UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, *EX RELATOR*,
MONTGOMERY BLAIR SIBLEY, AND
MONTGOMERY BLAIR SIBLEY, INDIVIDUALLY,
4000 MASSACHUSETTS AVE., N.W., #1518
WASHINGTON, D.C. 20016
202-478-0371,

PETITIONER/PLAINTIFF,

VS.

BARRACK HUSSEIN OBAMA, II,
1600 PENNSYLVANIA AVENUE,
WASHINGTON, D.C. 20500
202-456-1414,

AND

ERIC H. HOLDER, JR., U.S. ATTORNEY
GENERAL, DEPUTY MARSHAL JOHN DOE#1
AND DEPUTY MARSHAL JOHN DOE#2,
U.S. DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C., 20530
202-514-2000

AND

RONALD C. MACHEN JR.,
UNITED STATES ATTORNEY FOR THE DISTRICT
OF COLUMBIA
UNITED STATES ATTORNEY'S OFFICE
555 4TH STREET, NW
WASHINGTON, DC 20530
202-252-7566

RESPONDENTS/DEFENDANTS.
_____/

CASE NO.:

CERTIFIED PETITION FOR WRITS QUO WARRANTO AND MANDAMUS AND COMPLAINT FOR DAMAGES

JURY TRIAL REQUESTED

Petitioner/Plaintiff, Montgomery Blair Sibley ("Sibley"), pursuant to 28 U.S.C. §1746, states

that the matters stated herein are true under penalty of perjury and sues Respondents/Defendants Barrack Hussein Obama, II ("Obama"), Eric H. Holder, Jr. ("Holder"), U.S. Attorney General, the U.S. Department of Justice, Deputy Marshal John Doe#1, Deputy Marshal John Doe#2 and Ronald C. Machen Jr. ("Machen"), United States Attorney for the District of Columbia.

INTRODUCTION

1. By this lawsuit, Sibley seeks:

a. A Writ of Quo Warranto ousting Obama as President of the United States and/or preventing him from holding the franchise of being on the ballot for that office in 2012 insomuch as he is not a "natural born Citizen" of the United States as required by Article II, §1, of the U.S. Constitution.

b. Alternatively, if a Writ of Prohibition does not issue for the reason that the Court finds the condition precedent to this *Ex Relator* suit in D.C. Code, Division II, Title 16, Chapter 35 has not been met due to the failure of Holder and/or Machen to refuse to file such a petition, then a Writ of Mandamus to Holder and Machen to file or refuse to file such a suit.

c. Damages against the Defendant U.S. Department of Justice by its sub-agency the United States Marshals Service ("USMS") and Deputy Marshal John Doe#1 and Deputy Marshal John Doe#2 under *Bivens v. Six Unknown Names Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) and/or the Federal Tort Claims Act for the chilling of Sibley's right to access court, petition the government, First Amendment retaliation and excessive force.

JURISDICTION AND VENUE

2. Jurisdiction of this Court is invoked pursuant to: (i) 28 U.S.C. §1331, (ii) 28 U.S.C. §1343(a), (iii) 42 U.S.C. §1983 and (iv) D.C. Code, Division II, Title 16, Chapter 35.

3. Venue in this district is proper under 28 U.S.C. §1391(b)(2) as a substantial part of the events or omissions giving rise to the claims herein occurred in the District of Columbia.

MONTGOMERY BLAIR SIBLEY

4. Sibley, is a "natural born Citizen" of the United States as he was born in 1956 in Rochester, New York, the child of two United States citizens, Harper Sibley, Jr. and Beatrice Blair Sibley. As such, due to the nature of his citizenship and age, he is eligible pursuant to Article II, §1, of the U.S. Constitution to serve as President of the United States.

5. On November 11, 2012, Sibley formally announced his candidacy for the Office of President and qualified as a Write-In candidate by filing with the District of Columbia Board of Elections and Ethics his "Affirmation of Write-In Candidacy". A copy is attached hereto as Exhibit "A".

6. As evidenced in Sibley's "Voting Populations" chart attached hereto as Exhibit "B", by securing a bare majority of the votes cast in twenty-six (26) states and the District of Columbia for the 2012 Presidential Election, Sibley – even though receiving only thirteen percent (13%) of the potential popular vote – could secure the two hundred seventy (270) Electoral College votes necessary to be elected President as required by Twelfth and Twenty-Third Amendments to the Constitution

7. Hence, it cannot be gainsaid that it is mathematically possible for Sibley to be elected through write-in votes President of the United States. While this Court is doubtlessly paled by the implications that flow from this Petition for Writ of Quo Warranto reaching a jury, the impact and reach of the present day Internet and Mobile Information Technology platforms create a force multiplier effect which could benefit Sibley in his campaign which has known no like since

Leonidas of Sparta chose the ground at Thermopylae to make his stand. Given the mood of the country, the public's disenchantment with the Republican party candidates and the implication of this Petition on Obama's candidacy, it is impossible for this Court to determine whether or not the dramatically increased exposure Sibley will seek and receive through those mediums will increase his success in his campaign for President.

8. Moreover, by only capturing a small number of Electoral College votes, Sibley could cause the Presidential Election to fall to Congress, thus radically changing the course of the election.

9. On September 15, 2009, for the second time in the preceding two months, Sibley was stopped at the security checkpoint at the 3rd Street, N.W. entrance of the U.S. Courthouse at 333 Constitution Avenue, N.W., Washington, D.C. 20001, by Deputy U.S. Marshal John Doe#1immediately upon entering and before Sibley presented his identification. Deputy U.S. Marshal John Doe #1 informed Sibley that Sibley was on a "watch list" and was required to have a U.S. Marshal escort at all times in the building. Deputy U.S. Marshal John Doe #1 then immediately called another U.S. Marshal to escort Sibley to the U.S. District Court Clerk's office where Sibley had a matter to file. Sibley was then so escorted by Deputy U.S. Marshal John Doe #2 to and from the Clerk's office. Deputy U.S. Marshal John Doe#2 was armed during this escort. Thereafter Sibley left the building.

On December 13, 2010, Sibley filed an administrative claim against The United States Marshals Service with respect to the above referenced events with the Department of Justice under the Federal Tort Claims Act. On July 28, 2010, The United States Marshals Service denied Sibley's claim. A copy of that denial is attached hereto as Exhibit "C".

BARRACK HUSSEIN OBAMA, II

10. Obama's father was not a United States citizen when Obama was born. In his two books, *Dreams from My Father* (1995) and *The Audacity of Hope* (2006),Obama states that his father was Barack Hussein Obama and that he was a British subject at the time Obama was born.

11. Respondent Obama has publically released two "Certificates of Live Birth" from the State of Hawaii in an attempt to demonstrate that he was born in the United States. Expert document examiners have examined each of the COLBs and found significant indications of fraud raising the very real specter that Obama was not even born in the United States.

12. As to the Short Form Certificate of Live Birth, a copy of which is attached hereto as Exhibit "D", the following anomaly is present: The text in the image bear the signs of being graphically altered after the image had been created. Specifically, given that the text in the Short Form COLB is printed on a green background, there should be green dots, or pixels, visible in between the black letters that comprise the text. Yet there is a total absence of any green pixels. In their place, there are gray and white pixels. These pixel patterns are significant because they would never be found in a genuine document scan.

13. As to the Long Form Certificate of Live Birth, a copy of which is attached as Exhibit "E", the following anomalies are present:

a. The Hawaiian State seal on the COLB is the wrong size. (Vogt Analysis, Exhibit "F", page. 3, pages 11-13).

b. The hand-stamped State Seal on the two "certified" copies of the COLB are in exactly the same location, an improbable event. (Vogt Analysis, page 3).

c. The COLB has two different type of scans contained in it, binary and grayscale, an impossibility in one scanned object. (Vogt Analysis, page 5).

d. The parallax of the type reveals that there has been tampering. For example,

on the COLB: "the work *Name* drops down 2 pixels, but the typed hospital name, *Kapiolani*, does not drop down at all, and again the line just below drops down 2 pixels, but not the name *Kapiolani*." (Vogt Analysis, page 6).

e. There is white "haloing" around all the type on the form, an indication of tampering with the image. (Vogt Analysis, page 7).

f. The typewritten letters were "cut" and "pasted" into place. (Vogt Analysis, page 9).

g. The "Bates Stamped" sequential number is out of sequence. (Vogt Analysis, page 10).

h. There are two different colors in Box 20 and Box 22, an impossibility on an originally scanned document. (Vogt Analysis, page 10).

i. The Rubber Stamp contains an "X" rather than an "H" in the work "the" when other contemporaneous COLBs with the same stamp do not contain the "X". (Vogt Analysis, page 13).

j. There are nine "layers" to the Adobe Portable Document File COLB, an indication of a forgery. (Vogt Analysis, pages 16-17).

k. The typewritten letters change size and shape, an impossibility on 1961 typewriters. (Irey Analysis, Exhibit "G").

14. Upon information and belief, that being published media accounts, Obama has refused to allow the putative originals of the Short Form COLB or Long Form COLB to be examined by a qualified document examiner.

ERIC HOLDER, JR.

15. Eric Holder, Jr. is the Attorney General for the United States, being appointed to that position by Obama in 2009. The United States Marshals Service ("USMS") is a United States federal agency and a sub-agency of the United States Department of Justice. According to its website, USMS is the "enforcement arm of the federal courts." Its major operations include judicial security and it's headquarters are located in the Washington D.C. Deputy Marshal John Doe #1 and

Deputy Marshal John Doe #2 were, at all times relevant, employees of USMS and whose identities can be established after a reasonable opportunity for discovery.

RONALD MACHEN

16. Ronald C. Machen Jr. is the United States Attorney for the District of Columbia and was appointed to that position by Obama on December 24, 2009.

STANDING

17. In this Article III "case", Sibley initially maintains that he has standing to bring this suit based upon: "the right, possessed by every citizen, to require that the Government be administered according to law and that the public moneys be not Wasted." *Fairchild v. Hughes*, 258 U.S. 126, 130 (1922). Moreover, Sibley maintains that the Ninth and/or Tenth Amendments reserved to Sibley the time honored right to challenge the qualifications of any elected official, notwithstanding Congressional attempts – now resident in §3501 *et seq.*– to limit such right. As noted by the eminent jurist, Jack B. Weinstein:

> The doctrines of standing, political question, abstention, preemption, and the Eleventh Amendment are being increasingly utilized to expand limitations on the people's power to question government officials in court. . . . . Various privileges protecting officialdom from challenges to their illegal acts effectively prevent plaintiffs from coming into court. . . . In the past half century, however, the courts have increasingly taken it upon themselves to close their doors to parties and complaints that they consider unsuitable for judicial resolution. One of the chief ways of petitioning for redress is through cases brought in our courts. Principal among the tools we use in violation of the constitutional promise of the right to petition is the doctrine of standing.

The Role of Judges in a Government of, by, and for the People, 30 Cardozo L. Rev. 1 (2008). Notably, in the English common law – upon which our Ninth and Tenth Amendments rights are grounded – there is no "standing" requirements that mandate that a Sibley must show an actual or

threatened direct personal injury as a condition precedent to be heard in a court of law. "Prior to the Revolution, other writs as well as equity practices brought before the courts cases in which the plaintiff had no personal interest or 'injury-in-fact.' Under the English practice, 'standingless' suits against illegal governmental action could be brought via the prerogative writs of mandamus, prohibition, and certiorari issued by the King's Bench." Steven L. Winter, *The Metaphor of Standing and the Problem of Self-Governance*, 40 Stan. L. Rev. 1371, 1396-97 (1987).

In particular, the writ of *quo warranto*, brought to challenge the usurpation of a public franchise, was available to strangers unable to demonstrate personal injury. *See Rex v. Speyer*, L.R. 1 K.B. 595, 613 (1916)("[A] stranger to the suit can obtain prohibition ... and I see no reason why he should not in a proper case obtain an information of quo warranto."); Raoul Berger, *Standing to Sue in Public Actions: Is It a Constitutional Requirement?*, 78 Yale L.J. 816, 818 (1968)("At the adoption of the Constitution, in sum, the English practice in prohibition, certiorari, quo warranto, and informers' and relators' actions encouraged strangers to attack unauthorized action. So far as the requirement of standing is used to describe the constitutional limitation on the jurisdiction of [the Supreme] Court to "cases" and "controversies;" so far as "case" and "controversy" and "judicial power" presuppose a historic content; and so far as the index of that content is the business of the . . . courts of Westminster when the Constitution was framed, the argument for a constitutional bar to strangers as complainants against unconstitutional action seems to me without foundation.")

Accordingly, Sibley has the common law right to bring this petition for a writ of quo warranto.

18. In addition, Sibley has standing to bring this suit pursuant to D.C. Code, Division II, Title 16, §3503 as a "person interested" as a declared write-in candidate for the November 6, 2012,

election for the office of President of the United States.

As a preliminary mater, Sibley on November 26, 2011, requested Holder and Machen to institute *Quo Warranto* proceeding against Obama. See Exhibit "H" attached hereto. Notably, to date, Sibley has not received a response from Holder or Machen as requested in the November 26th letter, thus confirming their respective refusals to file such a suit. *Qui tacet consentire vidétur.*

As such, as an "interested person" Sibley, pursuant to §3503, is authorized to petition this Court for the issuance of a *quo warranto* writ. *See: Newman v. United States ex Rel. Frizzell*, 238 U.S. 537 (1915)("The interest which will justify such a proceeding by a private individual must be more than that of another taxpayer. It must be an interest in the office itself, and must be peculiar to the applicant.") Here, Sibley's interest is not that of any other citizen, but as another candidate for the office of President of the United States. As such, he is an "interested person" as thus has standing to bring this suit.

Accordingly, Sibley has both common law and statutory "standing" to initiate this suit.

"NATURAL BORN CITIZEN"

19. In order to be eligible to be President of the United States, Article II, §1, of the U.S. Constitution requires: "No person except a natural born Citizen . . ., shall be eligible to the Office of President." The phrase "natural born Citizen" is an 18th Century legal term of art with a definite meaning well known to the Framers of the Constitution. At the time of the adoption of the Constitution, that phrase was defined as: "The natives, or natural-born citizens, are those born in the country, of parents who are citizens." (The Law of Nations, Emerich de Vattel, 1758, Chapter 19, § 212). Notably, there are two requirements: born (i) in the country and (ii) of two parents, both of whom must be citizens.

On July 25, 1787, John Jay wrote to George Washington, the presiding officer of the Constitutional Convention, stating: "Permit me to hint, whether it would be wise and seasonable to provide a strong check to 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." (Farrand's Records, Volume 3, LXVIII. John Jay to George Washington). Subsequently, on August 22, 1787, it was proposed at the Constitutional Convention that the presidential qualifications were to be a "citizen of the United States." (Farrand's Records – Journal, Wednesday August 22, 1787). It was referred back to a Committee, and the qualification clause was changed to read "natural born citizen," and was so reported out of Committee on September 4, 1787, and thereafter adopted in the Constitution. (Farrand's Records, Journal, Tuesday September 4, 1787).

Significantly, Congress exercised its authority to expand the definition of "natural born Citizen" in the act of 1790, stating: "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: Provided, that the right of citizenship shall not descend to persons whose fathers have never been resident in the United States." 1 Stat. 104. Hence, clearly at the time of the founding of the Republic, the term "natural born Citizen" meant those "children born in a country of parents who were its citizens became themselves, upon their birth, citizens also. These were natives, or natural-born citizens, as distinguished from aliens or foreigners." *Minor v. Happersett*, Minor 88 U.S. 162, 168. (1874). Alternatively, until the act of 1790 was replaced by subsequent statutes regarding citizenship, if both parents were citizens, then the place of birth was immaterial and the resulting offspring was a "natural born Citizen". Notably, Congress has removed the legal-term-of-

art "natural born Citizen" from all citizenship statutes post-1790 and now only confers "citizenship". *See*: 8 U.S.C. §1401 "*Nationals and citizens of the United States at birth*: The following shall be nationals and citizens of the United States at birth . . . ".

Obama has repeatedly represented that he is the son of a non-citizen of the United States, Barack Hussein Obama, Sr., who was a citizen of the United Kingdom in 1961. Accordingly, upon the law and facts, Obama is not a "natural born Citizen" and thus "usurps, intrudes into, or unlawfully" holds – and seeks again to be elected to – the office of President of the United States.

Moreover, even allowing for a judicially-by-fiat-created definition of "natural born Citizen" to include one born within the United States to only one United States citizen parent, the significant questions concerning the location of the birth of Obama impugn that basis for Obama's potential eligibility to be President of the United States.

FIRST CLAIM
PETITION FOR COMMON LAW WRIT QUO WARRANTO
(*Respondent Obama*)

20. Sibley re-alleges paragraphs 1 through 19 and incorporates them herein by reference.

21. Upon the foregoing, Sibley, individually, tests Obama's right to (i) public office, to wit, the Presidency of the United States, and (ii) as the nominee of a legally qualified political party, to possess the franchise of appearing on the ballot for the 2012 Presidential election.

WHEREFORE, Sibley requests that this Court:

A. Assume jurisdiction of this petition;

B. Issue to Obama an order to show cause why he should not be ousted from the office of President of the United States and/or stripped of the franchise to appear on the ballot for that office in 2012;

C. Refer to a jury all issues of fact and law raised herein;

D. Retain jurisdiction of this matter to enforce its writ if necessary; and

E. Enter such other and further relief as the Court deems just and proper.

SECOND CLAIM
PETITION FOR §3503 WRIT QUO WARRANTO
(*Respondent Obama*)

22. Sibley re-alleges paragraphs 1 through 19 and incorporates them herein by reference.

23. Upon the foregoing, Sibley, as *ex relator* the United States of America, tests Obama's right to: (i) public office, to wit, the Presidency of the United States, and (ii) as the nominee of a legally qualified political party, to possess the franchise of appearing on the ballot for the 2012 Presidential election.

WHEREFORE, Sibley requests that this Court:

A. Assume jurisdiction of this petition;

B. Issue to Obama an order to show cause why he should not be ousted from the office of President of the United States and/or stripped of the franchise to appear on the ballot for that office in 2012;

C. Refer to a jury all issues of fact and law raised herein;

D. Retain jurisdiction of this matter to enforce its writ if necessary; and

E. Enter such other and further relief as the Court deems just and proper.

THIRD CLAIM
PETITION FOR WRIT OF MANDAMUS
(*Respondent Holder and Machen*)

24. Sibley re-alleges paragraphs 1 through 19 and incorporates them herein by reference.

25. Alternatively, if the Court finds the condition precedent to this *Ex Relator* suit in §3503 has not been met due to the failure of Holder and/or Machen to refuse to file such a petition, then Sibley prays that a Writ of Mandamus to Holder and Machen issue directing them to promptly file or refuse to file such a suit.

WHEREFORE, Sibley requests that this Court:

A. Assume jurisdiction of this petition;

B. Issue to Holder and Machen an order to show cause why they should not promptly decide to file or refuse to file the *quo warranto* suit requested by Sibley;

C. Refer to a jury all issues of fact and law raised herein;

D. Retain jurisdiction of this matter to enforce its writ if necessary; and

E. Enter such other and further relief as the Court deems just and proper.

FOURTH CLAIM
DAMAGES FOR DENIAL OF ACCESS TO COURT AND DUE PROCESS
(***THE UNITED STATES MARSHALS SERVICE,***
DEPUTY U.S. MARSHAL JOHN DOE#1 AND DEPUTY U.S. MARSHAL JOHN DOE#2)

26. Sibley re-alleges paragraphs 1 through 19 and incorporates them herein by reference.

27. A chill of first amendment-protected conduct expressive conduct constitutes a constitutional injury-in-fact sufficient to confer standing. Moreover, punishment for the exercise of free speech is every bit as pernicious as any form of prior restraint. Finally, the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable harm.

28. By imposing an escort to accompany Sibley when he is in the United States District Court for the District of Columbia, The United States Marshals Service, Deputy U.S. Marshal John Doe#1 and Deputy U.S. Marshal John Doe#2 negligently and/or wrongfully chilled Sibley in his exercise of his First Amendment rights to access court, petition the government, engaged in First Amendment retaliation and used excessive force.

29. Sibley has been damaged by such chilling by The United States Marshals Service, Deputy U.S. Marshal John Doe#1and Deputy U.S. Marshal John Doe#2.

WHEREFORE, under *Bivens v. Six Unknown Names Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) and/or the Tort Claims Procedure Act, 28 U.S.C. §§ 2671 - 2680, Sibley demands judgement against The United States Marshals Service, Deputy U.S. Marshal John Doe#1and Deputy U.S. Marshal John Doe#2 jointly and severally for One Million dollars ($1,000,000), nominal damages, costs and such other and further relief as the Court deems equitable and just.

JURY TRIAL REQUESTED

Sibley requests a jury be empaneled to determine the issues of facts, including without limitation, whether Sibley is an "interested person", and the law raised herein.

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

Executed on December 31, 2011.

MONTGOMERY BLAIR SIBLEY
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4000 Massachusetts Ave, NW, #1518
Washington, D.C. 20016
Voice/Fax: 202-478-0371

By: _____
Montgomery Blair Sibley