised their due diligence by reviewing necessary background documents, verifying that the candidates that were submitted by the respective political parties as eligible for the ballot were indeed eligible. In 1968, the Peace and Freedom Party submitted the name of Eldridge Cleaver as a qualified candidate for President of the United States. The then SOS, Mr. Frank Jordan, found that, according to Mr. Cleaver's birth certificate, he was only 34 years old, one year shy of the 35 years of age needed to be on the ballot as a candidate for President. Using his administrative powers, Mr. Jordan removed Mr. Cleaver from the ballot. Mr. Cleaver unsuccessfully challenged this decision to the Supreme Court of the State of California, and, later, to the Supreme Court of the United States. Similarly, in 1984, the Peace and Freedom Party listed Mr. Larry Holmes as an eligible candidate in the Presidential primary. When the then SOS checked his eligibility, it was found that Mr. Holmes was similarly not eligible, and Mr. Holmes was removed from the ballot. Currently, we have a similar situation in that the Democratic Party has submitted the name of Senator Barack Obama as candidate for President.

41. However, there are a number of separate reasons that would make Senator Obama ineligible to serve as President of the United States. On August 21, 2008, Mr. Phillip J. Berg, former Deputy Attorney General of the State of Pennsylvania, filed a legal action against Senator Obama and the Democratic National Committee. With his action, and in the subsequent appeal to the Supreme Court of the United States, Mr. Berg provided documents to the effect that Senator Obama was born in what is now Kenya (the British East African Protectorate of Zanzibar at the time) and that his paternal grandmother was present at his birth. Recently His Excellency Ambassador of Kenya Mr. Peter Ogenza has given an interview to the Detroit radio station WRIF, where Mr.



1 Ogenga stated that there are plans to build a memorial at the place in Kenya  
2 where President –Elect Obama was born. On the other hand, Mr. Obama claims  
3 that he was born in Hawaii. Mr. Obama’s half-sister, Maya Soetoro Ng, provided  
4 statements that he was born in Kapiolani Hospital in Hawaii. “A New place in  
5 politics” article in The Rainbow Edition November 2004, show him being born  
6 in Queens medical hospital. However, he has never provided the original  
7 hospital birth certificate from 1961, with the name of the hospital and the name  
8 and the signature of the doctor in attendance. All that Senator Obama has posted  
9 on his website is a Registry of Live Birth (short version), obtained in 2007, that  
10 does not provide the name of the hospital or the doctor. Clearly, one human  
11 being cannot be born in three different places. Hawaii Revised Statute 338-176,  
12 338-178 allows registration of birth in Hawaii for a child that was born outside of  
13 Hawaii to parents who, for a year preceding the child’s birth, claimed Hawaii as  
14 their place of residence.

15 The only way to know where Senator Obama was actually born is to view Senator Obama’s original  
16 birth certificate from 1961 that shows the name of the hospital and the name and signature of the doctor  
17 that delivered him. From August 21, 2008, for over two months, Senator Obama has refused to provide  
18 his original birth certificate, even though, in his book, Dreams of My Father, page 26, he states, “... I  
19 found the article folded between my birth certificate and old immunization records...” which shows that  
20 he clearly has his birth certificate, or that he lied in his book. Particularly telling is the fact that not one  
21 single person has come forward, not a doctor, not a nurse, not a hospital administrator, nor anyone else, to  
22 state that he or she was present during this birth, except for Obama's paternal grandmother, who affirmed  
23 that she "was in the delivery room in Kenya when he was born Aug. 4, 1961.” Additionally, when Mr.  
24 Berg served subpoenas on the hospitals mentioned above, Senator Obama refused to sign a consent form  
25 that would allow the hospitals to release any of his information. Instead, Senator Obama has hired three  
law firms to defend himself, and has challenged the action by Mr. Berg on a technicality, claiming that an

1 ordinary citizen does not have standing to bring the suit. This matter is currently being reviewed by the  
2 U.S. Supreme Court. The parties in this case have standing to bring this litigation, due to the fact that the  
3 plaintiffs are registered California voters and under the Equal Protection doctrine are entitled to vote for  
4 the electors that are eligible and the Presidential candidates that are eligible according to the Constitution  
5 and based on the foregoing, it is imperative for SOS to provide proof that the candidate that is declared a  
6 winner in the election and is about to be certified as such is a "natural born" citizen. "When the State  
7 Legislature vests the right to vote for President in its people, the right to vote as the legislature has  
8 prescribed is fundamental; and one source of its fundamental nature lies in the equal weight accorded to  
9 each vote and the equal dignity owed to each voter". Bush v. Gore, 531 US 5,6 (2000)

10 26. If he was born in Hawaii, there are four (4) other obstacles to Senator Obama's  
11 eligibility. In and about 1967, Senator Obama moved to Indonesia, took the last name of his stepfather,  
12 Soetoro, and went by the name Barry Soetoro. In original legal action filed by Mr. Berg, he presented  
13 Senator Obama's school registration, showing him registered as Barry Soetoro, Citizenship-Indonesian,  
14 Religion Islam, signed by L. Soetoro. From 1945, Indonesia has not allowed dual citizenship and,  
15 therefore, Ms. Dunham-Obama-Soetoro, Senator Obama's mother, had to relinquish her son's U.S.  
16  
17 citizenship in order to obtain Indonesian citizenship for him, which would make him ineligible to become  
18 a United States President. Additionally, the United States could not allow dual citizenship with Indonesia  
19 at that time, as Indonesia did not allow dual citizenship, and it was prohibited by the Hague Convention  
20 of 1930, as interfering with the internal affairs of another sovereign Country.

21 27. In addition, upon return to the United States in and around 1971-1972, Senator Obama  
22 would have been required to go to the then current immigration procedures to regain his U.S. citizenship.  
23 There is no record of him ever doing that. Even if he had done so, he would be considered a naturalized  
24 citizen and not a "natural born" citizen.

25 28. Additionally, assuming Senator Obama was born in what is now Kenya, at the time of  
Senator Obama's birth in 1961, (now) Kenya was the British Protectorate of Zanzibar and Senator Obama

1 was automatically accorded a form of British citizenship under Section 32(1) of the British Nationality  
2 Act of 1948, effective date January 28, 1949, based on his father's citizenship.

3 29. Finally, in 1981, Senator Obama traveled to Pakistan, when there was a ban for U.S.  
4 citizens to travel to Pakistan. The only logical possibility for him to do so was by using one of his other  
5 passports: Indonesian, Kenyan, or British.

6 30. Based on all of the above, it is the duty of the SOS to obtain proper documentation of  
7 Senator Obama's citizenship to confirm his eligibility for the office of the President of the United States.

8 31. On October 25, 2008, SOS was contacted, via e-mail, by Orly Taitz, Esq., discussing the  
9 issues mentioned above. SOS has acknowledged receipt of said e-mail and sent a response. As of that  
10 time, SOS was on notice and had a duty to act. Ms. Taitz had a subsequent conversation with the election  
11 analyst of SOS Office, Ms. Philly Crosby. Ms. Taitz requested an administrative hearing on the matter in  
12 question. Ms. Crosby stated that she would discuss the matter with Ms. Bowen and SOS' General  
13 Counsel, Ms. Pam Giarizzo, and that Ms. Giarizzo would telephone Ms. Taitz to discuss the issue. Ms.  
14 Taitz followed this conversation with a second e-mail, confirming all the details of the conversation.  
15 On November 13, 2008, Orly Taitz, Esq, Plaintiff in the current action, has filed a Petition for Writ of  
16 Mandate, acting as an attorney together with Gary Krep Esq, representing Ambassador Alan Keyes, Dr.  
17 Drake and Markham Robinson against SOS, Ms. Bowen in Keyes v Bowen et al. All 55 2008 California  
18 Democratic Electors were additional defendants in that action. The Plaintiffs in Keyes v Bowen had a  
19 number of difficulties, locating and serving the electors. One of the electors, that the plaintiffs had hard  
20 time serving, was Ms. Eileen Huber. She was an elector, supposedly representing Congressman Berman,  
21 living in the Los Angeles area, in Southern California. Due to the fact that in the State of California the  
22 electors have to be registered voters, Mr. Mark Seidenberg, the Vice-Chair of the America's Independent  
23 Party personally visited the office of the Registrar of voters of the Los Angeles County, searching for the  
24 address of Ms. Ilene Huber. There was no Ilene Huber registered to vote. Only one Ilene Huber could be  
25 located in the state of California and last known address was available for year 2000 in a retirement home  
in Eureka, in Northern California. Ms. Huber could not be located there either. Finally a response was

1 received from the Humboldt county court house, showing a Death Certificate, Ms Huber being deceased  
2 eight years ago in year 2000. Puzzled by the fact that Ms. Debora Bowen, SOS of California has certified  
3 as a Democratic Party elector, a deceased person, Mr. Markham Robinson, one of the Plaintiffs has  
4 requested certified copies of the Certificates of Electors, that were supposed to be filed by each and every  
5 Congressional Candidate and each and every Senatorial Candidate by October the 1<sup>st</sup>. None of such  
6 certificates could be located. Above findings were reported to the National Archives and to the office of  
7 the SOS. On and around November 21 the Plaintiffs in the Keyes v Bowen action were contacted by Mr.  
8 Robby Andersen, one of the attorneys for SOS, he stated that indeed none of the congressional or  
9 senatorial candidates filed such certificates, but rather somebody from the DNC has sent an e-mail with  
10 names and those were copied, but the e-mail contained numerous mistakes; and Mr. Chris Mayers from  
11 the DNC will fax a new list. Mr. Anderson was told that no new list can be accepted, since changing the  
12 list of electors and accepting a changed list after the fact, after the elections, would constitute aiding and  
13 abetting fraud in voting. Moreover, a letter was sent to all the registrars of voters in the State of California  
14 advising them that a changed list cannot be accepted. This turn of events has put a serious cloud of a  
15 doubt on the certification process of both the candidates and electors, implemented by Ms Bowen.  
16 As yet, SOS has taken no steps to request the necessary documents from Senator Obama. It appears that  
17 Ms. Bowen is intending to certify Mr. Obama, and to certify his Electors, and not protect the people of the  
18 State of California by enforcing its laws. As a result of SOS declining to act pursuant to the above  
19 described legal obligations, the only remedy is to request relief from the Supreme Court of California, and  
20 seek a stay in lieu of Writ of Mandamus available to bar SOS from certifying the California Electoral  
21 votes until such documentary proof that Senator Obama's Natural born status is verified per McCarthy v  
22 Briscoe 429 US 1317; 97 S Ct. 10; 50 L. Ed. 2d 49; 1976 U.S. Lexis 4129, whereby a stay can be granted  
23 by a single Justice to either add or remove a candidate.

### III

#### EFFECT OR FAILURE TO GRANT INJUNCTIVE RELIEF

1           32.     Failing to officially and publically validate the status of the citizenship claims of Senator  
2 Obama will cast a pall of doubt on the election process and taint the election results themselves. A proper  
3 inquiry into Senator Obama's eligibility will not constitute a hardship on Senator Obama, and it will not  
4 deny his voters the right to vote for him, since this very right is dependent on his eligibility for the office  
5 as a "natural born" citizen. If Senator Obama is not a "natural born" citizen, and, therefore, not eligible to  
6 serve as President, no hardship on him or any other Respondent can be shown. On the contrary, lack of  
7 the relief that is prayed for will constitute an insurmountable hardship on the voters of the State of  
8 California.

9           33.     Failure to grant the relief sought would allow a potentially corrupted, fraudulent,  
10 nomination and election process to continue. If indeed, Senator Obama knew that he is not eligible for  
11 the presidency, he would be subject to California Election Code Section 18203, which states, "Any person  
12 who files or submits for filing a nomination paper or declaration of candidacy that it or any part of it has  
13 been made falsely is punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by  
14 imprisonment in the state prison for 16 months or two or three years or by both fine and imprisonment".  
15 Additionally, he would be subject to California Elections Code Section 18500 that states, "Any person  
16 who commits fraud and any person who aids or abets fraud or attempts to aid or abet fraud, in connection  
17 with any vote cast, to be cast, or attempted to be cast, is guilty of a felony, punishable by imprisonment  
18 for 16 months or two or three years". Clearly it is imperative to vet Senator Obama's eligibility for  
19 presidency and resolve this issue prior to the certification of the election results by the electors.

20           34.     Failure to grant the relief sought, demanding that SOS be ordered to verify the  
21 constitutionally required qualifications of Senator Obama not only allows, but promotes, an  
22 overwhelming degree of disrespect for our Constitution and for our electoral process, and creates such a  
23 lack of confidence of voters in the primary and electoral process itself, that it would confirm a common  
24 belief that no politician has to obey the laws of this Country, respect our election process, or follow the  
25 United States Constitution.



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ORLY TAITZ, ESQ SBN 223433 ORLY TAITZ ESQ 26302 LA PAZ, STE 211  MISSION VIEJO CA 92691 TELEPHONE NO. _____ FAX NO. (Optional) 949-586-2082 E-MAIL ADDRESS (Optional) _____ ATTORNEY FOR (Name) DR_TAITZ@YAHOO.COM	FOR COURT USE ONLY
MAILING ADDRESS: <i>Supreme Court of the United States</i> CITY AND ZIP CODE: BRANCH NAME	
PETITIONER/PLAINTIFF: GAIL LIGHTFOOT, ET ALL  RESPONDENT/DEFENDANT: DEBRA BOWEN, CALIFORNIA SECRETARY OF STATE	
<b>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</b>	CASE NUMBER:

**(Do not use this Proof of Service to show service of a Summons and Complaint.)**

1. I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is: 26302 LA PAZ, STE 211  
MISSION VIEJO CA 92691
3. On (date): 12.02.08. I mailed from (city and state): MISSION VIEJO the following documents (specify): PETITION FOR EXTRAORDINARY EMERGENCY WRIT OF MANDAMUS FOR STAY OF CERTIFICATION OF 2008 PRESIDENTIAL ELECTION

The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).

4. I served the documents by enclosing them in an envelope and (check one):
  - a.  depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
  - b.  placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
  - a. Name of person served: DEBRA BOWEN
  - b. Address of person served: 1500 11STR SACRAMENTO, CA 95814

The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

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

Date: 12.02.08.

ORLY TAITZ  
 (TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
 (SIGNATURE OF PERSON COMPLETING THIS FORM)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ORLY TAITZ, ESQ SBN 223433 ORLY TAITZ ESQ 26302 LA PAZ, STE 211  MISSION VIEJO CA 92691 TELEPHONE NO. _____ FAX NO. (Optional): 949-586-2082 E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): DR TAITZ@YAHOO.COM	FOR COURT USE ONLY
MAILING ADDRESS: <i>Suprem Court of the United States</i> CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: GAIL LIGHTFOOT, ET ALL  RESPONDENT/DEFENDANT: DEBRA BOWEN, CALIFORNIA SECRETARY OF STATE	
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5. The envelope was addressed and mailed as follows:
  - a. Name of person served: *Solicitor General*
  - b. Address of person served: \_\_\_\_\_

*Roosevelt Williams 12/11/08*  
*Roosevelt Williams mail clerk*

The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

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

Date: 12.02.08.

ORLY TAITZ  
 (TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
 (SIGNATURE OF PERSON COMPLETING THIS FORM)





No. 08A524

In The

## Supreme Court of the United States

Gail Lightfoot, Neil B. Turner, Kathleen Flanagan, James M. Oberschain, Camden W. McConnell,  
Pamela Barnett, Evelyn Bradley

v.

Debra Bowen, Secretary Of The State Of California

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**On APPLICATION FOR EMERGENCY STAY AND/OR INJUNCTION AS TO  
THE 2008 ELECTORAL COLLEGE MEETING AND ALTERNATIVELY AS TO  
CALIFORNIA ELECTORS**

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**SUGGESTION OF RECUSAL OF HONORABLE CHIEF JUSTICE ROBERTS  
AND HONORABLE ASSOCIATE JUSTICES FROM SWEARING OF BARACK  
HUSSEIN OBAMA AS THE PRESIDENT OF THE UNITED STATES ON  
JANUARY 20<sup>TH</sup> DUE TO CONFLICT OF INTEREST WITH THE FULL COURT  
CONFERENCE HEARING ON HE 23RD OF JANUARY OF LIGHTFOOT V  
BOWEN, SEEKING TO FIND BARACK HUSSEIN OBAMA NOT ELIGIBLE FOR  
PRESIDENCY**

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**ADDRESSED TO THE HONORABLE CHIEF JUSTICE JOHN ROBERTS AND HONORABLE  
ASSOCIATE JUSTICES ANTONIN SCALIA, CLARENCE THOMAS, SAMUEL ALITO, RUTH  
BADER GINSBURG, STEVEN BRYER, JOHN PAUL STEVENS, DAVID SOUTER, ANTHONY  
KENNEDY**

Petitioner(s) Lightfoot, et. al. respectfully suggest that Honorable Chief Justice Roberts and Honorable Associate Justices of the Supreme Court recuse themselves from the swearing of Barack Hussein Obama as the president of the United States on January 20, 2009 due to conflict of interest.

## **BACKGROUND**

The inauguration of Barack Obama (Obama) is scheduled for January 20, 2009. Chief Justice Roberts is scheduled to administer the oath of office to Obama.

Litigants in both federal and state courts have challenged Obama's constitutional eligibility to be President. The specific constitutional question is whether Obama is a natural born citizen, which is an absolute prerequisite to occupy the Office of President.

In addition to this case, 31 cases challenging Obama's eligibility have been filed in different courts around the nation.

This case is currently scheduled to be heard at the conference of all nine Justices on January 23, three days after the scheduled inauguration.

So far, none of these cases have led to judicial consideration or decision on the merits. Procedural obstacles appear to have precluded getting a judicial ruling on Obama's eligibility, one way or the other, no discovery was done yet, there were no judicial subpoenas issued yet to allow discovery, no original documents providing verification of eligibility for presidency or even mere US citizenship of Barack Hussein Obama were seen by any court in this Nation, no US citizen has ever seen any of such documents.

There is genuine and serious doubt about his eligibility. Since adoption of the Constitution more than 200 years ago, the natural born citizen requirement has never been the basis for any judicial ruling. No known President had a father that was a foreigner or alien. Most astounding, however, is that no government official or agency, federal or state, checked or determined Obama's eligibility. The American tradition of checks and balances has never been in play.

More cases are likely to be brought to this Court. If ineligible, every use of Presidential power by Obama will be unlawful and subject to being declared void. Legitimacy of occupancy of an office is far different than challenging an exercise of power by a lawful occupant. Countless claims of unlawful Presidential acts by persons directly impacted cannot be ignored. It cannot be assumed that procedural obstacles will always stop this

Court from having to decide Obama's eligibility.

Thus, some day, probably sooner than later, this Court, including its Chief Justice, may finally have to confront that constitutional question. In the interim, "usurper" will become a routine word. It truly is an unprecedented situation in American history.

One who administers an oath conveys to the audience that the one taking the oath is eligible to do so. Many words can be used in lieu of "conveys", including certifies, endorses, attests, vouches, and ratifies. When one administers an oath, verbal certifications, endorsements, attestations, vouchers, or ratifications are not necessary--acts speaks louder than words.

The audience will not be a small gathering. Millions are expected to be in the immediate area. Live television, replays, newscasts, newspapers, and magazines will bring to hundreds of millions that act of the nation's chief judicial officer and the message his act conveys.

Yet, that judge has and will continue to process claims about the eligibility of Obama to be President. The problem for the Chief Justice and associate Justices is obvious. So is the solution--forthwith excusing and absenting from administering the oath to Obama.

## APPLICABLE LAW

This is one of those situations where simply recognizing the issue immediately provides the correct answer. No legal citations or discussion is necessary. Elementary ethics and common sense are more than sufficient.

Neither actual bias or pre-judgment is necessary for disqualification. A judge must disqualify himself or herself in any proceeding where impartiality can be reasonably questioned. To avoid being in that position, a judge must avoid any public or private conduct, by words or deeds, regarding the merits of a pending or impending matter.

Unquestionably, if the Chief Justice administers the oath on January 20, it will be necessary for him to disqualify himself in any case that raises Obama's eligibility. The corollary is that disqualification is not an issue if he declines to participate in administering the oath.

There is no impediment to the Chief Justice declining to administer the oath.

Administering the oath to an incoming President is required by the Constitution. But there is no requirement about who must perform that act. Although the Chief Justice traditionally does it, other federal judges have done so. An Associate Supreme Court Justice has done it. So have a Circuit Court and District Court judge.

But it has not always been a federal judge. Twice, New York judges performed the task. The first was George Washington's first term, since no federal judges had yet been appointed. The second was almost 100 years later, when Chester Arthur assumed office.

Indeed, it is not necessarily true that it must be performed by a judge. Calvin Coolidge was initially sworn in by his father, a notary public. Later, he was administered the oath by Judge A. Hoehling of the District of Columbia Supreme Court.

Who does the administration as to the Vice-President has varied even more. But there have been numerous occasions in recent history where the person who administered the oath was not a judge. The Speaker of the House (from both parties) did so four times and the Senate GOP leader did once. Mixed in between have been five different Associate Justices and the Chief Justice once.

28 U.S.C. § 455 (a) states, "Any justice, judge, or magistrate [magistrate judge] of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

Under current case law, the totality of circumstances supports recusal. *Liteky v. United States*, 510 U.S. 540 (1994) – authored by Justice Scalia – reviewed the meaning of 28 U.S.C. § 455, especially in view of the "massive changes" made in 1974, 510 U.S., at 546. It was

specifically noted that, "what matters is not the reality of bias or prejudice but its appearance. Quite simply and quite universally, recusal [i]s required whenever 'impartiality might reasonably be questioned.'" Moreover, subsection (a) "covers all aspects of partiality" 510 U.S., at 546, 510 U.S., at 553. It should be pointed out that Canon 3(C)(1) mirrors 28 USCS § 455 (a) in stating that "A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned."

Justice Kennedy's concurrence also made the point that recusal is mandatory here: [T]he central inquiry under § 455(a) is the appearance of partiality, not its place of origin; 510 U.S., at 563

Disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be

disqualified. 510 U.S., at 564 and Section 455(a) ... addresses the appearance of partiality, guaranteeing not only that a partisan judge will not sit, but also that no reasonable person will have that suspicion. 510 U.S., at 567.

Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847 (1988) – another Supreme Court case that considered 28 U.S.C. § 455 in depth – similarly emphasized that “a violation of § 455(a) is established when a reasonable person, knowing the relevant facts, would expect that a justice, judge, or magistrate knew of circumstances creating an appearance of partiality, notwithstanding a finding that the judge was not actually conscious of those circumstances.” Liljeberg, 486 U.S., at 850.

Along these lines, the lower courts have determined that:

[T]he judge’s actual state of mind, purity of heart, incorruptibility, or lack of partiality are not the issue. ... The standard is purely objective. The inquiry is limited to outward manifestations and reasonable inferences drawn therefrom. In applying the test, the initial inquiry is whether a reasonable factual basis exists for calling the judge’s impartiality into question.

United States v. Cooley, 1 F.3d 985, 993 (10th Cir. 1993).

“[T]he appearance of partiality is as dangerous as the fact of it.” Conforte, 624 F.2d at 881. Because “a judge is under an affirmative, self-enforcing obligation to recuse himself *sua sponte* whenever the proper grounds exist.” United States v. Kelly, 888 F.2d 732, 744 (11th Cir. 1989)

## CONCLUSION

The integrity of our nation’s judiciary, both federal and state, is at stake. So is respect for all judges and belief in their impartiality. Having a system of impartial justice is one of our most cherished freedoms and it must protected.

By declining to participate in administration of the oath on January 20, Honorable Chief Justice Roberts and Honorable Associate Justices will very vividly uphold, not tarnish, our system of justice. This is truly a historic moment. It is not historic because the president elect happens to be one of a mixed racial origin, but because he was able to reach the point of inauguration by hiring an army of lawyers that keeps his original birth certificate hidden from all the citizens of the country, that is particularly troubling since he is coming from the state of Hawaii, that allows foreign born children of Hawaiian residents to obtain a Hawaiian certification of life birth and do it based on a statement of one relative only without any corroborating evidence. I am sure this event will be studied by our children and grandchildren in school, in History classes. Your decision in this matter will be studied by law students for years to come. I hope that future generations will learn that the Justices of the Supreme Court did not succumb to the pressures of biased

media or mob mentality. I hope that the future generations will learn that nine Justices of the Supreme Court were the bastion of the Constitution, of Impartiality, of Justice and did not give a nod of approval to one that refused to prove his eligibility to the citizens of this country.

Under penalty of perjury, I affirm that the foregoing Petition is made in the good faith belief that the facts are true, that the arguments are appropriate, and that the recusal of honorable Chief Justice and Honorable Associate Justices from administering the oath at the presidential ceremony on January the 20<sup>th</sup> will best serve the interests of justice and the integrity of the judiciary.

January 12, 2009

respectfully submitted,

A handwritten signature in black ink, appearing to be 'Orly Taitz', written over a horizontal line.

Dr. Orly Taitz, ESQ,  
counselor for the petitioners





No. 08A524

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In The  
Supreme Court of the United States

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GAIL LIGHTFOOT, NEIL B. TURNER, KATHLEEN FLANAGAN,  
JAMES M. OBERSCHAIN, CAMDEN W. MCCONNELL,  
PAMELA BARNETT, & EVELYN BRADLEY

Petitioners;

v.

DEBRA BOWEN, Secretary of State of California

Respondent.

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APPENDIX

On Petition For A Write Of Certiorari  
Before Judgement To The  
Supreme Court of California  
Case Nos.:(S168690)

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MOTION TO DECLARE THE PRESIDENT ELECT RESPONDENT  
BARACK OBAMA HAS FAILED TO QUALIFY BY DEFAULT  
UNDER US CONSTITUTION ARTICLE II §1, &  
AMENDMENT 20, PER RULE 21 (2)(B) & (4)

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January 15, 2009

#### IV. APPENDIX

##### A. Petition for redress of President elect's failure to qualify

David L. Hagen submitted to Congress the following Petition for redress of grievances that Barack Obama II failed to qualify to become President.

“Re: Petition for Point of order: Barack H. Obama II is not qualified to become president.

Grievance: Barry Soetoro/a.k.a. Barack Hussein Obama II is not qualified to become president, having had primary allegiances to other nations, and not providing unambiguous evidence he is a “natural born Citizen” without other allegiance, to satisfy the Constitution Article 2 Sect. 1.

Prayer: By your oath to uphold the Constitution, your privilege to raise a Point of Order, by the 10<sup>th</sup> Amendment powers retained by We the People, and by the right of petition for redress of grievances, I pray that you cosign/raise an Objection/Point of Order in Congress on January 8<sup>th</sup> 2009, with a member of the other House, on the reading of each State's electoral certificates/of the total vote for Barack Hussein Obama II, per 3 U.S.C. Ch. 1, §15, §17, §19(a) (1), and §19 ©) (1), namely:

“We/I Object/raise a Point of Order that Mr. Barack Hussein Obama II, is not qualified to become president per the Constitution Article Two, §1, having “Foreign Allegiances” by birth and adoption, by renouncing US citizenship, and by failing to provide unambiguous evidence that he is “a natural born Citizen” without other

allegiance, election of a President who does qualify having precedence over other business of this House per Amend. 20 §3 and 3 U.S.C. 1. In particular:

1 Mr. Obama having had conflicting “Foreign Allegiance”(s) cannot become Commander in Chief having sole allegiance to the USA, and thus cannot qualify as “a natural born Citizen”.

1.1 Barry Soetoro, a.k.a. Barak Obama, has first allegiance to Indonesia, having Indonesian citizenship with renunciation of US citizenship, by adoption/legal acknowledgment by Lolo Soetoro Mangunharjo, a citizen of Indonesia, per Constitution of Indonesia, Law No. 62 of 1958, Art. 2 (1), as required to enroll in Indonesian schools, per school records and travel to Pakistan in 1981; and

1.2 Mr. Obama had first allegiance to the British Crown and to Kenya, being born a citizen of Kenya through his Kenyan birth father Barack Obama, Sr., per Chapter VI. Sections 87 and 97 of the Constitution of Kenya; and being a bipatriote under the U.K. Nationality Act of 1948.

2. Mr. Obama failed to produce unambiguous evidence that he is a “natural born Citizen” born to US citizens “in the allegiance of the United States” and he retained that exclusive allegiance.

2.1 Mr. Obama has failed to exhibit unambiguous original evidence that A) he was born to two US citizens “in the allegiance of the United States”, while meeting statutory citizenship requirements, and that B) he retained exclusive allegiance to the United States, including his original vault-version birth certificate and all other legal birth certificate versions and passports; and

2.2 Mr. Obama's Kenyan paternal step grandmother Sarah Hussein Obama states that she was present at his birth in (Mombasa) Kenya, per Affidavits of Bishop Ron McRae and of Rev. Kweli Shuhubia in Philip J. Berg v. Barack Hussein Obama et al. Fed. Cir. D.PA. Civil No: 08-cv-04083."

Electronic copies were submitted to 42 Senators by January 5<sup>th</sup>, followed by signed notarized copies submitted by US Post Express Mail. Signed notarized copies were submitted to 20 Representatives, with un-notarized copies to 183 others via U.S. Post express mail. EH 444887735 US on Jan 2, 2009.

#### B. British and Kenyan Citizenship

Following are extracts from British and Kenyan law respecting citizenship.

##### 1. Britain/United Kingdom

"Subject to the provisions of this section, a person born after the commencement of this Act shall be a citizen of the United Kingdom and Colonies by descent if his father is a citizen of the United Kingdom and Colonies at the time of the birth."British Nationality Act of 1948 (Part II, Section 5)

##### 2. Kenya

"1. Every person who, having been born in Kenya, is on 11th December, 1963 a citizen of the United Kingdom and Colonies or a British protected person shall become a citizen of Kenya on 12th December, 1963..."

"2. Every person who, having been born outside Kenya, is on 11th December, 1963 a citizen of the United Kingdom and Colonies or a British protected person shall, if his

father becomes, or would but for his death have become, a citizen of Kenya by virtue of subsection (1), become a citizen of Kenya on 12th December, 1963.”

Chapter VI, Section 87 of the Kenyan Constitution

C. Civilians killed by 20<sup>th</sup> Century Tyrants

Historians and experts estimate that about 100-176 million were executed or starved by dictators and tyrants - in the 20<sup>th</sup> century. E.g., typical ranges from Hagen & Irish (2000):

Murder by Government	
Tyrant	Civilians killed
Mao Tse-tung, China	50-70 million
Stalin, USSR	20-40 million
Hitler, Europe	10-20 million
Lenin, USSR	4 million
Talaat Pasha, Turkey	2 million
Sudan Arab vs Nebo	2 million
Franco, Spain	2 million
Pol Pot, Cambodia	1.7 million
Kim Il-sung, N. Korea	1 million?
Mengistu, Ethiopia	1 million
Sukarno, Indonesia	0.6-1 million
Rwanda Hutu v. Tutsi	800,000
Tito, Yugoslavia	500,000
Ho Chi Minh, Vietnam	200,000
Milosovic, Yugoslavia	200,000
Nehru-Gandhi, India	200,000

The greatest danger to the People and the USA is not external but INTERNAL.

Dictators have killed about three times the 38 million killed in all 20<sup>th</sup> Century wars.

Republics and Democracies succumbing to Tyrants

At least thirty three Democracies succumbed to tyrants in the 20<sup>th</sup> Century when they failed to uphold Oaths and constitutions. Taken from Hagen & Irish (2000):

Argentina: Juan Peron; Cambodia: Pol Pot & Khmer Rouge; USSR - Ukraine: Stalin; USSR - Russia: Stalin; China: Mao Tse-Tung & China's "Great Leap Forward"; Central African Republic: Jena-Bédal Bokassa; Cote D'Ivoire: Felix Houphouet-Boigny; Dominican Republic: Diederich B ernard Trujillo; Germany: Adolf Hitler, GDR; Ghana: Kwame Nkrumah; Haiti: Dr. François Duvalier; Indonesia: Sukarno, Suharto; Iran: Shah Pahlavi, Khomeini; Iraq: Sadam Hussein; Italy: Benito Mussolini; Malawi: Dr. Hastings Kamuzu Banda; Malaysia: Dr. Mahathir Mohammad; North Korea: Kim Il-Song; Panama: General Noriega; Philippines: President Ferdinand Marcos; Romania: Ion Antonescu, Gheorghiu-Dej, Nicolae Ceausescu; Rome: Julius Caesar, Nero, Domitian; Senegal: Leopold Sedar Senghor; Spain: Prima De Rivera, General Francisco Franco; Sudan: Arab-Islamist military; Tanzania: Mwalimu Julius Nyerere; Turkey: Prime Minister Talaat Pasha (Ottomon Empire); Turkmenistan: Saparmurat Nyazov; Uganda: Idi Amin; Uruguay: Gregorio Alvarez; Zaire: Mobutu Sese Seko; Zimbabwe: Robert Mugabe.

D. The Rule of Law, collective 'unalienable rights' and 'ancient liberties'

The Declaration and Resolves, Continental Congress, Tansill 1--5 #2 (14 Oct. 1774) preserved 'immutable laws of nature, the principles of the English constitution and the several Charters.' These included 'rights, liberties, and immunities' and 'common law' via their ancestors. Those Codes, Charters, Acts and 'unalienable rights' acknowledged God and were secured by swearing before God.

When King and Parliament breached their unalienable rights, the Colonies interposed, establishing the U.S.A. by the DECLARATION to restore the Rule of Law:

The Rule of "[Law] depends not upon the arbitrary will of any judge; but is permanent, fixed, and unchangeable, unless by authority of parliament." 1 Blackstone Commentaries on the Laws of England (1765) Ch. 1 § 3 (p 138, 1765). 'to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.' DECLARATION para. 2.

People codified and ratified Constitutions to secure these principles.

"In the government . . . the executive shall never exercise the legislative and judicial powers, . . . the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men." MASSACHUSETTS CONSTITUTION § XXX (1780).

Quotations on the Rule of Law and Ancient liberties:

“[T]he charter; . . . the divine law, the Word of God; . . . in America the law is king. For as in absolute governments the king is law, so in free countries the law ought to be King; and there ought to be no other.”

Thomas Paine, *Common Sense* (1776)

'Freedom of men under government is to have a standing rule to live by, common to every one of that society.' John Locke 2<sup>nd</sup> *Treatise of Civil Govt.* ch. 4 § 22 (1690)  
Whether the supreme law . . . be above the king. . . . People may resume their power. Samuel Rutherford *Lex Rex Ques.* IX, XXV (1644).

'Leave all causes to be measured by the golden and straight mete-wand of the law, and not to the incertain and crooked cord of discretion.' Sir Edward Coke 4 *Inst.* 41 (1628).

The Rule of Law was embodied in the Bible's MOSAIC CODE with public consent. Exodus 20:2-17, Deut. 4:13. The COMMON LAW 'DOOMS' (CODE) of Alfred (880) began with the Decalogue and Golden Rule verbatim. Lee (1997). '[H]aving regard to God,' Archbishop Stephen Langton and the barons interposed, bringing King John, the Chief Justice and all civil powers back under the Rule of Law by the MAGNA CARTA, 17 John (1215) (restoring the CHARTER OF LIBERTIES, 1 Henry, 1100), securing it by redress petition. Parliament interposed, binding the King by the Bill of Rights, 1 W. & M., 2d sess., c. 2 (1689), codifying Trial of the Seven Bishops (1688), to preserve redress petition, interposition, and alternatives for conscience sake.

E. Oaths Secure the CONSTITUTION & and Rule of Law

The People secured the CONSTITUTION and Justice on Theism, mandating swearing before God of everyone exercising governmental authority or testifying in court. U.S. CONST., art. VI ¶ 3, amendments I, IX, X and XIV.

To obey Jesus' commands some people refuse to swear: "But I tell you, Do not swear at all: . . . but let your 'Yes' be 'Yes' and your 'No', 'No'; . . ." Matt. 5:33-37 NIV. For conscience' sake, the CONST. Art. VI, ¶ 3 provides the alternative of 'Affirmation' to 'Oath.' This embodies the First Principle:

Provide alternatives for the sake of conscience, whenever government touches religion, especially involving deeply held sectarian religious practices, like swearing before God. SC Justice James Iredell defined the Oath as:

"a solemn appeal to the Supreme Being for the truth of what is said by a person who believes in the existence of a Supreme Being and in the state of rewards and punishments according to that form which would bind his conscience most,"

4 Elliott's Debates p. 196 (30 July 1788).

He described other forms of oaths for other religions. 28 U.S.C. § 453, requires each Judge or Justice to "solemnly swear (or affirm) [to] administer justice." Alternatives to militia duty and union fees are provided for conscientious objectors and those with religious convictions. 10 U.S.C. 312b; 29 U.S.C. 169.

The MAGNA CARTA (1215) and the DECLARATION OF INDEPENDENCE (U.S. 1776) were secured before God by Oath or sacred pledge.

"Know that, having regard to God . . . Both we and the barons have sworn that all this shall be observed in good faith and without deceit." MAGNA CARTA (1215).

"[W]ith a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor." DECLARATION para. 32.

The CONSTITUTION is secured by Oath or Affirmation:

"The Senators and Representatives . . . all members of the several state legislatures and all executive and judicial officers . . . shall be bound by Oath or Affirmation to support this Constitution." U.S. CONST. art. VI ¶ 3.

See also U.S. CONST., art. I, § 3, ¶ 6.; U.S. CONST., art. II, § 1, ¶ 8; 5 U.S.C. 3331 Oath of Office, Story, J. Commentaries, Ch. 43 §1837-1840.



The Oath is a religious act, based on biblical principles:

"Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice?" Washington, Farewell Address (1796).

F. CONSTITUTION of the United States of America (1787)

U.S. CONST., preamble.

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America. (Emphasis added.)

U.S. CONST., art. I, § 3, para. 6.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. (Emphasis added.)

U.S. CONST., art. II, § 1, para. 8.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:--"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States." (Emphasis added.)

U.S. CONST., art. VI, ¶2, 3

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

U.S. CONST., amend. I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (Emphasis added.)

U.S. CONST., amend. IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

U.S. CONST., amend. X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

U.S. CONST., amend. XIV § 1

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. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

U.S. CONST., amend. XX §3

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Inauguration of the President elect having a popular majority while preventing his qualifications from being examined would nullify U.S. art. II §1. Conversely, declaration that the President elect had qualified or failed to have qualified would be of very high public import.

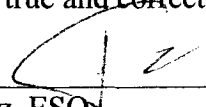
Were this Court to provide the recommended remedy, of declaring that the President elect had failed to qualify, that would provide obvious immediate constitutional relief for the Petitioner. This would cause far less political trauma by clearly upholding constitutionally defined procedures than any redress by granting existing prayers after the inauguration.

Petitioner presents analysis regarding critical safeguards to the Constitution that could be of existential importance to preserving the Republic. The constitutional principle of sole allegiance underlying the restrictive qualification of “natural born citizen” for Commander in Chief to protect the Constitution rather than civil rights of citizens, does not appear to have been so identified in the Petitioner’s case nor in other petitions to the Court.

The Motion would further support the cause of numerous subsequent Petitioners including Berg v. Obama No. 08-570 distributed for the Court’s conference on January 16<sup>th</sup>, who are committed to submitting petitions for similar issues.

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

Executed on January 15, 2009.

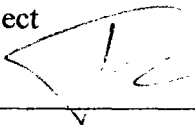
  
\_\_\_\_\_  
Dr. Orly Taitz, ESQ

This would enable election officers to examine proofs submitted by the President elect, or on lack thereof, to properly conduct their constitutional duty to declare that the President elect has qualified, or has failed to qualify, before the date of the Inauguration.

The Petitioner's prayer could then be molded to communicate that finding to Congress, which then would have constitutional business of the highest privilege to elect a President who does qualify. The Petitioner comes bearing the burden of upholding our Constitution and protecting our Republic against tyranny, on behalf of We the People in this and future generations. Standing before the Judge of all the world for the rectitude of her ways:

"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."  
15, 2009

  
\_\_\_\_\_, January

Dr. Orly Taitz, ESQ, 949-683-5411  
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MOTION FOR WAIVER OF RULE 37(2)(A) OF THIS COURT

The Petitioner humbly requests waiver of Rule 37(2)(a) of this Court, requiring timely filing of a motion with specified notice to all parties. Petitioner appeals to the unique over riding change in circumstances created by the formal election by the Electoral College of the Respondent, Barack Hussein Obama II, and his delayed declaration on Thursday, Jan. 8<sup>th</sup>, 2009, by Congress in joint session, to be the President elect. This uniquely brings to bear the constitutional actions prescribed by U.S. CONST. Amend. 20.

Per the Petitioner's case, the motion, and to her belief and knowledge, to date the Respondent has failed to submit to constitutional election officers the necessary government certified witnessed proofs verifying that he qualifies to be President. He has further opposed all efforts by election officers and by We the People to obtain such certified proofs.

Furthermore, to date, all State and Federal election officers appear to have committed misprision of their duties under U.S. CONST. amend. 20, by failing to examine the qualifications of the President elect, and thence by failing to declare that the President elect has qualified, or has failed to qualify.

The delayed declaration of the President elect left but five (5) working days to observe this misprision, prepare this Motion, and to submit it, before this Court meets in conference on Friday January 16<sup>th</sup> to consider the Petitioner case After that conference this Court has no (0) working days before the inauguration of the Respondent as President on Tuesday January 20<sup>th</sup>. That event without word from this Court would give the impression of *fait accompli* creating such enormous political barriers as to possibly prevent effective redress by the Petitioner.

**Find that the President elect has failed to qualify by default, under U.S. CONST.**

**Article II §1 & Amendment 20.**

This remedy would rely on observation of the Respondents actions of not supplying proofs that he qualifies, both by omission and commission, rather than on the merits of the Petitioner's case.

The Petitioner's previous and present prayers may then be molded to communicate that finding to Congress, which then would have constitutional business of the highest privilege to elect a President who does qualify.

**G. Presidential candidates can then qualify.**

This constitutional remedy would then return to the Electoral College and to Congress the constitutional duty to elect a President who did qualify from all the available candidates.

**Question II:** Should the "natural born citizen" presidential qualification be interpreted expansively to expand civil rights under the 14<sup>th</sup> Amendment? OR Should it be interpreted restrictively as an essential guard against tyranny by ensuring the Commander in Chief has only had undivided allegiance to the U.S.A., to safeguard the Constitution and the Republic?

Petitioner submits an **underlying constitutional principle of undivided loyalty** to distinguish the stringent qualifications of "natural born citizen" essential for the Commander in Chief for the common defense in time of war, and preserving domestic tranquility, versus upholding civil rights of "citizens".

Petitioner appeals to the primacy of upholding the Constitution as inviolable supreme law, and preserving the essential protection of presidential qualifications to preserve the Republic.

**Petitioner prays that the Court provide clear guidance on this question of interpreting this critical qualification of the President elect before the Inauguration on January 20<sup>th</sup>.**

**B. Burden of Proof on Respondent**

The clause “have failed to qualify” in U.S. CONST. Amend. 20, place the burden of proof directly on the President elect, the Respondent in this case.

**C. Respondent has failed to submit proofs**

Per the Petitioner’s petition and to his belief and knowledge, the Respondent has to date failed to present to any constitutional election officer, any government certified proofs attested to by reliable witnesses, for any of the qualifications required under U.S. Const. Art II §1.

**D. Respondent has hindered discovery**

Respondent has actively hindered election officers and We the People from obtaining and examining proofs of his qualifications for President comprising government certified proofs attested to by reliable witnesses, and certified copies of military, public and educational records.

Per the Petitioner’s petition and to her belief and knowledge, the Respondent has, at great cost, systematically opposed in court every effort to require him to provide such proofs, including those presented before this Court by the Petitioner.

**E. President elect has failed to qualify, by default and by opposition.**

The Petitioner submits that, both by default and by active hindrance to officers and to petitioners seeking that evidence, Respondent, Barack Hussein Obama II, the President Elect, has “failed to qualify” as per U.S. Constitution Amendment 20.

**F. Immediate Constitutional Remedy**

In light of the importance of upholding the CONSTITUTION as supreme law, these changed circumstances bring Amendment 20 to bear, and because of the very high public importance of this matter, Petitioner prays that this Court provide the following **immediate constitutional remedy** to better satisfy the prayer of the Petitioner:

**MOTION TO DECLARE THAT BY DEFAULT, THE PRESIDENT ELECT RESPONDENT BARACK OBAMA HAS FAILED TO QUALIFY UNDER US CONSTITUTION ARTICLE II §1, & AMENDMENT 20, PER RULE 21 (2)(B) & (4)**

**I. Motion to file Under Rule 21 (2) (b), and 21(4).**

The Petitioner requests leave of this Court to file this Motion under Rule 21, (2) (b) which empowers Petitioner submit “any motion the granting of which would dispose of the entire case or would affect the final judgment to be entered”. By Rule 21 (4), “the Court may act on a motion without waiting for a response.”

To the Petitioner’s knowledge, the following two questions have not been brought to the attention of this Court by the parties or have not been adequately discussed:

**Question I:** Does the burden of proof lie with the Petitioner to prove standing and evidence lack of qualification by a candidate/President elect, where election officers rely on a candidate’s declaration? OR Does the CONSTITUTION amend. 20 place the burden of proof on the President elect to provide objective government certified witnessed proofs, with election officers under oath to challenge, examine and declare that the President elect has or has not qualified, enforceable by petition for redress of grievances?

Recent events strongly changed the circumstances relating to the Respondent relative to the Petition.

**A. Respondent declared President elect**

Congress in joint session recorded the Electoral College votes on January 8, 2009. It declared Respondent Barack Hussein Obama II to be the President elect. This event now brings to bear U.S. CONST. Amendment 20.



**No. 08A524**

**In The  
Supreme Court of the United States**

**GAIL LIGHTFOOT, NEIL B. TURNER, KATHLEEN FLANAGAN,  
JAMES M. OBERSCHAIN, CAMDEN W. MCCONNELL,  
PAMELA BARNETT, & EVELYN BRADLEY**

*Petitioners;*

v.

**DEBRA BOWEN, Secretary of State of California**

*Respondent.*

**On Petition For A Write Of Certiorari  
Before Judgement To The  
Supreme Court of California  
Case Nos.:(S168690)**

**MOTION TO DECLARE THE PRESIDENT ELECT RESPONDENT  
BARACK OBAMA HAS FAILED TO QUALIFY BY DEFAULT  
UNDER US CONSTITUTION ARTICLE II §1, &  
AMENDMENT 20, PER RULE 21 (2)(B) & (4)**

Attorney of Record  
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26302 La Paz  
Mission Viejo CA 92691  
949-683-5411

January 15, 2009

**QUESTIONS PRESENTED**

**Question I:** Does the burden of proof lie with the Petitioner to prove standing and evidence lack of qualification by a candidate/President elect, where election officers rely on a candidate's declaration? OR Does the CONSTITUTION amend. 20 place the burden of proof on the President elect to provide objective government certified witnessed proofs, with election officers under oath to challenge, examine and declare that the President elect has or has not qualified, enforceable by petition for redress of grievances?

**Question II:** Should the "natural born citizen" presidential qualification be interpreted expansively to expand civil rights under the 14<sup>th</sup> Amendment? OR Should it be interpreted restrictively as an essential guard against tyranny by ensuring the Commander in Chief has only had undivided allegiance to the U.S.A., to safeguard the Constitution and the Republic?

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## SUMMARY OF THE ARGUMENT

1. The Petitioner submits that the U.S. CONST's 20<sup>th</sup> Amendment places the burden of proof directly on the President elect to demonstrate that he qualifies to become President, and on government officers to evaluate and report on those proofs. It negates the lower court's assumption that the burden of proof lies with the Petitioner.

The Respondents, President elect Barack Hussein Obama II (herein RPE Obama) et al., have failed to submit to election officers the requisite objective government certified proofs attested to by multiple reliable witnesses, as evidence that the President elect qualifies per U.S. CONST. Art. 2 §1 and §2. Furthermore, they have systematically acted to withhold from State and Federal election officers, and from We the People, the evidence necessary to evaluate the qualifications of the President elect.

Thus, by default, having failed to qualify, U.S. CONST. amend. 20 requires election officers to declare that the President elect has "failed to qualify". Congress then has a constitutional obligation of the highest privilege to elect a President who does qualify.

By misprisions of State and Federal election officers to perform these duties, Petitioner has the constitutional right and duty to challenge the qualifications of the President elect by petition for redress of grievances, as preserved under U.S. CONST. amend. 1, by rights reserved by We the People, under U.S. CONST. amend. 1, 10 and 20, and by each government officer's oath of office to uphold the CONSTITUTION as inviolable supreme law, U.S. CONST. art. VI.

2. The core issue underlying the Petitioner's motion, in this case before this Court, and to all similar cases, is the constitutional interpretation of the restrictive "natural born citizen" qualification for President. U.S. CONST., art. II, §1 para 4.

Prior cases with other issues have brought issues of individual civil rights of citizenship

to the attention of this Court. The Petitioner brings the issue of the restrictive constitutional qualifications for President. This addresses the essential safeguard provided by the Founders to preserve the Republic and uphold the inviolability of Constitution as supreme law.

The intent of the Founders is clearly seen in John

**I. The CONSTITUTION Places The Burden Of Proof On the President Elect, Who Has**

**Failed To Qualify** The 20<sup>th</sup> Amendment qualification process The U.S. CONST. amend. 20 prescribes that:

“ . . . **if the President elect shall have failed to qualify**, then the Vice President elect shall act as President until a President shall have qualified; . . .”

The Constitution does not guarantee inauguration of a President elect. The grammar prescribes that he first “qualify”.

The Petitioner has observed that the Constitution nowhere delegates the power and method of qualifying. Thus, the Petitioner appealed to powers reserved under the 14<sup>th</sup> Amendment. However, common principles may still identify methods by which the President elect may qualify, or fail to have qualified.

**1. Burden of proof on the President elect** By the past tense verb “have failed to qualify”, the CONSTITUTION places the burden of proof directly on the President elect to lay objective proofs before competent officers necessary to demonstrate that he has met the constitutional qualifications for President.

**2. Qualification candidate** Respondent Barack Hussein Obama II was declared the constitutional President elect by Congress in joint session on January 8<sup>th</sup>, 2009. RPE Obama is thus the active subject of U.S. CONST., amend 20.



**3. Constitutional qualifications exist** The verb “qualify” indicates that the Constitution establishes objective criteria that the President elect must satisfy. See explicit restrictive qualifications in U.S. CONST. Art II, §1 and other implicit qualifications.

**4. Officers competent to judge qualifications** The verb “has failed to qualify” implies that there are election officers to whom those constitutional proofs of qualifications must be submitted. The electoral votes are submitted to the President of the Senate presiding over Congress in joint session with tellers appointed from the Senate and House. At least those constitutional officers are competent to receive and evaluate the qualifications. The Chief Justice of this Court, and the President are other constitutionally defined officers before whom the President elect could submit his proofs for qualification.

**5. Challenging Respondent’s qualifications** All Executive, Legislative and Judicial officers, being on Oath to uphold the CONSTITUTION, have the power and duty to have challenged the Respondent President elect Obama to have shown cause by date certain that he qualifies.

**a. Objections to reading Electoral votes**

When Congress tabulates votes of the Electoral College in joint session, law explicitly requires the President of the Senate to ask for Objections after the reading of each State’s electoral certificates. 3 U.S.C. Ch. 1, §15. Objections to electoral votes may be filed if signed by one Senator and one Representative. Electing a candidate for President who would not qualify would violate the Constitution and justify raising a formal objection on reading each State’s votes. On reading the electoral votes, Senate President Dick Cheney failed to ask for objections on reading of each State’s votes on Jan. 8<sup>th</sup>, 2009. See also 3 U.S.C. Ch. 1, §17, §19(a) (1), and §19 (c) (1).

**b. Point of Order on declaring President elect Obama has failed to qualify**

Officers on oath to uphold the Constitution bear the high privilege to raise a Point of Order or Question of Order over any breach thereof, as well as over any breach of the Rules of each House. See Senate Rule XX. When an appointed election officer fails to uphold the duties required by U.S. CONST. Art II §1 and amend. 20, any Member of Congress has the power and duty to raise a Point of Order.

Failing that, citizens, including the Petitioner, have the unalienable right of petition for redress of grievances, to petition their State or Congress with a prayer to raise a Point of Order over breach of Constitution. U.S. CONST. amend. I.

Reporting the tallied electoral votes provided an opportunity to raise the Point of Order that the President elect had not qualified. However, no Member of Congress raised that Point of Order requested by numerous citizens by redress petition. See Appendix A. Whenever either House is in session provides an opportunity for Members of Congress to raise a Point of Order that the President elect has failed to qualify.

**6. Venues for qualification** The joint session of Congress, held to count electoral votes and announce the President elect, is one venue in which the President elect could have submitted his qualifications. Thereafter, the President elect could submit his qualifications to the President of the Senate, the Speaker of the House, the Chief Justice of this Court, or the President, as constitutionally recognized officers being under oath to uphold the Constitution.

**7. Period for qualification** By the classification “President elect”, Amend. 20 establishes at least the qualification period between the constitutional “election” of tabulating electoral college votes before Congress on January 6<sup>th</sup> (January 8<sup>th</sup> in 2009) and the inauguration on January 20<sup>th</sup> when the President elect is sworn in as “President”.

**8. Opportunity for qualifying** By “have failed to qualify”, the President elect will

have been given the opportunity to submit proofs showing that he does qualify. By January 16<sup>th</sup>, RPE Obama will have had five business days during which to submit proofs of his qualification.

**9. Time and Actors for remedy** Were this Court to determine and find that, by default, the President elect has failed to qualify, there would still be time to notify Congress, for Congress to appoint the Vice President as Acting President, and for the Electoral College and Congress to proceed with electing another President who does qualify, per U.S. CONST. amend. 20. This urgent constitutional business would have privilege over other business.

**10. Verification of proofs of qualifications** By “have failed to qualify”, the competent election officers must examine the proofs submitted by the President elect against the constitutional qualifications. The CONSTITUTION grants all powers necessary to perform constitutional duties including obtaining government certified documents from any Federal or State repository, and to subpoena other records as needed.

**11. Electoral College** By U.S. CONST. amend 12, Electors in the Electoral College are election officers with the duty to elect the President. Electors, and the Electoral College have the privileges and duty to evaluate the qualifications of all candidates for President, and the President elect. By their oath to uphold the Constitution, they have a duty to demand and evaluate proofs and to find that the Presidential candidate or President elect has or has failed to qualify.

**12. State Election Officers** Each State has the equivalent privileges and opportunities to evaluate the qualifications of all candidates for President and for the President elect. As the Petitioner has sought relief, the Secretary of State can communicate RPE Obama’s failure to qualify to the Governor, the State’s Senators and President of the Senate, and to its Representatives, and the Speaker of the House. Each State’s Senators, Representatives and

Governor have the Privilege of the Floor in the respective House, and may communicate that failure, or raise a Point of Order. Senate Rule XXIII

**13. Declaration of qualification/failure** By “have failed to qualify”, the election officers have the constitutional power and duty to declare that the President elect has met or has failed to meet the restrictive constitutional requirements for President. They have the power and duty to communicate that determination to the authorities responsible to elect the President. I.e. to the President of the Senate and the Speaker of the House.

**14. Proofs for explicit qualification criteria** Objective evidence of qualifications must be commensurate with the level of proof required. Certified copies of original birth certificates are commonly required by citizens to obtain government photo ID, marriage certificates, driver’s licenses, and to register to vote.

To obtain security clearance, military officers must provide increasingly exhaustive evidence that they qualify. As Commander in Chief, the President commands the Chiefs of the Army, Navy, Marines, and Air Force bearing Top Secret clearance. Common sense requires that the President elect provide objective proofs commensurate with the higher constitutional office of Commander in Chief, and the Top Secret clearance required of those he must command. To verify constitutional qualifications, election officers should require the President elect to provide the following, and to verify their validity.

**a. Age 35 years**

Government certified copies of original full (“long form” or vault) birth certificates attested to by two reliable witnesses, and all revisions thereof. U.S. CONST. art. II, §1.

**b. 14 years residency in the U.S.A.**

Evidence of residence within the U.S.A., with certified copies of all passports held to confirm

time within versus without the U.S.A., being more thorough than that required for naturalization, or documenting U.S. births abroad. U.S. CONST. art. II, §1.

**c. Natural born citizen with sole allegiance**

By the underlying constitutional principle of sole allegiance to the U.S.A. the Commander in Chief should have all biological and adoptive parents holding allegiance to the U.S., the President elect be born in U.S. jurisdiction, and have ever only had sole allegiance to the U.S.. U.S. CONST. art. II, §1.

**(1) President Elect's Citizenship**

Government certified copies of the original ("long form" vault) birth certificates of the President elect, showing original place and date of birth, and both biological parents.

**(2) Citizenship of Biological Father**

Government certified copies of the original birth certificates or naturalization certificates, evidencing U.S. Citizenship of the biological father at the birth of the President elect.

**(3) Citizenship of Biological Mother**

Government certified copies of the original birth certificates or naturalization certificates, evidencing U.S. Citizenship of the biological mother at the President elect's birth.

**(4) Citizenship of Adoptive Parents**

Government certified copies evidencing citizenship of every adoptive parent of the President elect.

**(5) Change of Name**

Government certified copies of every legal change of name since birth.

**(6) Declarations of allegiance**

Certified copies of each document wherein the President elect has sworn allegiance, or

declared his citizenship or allegiance, whether as a youth or adult, including applications for higher education and financial aid.

**(7) Military & Public Service**

Certified copies of any registration for military service, and of each and every military and/or public service.

**15. Inauguration would not remedy defects** Official inauguration of a President elect does not remedy failure to constitutionally qualify. The U.S. Constitution is inviolable, founded on the security of the U.S. CONST., art. VI ¶2 **No certified documents provided** Per the Petitioner's application and current belief and knowledge, none of these documents having been submitted to election officers in Congress, in the Electoral College, or in any State, by RPE Obama, that are government certified with reliable witnesses. Petitioners Gail Lightfoot et al., and other petitioners have similarly found no evidence of such positive action by RPE Obama to qualify.

**2. Birth records sealed** The RPE Obama has refused to submit certified copies of any of his original long form "vault" birth certificates in Hawaii to any public officer or to any Petitioner. Relevant records in Kenya have also been officially restricted.

**3. Educational records sealed** The RPE Obama has sealed all educational records which might reveal his stated citizenship. These include Punahou High School, Occidental College, Columbia University, and Harvard Law School.

**II. Undivided allegiance to the U.S. underlies the restrictive "natural born citizen"**

**qualification for Commander in Chief to preserve the Republic.** When King and Parliament breached their rights with arbitrary laws, the Founders fought to restore the Rule of Law claiming ‘unalienable rights’ and ‘entitle[ment]’ by the ‘laws of God.’ DECLARATION OF INDEPENDENCE (U.S. 1776) (herein “DECLARATION”). The inviolability of the Magna Carta (1215) was preserved in the U.S. Constitution (1787) as “supreme law.” Magna Carta (1215) §61. This security was restored by the U.S. CONST., amend I.U.S. CONST. pmbI.U.S. CONST., art. II §1 para. 5. The “natural born citizen” allegiance qualification was the strictest of these, to protect against treason and tyranny.

**Democracies Descending into Tyranny:** Thirty three democracies descended into tyranny during the 20<sup>th</sup> century by failing to uphold constitutional protections. These included Germany, Russia, and China.

**Secularist States Murdered Millions:** States establishing Secularism caused the most extrajudicial deaths in the 20<sup>th</sup> Century. Courtois et al. (1999) detail the consequent horrors of atheistic communist governments killing more than 125 million - more than three times the 38 million killed in all 20<sup>th</sup> Century wars. See Appendix C, Hagen & Irish (2000).

The greatest threat to Domestic tranquility is not war but descent into mob rule and dictatorship. Preserving protections of the Constitution and Republic are critically important. The restrictive “natural born citizen” qualification for President, is a critical constitutional guard against tyranny. Petitioner applies the unalienable right of redress petition and security of Oaths to preserve the U.S. CONST. in face of misprision of failing to enforce presidential qualifications by election officers.

Petitioner humbly prays this Court evaluate the Petitioner’s case in context of how best to

enforce restrictive qualifications for President to preserve the Constitution and Republic from tyranny, rather than its prior cases on protecting individual civil rights.

**A. Stringency of qualifications** The U.S. CONSTITUTION explicitly requires a progressively increasing stringency in qualifications for higher levels of officers of government. See Table 1.

**1. Increasing Responsibility** Representatives represent a portion of a State (< 30,000 citizens per U.S. CONST. art. I, §2 para 3). Senators have greater responsibility to represent a State and the Nation’s interests. The President is responsible for the entire Nation. In light of their increasing responsibilities, the CONSTITUTION imposes increasingly stringent qualifications for Congressional offices, with the greatest stringency for the President.

**2. Increasing Maturity** The minimum age increases from 25 to 30 to 35 years for Representatives, Senators and the President. After coming of age at 21, this requires from 4 years to 9 years to 14 years of maturity. The President must have 350% the adult maturity of Representatives.

**3. Increasing Citizenship/Residency Duration** The qualification of citizenship increases from 7 years to 9 years for Representatives, and Senators (no residency). ( U.S. CONST. art. I, §3 para. 3 U.S. CONST. art. II, §1 para. 5 Each Member of Congress must be a “citizen” U.S. CONST. art. I, §2 para. 2; U.S. CONST. art. II, §1 para. 5.

<b>Table 1: Stringency of Leadership Qualifications</b>			
	Member of Congress		President
	Representative	Senator	Commander in Chief
Responsibility	Part State	State	All States



Minimum Age years	25*	30**	35***
Citizen/ Resident	7 years citizen*	9 years citizen**	14 years a resident ***
Citizen Type	Any *	Any **	Natural born ***
US allegiance	Sole or divided	Sole or divided	Undivided
Father a citizen	Option	Option	Yes
Mother a citizen	Option	Option	Yes
Naturalized	Option+	Option+	No+
Born in US jurisdiction	Option+	Option+	Yes (or Residency)+
*U.S. CONST. art. I, §1; **U.S. CONST. art. I, §3; ***U.S. CONST. art. II, §1; +U.S. CONST. amend. XIV §1 with statutory citizenship requirements			

The features distinguishing “natural born citizen” from “citizen” are critical to this and other cases contesting respondent Obama’s qualifications.

Petitioner submits that the qualification of “natural born citizen” for the President must be more stringent than “citizen”, both by logic, and by inference from the gradation of constitutional qualifications for Representatives, Senators, and the President.

However, “citizen” is a binary qualification. As “natural born citizen” is not defined within the Constitution, what are the constitutional criteria for establishing for this greater stringency? The “jurisdiction” of birth, allegiance or citizenship of each parent at an individual’s birth, and the individual’s own actions regarding allegiance on coming of age create multiple subcategories of “citizen”. Following are distinctions between “naturalized”, “native”, and “natural born”

citizens as shown in the CONSTITUTION, by the Founders, and by contemporary authorities.

**6. Founders all U.S. citizens** By U.S. CONST., art. VII para. 3, the U.S.A. is dated by “the independence of the United States of America the twelfth” codifying that it was established by the Declaration of Independence, (U.S. 1776). On adoption of the U.S. CONST. numerous candidates for Representatives and Senators satisfied the requirements of “citizen”, having 7 or 9 years of citizenship, and age per & §3. If Respondent Obama had been a U.S. “citizen” for 9 years and was at least 30 years age he would have qualified on his election to the Senate.

**7. Founders exception as not “natural born citizens”** However, DECLARATION (U.S. 1776)377 U.S. 163, 165 (1964)322 U.S. 665, 673 (1944)231 U.S. 9, 22 (1913) "

**Emmerich de Vattel, *Law of Nations* (1758)**

de Vattel’s Law of Nations widely quoted by the Founders. de Vattel stated:

"The natives, or **natural-born citizens, are those born in the country, of parents who are citizens. ..**" Emmerich de Vattel, *The Law of Nations* (1758), Bk. 1, Ch. 19, Citizens and Nations, p 101 para 212; cited in Scott v. Sanford, 60 U.S. 393, 476 (1856).

**2. " William Blackstone, *Commentaries* (1765)**

Blackstone in reviewing the Common Law stated:

“Natural-born subjects are such as are born within the dominions of the crown of England, . . . aliens, such as are born out of it. . . .

. . .every man owes natural allegiance where he is born, and cannot owe two such

allegiances, . . .” *Commentaries* 154-57 (Dean Gait ed., 1941)

Both de Vattel and Blackstone thus state that children born of two citizens in that nation are natural-born citizens. RPE Obama has not shown evidence that both his biological parents were U.S. citizens.

**D. Primary allegiance passes through fathers**In the Judeo-Christian legal tradition, allegiance flows through the father. Bible Ruth 4:6; de Vattel and Blackstone affirm this

principle:

“ . .the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights. . . .The country of the fathers is therefore that of the children.” de Vattel, *Law of Nations* (1758), Bk. 1, Ch. 19, Citizens & Nations, p 101 para 212.

“ . . .so that all children, born out of the king’s ligeance, whose fathers were natural-born subjects, are now natural-born subjects themselves, to all intents and purposes, . . .” William Blackstone, *Commentaries* 154-57 (Dean Gait ed., 1941)

RPE Obama has not shown evidence his father was a natural-born US citizen.

**E. Birth to Colonials not US, “natural born”** George Washington was born to colonials of Virginia, and John Adams to colonials of Massachussetts. Both were born “native” to those Colonies, and “overseas” to Britain. Yet by the exception clause, the Founders implied that the restriction to U.S. “natural born citizen” disqualified both from becoming U.S. President. The CONSTITUTION’S exclusion clause by application disqualifies all U.S. citizens born to colonial fathers subject to the British sovereign.

**F. RPE Obama born of a British Colonial** RPE Obama has posted:

“When Barack Obama Jr. was born on Aug. 4,1961, in Honolulu, Kenya was a British colony, still part of the United Kingdom’s dwindling empire. As a Kenyan native, Barack Obama Sr. was a British subject whose citizenship status was governed by The British Nationality Act of 1948. That same act governed the status of Obama Sr.’s children. Since Sen. Obama has neither renounced his U.S. citizenship nor sworn an oath of allegiance to Kenya, his Kenyan citizenship automatically expired on Aug. 4,1982.”

---

(Technically the British East African Protectorate of Zanzibar until Kenya gained independence in 1963.)

The divorce decree for RPE Obama’s parents has recently been posted.

(<http://www.plainsradio.com>).

“That one child has been born to said Libelant and Libeled as issue of said marriage, to wit: BARACK HUSSEIN OBAMA, II, a son, born August 4, 1961.” HI, 1<sup>st</sup> Cir. Domestic Relations, divorce decree D. No. 57972 *Stanley Ann D. Obama v. Barack H. Obama* p 2 §IV.

The Hawaii court thus confirms RPE Obama’s statements.

RPE Obama acknowledged that he had foreign allegiance, being a British citizen at birth through his Kenyan father (per British law provided exceptions for children born overseas to ambassadors, merchants, and citizens:

“Yet the children of the king’s ambassadors born abroad were always held to be natural subjects: . . .all children born abroad, provided both their parents were at the time of the birth in allegiance to the king, and the mother had passed the seas by her husband’s consent, might inherit as if born in England.” Blackstone *Commentaries* 154-57.

After adoption of the Constitution, Congress adapted this common law distinguishing between children born overseas vs those within the jurisdiction of the US, describing them as “citizen” rather than natural born citizen. Naturalization act of 1795, 1 Sess. II Ch. 21 414, 415 (1795), (with variations in 1790 and 1798.)

If born overseas, RPE Obama has not submitted proofs that he was born to two US citizens.

**I. Commander in Chief in time of war** The U.S. CONST. art II §2 provides:

“The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States;”

Petitioner submits that this unique constitutional duty of Commander in Chief provides a critical constitutional principle differentiating the qualifications of “national born citizen” for president vs “citizen” for Members of Congress.

**1. Foreigners excluded for Commander in Chief** John Jay, the first Chief Justice, wrote George Washington:

“Permit me to hint, whether it would be wise and seasonable to **provide a strong check on**

**the admission of Foreigners into the administration of our national Government; and to declare expressly that the commander in chief of the American army shall not be given to, nor devolve on any but a natural born citizen.**”Records Federal Conv. 1787 LXVIII. John Jay to George Washington.<sup>3</sup> (New York, July 25, 1787)

Jay expressly defined the qualification of “natural born citizen” for the “commander in chief of the American army” as excluding all “Foreigners” with allegiance to foreign sovereigns. Washington acknowledged his “hint” and this qualification of “natural born citizen” was included in the Constitution without further discussion.

**2. Undivided Allegiance for Commander in Chief** Senator Charles Pickney affirmed Jay’s restrictive qualification, stating:

“It was intended to give your President the command of your forces, . . . **to insure experience and attachment to the country**, they have determined that no man who is not a natural born citizen, or citizen at the adoption of the Constitution, of fourteen years residence, and thirty-five years of age, shall be eligible....” Rec. Fed. Conv. 1787 CCLXXXVIII p 385, 387 (March 28, 1800)

Petitioner respectfully submits that the underlying constitutional principle on the restrictive qualification of “natural born citizen” to become President is that of requiring undivided allegiance to the U.S.A. for the Commander in Chief to “insure attachment to the country” and exclude “Foreigners”.

On adopting the CONSTITUTION, the United States was just recovering from an existential war with the superpower Britain. The US endured ongoing conflict with Britain impressing US citizens for its ships, over this issue of the allegiance of native or naturalized citizens “natural born citizens”. Britain demanded the allegiance of all US citizens born in the colonies, or whose father was a British citizen, and who thus were not “natural born” with both parents being US citizens. In 1812 the US was forced to go to war with Britain to resolve this festering issue of allegiance to Britain.

**5. Danger of Traitors with Foreign Allegiance** “Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort.” US Const. Art. III, §3. As Commander in Chief, the President must guard against Treason.

During the War for Independence, General Greene reported:

“Treason of the blackest dye was yesterday discovered. General Arnold who commanded at West Point . . . was about to deliver up that important post into the hands of the enemy. Such an event must have given the American cause a deadly wound if not a fatal stab.” Washington, *Writings* (1932), Vol. XI, pp. 342-343, General Orders of May 2, 1778.

Though a U.S. citizen and war hero, Benedict Arnold had been born under allegiance to Britain, and his wife had strong allegiance to Britain. In light of the Founders’ painful experience during their recent War of Independence, the Treason section reinforces the principle that “natural born citizen” as qualification for Commander in Chief is to exclude citizens having any foreign allegiance. I.e., to select Presidents having only ever had sole allegiance with both biological parents and adoptive parents being U.S. citizens.

Since the attack on New York’s World Trade Center on “9/11”, the U.S. has been at “war on terrorism”. This enemy is not a nation state but radical Islamic religious factions bent on imposing their religious beliefs and law through force. Indonesia is the largest Islamic country.

Similarly, Petitioner submitted affidavits detailing how relatives of RPE Obama in Kenya have used violence to subjugate Christians, coerce elections, coerce the government into granting political power (establishing a Prime Minister without constitutional amendment.) Berg v. Obama in No. 08-570 documented how RPE Obama aided and abetted this coercive effort.

RPE Obama has failed to show that he is free of foreign influence as necessary for a Commander in Chief in time of war.

**6. Avoid dual nationality through a parent** Tories retaining allegiance to the British sovereign were a major part of the “enemy” during the US War of Independence. The Founders’ experience directs an explicit avoidance of citizens having near relatives with foreign allegiance as a threat of direct opposition or of becoming traitors. This infers that “natural born citizen” should be interpreted to mean that both parents of the Commander in Chief should be U.S. citizens. Thus adoptive parents should also be U.S. citizens.

Berg v Obama No. 08-570 documents that RPE Obama had Indonesian citizenship evidenced by school records and parents divorce decree. Petitioner submits that the core purpose of “natural born citizen” is that of allegiance to safeguard against tyranny. The issue is thus whether RPE Obama retained sole allegiance to the USA per requirements for a Commander in chief in time of war, rather than his personal civil rights of citizenship or if he lost his citizenship (cf Perkins v. Elg 307 U.S. 325).

**7. Avoid dual nationality through birth place** Foreign birth establishes foreign allegiance (dual citizenship). During World War II, Hitler recalled US citizens with dual nationality or German parentage. Pierce O’Donnell, *In Time of War: Hitler's Terrorist Attack on America*, 2005. Some were trained sent back to sabotage the US war effort. By the sovereignty of the U.S., Congress has the absolute power:

“to exclude aliens from the United States and to prescribe the terms and conditions on which they come in. . . . The United States, . . . are one nation, invested with powers which belong to independent nations, the exercise of which can be invoked for the maintenance of its absolute independence and security throughout its entire territory.” Chae Chan Ping v. United States 130 U.S. 581, 603, 604 (1889)

Making an Alien the Commander in Chief would incur the danger of the US losing “its absolute independence and security” by descent into tyranny. Pickney restricting the President from foreigners applies this power to exclude aliens and applies it to excluding any citizen with

foreign allegiance, by birth or adoption, from becoming Commander in Chief, lest they endanger the U.S.'s "absolute independence and security."

**J. Natural Born under Amendment 14 Citizenship rights** In " John A. Bingham, appointed Union Army Judge Advocate by Lincoln, crafted the 14<sup>th</sup> Amendment (final April 28, 1866.) Bingham himself affirmed the narrow interpretation of "natural born citizen" clause stating:

"[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.... ." Rep. John A. Bingham, re S 61 Bill, March 9, 1866.

He confirmed de G. J. Chin, reviews U.S. SC cases finding that in Insular Cases, "persons born in unincorporated territories are not Fourteenth Amendment citizens." *Why Senator John McCain Cannot Be President* Mich. Law. Rev. 1<sup>st</sup> Impressions, Vol. 107, No. 1, 2008,

S.H. Duggin & M. B. Collins (Feb. 2005) provide a detailed review, arguing that "natural born citizen" is unfair. '*Natural Born' in the USA*' Boston Univ. Law Rev. However, they omitted the key contemporary definition of Petitioner submits that the Constitution places the burden of proof to qualify on the President elect. All officers sworn to uphold the Constitution, including election officers in Congress, the Electoral College and all States, have the duty to challenge and test those qualifications, and to declare that the President elect (or candidate) has qualified, or has failed to qualify.

The Petitioner and public record indicate explicit active refusal by the RPE Obama to submit any government certified witnessed proofs that he qualifies for President.

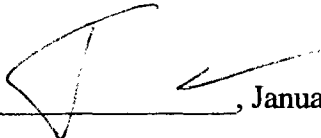
The restrictive qualification "natural born citizen" is essential to preserving the Constitution and the Republic from descending into tyranny. It should be guided by the underlying



constitutional principle of enforcing sole allegiance to the United States and to exclude all candidates with any foreign allegiance through the allegiance of either birth parent or by any adoptive parent, or by the President elect's own actions.

Petitioner humbly submits that this Court should therefore affirm the Petitioner's Motion and find that the Respondent, President Elect Barack Hussein Obama II has failed in his constitutional burden of proof to qualify for President.

"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."

  
\_\_\_\_\_, January 15, 2009

Orly Taitz, ESQ

**No. 08A524**

**In The  
Supreme Court of the United States**

GAIL LIGHTFOOT, NEIL B. TURNER, KATHLEEN FLANAGAN,  
JAMES M. OBERSCHAIN, CAMDEN W. MCCONNELL,  
PAMELA BARNETT, & EVELYN BRADLEY

*Petitioners;*

v.

DEBRA BOWEN, Secretary of State of California

*Respondent.*

**APPENDIX  
On Petition For A Write Of Certiorari  
Before Judgement To The  
Supreme Court of California  
Case Nos.:(S168690)**

**MOTION TO DECLARE THE PRESIDENT ELECT RESPONDENT  
BARACK OBAMA HAS FAILED TO QUALIFY BY DEFAULT  
UNDER US CONSTITUTION ARTICLE II §1, &  
AMENDMENT 20, PER RULE 21 (2)(B) & (4)**

Attorney of Record  
Dr. Orly Taitz, ESQ

26302 La Paz  
Mission Viejo CA 92691  
949-683-5411

January 15, 2009

**V. APPENDIX**

**A. Petition for redress of President elect's failure to qualify** David L. Hagen submitted to Congress the following Petition for redress of grievances that Barack Obama II failed to qualify to become President.

**“Re: Petition for Point of order: Barack H. Obama II is not qualified to become president.**

**Grievance:** Barry Soetoro/a.k.a. Barack Hussein Obama II is not qualified to become president, having had primary allegiances to other nations, and not providing unambiguous evidence he is a “natural born Citizen” without other allegiance, to satisfy the Constitution Article 2 Sect. 1.

**Prayer:** By your oath to uphold the Constitution, your privilege to raise a Point of Order, by the 10<sup>th</sup> Amendment powers retained by We the People, and by the right of petition for redress of grievances, I pray that you cosign/raise an Objection/Point of Order in Congress on January 8<sup>th</sup> 2009, with a member of the other House, on the reading of each State’s electoral certificates/of the total vote for Barack Hussein Obama II, per 3 U.S.C. Ch. 1, §15, §17, §19(a) (1), and §19 ©) (1), namely:

**“We/I Object/raise a Point of Order that Mr. Barack Hussein Obama II, is not qualified to become president** per the Constitution Article Two, §1, having “Foreign Allegiances” by birth and adoption, by renouncing US citizenship, and by failing to provide unambiguous evidence that he is “a natural born Citizen” without other allegiance, election of a President who does qualify having precedence over other business of this House per Amend. 20 §3 and 3 U.S.C. 1. In particular:

1 Mr. Obama having had conflicting “Foreign Allegiance”(s) cannot become Commander in Chief having sole allegiance to the USA, and thus cannot qualify as “a natural born Citizen”.

1.1 Barry Soetoro, a.k.a. Barak Obama, has first allegiance to Indonesia, having Indonesian citizenship with renunciation of US citizenship, by adoption/legal acknowledgment by Lolo Soetoro Mangunharjo, a citizen of Indonesia, per Constitution of Indonesia, Law No. 62 of 1958, Art. 2 (1), as required to enroll in Indonesian schools, per school records and travel to Pakistan in 1981; and

1.2 Mr. Obama had first allegiance to the British Crown and to Kenya, being born a citizen of Kenya through his Kenyan birth father Barack Obama, Sr., per Chapter VI. Sections 87 and 97 of the Constitution of Kenya; and being a bipatriote under the Historians and experts estimate that about 100-176 million were executed or starved by dictators and tyrants - in the 20<sup>th</sup> century. E.g., typical ranges from Hagen & Irish (2000):

<b>Murder by Government</b>	
<b>Tyrant</b>	<b>Civilians killed</b>
Mao Tse-tung, China	50-70 million
Stalin, USSR	20-40 million
Hitler, Europe	10-20 million
Lenin, USSR	4 million
Talaat Pasha, Turkey	2 million
Sudan Arab vs Nebo	2 million
Franco, Spain	2 million
Pol Pot, Cambodia	1.7 million
Kim Il-sung, N. Korea	1 million?
Mengistu, Ethiopia	1 million
Sukarno, Indonesia	0.6-1 million
Rawanda Hutu v. Tutsi	800,000
Tito, Yugoslavia	500,000
Ho Chi Minh, Vietnam	200,000
Milosovic, Yugoslavia	200,000
Nehru-Gandhi, India	200,000

The greatest danger to the People and the USA is not external but INTERNAL. Dictators have killed about three times the 38 million killed in all 20<sup>th</sup> Century wars.

### **Republics and Democracies succumbing to Tyrants**

At least thirty three Democracies succumbed to tyrants in the 20<sup>th</sup> Century when they failed to uphold Oaths and constitutions. Taken from Hagen & Irish (2000):

Argentina: Juan Peron; Cambodia: Pol Pot & Khmer Rouge; USSR - Ukraine: Stalin; USSR - Russia: Stalin; China: Mao Tse-Tung & China's "Great Leap Forward"; Central African Republic: Jena-Bédal Bokassa; Cote D'Ivoire: Felix Houphouet-Boigny; Dominican Republic: Diederich B ernard Trujillo; Germany: Adolf Hitler, GDR; Ghana: Kwame Nkrumah; Haiti: Dr. François Duvalier; Indonesia: Sukarno, Suharto; Iran: Shah Pahlavi, Khomeini; Iraq: Sadam Hussein; Italy: Benito Mussolini; Malawi: Dr. Hastings Kamuzu Banda; Malaysia: Dr. Mahathir Mohammad; North Korea: Kim Il-Song; Panama: General Noriega; Philippines: President Ferdinand Marcos; Romania: Ion Antonescu, Gheorghiu-Dej, Nicolae Ceausescu; Rome: Julius Caesar, Nero, Domitian; Senegal: Leopold Sedar Senghor; Spain: Prima De Rivera, General Francisco Franco; Sudan: Arab-Islamist military; Tanzania: Mwalimu Julius Nyerere; Turkey: Prime Minister Talaat Pasha (Ottomon Empire); Turkmenistan: Saparmurat Nyazov; Uganda: Idi Amin; Uruguay: Gregorio Alvarez; Zaire: Mobutu Sese Seko; Zimbabwe: Robert Mugabe.

### **F. The Rule of Law, collective 'unalienable rights' and 'ancient liberties'**

The Declaration and Resolves, Continental Congress, Tansill 1--5 #2 (14 Oct. 1774)

preserved 'immutable laws of nature, the principles of the English constitution and the several Charters.' These included 'rights, liberties, and immunities' and 'common law' via their ancestors. Those Codes, Charters, Acts and 'unalienable rights' acknowledged God and were secured by swearing before God.

When King and Parliament breached their unalienable rights, the Colonies interposed, establishing the U.S.A. by the DECLARATION to restore the Rule of Law:

The Rule of "[Law] depends not upon the arbitrary will of any judge; but is permanent, fixed, and unchangeable, unless by authority of parliament." 1 Blackstone *Commentaries on the Laws of England* (1765) Ch. 1 § 3 (p 138, 1765).

'to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.' Declaration para. 2.

People codified and ratified Constitutions to secure these principles.

"In the government . . . the executive shall never exercise the legislative and judicial powers, . . . the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men." MASSACHUSETTS CONSTITUTION § XXX (1780).

#### **Quotations on the Rule of Law and Ancient liberties:**

"[T]he charter; . . . the divine law, the Word of God; . . . in America the law is king. For as in absolute governments the king is law, so in free countries the law ought to be King; and there ought to be no other."

Thomas Paine, *Common Sense* (1776)

'Freedom of men under government is to have a standing rule to live by, common to every one of that society.' John Locke 2<sup>nd</sup> Treatise of Civil Govt. ch. 4 § 22 (1690)

Whether the supreme law . . . be above the king. . . . People may resume their power. Samuel Rutherford *Lex Rex* Ques. IX, XXV (1644).

'Leave all causes to be measured by the golden and straight mete-wand of the law, and not to the incertain and crooked cord of discretion.' Sir Edward Coke 4 *Inst.* 41 (1628).

The Rule of Law was embodied in the Bible's MOSAIC CODE with public consent. Exodus

20:2-17, Deut. 4:13. The COMMON LAW 'Dooms' (Code) of Alfred (880) began with the

*Decalogue* and *Golden Rule* verbatim. Lee (1997). '[H]aving regard to God,' Archbishop

Stephen Langton and the barons interposed, bringing King John, the Chief Justice and all

civil powers back under the Rule of Law by the MAGNA CARTA, 17 John (1215)

(restoring the CHARTER OF LIBERTIES, 1 Henry, 1100), securing it by redress petition.

Parliament interposed, binding the King by the *Bill of Rights*, 1 W. & M., 2d sess., c. 2

(1689), codifying *Trial of the Seven Bishops* (1688), to preserve redress petition,

interposition, and alternatives for conscience sake.

**G. Oaths Secure the CONSTITUTION & and Rule of Law**The People secured the CONSTITUTION and Justice on Theism, mandating swearing before God of everyone exercising governmental authority or testifying in court. U.S. CONST., art. VI ¶ 3, amendments I, IX, X and XIV.

To obey Jesus' commands some people refuse to swear: "But I tell you, Do not swear at all: . . . but let your 'Yes' be 'Yes' and your 'No', 'No'; . . ." Matt. 5:33-37 NIV. For conscience' sake, the CONST. Art. VI, ¶ 3 provides the alternative of 'Affirmation' to 'Oath.' This embodies the First Principle:

***Provide alternatives for the sake of conscience***, whenever government touches religion, especially involving deeply held sectarian religious practices, like swearing before God. SC

Justice James Iredell defined the Oath as:

"a solemn appeal to the Supreme Being for the truth of what is said by a person who believes in the existence of a Supreme Being and in the state of rewards and punishments according to that form which would bind his conscience most,"

4 Elliott's *Debates* p. 196 (30 July 1788).

He described other forms of oaths for other religions. 28 U.S.C. § 453, requires each Judge or Justice to "solemnly swear (or affirm) [to] administer justice." Alternatives to militia duty and union fees are provided for conscientious objectors and those with religious convictions. 10 U.S.C. 312b; 29 U.S.C. 169.

The DECLARATION para. 32 U.S. CONST., art. VI, ¶ 3. U.S. CONST., art. I, § 3, ¶ 6.; 5 U.S.C. 3331 Oath of Office. Story, Joseph *Commentaries on the Constitution of the United States*. Boston: Little, Brown and Company. 2 Vols. xxxiii, 735, 702pp. (Reprint ed. Lawbook Exchange, Ltd. 2001 ISBN 1-58477-193-3) (1858). Washington, George *Farewell Address* (Sept. 17, 1796). (1787)

U.S. CONST., art. I, § 3, para. 6. **U.S. CONST., art. II, § 1, para. 8. U.S. CONST., art. VI, ¶ 2, 3**  
This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United



States, *shall be the supreme Law of the Land*; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, *shall be bound by Oath or Affirmation*, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

**U.S. CONST., amend. I**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; *or the right* of the people peaceably to assemble, and *to petition the Government for a redress of grievances*. (Emphasis added.)

**U.S. CONST., amend. IX**

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

**U.S. CONST., amend. X**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

**U.S. CONST., amend. XIV § 1**

*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*. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**U.S. CONST., amend. XX §3**

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or *if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified*; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

No. 08A524

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In The Supreme Court of the United States

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Gail Lightfoot et al.

Petitioners,

vs.

Debra Bowen, Secretary of State of California

Respondent.

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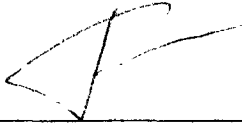
**CERTIFICATE OF SERVICE**

---

I, Orly Taitz hereby certify that Petitioner's  
**MOTION TO DECLARE THE PRESIDENT ELECT RESPONDENT  
BARACK OBAMA HAS FAILED TO QUALIFY BY DEFAULT  
UNDER US CONSTITUTION ARTICLE II §1, &  
AMENDMENT 20, PER RULE 21 (2)(B) & (4)**  
was served upon the following Parties via First Class Mail, postage fully prepaid,  
this 15<sup>th</sup> day of January 2009

**DEBRA BOWEN,**  
California Secretary of State  
1500 11th Street  
Sacramento, California 95814  
(916) 653-6814

Gregory G. Garre  
Solicitor General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001  
(202)514-2203



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Attorney of Record  
Dr. Orly Taitz, ESQ  
26302 La Paz  
Mission Viejo CA 92691  
949-683-5411



No. . 08A524

In The

## Supreme Court of the United States

Gail Lightfoot, Neil B. Turner, Kathleen Flanagan, James M. Oberschain, Camden W. McConnell,  
Pamela Barnett, Evelyn Bradley, Petitioners

v.

Debra Bowen, Secretary Of The State Of California, Respondent

Orly Taitz  
Attorney for Petitioners  
26302 La Paz  
Mission Viejo CA 92691  
949-683-5411

### **SUPPLEMENT TO APPLICATION FOR EMERGENCY STAY AND/OR INJUNCTION AS TO THE 2008 ELECTORAL COLLEGE MEETING AND ALTERNATIVELY AS TO CALIFORNIA ELECTORS**

Petitioners, by and through their undersigned counsel of record, submit this supplement to their Application for Emergency Stay filed with this Court on or about December 12, 2008, and state:


1. The Petitioners present to this court late authority, and intervening matters which were not available to be included in their original Application.
2. On January 16, 2009, then President George W. Bush issued an Executive Order, which Petitioners maintain has applicability to the outcome of this

cause.

3. Attached hereto and incorporated by reference for its arguments and statement of authority, is Complaint filed January 20, 2009 on the authority of such Executive Order.
4. Exhibit A to the Complaint attached is the full text of the Executive Order which Petitioners, in good faith, believe has applicability to this case.

Dated this 21<sup>st</sup> day of January, 2009.

“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.”



---

Dr. Orly Taitz ESQ  
Attorney for Petitioners  
26302 La Paz  
Mission Viejo CA 92691  
949-683-5411

**APPENDIX**

UNITED STATES DISTRICT COURT  
for the CENTRAL DISTRICT OF CALIFORNIA  
Santa Ana Division

Alan Keyes, PhD., Wiley S. Drake, and )  
Markham Robinson, )

Plaintiffs )

v. )

Civil Action No. )

Barack H. Obama, Barack Hussein Obama, II, )  
a/k/a Barack H. Obama, II a/k/a Barry Obama, )  
a/k/a Barry Soetoro; Condoleeza Rice, in her )  
capacity as Secretary of State; Robert Mueller, )  
in his capacity as Director of the Federal )  
Bureau of Investigation; and Michael W. )  
Hager, in his capacity as Acting Director, )  
Office of Personnel Management; *2 Doer* )  
*1-10* )

Defendants. )

**COMPLAINT FOR DECLARATORY ACTION, INJUNCTION, AND COMMON  
LAW WRIT OF ALTERNATIVE MANDAMUS**

Plaintiffs, Alan Keyes, PhD., a resident of the State of Maryland, and Wiley S. Drake, and Markham Robinson, each a resident of the State of California, sue Defendants, Barack H. Obama, Barack Hussein Obama, II, a/k/a Barack H. Obama, II, a/k/a Barry Soetoro, a/k/a Barry Obama; Condoleeza Rice, in her capacity as Secretary of State; Robert Mueller, in his capacity as Director of the Federal Bureau of Investigation; and Michael W. Hager, in his capacity as Acting Director, Office of Personnel Management; and allege:

**I. Parties**

1. Alan Keyes, PhD., Plaintiff herein, is the Presidential candidate of the American Independent Party, in the 2008 election, on the California State Ballot.

2. Dr. Wiley S. Drake, Sr., Plaintiff herein, is the Vice Presidential candidate

of the American Independent Party in the 2008 election, on the California State Ballot.

3. Markham Robinson, Plaintiff herein, is a Certified California Elector of the American Independent Party, Vice Chairman of the America's Independent Party, and Chairman of the American Independent Party.

4. Defendant Barack H. Obama, II, a/k/a Barack Hussein Obama, II, a/k/a Barry Soetoro, a/k/a Barry Obama, (hereafter 'Obama') appeared on the California ballot as a presidential candidate in the presidential election of November, 2008.

5. Defendant Condoleeza Rice is the appointed and acting Secretary of State of the United States, and as such is charged with and has the care, custody and control of passports and passport records for the United States of America, and is charged with enforcement of immigration. 8 USC 1104 provides in part:

“Sec. 1104. Powers and duties of Secretary of State

(a) Powers and duties

The Secretary of State shall be charged with the administration and the enforcement of the provisions of this chapter and all other immigration and nationality laws relating to (1) the powers, duties, and functions of diplomatic and consular officers of the United States, except those powers, duties, and functions conferred upon the consular officers relating to the granting or refusal of visas; (2) the powers, duties, and functions of the Administrator; and (3) the determination of nationality of a person not in the United States. He shall establish such regulations; prescribe such forms of reports, entries and other papers; issue such instructions; and perform such other acts as he deems necessary for carrying out such provisions. He is authorized to confer or impose upon any employee of the United States, with the consent of the head of the department or independent establishment under whose jurisdiction the employee is serving, any of the powers, functions, or duties conferred or imposed by this chapter or regulations issued thereunder upon officers or employees of the Department of State or of the American Foreign Service.



(b) Designation and duties of Administrator

The Secretary of State shall designate an Administrator who shall be a citizen of the United States, qualified by experience. The Administrator shall maintain close liaison with the appropriate committees of Congress in order that they may be advised regarding the administration of this chapter by consular officers. The Administrator shall be charged with any and all responsibility and authority in the administration of this chapter which are conferred on the Secretary of State as may be delegated to the Administrator by the Secretary of State or which may be prescribed by the Secretary of State, and shall perform such other duties as the Secretary of State may prescribe.

(c) Passport Office, Visa Office, and other offices; directors

Within the Department of State there shall be a Passport Office, a Visa Office, and such other offices as the Secretary of State may deem to be appropriate, each office to be headed by a director. The Directors of the Passport Office and the Visa Office shall be experienced in the administration of the nationality and immigration laws.”

6. Defendant Robert Mueller is the appointed and acting Director of the Federal Bureau of Investigation is charged with law enforcement and investigations, among other things, in the areas of elections, governmental corruption, and terrorist acts against the United States of America, and has broad investigative powers in order to perform its duties. 28 USC 535 provides:

“Sec. 535. Investigation of crimes involving Government officers and employees; limitations

“(a) The Attorney General and the Federal Bureau of Investigation may investigate any violation of Federal criminal law involving Government officers and employees--

- (1) notwithstanding any other provision of law; and
- (2) without limiting the authority to investigate any matter which is conferred on them or on a department or agency of the Government.

“(b) Any information, allegation, matter, or complaint witnessed,

discovered, or received in a department or agency of the executive branch of the Government relating to violations of Federal criminal law involving Government officers and employees shall be expeditiously reported to the Attorney General by the head of the department or agency, or the witness, discoverer, or recipient, as appropriate, unless--

(1) the responsibility to perform an investigation with respect thereto is specifically assigned otherwise by another provision of law; or

(2) as to any department or agency of the Government, the Attorney General directs otherwise with respect to a specified class of information, allegation, or complaint.

(c) This section does not limit--

(1) the authority of the military departments to investigate persons or offenses over which the armed forces have jurisdiction under the Uniform Code of Military Justice (chapter 47 of title 10); or

(2) the primary authority of the Postmaster General to investigate postal offenses.”

7. Defendant Michael W. Hager, in his capacity as Acting Director, Office of Personnel Management is charged with enforcement of the Executive Order referenced below.

## **II. Jurisdiction and Venue**

8. This court has subject matter jurisdiction over this claim pursuant to 28 U.S.C. §1331.

9. Venue is proper under 28 U.S.C. §1391 because a substantial part of the events or omissions giving rise to the claim occurred in the Central District of California.

## **III. Legal Basis**

10. January 16, 2009, President George W. Bush enacted an Executive Order providing for, in part, “Reinvestigating Individuals in Positions of Public Trust.” The Order in its entirety is attached hereto for reference as Exhibit “A.”

11. The Order provides in pertinent part that, "It is necessary to reinvestigate individuals in positions of public trust in order to ensure that they remain suitable for continued employment."

12. The Order further provides in pertinent part:

"Sec. 5. Reinvestigation of Individuals in Positions of Public Trust. Individuals in positions of public trust shall be subject to reinvestigation under standards (including but not limited to the frequency of such reinvestigation) as determined by the Director of the Office of Personnel Management, to ensure their suitability for continued employment.

"Sec. 6. Responsibilities. (a) An agency shall report to the Office of Personnel Management the nature and results of the background investigation and fitness determination (or later changes to that determination) made on an individual, to the extent consistent with law.

"(b) The Director of the Office of Personnel Management is delegated authority to implement this order, including the authority to issue regulations and guidance governing suitability, or guidance related to fitness, as the Director determines appropriate."

13. Article II, Section I of the United States Constitution, states, in pertinent part, as follows:

"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;"

14. Title 18 Section 1001, United States Code provides in part:

"Sec. 1001. Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully--

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in

section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.”

15. 3 United States Code (U.S.C.) Section 8 provides, “The electors shall vote for President and Vice President, respectively, in the manner directed by the Constitution.”

16. Constitution Article VI of the Constitution of the United States, at paragraph 2 establishes: “The Constitution . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby . . .”, preserving the inviolability of Constitution codified in Magna Carta (1215) Sect. 61. The Constitution grants all powers necessary to enforce its inviolability.

17. The right of petition for redress of grievances, securing the Constitution, guarantees each person standing to preserve the inviolability of the Constitution, as preserved in the U.S. Constitution Amendment I, in the Bill of Rights (1689), and as codified in Magna Carta (1215) Sect. 61.

#### **IV. FACTS**

18. Plaintiff Markham Robinson is a Certified California Elector of the American Independent Party, Vice Chairman of the America’s Independent Party, and Chairman of the American Independent Party, and has standing to maintain this action based upon the electoral statute quoted above, in that this federal statute confers upon each elector an affirmative duty to discover whether the candidate for President for which the elector is seeking election is a natural born citizen. Otherwise, the elector would not know if his vote was being cast in the “manner directed by the Constitution.”

19. Plaintiffs Alan Keyes, and Wiley S. Drake have standing to pursue this action as the Presidential and Vice Presidential candidates, respectively, of the American Independent Party, in the 2008 election, on the California State Ballot. Furthermore, each plaintiff has standing to uphold the inviolability of the Constitution.

20. Defendant Obama was been elected to the United States Office of the President, and confirmed by electors, without his citizenship being verified or proven.

21. To assume office, Obama must meet the qualifications specified for the Office of the President of the United States as set forth in the Constitution, which includes that he must be a "natural born" citizen, having sole allegiance to the United States as required to become Commander in Chief.

22. Documents, papers, statutes, and regulations in the public domain, visible to the public at large, as set forth and described herein, have cast doubt on the eligibility of Obama to serve as or be elected as or to qualify as a candidate for the office of President of the United States.

23. Defendant Obama has failed to demonstrate that he is a "natural born" citizen, and there is evidence leading a reasonable person to believe that it cannot be presumed that he is a natural born citizen, as shall be set forth hereafter.

24. There are other legal challenges before the Federal Courts regarding aspects of lost or dual citizenship concerning Obama. Those challenges, in and of themselves, demonstrate Plaintiffs' argument that reasonable doubt exists as to the eligibility of the Democratic Party's nominee for President.

25. The Defendants, and all of them, are charged with the care of records, or law enforcement as set forth above.

26. To date, Obama has both failed and refused to provide any documents to the Plaintiffs, the Secretary of State of California, or to the American people, for that matter, any documentation of his eligibility to serve as president of the United States, despite the many reasonable indications that he may lack such eligibility.

27. In his books, which are published and publicly available ('Dreams from My Father' and 'The Audacity of Hope') Obama has admitted that his father was a citizen of Kenya at the time of his birth. Obama thus had allegiance to Britain at birth.

28. In his books, Obama has admitted the age of his mother at the time of his birth to be 18.

29. In the event that Obama was not born in the United States, according to law at the time of his birth, he is not necessarily a citizen of the United States.

30. In his public comments in San Francisco to a group of voters in 2008, Obama stated that he had traveled to Pakistan in 1981.

31. In 1981 it was not legal for a United States citizen, presenting a United States passport to travel to Pakistan.

32. As a result of this admission, it is reasonable to believe that Obama presented a passport from another country, possibly Indonesia, and therefore, he is arguably not a United States citizen.

33. Plaintiffs reasonably believe that Obama traveled to Pakistan on an Indonesian passport as a result of his having been adopted by his step father, Lolo Soetoro, an Indonesian citizen, and taken the name of 'Barry Soetoro' in or around 1967.

34. Records show<sup>1</sup> that Lolo Soetoro registered one 'Barry Soetoro' in

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<sup>1</sup> In the divorce decree of Obama's parents, Lolo Soetoro was declared an Indonesian citizen, and his adoption of Obama was acknowledged by recognizing 1 child below age 18 and 1 child above

elementary school in Indonesia, declaring his citizenship to be “Indonesian” and religion to be “Muslim”, and Obama admits his sojourn there in his writings. See Exhibit ‘B’ attached.

35. No evidence of any legal name change from ‘Barry Soetoro’ to ‘Barack Obama’ can be located through ordinary public records searches, and so adequate records must be produced and examined to determine whether or not Obama has violated the 18 USC 1001 by providing a false name or an alias in his bid for President of the United States.

36. From 1945, Indonesia has not allowed dual citizenship and, therefore, Ms. Dunham-Obama-Soetoro, Obama’s mother, actively acquired Indonesian citizenship in behalf of her minor son, which would, in itself, give him divided loyalties, a foreign allegiance, and make him ineligible to become President of the United States.

37. Additionally, the United States did not allow dual citizenship with Indonesia at that time, as Indonesia did not allow dual citizenship, and it was prohibited by the Hague Convention of 1930, as interfering with the internal affairs of another sovereign country.

38. Consequently, upon return to the United States in and around 1971-1972, Obama would have been required to go through the then current immigration procedures to regain his U.S. citizenship. There is no record of him ever doing that. Even if he had done so, he would be considered a naturalized citizen, and not a natural born citizen.

39. A Hawaiian ‘Certification of Live Birth’ for one Barack Hussein Obama, II, has been posted on the Internet, in an attempt to quiet the concerns of the public, but

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18. See, Stanley Ann Soetoro v. Lolo Soetoro, 1st Circuit Court State Hawaii, Family Court FC.D.No.117619 Divorce Decree Dated Aug. 28, 1980.

h. The United States Department of State requires a long form birth certificate as primary evidence of citizenship for issuance of a passport, among other documents which could be presented, none of which is a short form birth certificate form of identification.

See [http://travel.state.gov/passport/get/first/first\\_830.html#DS11Instruc](http://travel.state.gov/passport/get/first/first_830.html#DS11Instruc).<sup>3</sup>

40. Plaintiffs have been put on notice that there is further evidence available, of which this court could take judicial notice, that places the citizenship and eligibility of Obama in serious question, the facts for such evidence being as follows:

a. On August 21, 2008, Mr. Phillip J. Berg, former Deputy Attorney General of the State of Pennsylvania, filed a legal action against Mr. Obama and the Democratic National Committee.

b. With his action, and in the subsequent appeal to the Supreme Court of the United States, Mr. Berg provided documents to the effect that Mr. Obama was born in what is now Kenya (the British East African Protectorate of Zanzibar at the time) and that his paternal grandmother was present at his birth. Mr. Obama claims that he was born in Hawaii.

c. According to statements made by his half-sister, Maya Soetoro Ng, he was born in Kapiolani Hospital in Hawaii.

d. According to his biography posted on Wikipedia, Senator Obama was born in Queens Hospital in Hawaii.

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green. This is a more complete record of your birth than the *Certification* of Live Birth (a computer-generated printout). Submitting the original *Certificate* of Live Birth will save you time and money since the computer-generated *Certification* requires additional verification by DHHL.” [Emphasis in original]

<sup>3</sup> “A **certified birth certificate** has a registrar’s raised, embossed, impressed or multicolored seal, registrar’s signature, and the date the certificate was filed with the registrar’s office, which must be within 1 year of your birth. Please note, some short (abstract) versions of birth certificates may **not** be acceptable for passport purposes.” [Emphasis in original]



e. In the context of this and other cases filed, Mr. Obama has refused to provide his original birth certificate, even though, in his book, *Dreams from My Father*, page 26, he states, "... I found the article folded between my birth certificate and old immunization records..." which shows that he clearly has his birth certificate, or that he lied in his book.

d. Particularly telling is the fact that not one single person has come forward, not a doctor, not a nurse, not a hospital administrator, nor anyone else, to state that he or she was present during this birth, except for Obama's paternal grandmother, who affirmed that she "was present when he was born in Kenya."

e. Additionally, when Mr. Berg served subpoenas on the hospitals mentioned above, Obama refused to sign a consent form that would allow the hospitals to release any of his information.

f. Instead, Obama has hired three law firms to defend himself, and has challenged the action by Mr. Berg on a technicality, claiming that an ordinary citizen does not have standing to bring the suit.

#### **IV. RELIEF SOUGHT**

41. Based upon the above, and in light of the fact that the President of the United States is its chief law enforcement officer, Defendant Obama has the legal, ethical and Constitutional duty to produce records sufficient to demonstrate he is Constitutionally eligible to hold the office of and act as President of the United States.

42. In the absence of such proof, the electoral college having elected Defendant Obama to President elect, the President elect, must be determined to have failed to qualify a valid President, whereby the Vice President becomes the Acting

President under U.S. Constitution Amendment 20.

43. Plaintiffs seek the affirmative act of production of documents as against Defendant Obama, to verify that he constitutionally qualifies for the office of President of the United States, and in failure thereof, a direct mandate to the public officials herein named to demand the production of such records from the public and private officials who maintain them; and such other relief as this Court may deem proper.

44. It is the duty of the Defendants Rice and Mueller to use the assets of the people of the United States placed in their control as public guardians to produce or compel production by the holders of such documents, the following:

a. Original long form (“vault”) Birth Certificate, or, *Certificate* of Live Birth for Barack Hussein Obama, II, a/k/a Barack H. Obama, a.k.a Barry Soetoro, and each and every birth Certificate and subsequent version or any birth Certificate for that person so known at this time, regardless of the name shown thereon or given at birth; and

b. Any and all emigration and immigration documents, reaffirmation of allegiance to the United States, naturalization, port of entry documents regarding the travels to and from the United States showing the citizenship status and visa status of Barack Hussein Obama, II, Barack H. Obama, or Barry Soetoro, on his own behalf or as a minor child of one or both parents, Stanley Ann Dunham, a/k/a Stanley Ann Soetoro, Stanley Ann D. Soetoro, S. Ann Dunham Soetoro, and/or Lolo Soetoro, or any permutation on those names; and

c. Any and all passport applications, whether United State or otherwise, and/or college records and/or transcripts that would show the application for admission, the application for financial aid, and the citizenship of one Barack Hussein Obama, II,

a/k/a Barack H. Obama, a/k/a Barry Obama, and/or Barry Soetoro, or any permutation on those names; and

d. Any other such documentation which will cast light upon the truth of the matter.

45. It is the duty of Defendant Hager to comply with the Executive Order cited above.

46. Failing to officially and publicly validate the status of the citizenship claims of Obama will jeopardize the security of the United States, will perpetuate an unconstitutional election to stand in the place of a possibly legal election, cast a pall of doubt on the election process and taint the election results themselves.

47. Plaintiffs Keyes and Drake have been irreparably harmed by being unable to compete in a fair and unbiased election.

48. Plaintiff Robinson has been harmed in that he was not be able to perform his duties as an Elector in voting for the candidate that is eligible to become the President of the United States under the law.

49. Plaintiff Keyes has additionally suffered substantial harm due to the following circumstances:

a. In 2006 Plaintiff Keyes was a runner-up in a US senate race from the state of Illinois to Defendant Obama.

b. If indeed Obama is not a citizen of the United States, then a) he is not a legal naturalized citizen and b) cannot be a United States senator.

c. In this case Plaintiff Keyes would be sworn as a United States senator as a runner up in the prior election. This logically means that Plaintiff Keyes will suffer

immediate specific damage without this question being resolved.

**First Cause of Action – Declaratory Relief**

50. Plaintiffs reallege paragraphs 1 through 45 and pray this Court will declare whether under Article II, Section 1, and Amendment 20 Section 3 of the U.S. Constitution, Defendant Barack H. Obama is a natural born citizen and that Plaintiffs' attorneys are entitled to a reasonable fee; and

51. Grant a judgment including costs of this proceeding and fees as are applicable by law; and such further relief as the Court deems just and proper.

**Second Cause of Action - Injunction**

52. Plaintiffs reallege paragraphs 1 through 49 and pray this Court will determine that the inauguration set for January 20, 2009 should be stayed pending the outcome of this, and similar litigation, determining that the Plaintiff has a substantial likelihood of success on the merits, that under Article II, Section 1 and Amendment 20 Section 3 of the U.S. Constitution, Defendant Barack H. Obama is not a natural born citizen and has not qualified, and that Plaintiffs' attorneys are entitled to a reasonable fee; and

53. Grant a judgment including costs of this proceeding and fees as are applicable by law; and such further relief as the Court deems just and proper.

**Third Cause of Action – Common Law Writ of Mandamus**

54. Plaintiffs reallege paragraphs 1 through 49 and pray this Court will find grounds to issue a common law alternative writ of mandamus and thereby direct Defendants Rice, Hager, and Mueller to produce, or compel production of the documents as set forth in paragraph 44 hereof; and

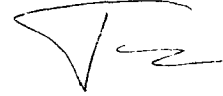
55. Determine that Plaintiffs' attorneys are entitled to a reasonable fee; and

56. Grant a judgment including costs of this proceeding and fees as are applicable by law; and such further relief as the Court deems just and proper.

Respectfully submitted on January 20, 2009.

01/19/09

Date:



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26302 La Paz  
Mission Viejo Ca 92691  
Telephone: (949) 683-5411  
Facsimile: (949) 586-2082

Attorney for Plaintiff



## THE WHITE HOUSE

For Immediate Release  
January 16, 2009

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 1104(a)(1), 3301, and 7301 of title 5, United States Code, and in order to simplify and streamline the system of Federal Government personnel investigative and adjudicative processes to make them more efficient and effective, it is hereby ordered as follows:

**Section 1. Policy.** (a) When agencies determine the fitness of individuals to perform work as employees in the excepted service or as contractor employees, prior favorable fitness or suitability determinations should be granted reciprocal recognition, to the extent practicable.

(b) It is necessary to reinvestigate individuals in positions of public trust in order to ensure that they remain suitable for continued employment.

**Sec. 2. Definitions.** For the purposes of this order:

(a) "Agency" means an executive agency as defined in section 105 of title 5, United States Code, but does not include the Government Accountability Office.

(b) "Contractor employee" means an individual who performs work for or on behalf of any agency under a contract and who, in order to perform the work specified under the contract, will require access to space, information, information technology systems, staff, or other assets of the Federal Government. Such contracts, include, but are not limited to:

(i) personal services contracts;

(ii) contracts between any non-Federal entity and any agency; and

(iii) sub-contracts between any non-Federal entity and another non-Federal entity to perform work related to the primary contract with the agency.

(c) "Excepted service" has the meaning provided in section 2103 of title 5, United States Code, but does not include those positions in any element of the intelligence community as defined in the National Security Act of 1947, as amended, to the extent they are not otherwise subject to Office of Personnel Management appointing authorities.

(d) "Fitness" is the level of character and conduct determined necessary for an individual to perform work for or on behalf of a Federal agency as an employee in the excepted service (other

than a position subject to suitability) or as a contractor employee.

(e) "Fitness determination" means a decision by an agency that an individual has or does not have the required level of character and conduct necessary to perform work for or on behalf of a Federal agency as an employee in the excepted service (other than a position subject to suitability) or as a contractor employee. A favorable fitness determination is not a decision to appoint or contract with an individual.

(f) "Position of Public Trust" has the meaning provided in 5 CFR Part 731.

(g) "Suitability" has the meaning and coverage provided in 5 CFR Part 731.

Sec. 3. Agency Authority to Set Fitness Criteria and Determine Equivalency. The authority to establish criteria for making fitness determinations remains within the discretion of the agency head. Agency heads also have the discretion to determine whether their criteria are equivalent to suitability standards established by the Office of Personnel Management. Agency heads shall take into account Office of Personnel Management guidance when exercising this discretion.

Sec. 4. Reciprocal Recognition of Fitness and Suitability Determinations. (a) Except as provided by subsection (b) of this section, agencies making fitness determinations shall grant reciprocal recognition to a prior favorable fitness or suitability determination when:

(i) the gaining agency uses criteria for making fitness determinations equivalent to suitability standards established by the Office of Personnel Management;

(ii) the prior favorable fitness or suitability determination was based on criteria equivalent to suitability standards established by the Office of Personnel Management; and

(iii) the individual has had no break in employment since the favorable determination was made.

(b) Exceptions to Reciprocal Recognition. A gaining agency is not required to grant reciprocal recognition to a prior favorable fitness or suitability determination when:

(i) the new position requires a higher level of investigation than previously conducted for that individual;

(ii) an agency obtains new information that calls into question the individual's fitness based on character or conduct; or

(iii) the individual's investigative record shows conduct that is incompatible with the core duties of the new position.

Sec. 5. Reinvestigation of Individuals in Positions of Public Trust. Individuals in positions of public trust shall be subject to reinvestigation under standards (including but not limited to the frequency of such reinvestigation) as determined by the Director of the Office of Personnel Management, to ensure their suitability for continued employment.

Sec. 6. Responsibilities. (a) An agency shall report to the Office of Personnel Management the nature and results of the background investigation and fitness determination (or later changes to that determination) made on an individual, to the extent consistent with law.

(b) The Director of the Office of Personnel Management is delegated authority to implement this order, including the authority to issue regulations and guidance governing suitability, or guidance related to fitness, as the Director determines appropriate.

Sec. 7. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order shall not suspend, impede, or otherwise affect Executive Order 10450 of April 27, 1953, as amended, or Executive Order 13467 of June 30, 2008;

(d) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees or agents, or any other person.

Sec. 8. Effective Date and Applicability. This order is effective upon issuance and is applicable to individuals newly appointed to excepted service positions or hired as contractor employees beginning 90 days from the effective date of this order.

GEORGE W. BUSH

THE WHITE HOUSE,

January 16, 2009.

###



No. 000

1. Nama orang tua

[Redacted box containing handwritten name]

2. Tempat dan tanggal lahir

Surabaya 10/10/1948

3. Bangsa & tempat tinggal

Indonesia

a. Kewarganegaraan

b. Negeri asal

4. Agama

Islam

5. Alamat rumah

Perumahan Dalam 01001/R000

6. Di sekolah mana (Cepatlatas) dan kelas berapa

Tanzen Hamid, Jakarta Barat

7. a. Tanggal sekolah ini selesai

1-1-1988

b. Pekerjaan terakhir

T

8. a. Nama orang tua

Ayah  
Ibu

[Redacted box containing handwritten name]

b. Pekerjaan

Peg. Admin Geografi Dit. Top. O.D.

(nama dan gelar, tanggal lahir sudah tertera)

c. Alamat

Perumahan Dalam 01001/R000

9. a. Nama rumah

[Redacted box]

(nama dan gelar orang tua sudah tertera dan sudah tertera pada surat kelahiran)

b. Pekerjaan

c. Alamat

10. Mengetahui setelah ini

A. Dalam bentuk Kewarganegaraan

Tempat

[Handwritten signature]

# CIVIL LAW CASE PROFILE

## ATTORNEY/FIRM INFORMATION:

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

Attorney Name and State Bar Number: 223433

Firm Name: DR. ORLY TAITZ, ESQ

Firm Address: 26302 LA PAZ STE 211

City, State, Zip: MISSION VIEJO, CA 92691

TELEPHONE NO.:

FAX NO.: 949-586-2082

BAR NO.: 223433

E-MAIL ADDRESS: dr\_taitz@yahoo.com

ATTORNEY FOR (Name): Plaintiff

## COURT INFORMATION:

COUNTY OF: [Enter only the County Name, i.e., Los Angeles ]

NAME OF COURT: UNITED STATES DISTRICT COURT

STREET ADDRESS: 411 WEST FOURTH STREET

MAILING ADDRESS:

CITY AND ZIP CODE: SANTA ANA CA 92701

BRANCH NAME: CENTRAL DISTRICT OF CALIFORNIA

## CASE INFORMATION:

CITATION NO.:

CASE NO.:

Enter Plaintiff/Defendant names as they are to appear on all forms **other than Summons and Complaint**:

Plaintiff/Petitioner: ALAN KEYES, PHD; WILEY S. DRAKE; AND MARKHAM ROBINSON

Attorney for Petitioner: DR ORLY TAITZ, ESQ  
(Name & Address) 26302 LA PAZ STE 211  
MISSION VIEJO CA 92691

Telephone No. 949-683-5411 FAX #: 949-586-2082

Check this box if Plaintiff is an organization

Defendant/Respondent: BARACK HUSSEIN OBAMA, AKA BARRY OBAMA, AKA BARRY SOETORO; CONDOLEEZA RICE, IN HER CAPACITY AS SE

Attorney for Respondent:  
(Name & Address)

Telephone No. FAX #:

Check this box if Defendant is an organization

Short Title: KEYES, DRAKE, ROBINSON V OBAMA, RICE, MUELLER, HAGER

For Summons and Complaint, Enter Full Case Name:

Plaintiff(s): ALAN KEYES, WILEY S. DRAKE, MARKHAM ROBINSON

Defendant(s): BARACK HUSSEIN OBAMA, AKA BARRY OBAMA, AKA BARRY SOETORO; CONDOLEEZA RICE IN HER CAPACITY AS SECRETARY OF STATE; ROBERT MUELLER, IN HIS CAPACITY AS DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION; MICHAEL W. HAGER

Does 1 to 100

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ORLY TAITZ, ESQ SBN 223433 ORLY TAITZ ESQ 26302 LA PAZ, STE 211  MISSION VIEJO CA 92691 TELEPHONE NO. _____ FAX NO. (Optional) 949-586-2082 E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): DR TAITZ@YAHOO.COM	FOR COURT USE ONLY
MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: GAIL LIGHTFOOT, ET ALL  RESPONDENT/DEFENDANT: DEBRA BOWEN, CALIFORNIA SECRETARY OF STATE	
<b>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</b>	CASE NUMBER: <span style="font-size: 1.5em; font-family: cursive;">08A 524</span>

*(Do not use this Proof of Service to show service of a Summons and Complaint.)*

1. I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is: 26302 LA PAZ, STE 211  
MISSION VIEJO CA 92691
3. On (date): 012109 I mailed from (city and state): MISSION VIEJO the following documents (specify):  
Supplemental Brief  
Lightfoot v Bowen
  - The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).
4. I served the documents by enclosing them in an envelope and (check one):
  - a.  depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
  - b.  placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
  - a. Name of person served: DEBRA BOWEN
  - b. Address of person served: 1500 11STR SACRAMENTO, CA 95814

The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

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

Date: 01.2109

ORLY TAITZ  
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ORLY TAITZ, ESQ SBN 223433 ORLY TAITZ ESQ 26302 LA PAZ, STE 211  MISSION VIEJO CA 92691 TELEPHONE NO. _____ FAX NO. (Optional): 949-586-2082 E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): DR TAITZ@YAHOO.COM	FOR COURT USE ONLY
MAILING ADDRESS: <i>Supreme Court of the United States</i> CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: GAIL LIGHTFOOT, ET ALL  RESPONDENT/DEFENDANT: DEBRA BOWEN, CALIFORNIA SECRETARY OF STATE	
<b>PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL</b>	CASE NUMBER: <i>08A 524</i>

*(Do not use this Proof of Service to show service of a Summons and Complaint.)*

1. I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is: 26302 LA PAZ, STE 211  
MISSION VIEJO CA 92691
3. On (date): *01/21/09* I mailed from (city and state) MISSION VIEJO  
the following documents (specify): *Supplemental Brief  
Lightfoot v Bowen*
- The documents are listed in the Attachment to Proof of Service by First-Class Mail—Civil (Documents Served) (form POS-030(D)).
4. I served the documents by enclosing them in an envelope and (check one):
  - a.  depositing the sealed envelope with the United States Postal Service with the postage fully prepaid.
  - b.  placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
  - a. Name of person served: *Solicitor General*
  - b. Address of person served: \_\_\_\_\_

The name and address of each person to whom I mailed the documents is listed in the Attachment to Proof of Service by First-Class Mail—Civil (Persons Served) (POS-030(P)).

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

Date: *01/21/09*

ORLY TAITZ  
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

UNITED STATES DISTRICT COURT  
for the CENTRAL DISTRICT OF CALIFORNIA  
Santa Ana Division

FILED  
2009 JAN 20 PM 3:26  
CLERK OF DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA, CALIFORNIA

Alan Keyes, PhD., Wiley S. Drake, and )  
Markham Robinson, )

Plaintiffs )

v. )

Civil Action No.

Barack H. Obama, Barack Hussein Obama, II, )  
a/k/a Barack H. Obama, II a/k/a Barry Obama, )  
a/k/a Barry Soetoro; Condoleeza Rice, in her )  
capacity as Secretary of State; Robert Mueller, )  
in his capacity as Director of the Federal )  
Bureau of Investigation; and Michael W. )  
Hager, in his capacity as Acting Director )  
Office of Personnel Management; *1 Doc* )  
*1-10* )

**SACV09-00082 DOC (ANx)**

Defendants. )

**COMPLAINT FOR DECLARATORY ACTION, INJUNCTION, AND COMMON  
LAW WRIT OF ALTERNATIVE MANDAMUS**

Plaintiffs, Alan Keyes, PhD., a resident of the State of Maryland, and Wiley S. Drake, and Markham Robinson, each a resident of the State of California, sue Defendants, Barack H. Obama, Barack Hussein Obama, II, a/k/a Barack H. Obama, II, a/k/a Barry Soetoro, a/k/a Barry Obama; Condoleeza Rice, in her capacity as Secretary of State; Robert Mueller, in his capacity as Director of the Federal Bureau of Investigation; and Michael W. Hager, in his capacity as Acting Director, Office of Personnel Management; and allege:

**I. Parties**

1. Alan Keyes, PhD., Plaintiff herein, is the Presidential candidate of the American Independent Party, in the 2008 election, on the California State Ballot.
2. Dr. Wiley S. Drake, Sr., Plaintiff herein, is the Vice Presidential candidate





A Free Press  
For A Free People

## PETITION FOR PUBLIC RELEASE OF BARACK HUSSEIN OBAMA'S BIRTH CERTIFICATE

To: Electoral College, Congress of the United States, Federal Elections Commission, U.S. Supreme Court, President of the United States, other controlling legal authorities

**Whereas**, by requirement of the United States Constitution, Article 2, Section 1, no one can be sworn into office as president of the United States without being a natural born citizen;

**Whereas**, there is sufficient controversy within the citizenry of the United States as to whether presidential election winner Barack Obama was actually born in Hawaii as he claims;

**Whereas**, Barack Obama has refused repeated calls to release publicly his entire Hawaiian birth certificate, which would include the actual hospital that performed the delivery;

**Whereas**, lawsuits filed in several states seeking only proof of the basic minimal standard of eligibility have been rebuffed;

**Whereas**, Hawaii at the time of Obama's birth allowed births that took place in foreign countries to be registered in Hawaii;

**Whereas**, concerns that our government is not taking this constitutional question seriously will result in diminished confidence in our system of free and fair elections;

### S I G N T H E P E T I T I O N

**We, the undersigned, assert our rights as citizens of the United States** in demanding that the constitutional eligibility requirement be taken seriously and that any and all controlling legal authorities in this matter examine the complete birth certificate of Barack Obama, including the actual city and hospital of birth, and make that document available to the American people for inspection.

Name: First Name Last Name \*

Email: Email @ Address.com \*

Zipcode:



YES! Please keep me informed about the upcoming constitutional crisis over Barack Hussein Obama's eligibility for the presidency, as well as other breaking news and special offers from WND. [Privacy Policy](#)

Click to Sign Petition

Total Signatures: 326,841

\* required fields

What else can you do?

TELL A FRIEND  

Support this petition by **emailing it** to your friends or **bookmarking it** on your favorite social network.



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