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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA (SOUTHERN) DIVISION

Captain Pamela Barnett,  
Lt. Colonel Richard Norton Bauerbach  
Captain Robin D. Biron  
Colonel John D. Blair,  
Mr. David L. Bosley,  
Ms. Loretta G. Bosley,  
Captain Harry G. Butler,  
Representative Glenn Casada, Tennessee  
Jennifer Leah Clark,  
Representive Timothy Comerford, NH  
Charles Crusemire,  
Representative Cynthia Davis, Missouri  
Chief Warrant O. Thomas S. Davidson  
Wiley S. Drake,  
Matthew Michael Edwards,  
Lt. Jason Freese,  
Mr. Kurt C. Fuqua,  
Officer Clint Grimes,  
Julliett Ireland,  
D. Andrew Johnson,  
Israel D. Jones,  
State Rep Timothy Jones, ESQ, MO  
Ambassador Alan Keyes, Ph.D.,  
Commander David Fullmer LaRoque,  
Gail Lightfoot,  
MIL officer US Army Lita M. Lott,  
Major David Grant Mosby,  
MSGT Steven Kay Neuenschwander,  
State Representative Frank Niceley, TN  
Retired Senator Jerry O'Neil, Montana,  
SFC E7 Robert Lee Perry,  
Colonel Harry Riley,  
Markham Robinson,  
Sergeant Jeffrey Wayne Rosner  
MSGT Jeffrey Schwilk,  
Captain David Smithey,  
Lt. Commander John Bruce Steidel,



Civil Action No.:  
SACV09-00082-DOC (Anx)  
  
TRIAL-BY-JURY  
DEMANDED

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Cmdr. Douglas Earl Stoeppelwerth  
Thomas J Taylor,  
Representative Eric Swafford, Tennessee  
Captain Neil B. Turner,  
Richard E. Venable,  
LCDR Jeff Graham Winthrope, and  
Lt. Colonel Mark Wriggle,  
Plaintiffs,



v.

Barack Hussein Obama,  
Michelle L.R. Obama,  
Hillary Rodham Clinton, Secretary of State,  
Robert M. Gates, Secretary of Defense,  
Joseph R. Biden, Vice-President and  
President of the Senate,  
Defendants.

**FIRST AMENDED COMPLAINT**

Plaintiffs bring this lawsuit to seek, above all, a declaratory judgment pursuant to 28 U.S.C. §2201-2202, deciding whether Defendant Barack Hussein Obama can show by clear and convincing evidence that he is a natural born citizen of the United States of America within the meaning of Article II, Section I of the Constitution of the United States, and therefore whether he is qualified, or unqualified, for the position which he has held, *de facto* if not *de jure* since January 20, 2009.

The path to this First Amended Complaint has been tortuous, as the Honorable Judge of this Court discussed and observed in proceedings on Monday, July 13, 2009. Many of the individual plaintiffs in this First Amended Complaint have as individuals attempted to use state and federal Freedom of Information Acts and other procedures in an attempt, which has so far been frustrated and in vain, to answer this seemingly simple and direct question. It is for this reason, and for many others, that Plaintiffs have opted to expand the scope of their original one count complaint for the following more comprehensive and complex complaint, covering many predicate

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3 and collateral issues which are either necessary preliminaries or logical correlates of  
4 the one original question posed above.

5 The Plaintiffs are all American citizens, the majority with military service  
6 backgrounds (retired or inactive but subject to recall), a number of former and  
7 possible or prospective political candidates, including a number of state legislators  
8 and third-party candidates for President and Vice-President. Above all, these  
9 citizens seek an answer to the simple question of constitutional qualifications, but  
10 they also seek a declaratory judgment confirming their fundamental civil or  
11 constitutional right to ask and know the constitutional qualifications of any person  
12 elected or appointed to public office in the United States of America.

13 Additionally, however, the Plaintiffs herein seek injunctive relief against all  
14 four office-holding defendants to limit their powers to order new deployments or  
15 assignments of any armed forces of the United States outside of the territorial limits  
16 of the United States without express Congressional approval, and further to limit the  
17 execution of certain orders of the President of the United States relating to the  
18 conduct of foreign policy by and through the use of currently deployed and assigned  
19 military force, as well as the appointment of judges or justices and the ratification or  
20 modification of treaties during the pendency of this lawsuit until and unless  
21 Defendant Barack Hussein Obama's constitutional qualifications are established in  
22 this court by clear-and-convincing evidence<sup>1</sup>.

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25 <sup>1</sup> Demanding and establishing a higher standard of proof than "preponderance of the evidence"  
26 be applied to the test of constitutional qualifications for President is not a trivial issue to the  
27 Plaintiffs' complaint herein stated. Defendant Barack Hussein Obama and his allies and supporters  
28 have repeatedly tendered substantial offers of insubstantial proof in favor of his birth and heritage  
as an American citizen. "Clear and convincing" evidence is the standard of proof required in  
parentage cases (and in fact most "family law" and "probate" litigation) to which this case can  
justifiably be compared. Furthermore, Barack Hussein Obama is an attorney (albeit inactive) and  
his situation in this case can readily be characterized as that of one subject to "quasi-criminal"  
charges such as those which are brought in professional disciplinary cases. Plaintiffs submit that  
the burden of proof rests squarely on the shoulders of the proponent of the legal sufficiency of any  
**FIRST AMENDED COMPLAINT, CAPTAIN PAMELA BARNETT V.  
BARACK HUSSEIN OBAMA ET AL., SACV09-00082-DOC (ANX),  
FILED JULY 14, 2009, BASTILLE DAY**

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3 Specifically, but without limitation, Plaintiffs ask this Court to enter a  
4 declaratory judgment *in* or *per quo warranto* concerning the President of the United  
5 States, the Secretary of State, the Secretary of Defense, and the Vice-President and  
6 President of the Senate, to enjoin the appointment and/or senatorial confirmation of  
7 new Article III (lifetime tenure!) federal judges or justices and meanwhile to enter a  
8 Preliminary Injunction against the exercise of certain critical constitutional functions  
9 by the *de facto* President during the determination of this action *in* or *per quo*  
10 *warranto*, namely (1) the appointment of any person to serve as the US attorney for  
11 the District of Columbia and (2) appointment and the confirmation of any person as a  
12 new Supreme Court Justice to replace retiring Mr. Justice David Souter until  
13 eligibility/legitimacy of Mr. Barack Hussein Obama aka Barry Soetoro for the  
14 position of the president of the United States and (3) a Preliminary Injunction against  
15 new deployments or assignments of armed forces to sensitive and volatile areas of  
16 the world such as the Near and Middle East, Persian Gulf, West Central Asian,  
17 Western Himalayan, or Indian Ocean areas until the constitutional qualifications of  
18 the Commander-in-Chief can established by clear-and-convincing evidence as a  
19 matter of constitutional law.

20 Finally, the Plaintiffs seek a declaratory judgment from this court determining  
21 whether certain crimes of fraud relating to identity or fraudulent use of sensitive  
22 individually identifying information (such as social security numbers or selective  
23 service applications) have been committed and concealed by some of the  
24 defendants, acting jointly or severally whether or not in formal conspiracy, which  
25 would constitute predicate acts of racketeering within the meaning of 18 U.S.C.  
26 §1961 *et seq.*, and thus whether the Presidency of the United States, in 2008, was  
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28 document to sustain the authenticity, “completeness”, and non-misleading nature of that document  
by “clear and convincing evidence.”

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procured by and through a pattern of racketeer influenced and corruptly organized activities. Injunctive relief concerning such activities will also be sought, although the Plaintiffs’ First Amended Complaint does not include any prayer for damages although the Plaintiffs reserve their right further to amend their pleadings as this case progresses, especially once FOIA disclosures and discovery begins.

PARTIES, JURISDICTION, AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. §1331 (federal question), 28 U.S.C. §1343 (civil rights), 18 U.S.C. §1964(c) (RICO), 5 U.S.C. §552 (FOIA), and 42 U.S.C. §§1983, 1988 (civil rights action seeking declaratory or injunctive relief). Plaintiffs seek declaratory relief under 28 U.S.C. §2201-2202 as well as 1988(a).

2. Venue is proper under FOIA and 42 U.S.C. §1988(a) because several plaintiffs, including Plaintiff Wiley S. Drake, live in Orange County within the Southern Division of the Central District of California.

3. Venue may also be proper because Plaintiffs have evidence that several addresses used by Defendants Barack Hussein Obama and/or Michelle Obama show that these two defendants are either part time residents in the Central District of California or else maintain business offices in this district, as follows:

4. Defendants Barack (aka “Barak”?) and Michael Obama appear on public records retrieved from Lexis-Nexis and other sources to have listed as permanent or part-time residents of the State of California, Los Angeles and Orange Counties, with fairly recent and publically recorded residences and/or offices at the following addresses within the Central District of California:

- (1)
- Name - OBAMA, BARAK
- Street Address - 1619 S BENTLEY AVE
- City, State, Zip - LOS ANGELES CA 90025-3586
- Probable Current Address - No
- Telephone -
- Telephone Accountholder -

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Social Security -  
Age -  
Date of Birth -  
Deceased - No  
Date Record Verified - Dec 08 - Jan 09

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(2)  
Name - OBAMA, BARAK  
Street Address - 1009 DIGITAL HWY  
City, State, Zip - LOS ANGELES CA 90045  
Probable Current Address - No  
Telephone -  
Telephone Accountholder -  
Social Security - 999-61-xxxx  
Age -

Date of Birth -  
Deceased - No  
Date Record Verified - Dec 05 - Apr 06

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(3)  
Name - OBAMA, BARAK  
Street Address - 1680 VIDEO DR  
City, State, Zip - LOS ANGELES CA 90045  
Probable Current Address - No  
Telephone -  
Telephone Accountholder -  
Social Security - 999-99-xxxx  
Age -

Date of Birth -  
Deceased - No  
Date Record Verified - Nov 05 - Mar 06

.....  
(4)  
BH OBAMA  
Box 67398  
Los Angeles, CA 90067  
Phone Unpublished  
Job Title:  
Next President  
Company:  
FrontPage magazine.com

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(5)  
Michelle Obama  
1818 N Vermont Ave  
Los Angeles, CA 90027  
Phone Unpublished  
Job Title:  
President

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Company:  
Radio Free Mike

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(6)  
Michelle Obama  
3654 Barham Blvd Q301  
Los Angeles, CA 90068  
Phone Unpublished

Company:  
ForGen Productions

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(7)  
Michelle Obama  
1045 N Armando St Ave G  
Anaheim, CA 92806  
Phone Unpublished

Company:  
Campusbug

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(8)  
Michelle Obama  
7035 Palm Dr  
Rancho Cucamonga, CA 91701  
Phone Unpublished

Company:  
Muslim World Today

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(9)  
Michelle Obama  
500 S Buena Vista St  
Burbank, CA 91521  
Phone Unpublished

Company:  
The Walt Disney Co.

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(10)  
Michelle B. Obama  
202 W 1st St  
Los Angeles, CA 90012  
Phone Unpublished

Company:  
Los Angeles Times

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There are, in fact, another 10 or more recorded addresses for the Obamas in Northern California, centered around San Francisco and the “Silicon Valley” area (San Mateo, San Rafael, etc.).

5. Plaintiffs with unique political standing include Wiley S. Drake, Alan Keyes, Gail Lightfoot, and Markham Robinson who all appeared on the California ballot as

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candidates for President or Vice-President in the 2008 national Presidential elections; if Defendants Barack H. Obama and any of his co-defendants engaged in a pattern of racketeering as alleged above, these Plaintiffs were injured in their business interests because they have business interests in their candidacies for President or Vice-President.

6. Plaintiff Jason Freese is on active military duty in Alaska, and thus has standing to challenge and demand clear-and-convincing proof of the constitutional qualifications of the Commander-in-Chief and the legality of the current chain of command, and may qualify as a class representative on behalf of all currently active members of the United States Armed Forces.

7. All inactive or retired military personnel who are Plaintiffs, subject to recall, have standing to challenge and demand clear-and-convincing proof for the same reasons---in that they are subject to recall and service at any time under and subject to the *de facto* chain of command.

8. Plaintiffs who are state representatives have unique standing in that the States are responsible for spending large sums of federal “revenue sharing” money through various programs administered by the Executive Branch or quasi-executive “Independent Commissions” such as the Social Security Commission which operates under the direction of a Presidential appointee with fixed tenure (not dischargeable “at will” but only “for cause”). Plaintiff State Representatives submit and contend that they have a special non-delegable constitutional right and responsibility to verify the qualifications of the Chief Executive Officer of the United States of America who is responsible for allocating large sums of funds, since receipt of funds from any officer without legal authority would be complicity in theft or conversion.

QUESTIONS PRESENTED FOR DECLARATORY JUDGMENT  
28 U.S.C. §§2201-2202



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9. Plaintiffs reallege ¶¶1-8 and the preambular background of this case as if fully copied and restated herein below, and incorporate the same by reference.

10. An actual controversy exists between the Plaintiffs and the defendants concerning the civil and statutory rights of the people as established under the First Amendment and Freedom of Information Act, among other sources, to demand clear and convincing evidence of the Constitutional Qualifications of their elected officials and of the executive officers, agents, judges, and ambassadors appointed by, or the treaties and executive orders and agreements, who or which may have been appointed or issued by or entered into by the Chief Executive Officer (President) of the United States in particular.

11. Plaintiffs move and request that this Court, after allowing time for discovery and production of documents, make findings of fact (after submission of all material questions of fact and mixed question of fact and law) to trial-by-jury, and make specific how the decided findings of fact support and justify conclusions of law, thereupon declaring and adjudging complete answers to each of the following questions concerning the interpretation and application of the Constitution and Laws of the United States:

12. Question 1: How are the eligibility for election as President and inauguration to the presidency of the United States of America to be determined pursuant to Article 2, section 1 of the Constitution of the United States of America?

13. Question 2: What are the role and what are the Federal Constitutional Duties of the chief executives or departments of state and/or vital statistics in each of the several states in the union to provide or require original vital records of a candidate for any elective office established by the United States Constitution, when such records are constitutionally required to verify his eligibility for the position sought?

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14. Question 3: Does concealment and obfuscation of all such vital records as may or might be necessary for the public evaluation and/or official ascertainment of eligibility for election to or exercise of office under the United States Constitution, if and when effected by the use of as many as 150 alternate multiple names, addresses, and/or as many as 25 social security numbers [all in possible violation of 42 U.S.C. §408(a)(7)(B)], and further under the special circumstances where and when done by or on behalf of a candidate or later holder of a Federal position, violate the Constitutional duties of a holder of a position of public trust in Federal Government and does such conduct constitute either a constitutional or statutory disqualification to hold such office if it were found in this court to constitute a violation of either 18 U.S.C. §§242, 1001, 18 U.S.C. s1346, or 42 U.S.C.§408(a)(7)(B) or any other criminal or quasi-criminal statutes?

15. Question 4: What was the meaning and the Article II, Section 1, ¶5 eligibility definition of a “Natural Born citizen” provision and requirement for the Position of the President and Commander-in-Chief as it was written in the Constitution and was there any legal change in this definition?

16. Question 5: Does the Constitution permit any person to serve as President and Commander-in-Chief who owes split allegiance to both the United States of America and any other country or countries?

17. Question 6: Do the Article III Courts of the United States established by the Constitution and authorized by Congress, have the power, and should this United States District Court for the Central District of California exercise the power, to issue writs *in* or *per quo warranto* in the name of the United States against the Defendant President of the United States and Cabinet Members, and any other high officers or persons against a person who usurps, intrudes into, or unlawfully holds or exercises,

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3 a franchise conferred by the United States or a public office of the United States,  
4 civil or military<sup>2</sup>?

5 18. Question 7: Do the people and electors of the President of the United States  
6 have standing to seek issuance from this Court by way of Original Action and  
7 Complaint or Application a writ *in* or *per quo warranto*, in the name of the United  
8 States, against the President of the United States, Cabinet Members, and any other  
9 high officers or persons against a person who usurps, intrudes into, or unlawfully  
10 holds or exercises, a franchise conferred by the United States or a public office of the  
11 United States, civil or military?

12 19. Question 8: Do either Article IV, §4, or the First and Ninth Amendments to  
13 the United States Constitution, guarantee to the people of the United States the Right  
14 to Petition for Redress of Grievances in any court established under Article III of the  
15 Constitution) where such grievances relate to the qualifications of persons to be  
16 elected or to serve as President of the United States, and to demand strict and valid  
17 proof thereof, according to the Federal Rules of Evidence?

18 20. Question 9: Are the executive orders and agreements, executive appointments  
19 to terms of lifetime tenure (such as Article III judicial appointments), of a President  
20 later proved to have been incurably constitutionally ineligible at the time of his  
21 election and inauguration void *ab initio* or merely voidable? If his executive orders

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23 <sup>2</sup> The choice of law and use of writs of mandamus as necessary in aid of this  
24 Court's jurisdiction over original actions is consistent with 28 U.S.C. §1651(a). This  
25 same statute permits this Supreme Court of the United States to issue its order *in* or  
26 *per quo warranto* conditionally and in the alternative, so that the justices may Rule  
27 "*Nisi*" or *Nisi Prius* so as to avoid issuing an order to the President of the United  
28 States unless he fails or refuses to provide the information showing his "warrant", by  
which is meant his eligibility for and qualifications to serve as President. In addition  
to all applicable provisions of the Constitution and laws of the United States, it  
appears that the law of the District of Colombia may be applicable to the resolution of  
certain issues in this case, including the rare but significant authorization to render  
writs of *quo warranto* pursuant to

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3 and other official acts are void *ab initio* or merely voidable, how may the people  
4 seek direct and immediate relief from these orders if not through the remedy of  
5 declaratory judgment to seek to have these illegal orders “voided” by and through  
6 their First Amendment right to Petition for Redress of Grievances in the judicial  
7 branch?

8 21. Question 10: What sources should be used in support of authoritative  
9 construction of the language of the United States Constitution, aside from the  
10 statutory law of the United States as enacted by Congress pursuant to the  
11 Constitution and the opinions of the Supreme Court, especially when addressing  
12 questions of first impression such as those raised in this complaint?

13 22. Plaintiffs ask this Court to declare and adjudge that the framers of the  
14 constitution used, and that this Court must therefore apply in this case of first  
15 impression, the definition of the Natural Born Citizen contained in “The Law of  
16 Nations or, Principles of the Law of Nature, applied to the Conduct and Affairs of  
17 Nations and Sovereigns” by the Swiss philosopher and jurist Emmerich De Vattel:

18 “...natural born citizens, are those born in the country, of parents who are  
19 citizens. As the society cannot exist and perpetuate itself otherwise than by  
20 the children of the citizens, those children naturally follow the condition of  
21 their fathers, and succeed to all their rights. The society is supposed to  
22 desire this, in consequence of what it owes to its own preservation: and it is  
23 presumed, as a matter of course, that each citizen, on entering into society,  
24 reserves to his children the right of becoming members of it. The country of  
25 the fathers is therefore that of the children; and these become true citizens  
26 merely by their tacit consent. We shall soon see, whether, on their coming  
27 to the years of discretion, they may renounce their right, and what they owe  
28 to the society in which they were born. I say, that, in order to be of the  
country, it is necessary that a person be born of a father who is a citizen; for  
if he is born there of a foreigner, it will only be the place of his birth, and  
not his country”.

<http://www.lonang.com/exlibris/vattel/>:

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***The Law of Nations or the Principles of Natural Law (1758)***

23. This Court should apply the De Vattel definition used by the framers of the constitution, defining “Natural Born Citizen” for following reasons:

24. De Vattel’s treatise existed at the time of the creation of the Constitution, as it was published in 1757 and was readily available to the framers

25. Emmerich de Vattel’s was widely quoted by the framers of the constitution, for example, by Hamilton, Jay, and Madison “Publius” in the Federalist Papers.

26. His book provides an exact and contemporaneous definition for the term used “Natural Born Citizen”

27. De Vattel fully corresponds to the well-known statements by the framers of the Constitution

28. The Vattel definition was used as a basis for the Senate resolution 511 of 2008, when Senator McCain was found to be a Natural Born Citizen, based on the fact that he was born in the zone of the Panama canal, US territory at a time and **both** of his parents were US citizens.

29. Apparently during the Constitutional Convention, John Jay wrote on July 25, 1787 to George Washington:

“Permit me to hint, whether it would be wise or reasonable to provide a strong check to the admission of foreigners into the administration of 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”

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3 30. In explaining the meaning of Natural Born Citizen, a principal  
4 framer of the 14<sup>th</sup> amendment, which redefined citizenship under the  
5 Constitution, John Armor Bingham explained that the phrase referred to  
6 “every human being born in the jurisdiction of the United States to  
7 **parents not owing allegiance to any foreign sovereignty**”. (Emphasis  
8 added).

9 31. As Obama’s East African father owed (by reason of his birth and as  
10 a matter of international law) allegiance to British crown (whether or not  
11 he professed any), Obama was not a Natural born citizen and does not  
12 qualify for presidency. Dual Nationality is a rather new concept that did  
13 not exist at the time of creation of the Constitution and Plaintiffs submit  
14 that the definition used and the contemporaneous statements of the  
15 framers show a desire to exclude from the group of Natural Born Citizens  
16 anyone, with allegiance to other sovereignties at birth.

17 **Predicate Demands For Documents & Policy of Stonewalling**

18 32. On behalf of her clients the undersigned attorney has submitted a  
19 certified mail return receipt demands upon the Attorney General of the  
20 United States Eric Holder and the United States Attorney for the District  
21 of Columbia, Jeffrey Taylor, to institute such action. No action was  
22 instituted and no response was received. As hundreds of citizens have  
23 called the Department of Justice, they were stonewalled, they were told  
24 not to call, but rather to submit the requests in writing. When written  
25 requests were submitted, no response was received. After thousands of  
26 phone calls by the outraged citizens no action was taken and the US  
27 Attorney for the District of Columbia Jeffrey Taylor, no application for  
28 issuance of any writ *in* or *per quo warranto* was filed and no response was

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3 received. A few days ago US Attorney Jeffrey Taylor unexpectedly  
4 resigned, so that it can be expected that the new attorney will be  
5 appointed by the Obama administration and there is a clear and present  
6 danger of a corrupt or dishonest *quid pro quo* in such appointment and  
7 total impossibility that any application for issuance of a writ *in or per quo*  
8 *warranto* against Obama will ever be prosecuted.

9 33. Recently, in *Hollister v Soetoro*, another Obama-Soetoro eligibility  
10 case was submitted by Attorney John Hemenway. This case was heard  
11 by DC District judge James L. Robertson, who completely misstated the  
12 presidency requirement, calling it “**native born**” instead of “**natural born**”  
13 and stating that there is no need to hear the case on the merits and  
14 obtain the actual documents because the case was “massaged and  
15 twittered on the blogs”. To add insult to injury Judge Robertson  
16 threatened Mr. Hemenway with sanctions for bringing this legitimate  
17 case.

18 34. It defies credulity to understand how “massaging” an issue on a few  
19 partisan blogs be characterized as any kind of resolution of any issue,  
20 particularly in a case of national urgency, when there is evidence  
21 suggesting, that the inhabitant of the White House is a foreign National,  
22 citizen of Indonesia and possibly still citizen of Kenya, usurping the  
23 position of the President of the United States of America and the  
24 Commander in chief.

25 35. This decision by Judge Robertson made it impossible for the  
26 undersigned attorney to obtain admission *pro hac vice and try the matter*  
27 *in US court for the District of Columbia, where Quo Warranto is codified,*  
28 as no DC lawyer would be willing to subject himself to the threat of

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3 sanctions from an obviously biased court, unwilling to hear this issue on  
4 the merits.

5 36. Due to the fact that legitimacy of the presidency is the most  
6 important issue in the history of this Nation, and 305 million American  
7 citizens cannot and should not be held hostage to one biased court, it is  
8 imperative for this Honorable court hear this petition on the merits.

9 37. Lastly, plaintiffs in this action have used all legal and legislative  
10 remedies available to resolve the issue of legitimacy of Barack Hussein  
11 Obama, such as grievances with their secretaries of States, election  
12 committees, 138 UCMJ code grievances with the military, letters, faxes,  
13 e-mails, *quo warranto* demands, phone calls and personal meetings with  
14 any and all branches and forms of law enforcement, FBI, Attorney  
15 Generals of their states, Attorney General Holder, US Attorneys and  
16 District Attorneys- all in peaceful and lawful attempts to obtain proof of  
17 Obama's eligibility for presidency.

18 38. As of now no case asking these questions has been heard on the  
19 merits, not one single citizen was able to see any of Obama's vital records:  
20 his original birth certificate, his passports from Indonesia, Kenya and  
21 US, or if any citizen has seen these documents, not one has been allowed  
22 to publish the results. Nor has the public been allowed access to the  
23 President's university enrollment records, which have been routinely  
24 disclosed even for Presidents such as George W. Bush who were  
25 notoriously poor students with mediocre grades.

26 39. The filing of Selective Service Certificate is a requirement for one to serve in  
27 the executive branch of the government, and this should clearly be understood to  
28 include the President as one presiding over the executive branch. Shortly after the



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3 election the undersigned counsel has received from former Federal agent Stephen  
4 Coffman a copy of the FOIA and analysis of such FOIA that was filed with the  
5 Selective Service Administration prior to the election, but was received only after the  
6 election. The analysis showed numerous areas of suspected forgery of the certificate.  
7 As the undersigned counsel represents a number of high ranked members of the  
8 military, National Director of the selective Service Mr. William Chatfield, agreed to  
9 talk to the undersigned attorney, as one representing Major General Childers.

10 40. At a meeting in his Arlington VA office Mr. Chatfield was specifically  
11 questioned in regards to an explanation for the stamp on the document being a wrong  
12 stamp for 1980, for a wrong form number, for discrepancy in serial numbers in the  
13 form itself, the fact that it was filed in September of 1980 in Hawaii, when Obama  
14 was thousand of miles away in Occidental college in California and the fact that it  
15 stated that it was filed without an ID, even tough an ID was a requirement.

16 41. Mr. Chatfield could not provide any explanation, only stating "trust me".  
17 National security of the United States cannot be relegated to "trust me" and there is a  
18 need for a writ of Mandamus from the Supreme Court for the Secretary of Defense,  
19 Robert Gates to release the original certificate of the selective service with the US  
20 military, for it to be analyzed by the forensic document examiners of the plaintiffs.

21 42. The undersigned counsel has requested from the Secretary of state of  
22 California verification of Obama's eligibility and got a response, that the Secretary of  
23 State does not do such verification. As volunteers were checking around the country,  
24 no secretary of state, no election committee could be found, that did any verification of  
25 such eligibility. This became extremely important, as it became known that the state  
26 of Hawaii has a statue 338, that allows foreign born children of Hawaiian residents to  
27 obtain Hawaiian birth certificate and those can be obtained based on a statement of  
28 one relative only.

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3 43. Dr. Fukino, director of the state of Hawaii Health department has issued a  
4 carefully crafted statement, that the department has Obama's birth certificate on file,  
5 however a birth certificate for a foreign born child of a Hawaiian resident is also legal  
6 in Hawaii, but it will be illegal in other states and will make one ineligible for the US  
7 presidency. This makes it imperative to obtain the original birth certificate from the  
8 state of Hawaii to ascertain the Constitutional eligibility of Obama to assume the  
9 presidency.

10 44. Ambassador of Kenya Peter Oginga Ogego has given a radio interview to Talk  
11 show hosts Marc Fellhauer, Mike Clark and Trudi Daniels from WRIF 101.1 FM radio  
12 in Detroit Michigan. At 0:12:24 of the interview Marc Fellhauer has asked  
13 Amabassador of Kenya "One more question. Our President elect Obama's birth place  
14 over in Kenya is that going to be a spot to go visit **where he was born?**" Ambassador:  
15 "**it is already and attraction**, his paternal grandmother is still alive". Marc Fellhauer:  
16 "**But his birthplace, they will put a marker there?**" Ambassador: "**It's already well**  
17 **known**".

18 45. The statements of the Ambassador of Kenya directly contradicted Obama's  
19 assertion, that he was born in US, which made it a necessity to mandate for the  
20 ambassador of Kenya to unseal Obama's birth records and his citizenship, travel and  
21 immigration records.

22 46. In his book *Dreams of My Father*, Barack Hussein Obama stated that he  
23 immigrated to Indonesia, when his mother married an Indonesian National.  
24 Indonesia does not allow dual citizenship and Obama's Indonesian school registration  
25 shows him as Barry Soetoro (his step-father's last name) and citizenship Indonesian.  
26 Obama, has also travelled to Pakistan at the age of 20, during martial law, when  
27 entrance to Pakistan was banned to Americans, Christians and Jews, which might be  
28 an additional indication of his travel under Indonesian passport, therefore reasserting

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his Indonesian citizenship and relinquishing his US citizenship if he had a US citizenship.

47. The State of Hawaii has in its code a peculiar statute #338, that allows foreign born children of Hawaiian residents to get Hawaiian birth certificates. Additionally, such birth certificates can be obtained based on a statement of one relative only, without any unbiased, independent evidence, such as a hospital birth certificate. This statute has a basis in precursor statutes going back to 1911, prior to creation of the state of Hawaii, as Hawaiian citizens wanted to transfer their Hawaiian citizenship to their children born abroad.

48. As Hawaii became one of the states in the Union, this provision was kept. Most American citizens, had no knowledge of this provision, as they voted in 2008 election. One of the reasons, was unwillingness of the Main Stream Media to talk about this issue. As demands were made to obtain such records, those demands were rebuffed and responses were provided, that only relatives or parties with tangible interest could obtain a copy of one's birth certificate.

49. The State of Hawaii didn't consider legitimacy for Presidency to be a tangible interest. One of the plaintiffs in this action is Mr. Kurt Fuqua, a computational linguist, who traced his genealogy to be common with Mr. Obama's. Mr. Fuqua is writing a family history and noticed a similar family medical history as well as some concerns in regarding to Obama's posted Certification of life birth (COLB).

50. As a linguist he saw that the language used in the COLB was inconsistent to the one used at a time. He had concerns in regards to veracity of the COLB, and legitimacy of Obama, particularly in light of the fact that his own son is an active duty officer and would be subject to

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Obama's orders.

51. Plaintiff Fuqua has requested a copy of Mr. Obama's birth certificate, only to be told, that it would take a year to respond to his request.

52. If legitimacy of the presidency is not a tangible interest, if family relationship is not a tangible interest, if concerns of the common family medical history is not a tangible interest, if possible forgery or uttering of the COLB is not a tangible interest, what is a tangible interest? Can a country of 305 million citizens be held hostage to such insanity?

53. The director of the Health Department Dr. Chiyome Fukino, through her spokesperson Janice Okubo has issued a carefully crafted statement, that the department has a valid Hawaiian state birth certificate. She never provided any explanation, what birth certificate do they have on file. A birth certificate of a foreign born child of a Hawaiian resident will be a valid Hawaiian birth certificate, however it would make one totally ineligible for presidency. A certificate issued based on a statement of one relative only, would be a valid birth certificate, however, it would require corroborative evidence from a hospital, as a statement of a relative might be biased. She never stated that the Certification posted on the Internet was the same as the document on file, that it was a valid copy or that it was a document issued by the state of Hawaii.

54. As the health department of the state of Hawaii refused to provide a certified copy of Mr. Obama's birth certificate, it was impossible to ascertain Obama's place of birth or citizenship.

55. American Citizens have an equal protection right guaranteed to them through the 14<sup>th</sup> amendment to the Constitution, as well as the

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right to substantive due process and the first amendment right for redress of grievances, as well as rights guaranteed to the citizens, as ones not surrendered to the Federal government or states under the 9<sup>th</sup> and 10<sup>th</sup> amendment.

56. Under the Supremacy Clause, while Hawaiian statute 338 might be valid for the in state purposes of the State of Hawaii, it is superseded by the US constitution in the matters of Federal elections and therefore, it is a right of the US citizens around the country, particularly the citizens with superior standing, such as Active duty military, risking their lives pursuant to the orders of the commander in chief or the State representatives, that need to decide on the State budget allocations based on the federal allocations, signed by the president, to have clear prima facia evidence of the legitimacy of such commander in chief and president.

57. Obama supporters have embarked on appalling campaign of intimidation and harassment of any official willing to speak up on the issue, even though the issue had nothing to do with race but rather Natural Born status. The officials, fearful of being labeled racists simply refused to hear the case on the merits and tried to pass the buck, to football it somewhere else. Hopefully the buck stops here, in the Supreme Court.

FREEDOM OF INFORMATION AS A NATIONAL POLICY

58. Plaintiffs reallege ¶¶1-57 as if fully copied and restated herein, and incorporate all the material allegations and legal contentions of the same.

59. Plaintiffs submit that all of the above-and-foregoing facts demonstrate a concerted but unofficial policy of the present executive

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3 branch administration which is contrary to the letter and spirit of the  
4 law. The Plaintiffs as a group may not have adhered closely or precisely  
5 to the letter of FOIA in all of their approaches to the current  
6 administration for information, but this court has assured them that the  
7 present case will be decided on its legal merits and factual substance, and  
8 not on procedural irregularities.

9 60. Defendants have consistently resisted every attempt to obtain  
10 information and for this reason the Plaintiffs have filed the present  
11 complaint for Declaratory Judgment regarding Barack H. Obama's status  
12 as a natural born citizen and resultant constitutional qualification to  
13 serve as President), pursuant to the Freedom of Information Act 5 U.S.C.  
14 §552(a)(4)(B) and 42 U.S.C. §§1983, 1988 (Civil Rights Action).

15 61. This matter is justiciable under FOIA, 5 U.S.C. §§ 552a(b),  
16 552a(b)(2) (1988). Under FOIA, an agency such as the Executive Office of  
17 the President and the White House (Title 3, C.F.R.) must disclose the  
18 information sought by the requester unless the agency can invoke one of  
19 nine exemptions specified in that Act. See 5 U.S.C. § 552(b) (1988).

20 62. Some of these exemptions protecting personal privacy apply to  
21 "medical and personnel records." 5 U.S.C. § 552(b)(6) (1988). However, it  
22 has been for many years recognized that the medical and personnel  
23 records of the *de facto or de jure* President of the United States (such as  
24 Barack Hussein Obama today) and even for candidates for the Presidency  
25 of the United States are matters of public interest and concern. The issue  
26 in this case is whether the public interest in a limited number of  
27 personnel records on Barack Hussein Obama is sufficient to compel  
28 disclosure of one particular document whose existence has been

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3 acknowledged and confirmed many times but which, for whatever as yet  
4 undisclosed reasons, neither the private Candidate Barack Hussein  
5 Obama or the *de facto* President Barack Hussein Obama has been willing  
6 to disclose, namely: the “vault” or “long form” Hawaii birth certificate  
7 (and all related hospital or medical documents) which Plaintiffs contain  
8 will finally confirm or denounce Barack Hussein Obama’s Article II  
9 qualifications to serve and “faithfully execute” the office of President of  
10 the United States.

11 63. The public had before the election and still has today a compelling  
12 interest in the disclosure of this one single bit of critical documentation  
13 (and all related) records and proof.

14 64. The public's interest is undergirded by two lines of decisions from  
15 the U. S. Supreme Court. The first line concerns the public's right to the  
16 performance of an agency manager, such as an including the President as  
17 “manager” of the entire executive branch, under FOIA. The second line of  
18 decisions concerns the vital role in our democratic society played by  
19 disclosing facts and track records of candidates for public office.

20 65. Against this enormous public interest in favor of disclosing the  
21 records on Barack Hussein Obama, the present Defendant Barack  
22 Hussein Obama has raised absolutely nothing in the public arena.

23 66. Since the FOIA exemptions that permit an agency to withhold  
24 information are narrowly construed, the Court has no statutory basis to  
25 rule for anything except full production of the limited number of  
26 constitutionally significant documents from the *de facto* **Chief Executive**  
27 **Officer of the United States.**

28 67. It is a matter of public record that Barack Hussein Obama both as

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3 the Presidential Candidate and the *de facto* has never denied the  
4 relevance of his birth certificate but in fact repeatedly produced an  
5 unsigned, unofficial document directly and through the Democratic  
6 National Committee.

7 68. Accordingly even if Barack Hussein Obama were deemed to have  
8 appeared and answered or objected to service by and through the U.S.  
9 Attorney's office, which he plainly did not do, Barack Hussein Obama  
10 would be equitably and quite possible judicially estopped by his conduct  
11 in prior litigation from raising any FOIA objection to all elements of his  
12 personnel and medical records under FOIA.

13 69. In sum, Barack Hussein Obama has no viable defense to the claims  
14 raised by the Plaintiffs in this suit.

15 70. The odd truth is that Barack Hussein Obama has not resisted the  
16 substance of repeated requests for proof of his citizenship in and of  
17 themselves. He has neither claimed a privacy interest in his original  
18 "Long Form" "Vault" birth certificate from Hawaii.

19 71. Rather, Defendant Obama has merely (but routinely) resisted any  
20 criticism of the form or sufficiency of his responses, and has refused to  
21 cure any doubts regarding the same, without regard to public confidence  
22 or respect for the public interest and the intangible right of the people to  
23 honest fiduciary services on the part of their governmental officials. Cf.  
24 18 U.S.C. §1346.

25 72. The public has a significant, almost unparalleled, interest under  
26 FOIA in the release of these records, which shed determinative light on  
27 the Constitutional qualifications of the President. Because the public  
28 interest under FOIA in the release of Obama's records was so significant,



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3 and because Obama has never claimed a privacy interest in his personnel  
4 or medical records prior to becoming President, this court should follow  
5 an implement the Supreme Court's landmark decision in *United States*  
6 *Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S.  
7 749 (1989).

8 73. This case established guidelines for determining when records  
9 should be released under FOIA. Federal agencies (such as the Executive  
10 Office of the President and White House) should release records: (1) when  
11 they are "practically obscure," so that a party would have reason to  
12 invoke FOIA to obtain them, and (2) when the nature of the records  
13 serves the public interest.

14 74. The only public interests cognizable under FOIA is shedding light  
15 on an executive officer's competence or agency's performance and its  
16 statutory duties. Additionally, the purpose of FOIA as well as the plain  
17 language of the Act create a strong presumption in favor of disclosure and  
18 place the burden on an agency to justify withholding any requested  
19 documents. *Id.* at 764-80; *see also United States Dep't of State v. Ray*,  
20 112 S. Ct. 541, 547 (1991).

21 75. Even if this Court were to consider that some of Obama's personnel  
22 and medical records were exempt, FOIA requires an agency to release  
23 segregable, nonexempt portions of a partially exempt record.

24 *Environmental Protection Agency v. Mink*, 410 U.S. 73, 91 (1973); *see* 5  
25 U.S.C. § 552(b) (1988) (final sentence explicitly requires disclosure of any  
26 "reasonably segregable" nonexempt information).

27 76. The records requested by the Plaintiffs' Complaint herein satisfy  
28 both of the Supreme Court's guidelines favoring disclosure under FOIA.

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77. As to the obscurity guideline, the names and titles of witnesses and attending physicians who supervised or assisted Barack Hussein Obama's birth and the existence of any clouds on his constitutional qualifications to serve as President which might be held against him were "practically obscure," so that the Plaintiffs could have obtained these records only through a FOIA request.

78. In fact, it appears that the President has access to his birth records, and simply seeks to control the form, format, and timing of his presentation of evidence, without regard to possible significant differences which might exist between an original (type-or-handwritten from 1961) and a computer-generated abstract such as that which Defendant has proffered repeatedly through the Democratic National Committee and White House.

79. Accordingly, the Supreme Court's *Reporters Committee* holding strongly suggests that FOIA imposed a duty on the Presidential Candidate and now de facto President to release the specifically requested form of the records on Obama.

80. As to the public interest guideline, releasing these records would enable the public to learn how and whether Barack Hussein Obama was constitutionally qualified to assume and exercise statutory duties as President.

81. Any action which is taken to maximize government transparency and enhance the confidence in the legitimacy of government is the public interest and the purpose for FOIA.

82. Thus the records released sought by the Plaintiffs in the case at bar meet the public interest guideline articulated in *Reporters Committee*

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3 and should be disclosed under FOIA.

4 83. To withhold these records in violation of the guidelines set forth in  
5 *Reporters Committee*, Barack Hussein would have to justify his repeated  
6 action of stonewalling, and Plaintiffs submit that Obama has engaged in  
7 and formulated quasi-official institutionalized pattern of stonewalling  
8 and refusing to answer complaints regarding or concerning his  
9 background or citizenship.

10 84. Consequently, FOIA mandates that Barack Hussein Obama release  
11 the records requested below, and the Plaintiffs' request complies with the  
12 federal law in all respects: many citizens' requests have been made, and  
13 all have been ignored without lawful justification.

14 85. Four of the plaintiffs in the present suit are uniquely situated in  
15 that they were either candidates or electors in the Presidential and Vice-  
16 Presidential elections of 2008, and they accordingly have suffered unique  
17 standing as a result of the Defendant's failure to disclose the information  
18 requested:

19 **ITEMIZED LIST OF DOCUMENTS REQUESTED UNDER FOIA**

20 86. By the Defendants' conduct and public assertions, the executive  
21 branch and in particular all the named defendants have waived all right  
22 to claim exemptions from Plaintiffs' repeated requests for documents,  
23 which were made in this and the prior California Superior Court  
24 (Sacramento)

25 87. All United States Passport records relating to Barack Hussein  
26 Obama including but not limited to any and all reports and findings of  
27 the Inspector General of the Department of Justice and/or the State  
28 Department investigation regarding allegations of unauthorized

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3 employee access to and tampering with Barack Hussein Obama's  
4 passport records on at least three separate occasions in 2008, including  
5 but not limited to any information relating to about birth certificates or  
6 other indicia of citizenship used to prove Obama's American citizenship  
7 status on his original American passport application and the date when  
8 Obama made that original application for an American passport;

9 88. All DOJ (including FBI) records concerning Barack Hussein Obama:

10 89. Obama's authenticated original vault birth certificate, proving his  
11 age, date of birth and place of birth (this may be produced "in camera" so  
12 long as independent expert analyses of the ink, paper, and other indicia  
13 of authenticity are permitted);

14 90. All such other transcriptions of testimony, letters, affidavits,  
15 depositions, declarations, and any other documents, recordings,  
16 photographs, computer records, and other evidence ("documentation" or  
17 "proof" hereafter) in the Defendant Barack Hussein Obama's actual or  
18 constructive possession concerning proof of Defendant's actual birthplace  
19 location and details regarding any and all Federal government  
20 information or investigations of any agency into Defendant;

21 91. Documentation and proof relating to all aspects of Defendant's  
22 residence and school registration in Indonesia, including but not limited  
23 to any and all documentation and proof relating to the alias or name  
24 "Barry Soetoro" and whether or not "Barry Soetoro" was a citizen of  
25 Indonesia;

26 92. Proof (as defined and described above) including but not limited to  
27 all documentation on fixed or electronic media relating to or touching  
28 upon the question of whether Defendant Barack Hussein Obama legally

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changed his name from his adopted Indonesian name, Barry Soetoro, to Barack Hussein Obama and when his name was legally changed;

93. Proof (as above) including but not limited to all documentation on fixed or electronic media relating to or touching upon the question whether of whether that Defendant Barack Hussein Obama became a repatriated American citizen after returning to the United States from Indonesia at age 10 including but not limited to the date of that repatriation;

94. Proof (as above) relating to the question of whether Defendant became a naturalized US citizen and the date of that naturalization;

95. All documents and proof of every kind (as above) constituting, relating to, or touching upon Defendant's college, university, and law school records and transcripts of enrollment and attendance, including but not limited to the unredacted name (i.e. Obama, Soetoro, Dunham) and country of citizenship that Defendant used for registration as a college student and relating to or touching upon the question of whether Defendant registered as an American or foreign student;

96. Documentation or proof relating to the question of whether Barack Hussein Obama (or any alias used by the Defendant) ever identified or held himself out to be a foreign exchange student under the name of Barry Soetoro from 1979 to 1981 and during any other time periods;

97. Defendant's Illinois State Bar application, membership records, and all other documents or proof relating to Defendant's status as a licensed attorney;

98. Defendant's medical records and those of his mother from January 1, 1961, through the present day.

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99. Any and all documents and other proof, in whatever media recorded (fixed, electronic, analog or digital), including but not limited to the passport that Defendant Barack Hussein Obama used in 1981, relating to or touching upon any of Defendant's travel abroad prior to 2000, including but not limited to his self-reported travel in 1981 to Pakistan;

100. Any and all documents and other proof, including the passport that Defendant Obama used in 2006, relating to or touching upon any of Defendant's travel abroad since 2000, including but not limited to his self-reported trip in 2006 to Kenya;

101. Any and all documents and other proof in whatever media recorded relating to the question of whether a group called "Friends of Senator Barack Obama" or any similar name contributed to Kenyan political candidate Raila Odinga in 2006

102. Affidavits, statements, depositions, and all reports and other documents and proof relating to or touching upon the information gathered from or provided to oany and all fact or expert witnesses concerning the forgery of Obama's birth certificate as posted on various pro-Obama websites, including <http://www.dailykos.com/>, <http://my.barackobama.com/>, <http://www.fightthesmears.com/>, <http://www.politifact.org/>, and <http://www.factcheck.org/>;

103. A information in Defendant's actual or constructive possession relating to or touch upon any of a list of some 140-odd addresses found on LEXIS-NEXIS and elsewhere as a matter of public record under the name of Barack Obama (and similar spellings) that were attached to some 35-odd social security numbers, including but not limited to one particular social security number that was used while Defendant was a

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law student at Harvard which was attached to his address in  
Sommerville, MA, having been issued to a (now deceased) person born in  
Connecticut 119 years ago;

104. All documents or other proof relating to Selective Service System  
registration ("SSS Form 1") associated with or completed by or in the  
name of the Defendant Barack Hussein Obama, regarding whether he  
ever registered for the Selective Service System;

105. Any and all other documents relating to or proof concerning any and  
all conflicting citizenship or residence records and/or reports regarding  
Defendant Barack Hussein Obama's travels to Kenya and Indonesia;

106. All documents and proof, including but not limited to documents  
showing the names and contact information for investigators or other  
witnesses, including but not limited to clerks and custodians of records,  
relating to or touching upon the investigations allegedly performed and  
findings on the information forwarded to the FBI about Defendant  
Barack Hussein Obama by the office of US Senator Lamar Alexander  
from Tennessee;

107. All documents and proof (in electronic or stable media, digital or  
analog recordings, and all photocopies or photographs), including but not  
limited to names and contact information for investigators and other  
witnesses, including custodians of records, as well as results and findings  
of investigations performed regarding additional alleged inconsistencies  
touching upon or relating to the Certificate of Live Birth (COLB) which  
Defendant Barack Hussein Obama filed online including, but not limited  
to:

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3 108. Any and all documents or other proof relating to methods used by  
4 the US government to confirm the authenticity of the COLB and reasons  
5 for accepting this abbreviated, computer-generated, laser printed  
6 document as authentic proof of Obama's birthplace and age instead of  
7 requiring an authenticated original vault birth certificate to prove a US  
8 President's Constitutional eligibility;

9 109. Any and all documents or other proof relating to governmental or  
10 non-governmental tests or investigations or inquiries conducted the  
11 authenticity confirmation for Obama's COLB and processes used to  
12 compare its findings with those of the forensic document examiner  
13 experts who determined this COLB to be a forgery;

14 42 U.S.C. §1983 and 42 U.S.C. §1988(a)

15 110. Plaintiffs reallege ¶¶1-108 and incorporate all of the same as if fully  
16 copied and restated herein.

17 111. Plaintiffs submit and contend that the people have a civil right or  
18 series of rights, actionable in equity under 42 U.S.C. §1983, to demand  
19 that their elected officials prove their constitutional qualifications to hold  
20 office by clear-and-convincing evidence, and to petition for redress of  
21 grievances concerning well-founded doubts concerning their elected  
22 officials' competence or eligibility for the offices which they seek or have  
23 obtained.

24 112. Plaintiffs contend that there is Constitutional crisis as a result of  
25 their continuing uncertainty (and that of many others) concerning the  
26 constitutional qualifications of the commander in chief: to put it simply, if  
27 the people have no right under the Constitution to secure simple and  
28 enforceable rights, such as the right to have a natural born citizen as



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3 Commander-in-Chief, then it is obvious that the letter of the constitution  
4 is all but null and void.

5 **113.** This constitutional crisis, in turn, has major national security  
6 ramifications arising from the question of whether a constitutionally  
7 unqualified President can issue valid orders as a matter of International  
8 and Domestic law.

9 **114.** The spirit underlying this lawsuit is a continuing sense of  
10 frustrated urgency to uncover the truth so that the public can be fully  
11 informed about actual or alleged federal government activities to validate  
12 or cover up the President's real biography and historic background.

13 These issues obviously affect possible questions about the government's  
14 integrity as a whole, because if a deception has occurred, it will be quite  
15 impossible ever to conclude, in this conspiracy, that "Obama acted alone."

16 **115.** Plaintiffs further contend that the absence of a public means to  
17 challenge eligibility and qualifications to hold office, even after elections,  
18 constitute an injury to the substantive due process rights of the American  
19 public if the truth is not uncovered as soon as possible.

20 **116.** The Obama administration is moving at warp speed to accomplish  
21 its goals, but if Obama is ineligible to be a US president, everything that  
22 is being "accomplished" will be illegal.

23 **117.** Consequently, time is of the essence in uncovering the truth and the  
24 fact that final confirmation of "the truth" by clear and convincing  
25 evidence remains just out of reach nearly six full months after the  
26 inauguration is no cause to characterize or find this inquiry "moot."

27 **118.** Within the meaning of 42 U.S.C. §1988(a), to the extent that this is  
28 a case where the laws of the United States are not suitable to protect and

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3 vindicate the civil rights of the people of the United States to demand and  
4 require their governmental officials to prove their constitutional  
5 qualifications, and to the extent that there are no laws or insufficient law  
6 suitable to carry these rights into effect or otherwise adapted to the object  
7 of proving elected officials' qualifications, then this Court is empowered  
8 by 42 U.S.C. §1988(a) to extend the common and statutory law of the  
9 United States in a manner consistent with the Constitution to provide for  
10 the trial (or summary disposition without trial) and disposition of this  
11 cause and, if crimes are found, to ensure the infliction of punishment on  
12 the guilty parties.

13 **119.** By his public statements concerning his birth, Barack Hussein  
14 Obama has waived any objection or answer he might otherwise have had  
15 to the utilization of 42 U.S.C. §1988(a) to extend the common and  
16 statutory laws of the United States in a manner so as to require proof of  
17 his constitutional eligibility.

18 **120.** This Court has the power to conduct hearings or make referrals to  
19 determine the exact contours of such extension of common and statutory  
20 laws consistent with the constitution in order to (A) conduct an  
21 accounting of Barack Hussein Obama's conduct as a candidate for  
22 President of the United States, (C) establish the truth of Defendant's  
23 qualification or lack of qualification to serve as President by clear-and-  
24 convincing evidence, and (D) to investigate all other matters related to  
25 Count I of Plaintiffs' Original (January 20, 2009) Complaint.

26 **121.** This Court has the power to order Barack Hussein Obama to appear  
27 and show cause all the relief sought by this complaint should not be  
28 upheld (or entered) against him, as well as to order the "interested" U.S.

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Attorneys’ to justify and prove their standing to appear in this case, either in a representative or “active party” capacity (e.g. as interveners, *Amici Curiae*, or as representatives of identified interveners or Friends of the Court etc.).

122. Plaintiffs reemphasize that they seek relief against Barack Hussein Obama only in regard to his conduct occurring or issues accruing prior to his inauguration on January 20, 2009. Plaintiffs’ FOIA and 1983 actions concern only conduct and actions conducted under colour of law by Obama as a private individual running for President of the United States, i.e., his “personnel” file, insofar as this reflects on his qualifications to hold and authority to “faithfully execute” the office of President of the United States.

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Reservation of Pleadings under 18 U.S.C. §1961 et seq.

123. Plaintiffs reallege ¶¶1-121 as if fully copied and restated herein, and incorporate the material allegations and legal contentions articulated in the same.

124. Plaintiffs have accumulated several dossiers of evidence against Barack Hussein Obama which suggest, in addition to the multiple addresses and social security numbers described above, that the President and his allies and some of the co-defendants in this case may have committed, or still be in the process of committing, some fairly serious violations of U.S. law, especially the provisions of titles 18 and 42.

125. Because of the complexity of RICO pleading, and because there is presently a rush of time to get the pleadings in this case lodged and served, Plaintiffs reserve their pleadings of allegations under RICO for their Second Amended Complaint, and ask that the Court accept their filings of such pleadings when submitted without further leave of court, because it would have been desirable to consolidate and present all Plaintiffs' viable claims at the present time.

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**126. PRAYER FOR RELIEF**

For all of the above-and-foregoing reasons, Plaintiffs pray that this court will enter final judgment against Defendant Barack Hussein Obama pursuant to 5 U.S.C §552, 28 U.S.C. §2201-2202, and 42 U.S.C. §§1983, 1988(a).

This Court should issue an order to Barack Hussein Obama to show cause why the full measure of relief requested by the Plaintiffs in this case should not be granted, and should in particular order that the contours of the final judgment under 42 U.S.C. §1988(a), including the extension or modification of common and statutory law to protect the civil rights of the people of the United States to demand clear-and-convincing evidence of the constitutional qualifications, eligibility, and competence of their elected (as well as their non-elected) officials, representatives, and executive agents.

Respectfully submitted,

Wednesday, July 14, 2009  
Bastille Day

By: \_\_\_\_\_  
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**PROOF OF SERVICE**

I the undersigned Charles Edward Lincoln, being over the age of 18 and not a party to this case, so hereby declare under penalty of perjury that on this Wednesday July 15, 2009, I provided facsimile copies of the Plaintiffs' above-and-foregoing First Amended Complaint to all of the following non-party attorneys whose names were affixed to the "STATEMENT OF INTEREST" who have appeared in this case in accordance with the local rules of the Central District of California, to wit:

- THOMAS P. O'BRIEN
- LEON W. WEIDMAN
- ROGER E. WEST
- DAVID A. DeJUTE
- FACSIMILE (213) 894-7819

DONE AND EXECUTED ON THIS 15<sup>th</sup> day of July, 2009

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Charles Edward Lincoln