

No. \_\_\_\_\_

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*In The*

*Supreme Court of the United States*

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Easterling et al., Movants, Applicants, & Complainants  
v.  
Barack Obama et al., Respondents

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**RULE 17 MOTION FOR LEAVE TO FILE  
ORIGINAL PROCEEDING INCLUDING BILL OF COMPLAINT AND  
APPLICATION FOR WRIT *IN OR PER QUO WARRANTO***

Rule 17.3-17.4 of the Rules of This United States Supreme Court state as follows:

3. The initial pleading shall be preceded by a motion for leave to file, and may be accompanied by a brief in support of the motion. Forty copies of each document shall be filed, with proof of service. Service shall be as required by Rule 29, except that when an adverse party is a State, service shall be made on both the Governor and the Attorney General of that State.
4. The case will be placed on the docket when the motion for leave to file and the initial pleading are filed with the Clerk. The Rule 38(a) docket fee shall be paid at that time.

In compliance with and pursuant to Rule 17.3 of the Rules of this Court, Movants seek leave of court to file an Emergency Motion for Stay and Bill of Complaint within the Original Jurisdiction of this Court. Specifically, Movants ask this Court to exercise its original jurisdiction to determine a civil action *in or per quo warranto* concerning the President of the United States and meanwhile to temporarily stay or enjoin certain critical constitutional functions from being exercised by the President during the determination of this action *in or per quo warranto*, namely (1) the appointment of any person to serve as the US attorney for the District of Columbia and (2) appointment and the confirmation of any person as a new Supreme Court Justice to replace retiring Justice David Souter until eligibility /legitimacy of Mr. Barack Hussein Obama aka Barry Soetoro for the position of the president of the United States and Commander in Chief can established as a matter of constitutional law.

Movants submit that their Application for Stay and Bill of Complaint may and should only be heard in this Supreme Court, in that only this Supreme Court of the United States has the magisterial dignity and authority properly to decided and

adjudicate such a determination *in or per quo warranto* of the eligibility of Mr. Barack Hussein Obama aka Barry Soetoro to exercise the constitutional offices and duties of President of the United States. Furthermore, only this United States Supreme Court has the magisterial dignity and authority effectively to apply the Federal Rules of Civil Procedure and Evidence to and as against and concerning high officers of this and other countries.

Such application of the Federal Rules of Civil Procedure is expressly authorized by Rule 17.2 of the Rules of this Court, and in regard to a matter which will attract unparalleled national and international scrutiny thereby to supervise the normally mundane and routine process of discovery under those Rules, including but not limited to granting motions to compel or other mandates for production of documents such as vital, statistical, and otherwise (normally) confidential records concerning or relating to Barack Hussein Obama which be served upon Ms. Hillary Clinton in her capacity as the Secretary of State, Mr. Robert Gates in his capacity as the Secretary of Defense, Ms. Linda Lingle in her capacity as the governor of Hawaii, His Excellency Peter N.R.O Ogengo, the right Honorable Ambassador of Kenya; H.E. the Right Honorable Sudjadnan Pamchadningrat in his capacity as Ambassador of Indonesia, H.E. the Right Honorable Sir Nigel Steinwald in his capacity as ambassador of Great Britain, H.E. the Right Honorable Hussein Haqqani in his capacity as Ambassador of Pakistan and Mr. Sergei Kislyak, Ambassador of the Russian Federation. All of these discovery actions will constitute mandates to persons over whom this Honorable Court may and in this extraordinary case ought to exercise its discretionary jurisdiction.

Respectfully Submitted on this 16<sup>th</sup> day of June, 2009

By: \_\_\_\_\_  
Counsel for the Applicants  
Dr. Orly Taitz, ESQ  
26302 La Paz, Mission Viejo CA 92691  
Phone 949-683-5411 Fax 949-586-2082

**PROOF OF SERVICE**

Proof of Service Attached to Bill of Complaint including Notarized Affidavit of Service to all Parties Respondent according to Rules 29.3, 29.4, and 29.5 of this United States Supreme Court. This Motion and Bill of Complaint are being served on all parties simultaneously.

By: \_\_\_\_\_  
Counsel for the Applicants

Dr. Orly Taitz, ESQ  
26302 La Paz, Mission Viejo CA 92691  
Phone 949-683-5411 Fax 949-586-2082

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ORIGINAL ACTION  
INCLUDING APPLICATION FOR ISSUANCE OF WRIT QUO WARRANTO, AND  
BILL OF COMPLAINT  
ADDRESSED TO THE CLERK OF THE SUPREME COURT FOR FILING UNDER  
RULES 17.3-17.4

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**QUESTIONS PRESENTED FOR DECLARATORY JUDGMENT**

**28 U.S.C. §§2201-2202**

**Question 1**

What was the original definition of “Natural Born Citizen” provision and the Article II, Section 1, ¶5 eligibility and requirement for the Position of the President and Commander in Chief at the time of creation of the Constitution?

**Question 2**

How is 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?

**Question 3**

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?

**Question 4**

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 100 alternate multiple names, addresses, and/or as many as 25 social security numbers, and if and when done by 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 or 42 U.S.C. §408(a)(7)(B) or any other statute?

**Question 5**

Does the Constitution permit a person with split allegiance to the States of America and any other country or countries to serve as the President and Commander in Chief?

**Question 6**

Does this Supreme Court not have the power, and should not this Court exercise the power, to issue a writ *in* or *per quo warranto* in the name of the United States against the President of the United States, Cabinet Members, and any other high officers or persons against a person who within the District of Columbia usurps, intrudes into, or unlawfully holds or exercises, a franchise conferred by the United States or a public office of the United States, civil or military?

**Question 7**

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

**Question 8**

**Do either Article IV, §4, or the First and Ninth Amendments to the United States Constitution, guarantee to the people of the United States the Right to Petition for Redress of Grievances in this Supreme Court (or any court established under Article III of the Constitution) where such grievances relate to the qualifications of persons to be elected or to serve as President of the United States, and to demand strict and valid proof thereof, according to the Federal Rules of Evidence, whose use is also authorized by Rule 17.2 of the Rules of this Court?**

## Parties

### MOVANT, APPLICANT, and COMPLAINANT

Lt. Scott Easterling, in his capacity as an active duty US army officer, Resident of Tennessee, currently stationed in Iraq

Active Duty Alan C. James, resident of North Carolina, currently stationed in Iraq

Active Duty Sergeant Jason James Freese, resident of Alaska

Active Duty CTR1 (AW/SW/NAC) Israel D. Jones, US Navy Japan

Active National Guardsman Matthew Michael Edwards, resident of Wyoming

Active duty SPC Charles Crusemire, Resident of Pennsylvania, currently in Iraq

Active duty Captain Robin D. Biron, resident of Arizona, bronze star recipient in Iraq

Active Duty Israel D. Jones CTR1 AW/SW/NAC US Navy Cryptologist, currently in Japan

Active Reservist scheduled for deployment Lita M. Lott, resident of California

Active military James N. Glunt, resident of Pennsylvania

Citadel staff sergeant Timothy W. Kenney, US Marine Corp veteran, Virginia Army National Guard

Ambassador Dr. Alan Keyes, in his capacity of a Presidential candidate on the Ballot in 2008 Presidential Election. Mr. Keyes requests for Mr. Obama's records were denied in Hawaii, Mississippi and California.

Ms. Gail Lightfoot, in her capacity of a vice presidential candidate for Ron Paul on the Ballot in CA in the presidential election. Ms. Lightfoot petition was denied by the Supreme Court of California.

Ms. Sarah Marie Chermak, not a legal entity under the US Corporate law

Mr. Robert Cusanelli, in his capacity as an Elector of the 2008 electoral college from the state of Alabama

Reverend Tom Terry, resident of Georgia, has filed Obama eligibility challenge in the Supreme Court of GA, current action is an appeal of the denial from the Supreme Court of GA

Mr. Eric Swafford, in his capacity of the State representative from the State of Tennessee

Mr. Timothy Jones, ESQ, in his capacity of a State Representative from the state of Missouri

Mr. Timothy Comerford, in his capacity of a State Representative from the State of New Hampshire

Mr. Frank Niceley in his capacity of the state representative from the state of Tennessee

Ms. Cynthia Davis, in her capacity of a State representative from the State of Missouri



Mr. Larry Rappaport in his capacity of a State Representative from the State of New Hampshire,  
Mr. Stacey Campfield in his capacity of a State representative from the state of Tennessee  
Mr. Casey Guernsey in his capacity of a State Representative from the state of Missouri  
Mr. Glen Casada, in his capacity of a State Representative from the state of Tennessee  
Major General Carrol Dean Childers, Ret. Lifetime subject to recall, resident of Virginia  
Colonel Harry Riley, Ret. Lifetime subject to recall, Silver star recipient, resident of Florida  
Colonel John D. Blair, US Army, Ret, lifetime subject to recall, resident of Florida  
LCDR Jeff Graham Winthrope, US Navy, Ret. Lifetime subject to recall, resident of Texas  
Lt. Col Dr. David Earl Graef, Active Reserves, resident of Virginia  
Commander Charles Maxwell, US Navy, recipient of 4 gold stars, Ret., lifetime subject to recall, resident of New York  
Lieutenant Colonel Donald Sullivan, resident of North Carolina  
Lieutenant Colonel John David Klein, US Airforce, subject to recall, resident of Kentucky  
Commander David Fullmer LaRocque, US Navy reserves, Ret, subject to recall, resident of California  
Commander Douglas Earl Stoeppelwerth, USNR-ret., resident of TN  
Lieutenant Colonel Charles L. Miller, Ret US Air Force, lifetime subject to recall, resident of Ohio  
Lieutenant Colonel Richard Norton Bauerbach, US Air Force, Inactive Reserve, silver star recipient, resident of Arizona  
LTC Chetwin M. Hurd, Ret, resident of Texas  
Lieutenant Commander John Bruce Steidel, US Navy reserves, resident of Washington  
Lieutenant Colonel John P. Petersen, Active Reserves, Resident of Colorado  
Chief Major Tony W. A. Donnelly Army National Guard, resident of Virginia  
Major Stephan F. Cook, EN US Army  
Major Paulette M. Klein, Ret. US Air Force, subject to recall, resident of Kentucky  
Major Bradley Charles Franklin, Ret, life time subject to recall USAF, resident of Illinois  
Major Robert W. Fry, Ret. Lifetime subject to recall US Army veteran, resident of Washington  
Major James Cannon, US Marine Corps, ret., resident of New Mexico



Judge Advocate for the charter of American Legion, Jack Cannon, Ret., resident of New Mexico  
Major David Grant Mosby, Ret US Air Force, resident of Washington  
Major Art Scheffer, , US Air Force, Ret., subject to recall resident of Louisiana  
Captain Edward Adams Ret, GA National Guard, resident of Georgia  
Captain Pamela Barnett, Commander, training officer on temporary medical disability  
Captain Neil B. Turner US Army Aviation, Retired, resident of California  
Captain Harry G. Butler, US Navy Seal  
Captain Larry A Shewmaker, US Air Force Ret., resident of South Carolina  
Captain Ralph H. Jenkins, Ret US Marine Corps, resident of Texas  
Airline Captain and Naval Officer D. Andrew Johnson, Ret. Lifetime subject to recall resident of California  
Officer Clint Grimes, Long Beach California Police Department and Navy active Reserve  
Lieutenant Will Harper, US Navy reserve, resident of Virginia  
First Lieutenant Renee A. Kania, resident of Ohio  
Pilot Dana Eugene Latta, ret., resident of North Carolina  
MSG Dean Suhr, US Army, retired  
SMsgt Gary M. Morris, bronze star recipient, Ret., resident of Florida  
GySGT Robert Pinkstaff, US Marine Corp., Ret., resident of Kansas  
Sergeant Jeffrey Wayne Rosner, Hon Dis., resident of Texas  
SFC Susan K Irwin, US Army reserve, resident of Indiana  
Aircraft Pneudraulics Specialist Thomas J Taylor, US Air force resident of California  
Specialist Jennifer Leah Clark US Army Reserve, resident of Illinois  
SFC E7 Robert Lee Perry, US Army, Ret, resident of Iowa  
Mr. Frank Adelman, Ret military  
SFC Lowell K Doherty, US army, resident of Florida  
Sergeant First class Morgan Samuel Ward, US army recruiter, resident of Texas  
PFC Jean S. Charles, resident of Vermont  
Corporal Gary Stuart Cox, US Marine Cop, Virginia National Guard, Ret., Retired State Trooper, resident of Virginia  
First Sergeant William Shires , Ret US Army  
Chief Warrant Officer Thomas S. Davidson, Ret., lifetime subject to recall, resident of Arizona  
E8 Senior Chief Journalist, Richard E. Venable, US Navy, resident of California

E7 Paralegal, MSGT USAF Steven Kay Neuenschwander, ret., resident of Washington  
E6 James Randolph Reid Lapp, US Navy Cryptologist, Inactive Reserve, resident of Virginia  
E6 Ronald Whaley, US Navy Veteran, residing in Georgia  
E6 Mark Francis Rayome, US Navy Seabees, resident of Colorado  
E6 Ronald Durward Howell, Air Traffic controller, resident of Tennessee  
CW4 David Robert, Black Hawk Helicopter pilot, Ret., resident of Mississippi  
E4 11 bravo Ronald Anthony Cabrera, Jr, Hon. Discharge, resident of CA  
Sp4-E4 Richard M. Keefner, honorably discharged US Army, resident of Illinois  
E4 Thomas R. Knight US Navy Reserves  
Sp4 US Army Artur J. Olsczewski, retired, resident of Pennsylvania  
E4 Larry W. Highlen, resident of Indiana  
E3 Jim Szakmary, US Marine Corp, Federal Employee, resident of New York  
E2 Wayne Eugene Keller, Ret., resident of Pennsylvania  
Mr. Donn P. Hornberger, resident of Minnesota  
Mr. Robert David Riley, US military Ret., resident of Georgia  
MSGT Jeffrey Schwilk, US military ret., resident of California  
SGT USAF E4. Danney L. Lawler US Air Force veteran, currently international law student in Manila, Philippines  
Mr. David L. Bosley US Air Force veteran, resident of California  
Ms. Loretta G. Bosley US Air Force veteran, resident of California  
Mr. Kurt C. Fuqua, resident of Illinois, father of an active military serviceman and blood relative of Mr. Obama. Mr. Fuqua's petition for Mr. Obama's records was denied in the State of Hawaii and Mr. Fuqua was told to wait for a year for the records.  
Ms. Julliett Ireland, resident of California and a mother of an active US military serviceman.  
Ms. Jody Brockhausen, resident of Texas. Ms. Brockhausen's petition was denied in the state of Texas.  
Ms. Carol Greenberg, resident of Ohio. Ms. Greenberg's petition was denied in Ohio.

v.

**PARTIES RESPONDENT**

Barack Hussein Obama, a/k/a Barry Soetoro, Hillary Rodham Clinton, in her capacity as Secretary of State; Robert Gates, in his capacity as Secretary of Defense; Linda Lingle in her

capacity of Governor of the state of Hawaii; Ambassador of Kenya His Excellency Peter N.R.O Ogenga; Ambassador of Indonesia H.E. Sudjadnan Pamchadningrat; ambassador of Great Britain Sir Nigel Sheinwald; Ambassador of Pakistan, His Excellency Ambassador Hussain Haqqani and Does 1-100

Respondents.

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**STATEMENT OF JURISDICTION for**

**ORIGINAL ACTION:**  
**BILL OF COMPLAINT AND APPLICATION FOR ISSUANCE OF**  
**WRIT *IN* AND *PER QUO WARRANTO***

1. Consistent with Article III, §2 of the United States Constitution, Congress has provided by statute in title 28 U.S.C. §1251(b)(1) that this United States Supreme Court has “**original but not exclusive jurisdiction** of all actions and proceedings to which ambassadors, other public ministers, consuls or vice consuls of foreign states are parties.” Due to the fact that the Application and Complaint for which this present motion seeks leave to file must of necessity include the filing of discovery requests and motions to compel under the Federal Rules of Civil Procedure which may have the same form and effect as a Petition for Writ of Mandamus to be issued upon the ambassadors from several foreign nations who will be named as parties, the Supreme Court will have original “but not exclusive” jurisdiction.

2 The essential reasons why this Court should exercise its “original but not exclusive” jurisdiction in this case is because of the magnitude of the issues, and the social and political reality that only the Supreme Court of the United States actually stands in a state of Constitutional equality with the President in the eyes of the nation and of the world.

3. Also consistent with Article III, §2, Congress has provided in §1251(b)(3) that the Supreme Court shall have jurisdiction over “all actions or proceedings by a state against the citizens of another State or against aliens.” As a matter of equal

protection and due process of law, movants submit that this statute must be interpreted to mean “all actions or proceedings by citizens of another State against a state or against aliens” as well as an action filed by a state against citizens. The Bill of Complaint which Movants wish to file will name the Government/Governor of the State of Hawaii and may name certain aliens as defendants in an action for declaratory judgment. For precisely the same reasons of political and social reality, the magisterial dignity and authority of this Supreme Court is necessary to make this case “real.”

4. The use of writs of mandamus as necessary in aid of this Court’s jurisdiction over original actions is consistent with 28 U.S.C. §1651(a). This same statute permits this Supreme Court of the United States to issue its order *in* or *per quo warranto* conditionally and in the alternative, so that the justices may Rule “*Nisi*” or *Nisi Prius* so as to avoid issuing an order to the President of the United 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.

5. Lastly it appears from Movants’ review of the law that there are only two courts that have the statutory jurisdiction for issuance of a writ *in* or *per quo warranto* against the President of the United States, and these courts are the United States Supreme Court and the United States District Court for the District of Columbia by D.C. Code § 16-3501. U.S. Supreme Court has a jurisdiction to hear an application for issuance of a write *in* or *per quo warranto* under 28 U.S.C. §1651(a) “in aid of [its] jurisdiction and agreeable to the usages and principles of

law.” A writ *in* or *per quo warranto* can be issued in the United States District Court, in the District of Columbia, in the name of the United States against a person who within the District of Columbia “**usurps, intrudes into, or unlawfully holds or exercises, a franchise conferred by the United States or a public office of the united states, civil or military**”.

6. However, the experience of counsel in this case confirms that application to the United States District Court for the District of Columbia is futile, and that ONLY application directly to this Court will suffice as a matter of the social and political reality that the lower courts and officers of the United States fear directly to challenge the Chief Executive under the circumstances and with regard to the issues raised in this case.

7. On behalf of her clients the undersigned attorney has submitted a certified mail return receipt demands upon the Attorney General of the United States Eric Holder and the United States Attorney for the District of Columbia, Jeffrey Taylor, to institute such action. No action was instituted and no response was received. As hundreds of citizens have called the Department of Justice, they were stonewalled, they were told not to call, but rather to submit the requests in writing. When written requests were submitted, no response was received. After thousands of phone calls by the outraged citizens no action was taken by the US Attorney for the District of Columbia Jeffrey Taylor, no application for issuance of any writ *in* or *per quo warranto* was filed and no response was received. A few days ago US Attorney Jeffrey Taylor unexpectedly resigned, so that it can be expected that the new

attorney will be appointed by the Obama administration and there is a clear and present danger of a corrupt or dishonest *quid pro quo* in such appointment and total impossibility that any application for issuance of a writ *in or per quo warranto* against Obama will ever be prosecuted.

8. Recently, in *Hollister v Soetoro*, Obama-Soetoro eligibility case was submitted by Attorney John Hemenway. This case was heard by DC District judge James L. Robertson, who completely misstated the presidency requirement, calling it “**native born**” instead of “**natural born**” and stating that there is no need to hear the case on the merits and obtain the actual documents because the case was “massaged and twittered on the blogs”. To add insult to injury Judge Robertson threatened Mr. Hemenway with sanctions for bringing this legitimate case. This decision will probably go down in annals of history as an insult to human intelligence and an example of utter corruption of the judiciary. Even elementary school children are taught early on, that the president needs to be a natural born citizen, not native born, whereby native born is one simply born in the country, while natural born, is one born in the country to two citizen parents, without allegiance to any other sovereignty, which makes Obama ineligible, due to the fact that his father was never a US citizen, but rather was here on a student visa in and around the time of Obama’s birth.

9. Additionally, since when “massaging” an issue on a few partisan blogs became a legal authority, particularly in a case of national urgency, when there is evidence suggesting, that the inhabitant of the White House is a foreign National,



citizen of Indonesia and possibly still citizen of Kenya, usurping the position of the President of the United States of America and the Commander in chief. This decision by judge Robertson made it impossible for the undersigned attorney to obtain a pro hac vice, as no DC lawyer would be willing to subject himself to these insane sanctions of the obviously biased court, unwilling to hear this issue on the merits. Due to the fact that legitimacy of the presidency is the most important issue in the history of this Nation, and 305 million American citizens cannot and should not be held hostage to one biased court, it is imperative for the Supreme Court of the United States to hear this petition on the merits.

10. Lastly, plaintiffs in this action have used all legal remedies available and the Supreme Court became the only available legal remedy: they have filed legal actions in their state courts, in federal courts, grievances with their secretaries of States, election committees, 138 UCMJ code grievances with the military, letters, faxes, e-mails, quo warranto demands, phone calls and personal meetings with any and all branches and forms of law enforcement, FBI, Attorney Generals of their states, Attorney General Holder, US Attorneys and District Attorneys- all in peaceful and lawful attempts to obtain proof of Obama's eligibility for presidency.

11. As of now no case was heard on the merits, not one single citizen was able to see any of Obama's vital records: his original birth certificate, his passports from Indonesia, Kenya and US, his university enrollment records and there is a real danger of one with allegiance to foreign Nation occupying the White House. Since this country is in grave danger, the lives of US military are in grave danger and the

state representatives cannot perform their ministerial duties without knowledge of Obama's eligibility for position, **exceptional circumstances warrant the exercise of the court's powers and adequate relief cannot be obtained in any other form or from any other court.**

### **EXIGENT CIRCUMSTANCES**

12. Thirty five states in the Union have passed or are in the process of passing of Declarations of Sovereignty or Bills of Sovereignty in their State Codes. The state legislators are infuriated by the oppressive federal government that is overreaching into the state affairs. Many are questioning the legitimacy of the President. If thirty four states, two thirds of the Union, decide to act upon their sovereignty rights and secede, the United States will cease to exist.

Petitioners in this action, active duty military are risking their lives, fighting Muslim terrorists in Iraq and Afghanistan. At the same time Obama has released and currently releasing from GITMO without any military trial most dangerous terrorists, among them Benyan Mohammed, who admitted to being trained to handle a dirty bomb (nuclear bomb) and planning attacks on the US population, Nashiri-mastermind of the attack on USS Cole and Obama is scheduling release into the general population of the United States over 30 others. Commenting on the first of these releases, former USS Cole commander Kirk Leopold stated: " the question is not whether he will strike again, but **when** will he strike".

13. **Yet another extreme National Emergency is looming.** In February of this year Friedrichs, MD local newspaper reported that canisters with the samples of a live

strain of a bio agent were missing from Fort Detrick military base. In and around the same time Canada Free Press reported that deadly avian flu virus was identified in a batch of vaccines distributed to 8 countries, mostly European by Baxter pharmaceuticals. Some biomedical researches were accusing Baxter of intentionally trying to start a pandemic. In April swine flu epidemic has started in Mexico. As most governments were banning flights to Mexico and installing temperature sensors in the airports, Obama/Napolitano administration took no such measures, Napolitano was even advising Americans that it was safe to travel to Mexico and most initial cases came from open Mexican border. One case was of special concern: first case in California, a marine at 29<sup>th</sup> Palms Marines base, which is also coincidentally a designated FEMA camp. Due to the fact that the active duty military are routinely given vaccinations and they are not allowed to refuse them, **the real concern is, whether they were possibly infected during vaccinations with a live strain of virus, as it happened in Europe.** We might be on the brink of a National emergency and the eligibility and the allegiance of the President is of paramount importance. It makes Quo Warranto and the Petition for the Extraordinary Writ of Mandamus in the Supreme Court a matter of National importance and National emergency and **such exceptional circumstances warrant the exercise of the powers of this Honorable Court.**

#### PROCEDURAL HISTORY

14. No Procedural history, the case is brought under the original jurisdiction of the Supreme Court of the United States of America.

**REQUEST THAT APPLICATION BE TREATED AS ORIGINAL ACTION FOR PETITION *IN* AND *PER QUO WARRANTO* AND/OR MANDAMUS AND /OR PROHIBITION, OR AS A PETITION FOR WRIT OF CERTIORARI IF NO OTHER AVENUE OF JURISDICTION WERE OPEN**

15. Due to the Constitutional crisis in the United States today and grave danger to the military personal presented by the situation whereby the President of the United States is not legitimate 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."

16. 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.

17. Movants request and pray that this Court characterize this Original Action as a Writ of Certiorari or in any manner necessary to confer, invoke, and confirm the jurisdiction of this Court to ensure and allow a full hearing on the merits.

**Background of the Case**

18. Over a 100 Movants, Applicants, and Complainants are represented in this

action. They came from all over this great nation: from Alaska to Hawaii, from New York to California, from Washington State to Florida. Movants, Applicants, and Complainants are members of the US military: from private to Major General, they are parents of the active US military, they are State Representatives from different states, they are plaintiffs in different states in the union, who are seeking proof, that Barack Hussein Obama aka Barry Soetoro (herein Obama) is eligible to serve as the President of the United States and the Commander in Chief, they are seeking a writ of Mandamus from the Supreme Court to be issued for Obama, secretary of State Hillary Clinton, Secretary of Defense Robert Gates and Governor of Hawaii Linda Lingle to provide original documents and not computerized images to prove Obama's eligibility as a Natural born citizen of the United States. This is imperative as computerized images can be easily altered by the photoshop software and not admissible by this Honorable court.

### **NECESSITY FOR ACTION**

19. On January 20<sup>th</sup> Barack Hussein Obama (Hereinafter Obama) was inaugurated as the 44<sup>th</sup> president of the United States of America. The votes were tallied by voting machines running on Sequoia software, that was purchased circa 2004 by the Communist Dictator of Venezuela Hugo Chavez. This fact alone makes the election results highly suspect as numerous backdoors could be installed in the software, that would change the election results. This is even more suspect considering the fact that Obama was initially elected to the Illinois senate as a leader of the New Socialist Party and later changed his Affiliation from Socialist to

Democrat, presumably to make himself more palatable and more marketable to the public at large. Of course New Socialist party and Communist party of Venezuela share very similar ideology and there is a reasonable concern that the software could be tampered with.

20. Additional factor is the fact that numerous states did not purge their voting rolls from the social security numbers of the deceased. As a matter of fact the State of New Jersey had been sued by the Department of Justice and banned from the federal Elections for HAVA violations, as two hundred year olds were voting in New Jersey. More importantly, search of the most reputable databases of Lexis Nexis and Choice Point came back with some 100 addresses attached to some 25 Social Security numbers for Obama.

21. The social security number used at the address in Sommerville Massachusetts was issued in the state of Connecticut and show the owner of this social security number to be 119 years old. A request for information and complaint was sent to the FBI and the Social Security administration. Several months after the request was made, mid April 2009 a phone call was received by the undersigned attorney, from Carlene Slowe, office of Privacy and Disclosure of the Social Security Administration, phone 410-965-1234, stating that the Social Security Administration is working on this complaint, however no response was received as of yet and the identity of Obama is questionable, considering the fact that the name Barack Hussein Obama is extremely rare in the United States of America and numerous social security numbers were found. This makes it extremely important

to obtain original birth certificate from the State of Hawaii, as well as the passport and immigration records from the Secretary of State.

22. In summer of 2008 Secretary of State Candoleeza Rice has announced that there was tampering with the passport records of Barack Hussein Obama. The matter was particularly acute as Lt. Quarles Harris Jr. 24, one of the suspects, reportedly cooperating with the federal investigators was found shot in the head, according to Washington times Article of April 19, 2008. This happened only a few days after the initial April 5<sup>th</sup> report by Washington Times disclosing Mr. Harris's cooperation with the federal investigators.

23. The undersigned counsel, who was also a lead counsel in the eligibility case filled in the state of California Keyes v Bowen, has served the department of Justice with the subpoena for production of documents. The undersigned counsel has received a phone call from the Assistant US attorney for the Eastern District of California Mr. Yashinori Himel, stating that the Department of Justice will be willing to cooperate under Touhee provision. Stipulation was signed by Orly Taitz representing the plaintiffs Keyes et al and by US Attorney Ronald Brown and assistant US attorney Yashinori Himel, representing the department of Justice, and it was filed in the Superior Court of California, converting subpoena into Touhee provision. Affidavit was filed in support of the stipulation and controller general report and results of the Department of Justice investigation into tampering into passport records were requested along with a number of other records.

24. Defying all common sense and reason, presiding judge Michael Kinny has



dismissed the case, pronouncing it to be moot, even though, he was the one who postponed the case from November to March in the first place and no explanation was provided how is it a moot issue, to have a possible usurper sitting in the White House for the remaining three years and ten months of the term. Shortly after Judge Kinny has dismissed the case, the undersigned counsel has received a letter from the Department of Justice, stating that they will no longer cooperate per stipulation, as the case was dismissed. Considering the above chain of events the writ of mandamus for passport and immigration and naturalization records is essential.

25. As filing of Selective Service Certificate is a requirement for one to serve in the executive branch of the government, which clearly includes the President as one presiding over the executive branch. Shortly after the election the undersigned counsel has received from former Federal agent Stephen Coffman a copy of the FOIA and analysis of such FOIA that was filed with the Selective Service Administration prior to the election, but was received only after the election. The analysis showed numerous areas of suspected forgery of the certificate. As the undersigned counsel represents a number of high ranked members of the military, National Director of the selective Service Mr. William Chatfield, agreed to talk to the undersigned attorney, as one representing Major General Childers.

26. At a meeting in his Arlington VA office Mr Chatfield was specifically questioned in regards to an explanation for the stamp on the document being a wrong stamp for 1980, for a wrong form number, for discrepancy in serial numbers

in the form itself, the fact that it was filed in September of 1980 in Hawaii, when Obama was thousand of miles away in Occidental college in California and the fact that it stated that it was filed without an ID, even tough an ID was a requirement. Mr. Chatfield could not provide any explanation, only stating “trust me’. National security of the United States cannot be relegated to “trust me” and there is a need for a writ of Mandamus from the Supreme Court for the Secretary of Defense, Robert Gates to release the original certificate of the selective service with the US military, for it to be analyzed by the forensic document examiners of the plaintiffs.

27. The undersigned counsel has requested from the Secretary of state of California verification of Obama’s eligibility and got a response, that the Secretary of State does not do such verification. As volunteers were checking around the country, no secretary of state, no election committee could be found, that did any verification of such eligibility. This became extremely important, as it became known that the state of Hawaii has a statue 338, that allows foreign born children of Hawaiian residents to obtain Hawaiian birth certificate and those can be obtained based on a statement of one relative only. Dr. Fukino, director of the state of Hawaii Health department has issued a carefully crafted statement, that the department has Obama’s birth certificate on file, however a birth certificate for a foreign born child of a Hawaiian resident is also legal in Hawaii, but it will be illegal in other states and will make one ineligible for the US presidency. This makes it imperative to obtain the original birth certificate from the state of Hawaii to ascertain the Constitutional eligibility of Obama to assume the presidency.

28. Ambassador of Kenya Peter Oginga Ogego has given a radio interview to Talk show hosts Marc Fellhauer, Mike Clark and Trudi Daniels from WRIF 101.1 FM radio in Detroit Michigan. At 0:12:24 of the interview Marc Fellhauer has asked Amabassador of Kenya "One more question. Our President elect Obama's birth place over in Kenya is that going to be a spot to go visit **where he was born?**" Ambassador: "**it is already an attraction**, his paternal grandmother is still alive". Marc Fellhauer: "**But his birthplace, they will put a marker there?**" Ambassador:"**It's already well known**". The statements of Ambassador of Kenya directly contradicted Obama's assertion, that he was born in US, which made it a necessity to mandate for the ambassador of Kenya to unseal Obama's birth records and his citizenship, travel and immigration records.

29. In his book Dreams of My Father, Obama stated that he immigrated to Indonesia, when his mother married Indonesian National. Obama's Indonesian school registration shows him as Barry Soetoro (his step-father's last name) and citizenship Indonesian, religion Islam. Notably, Obama has also travelled to Pakistan in 1981 at the age of 20, during martial law, imposed in that country by the Radical Muslim Dictator General Zia Ul Haq. It was suggested that he might have travelled under his Indonsian passport, showing him to be an Indonesian and a Muslim, therefore confirming his Indonesian citizenship as an adult.

#### Questions 4,2

#### Question 4

**How is 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?**

## 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?**

30. 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.

31. 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.

32. 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 heritage 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). 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 Obama's orders.

33. Mr. 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.

34. 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?

35. 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.

36. 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. American Citizens have an equal protection right guaranteed to them through the 14<sup>th</sup> amendment to the Constitution, as well as the right for guaranteed due process and the first amendment right for address of grievances, as well as rights guaranteed to the citizens, as ones not given to the Federal government or states under the 9<sup>th</sup> and 10<sup>th</sup> amendment.

#### **Question 7**

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

#### **Question 8**

**Do either Article IV, §4, or the First and Ninth Amendments to the United States Constitution, guarantee to the people of the United States the Right to Petition for Redress of Grievances in this Supreme Court (or any court established under Article III of the Constitution) where such grievances relate to the qualifications of persons to be elected or to serve as President of the United States, and to demand strict and valid proof thereof, according to the Federal Rules of Evidence, whose use is also authorized by Rule 17.2 of the Rules of this Court?**

37. While the Constitution never addressed specific rights, such as a right to attend the same schools or the right for family planning, this Honorable Court has decided that those rights are guaranteed to the citizens, as it was noted in *Brown v Board of Education* or *Roe v Wade*.

38. The question arises: "what about the most fundamental right of citizens to vote for the President, who is not a usurper? What about the citizens right to make sure that the President of the United States is not one with allegiance to another sovereignty, who is acting to the detriment of their Financial security, detriment of

their Constitutional rights and liberties, their National security and their life and liberty. At this historic juncture it became imperative for this court to issue a decision, that will reassert such right of citizens and where such court will mandate the lower courts and the states to guarantee a right of citizens to vote for a constitutionally eligible president, and to come up with mechanisms that would enforce such guarantees.

39. Additionally, since there is a clear conflict between Hawaiian statute 338 and article 2 Section one of the Constitution in regards to the Federal elections, it is up to this honorable court to decide, which law supercedes in regards to the citizen's rights to elect an eligible president. In *Marbury v Madison* Justice Marshall stated "It is emphatically the province and the duty of the Judicial Department ( the judicial branch) to say what the law is. Those who apply the rule to particular cases must, of necessity, expound and interpret that rule.

40. If two laws conflict with each other, the courts must decide on the operation of each.

41. The petitioners content, that 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.

### 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 100 alternate multiple names, addresses, and/or as many as 25 social security numbers, and if and when done by 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 or 42 U.S.C.§408(a)(7)(B) or any other statute?

42. It has been reported that Obama has spent over \$800,000 in legal fees in dozens of law suits around the country, all challenging his eligibility for presidency. As of now not one single case was heard on the merits, not one judge signed a judicial subpoena to unseal his vital records. Most of one hundred plaintiffs in this legal action have tried to address this grievance of Obama's eligibility.

43. The undersigned attorney is in possession of mountains of pleadings filed in lower courts, with different members of law enforcement, 138 UCMJ grievances, demands for investigation field with the election committees, secretaries of states, attorney generals, US attorneys, district attorneys, police departments, sheriff's departments, governors, demands for address of grievances sent to state and US representatives and senators.

44. As of now there is no mechanism to force the candidate to present his vital records, to verify his eligibility.

45. Obama has refused to release his vital records and repeatedly his attorneys have threatened sanctions to those attorneys and plaintiffs that brought those

legitimate complaints and thought subpoenas of Obama's records. Again, as stated in Question 2, citizens of this country have unalienable rights of equal protection under the law as well due process guaranteed by the 14<sup>th</sup> amendment, as well as their 1st amendment right for redress of grievances and the rights guaranteed to them under 9<sup>th</sup> and 10<sup>th</sup> amendments.

46. Citizens of this country have been denied those rights. Moreover, when attorneys for Obama, president of the United States have threatened citizens and attorneys with sanctions for merely asking for verification of eligibility, that was done under Obama's color of authority and constituted Deprivation of rights under color of authority Title 18 Part 1 Chapter 13 §242.

#### Questions 1,5

##### Question 1

**What was the original meaning of 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?**

##### 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?**

47. It appears there is a great confusion in regards to the meaning of the term "Natural Born Citizen" and whether Obama is a natural born citizen, regardless of whether he was born in United States or not, due to his fathers British citizenship at the time of his birth and Obama's British citizenship at birth based on the British Nationality Act.

48. As in recent decision of this court in *US District of Columbia v Heller*, this court traced the original meaning and intent of the second amendment, there is an

urgency in this court providing a decision and clarification of the original intent and meaning of the “Natural Born Citizen” contained in the Article 2, Section 1 of the Constitution, as a prerequisite for the presidential eligibility.

49. Many lawmakers and citizens alike have quoted definition of this term contained in Black’s Law dictionary. The undersigned counsel has traced it to the very first edition. This dictionary didn’t exist for over a 100 years after the creation of the Constitution. The very first edition came out in 1891 and didn’t even contain the term National born citizen.

50. The only term it contains was the **“Natural Born Subject- In English law one born within the dominion or rather within the allegiance of the king of England”**. P 801. The problem with this, that the framers of the constitution didn’t use this law dictionary for following reasons:

- a. **Black’s** legal dictionary didn’t exist at a time
- b. it provides the term Natural Born Subject, not Natural Born Citizen
- c. it is inconsistent with the known statements by the framers of the Constitution
- d. it is ambiguous, as a child of a British subject could be born abroad, but still bears allegiance to the king and not to the foreign ruler , therefore the “statements born with the dominions” and “or rather within the allegiance of the king of England” seem to be clashing or meaning that the term **RATHER**, means that the allegiance supersedes the place of birth, which would makes Obama ineligible, as based on British Nationality act of 1948 he had allegiance to British crown.

51. The counsel for the petitioners submits that the framers of the constitution used the definition of the Natural Born Citizen contained in **“The Law of Nations or, Principles of the Law of Nature, applied to the Conduct and Affairs of Nations and Sovereigns”** by Emerich De Vattel.

“...natural born citizens, are those born in the country, of parents who are citizens. As the society cannot exist and perpetuate itself otherwise than by the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights. The society is supposed to desire this, in consequence of what it owes to its own preservation: and it is presumed, as a matter of course, that each citizen, on entering into society, reserves to his children the right of becoming members of it. The country of the fathers is therefore that of the children; and these become true citizens merely by their tacit consent. We shall soon see, whether, on their coming to the years of discretion, they may renounce their right, and what they owe 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”.

52. The petitioners submit that this was a definition used by the framers of the constitution, defining “Natural Born Citizen” for following reasons:

- a. this treatise existed at the time of the creation of the Constitution, as it was published in 1957 and was readily available to the framers
- b. it was widely quoted by the framers of the constitution
- c. it provides the exact term used “Natural Born Citizen”
- d. it fully corresponds to the well known statements by the framers of the Constitution
- e. it 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.

53. One of the first framers of the Constitution 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 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”

54. In explaining the meaning of Natural Born Citizen, the framer of the 14<sup>th</sup>

amendment, John A. Bingham stated ‘every human being born in the jurisdiction of the United States to **parents not owing allegiance to any foreign sovereignty**’. (Emphasis added).

55. As Obama’s father owed allegiance to British crown, Obama was not a Natural born citizen and does not qualify for presidency. Dual Nationality is a rather new concept that did not exist at the time of creation of the Constitution and the petitioners submit, that the definition used and the contemporaneous statements of the framers show desire to exclude from the group of Natural Born Citizens anyone, with allegiance to other sovereignties at birth.

56. The intent of the framers of the constitution was to safeguard the presidency from the usurpation and the highest safeguard was placed, the strictest system of checks and balances, that included Jus Solis- requirement of being born in the country and Jus Sanguis- requirement for one to be born to citizens, not foreigners, temporarily residing in this country on student visas, as it was the case with Obama’s father.

57. Noteworthy, that apparently the framers of the constitution regarded the citizenship of the father to be more important, then the place of birth, as in 1790 they tried to relax the rule by allowing foreign born children of the citizens to be considered natural born citizens, however shortly thereafter this loophole was closed in the Naturalization Act of 1795.

58. As this honorable court will trace Naturalization Act of 1790, it stated “And 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 a resident in the United States.” This amendment clearly shows, that while the framers were willing to relax somewhat Jus Solis- the place of birth requirement, they were not willing to relax the pillar of Natural Born Status- namely Jus Sanguis- citizenship of the parents.

59. In 1795 the congress has amended the Naturalization Act of 1790. One of the main reasons for the amendment was the fact that under British Common law, children born overseas in the lands under British rule, were considered British subjects, even if their parents were Americans. 1795 act removed the words “natural born”, therefore leaving the original definition by Vattel intact: “natural born citizens are one’s that are born in the country to parents, who are citizens of the country.”

60. This double safeguard mechanism was never repealed and the attorney for the petitioners is requesting this honorable court to find for the petitioners in ruling that the “natural born citizen” means one born in the country to parents, who are both citizens of the United States of America and do not have allegiance to any other sovereignty.

### Questions 1, 6, 7, 8

#### 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?**



### Question 6

**Does this Supreme Court not have the power, and should not this Court exercise the power, to issue a writ *in or per quo warranto* in the name of the United States against the President of the United States, Cabinet Members, and any other high officers or persons against a person who within the District of Columbia usurps, intrudes into, or unlawfully holds or exercises, a franchise conferred by the United States or a public office of the United States, civil or military?**

### Question 7

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

### Question 8

**Do either Article IV, §4, or the First and Ninth Amendments to the United States Constitution, guarantee to the people of the United States the Right to Petition for Redress of Grievances in this Supreme Court (or any court established under Article III of the Constitution) where such grievances relate to the qualifications of persons to be elected or to serve as President of the United States, and to demand strict and valid proof thereof, according to the Federal Rules of Evidence, whose use is also authorized by Rule 17.2 of the Rules of this Court?**

61. As Civil war broke in this country due to lack of statutes and mechanism for the blacks in this country to enjoy full rights of free citizens and vote for the presidential candidates, there is a clear and present danger as most of the citizens of this country don't have statutes, mechanisms and standing to vote for the constitutionally eligible presidential candidates, as court after court, official after official denied the citizens the rights for their redress of grievances, due process and equal protection, as free citizens' rights were de facto reduced to the rights of the slaves.

62. This situation has created a build up anger, as 31 states in the union either adopted or in the process of adopting the Bills of Sovereignty. This number comes

dangerously close to the magic number of 34 states (or two thirds of the total number of states) needed for the states who can potentially enact their sovereignty rights and force complete dissolution of the Union. Some argue that if transition of United States of America to US corporate status is viewed, only 32 states can force dissolution of the Union.

63. Anger and discontent of the citizenry can be seen by the forty percent increase in the sale of firearms and ammunition right after the November 4, 2008 election. There were reports of 2,000 tea parties with estimated million protesters all over the Nation, who protested both uncontrolled spending of this administration, printing of trillions of dollars not backed by anything and notably lack of evidence of eligibility of Obama as the protesters carried signs “Obama is a Natural Born Liar”. “Obama, where is your birth certificate,” “Bogus POTUS,” “Mad as Hell” and many others, probably not quite suitable for the Supreme Court Brief. Over a million and one hundred thousand protesters have signed up to participate in a march on Washington on September 12<sup>th</sup> and 13<sup>th</sup>, post 9/11 renewal days, where undersigned counselor is scheduled to speak about loss of the constitutional right for a legitimate president.

64. Petitioners in this action has used any and all means humanly possible and impossible to ascertain the eligibility of Obama and uncover actual vital records of Obama.

65. The undersigned attorney has spearheaded a campaign when thousands of letters, many of them certified mail with return receipt letters were sent to the

Secretaries of States, Governors, all 93 US Attorneys, Attorney General of the United States, FBI offices all over the country, state and US Representatives and Senators, numerous legal actions were filed all over the country, however time and again the citizens were told that there is no jurisdiction, no standing and not one case has been heard on the merits, not one single elected or appointed official has signed a judicial subpoena to finally unseal Obama's vital records and determine, whether he is really eligible for the presidency. Time and again Obama's supporters were calling anybody speaking up the truth- racists.

66. They 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.

67. As the answers started coming back from the governmental officials, even more confusion and uncertainty developed. For example, the office of the attorney general of the Washington state has forwarded a letter, stating that the issue is not for the Attorney General, but rather for the District Attorneys.

68. Since the investigating work for the District Attorneys is done by the local police and sheriff's departments, the citizens have filed complaints with those departments. As the undersigned counsel was granted pro hac vice to represent a citizen of Texas Jody Brockhausen, the counsel has filed such complaint in Texas and a police officer Ronald Dischler has agreed in writing to conduct an

investigation.

69. Beaumont Police Chief Officer Dischler was particularly concerned in regards to two reports of suspected forgery of Obama's certification of live birth and Selective Service Certificate. A month later a local reporter Jennifer Johnson has interviewed Beaumont police chief Frank Coffin, who in a published interview stated that he told the officer not to continue investigation as it was a political matter and made a threatening remark, that he might investigate the officer himself.

70. Not only nothing was done in relation to suspected forgery, perjury and fraud, but according to the Beaumont reporter Jennifer Johnson, the law enforcement official was harassed and intimidated. Undersigned counselor has filed a criminal complaint with Rebecca Gregory, US attorney for the Eastern district of Texas, demanding criminal investigation of both Obama and Beaumont chief of police.

71. As one of the plaintiffs in this action Jody Brockhausen has filed prior to November 2008 election a timely legal action, challenging Obama's eligibility, presiding judge Bert Carnes has moved this important action to the end of January, after the inauguration. The undersigned counsel has represented Ms. Brockhausen pro hac vice at the January hearing when judge Carnes declared no jurisdiction.

72. Since assistant attorney General based her brief on *Hollander v McCain*, a federal case, denial of jurisdiction in the State court meant that the citizens were reduced to the level of slaves, with no jurisdiction in either Federal or State courts. Immediately after the proceedings the undersigned counsel together with a group of

patriots, which included a plaintiff in this action and plains radio reporter, veteran Morgan Ward headed to the office of the US attorney for the Western District of Texas, meeting with the assistant US attorney Christopher Peel and US attorney for criminal matters Richard Durbin and lodging a complaint alleging violation of the constitutional rights of her client under first, ninth, tenth and fourteenth amendments of the constitution.

73. After over three months of nearly daily phone calls from the plaintiffs in this action and other patriots Mr. Durbin has stated to the plaintiff, that he will discuss this matter with her attorney, only to ask the undersigned attorney why isn't she pestering and harassing a US attorney in her home state of California. Mr. Durbin has finally provided a written response, claiming that "the Western District of Texas is not the appropriate or suitable venue for your claims relating to President Barack Obama" No explanation was provided why.

74. Most US attorneys, Attorney Generals, District attorneys and Judges kept providing similar verbal and written answers, claiming lack of jurisdiction and improper venue. In spite of an avalanche of certified letters and daily phone calls by hundreds of citizens, Attorney General of the US Eric Holder and US attorney for the District of Columbia Jeffrey Taylor did not provide any response to either Quo Warranto complaints or six dossiers of suspected illegal and criminal activity by Obama and his supporters filed by the undersigned attorney. It was becoming quite clear, that the only way for the citizens from around the country to find a jurisdiction and a venue, would be the Supreme Court of the United States.

### International Court of Justice Discussion

75. As a number of Justices of this Honorable Court have expressed an opinion, that the decision of this court is subservient to the International Court of Justice (Hereinafter ICJ), the counsel for the petitioners offers a short discussion in this matter and argues that regardless of whether ICJ is at play or US Constitution, the Writ of Mandamus that is being Petitioned, is a petitioners right and a necessity.

76. Presidency can be viewed as a contractual obligation: the voters elect a candidate based on his declaration of a candidate, where he attests to the fact that he is eligible based on the Constitution of the United States and the Constitution of respected states. Both ICJ and US Constitution and US Federal codes stem from British Common law, that has an implied Covenant of Good Faith and Fair dealing. When one attests to eligibility, while not being eligible, he breaches such a covenant. One of the petitioners, however, Sarah Marie Chermak, has chosen not to be bound by the constrains of the US Corporation, she does not possess a social security number and is not subject to contractual obligations and private corporate law. In her case the only governing authority will be the original Constitution of the United States of America and Article 2, Section 1 provision, which can be upheld only by issuing the Writ of Mandamus and confirming the eligibility of the President.

77. This petition was not crafted as a typical scholarly brief, but rather as a historical record of the levels of hell the citizens of this country had to go through to have the Constitution upheld, to get a **redress of their grievances guaranteed under**

**the first amendment**, to make sure that the person in charge of the whole US military and in charge of the whole Nation is qualified based on the Article 2, section 1 of the Constitution as “we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this world, against spiritual wickedness in high places.” (Ephesians 6:12)

78. Regardless of what Obama claims, and how much he denies it in his attempt to rewrite and distort the history, this country was built on Judeo Christian principles and the book of Esther teaches us that the lives of thousands can be spared in the nick of time, by one correct decision. This court has an opportunity to make such a decision, in favor of The Constitution on which this country was built or in favor of the existing regime.

#### **Conclusions and Relief Sought**

79. The Petitioners are seeking the following relief:

80. A stay in appointment of US Attorney for the District of Columbia and a stay in appointment and confirmation of the new Justice of the Supreme Court to replace retiring Justice Souter until the following is completed:

81. Original Jurisdiction decision by Declaratory Judgment by the Supreme Court on the questions 1, 2, 3, 4, 5, 6, 7, and 8 posed in this Bill of Complaint, together with issuance of writ *in* or *per quo warranto* either directly or indirectly, conditionally or unconditionally, absolute or *nisi/ nisi prius* as the Court will find and rule to be most appropriate.

82. An Order to Compel, as allowed under the Federal Rules of Civil Procedure,

or else a Writ of Mandamus to the Governor of Hawaii Linda Lingle to unseal the original Birth Certificate of Barack Hussein Obama or Barry Soetoro from the Health Department in Hawaii.

83. An order to Compel, under the Federal Rules of Civil Procedure, or else a writ of Mandamus to the Secretary of State, Ms. Hillary Clinton to release any and all original passport records for Barack Hussein Obama aka Barry Soetoro, as well as controller General report in regards to tampering done upon those records.

84. An order to Compel, under the Federal Rules of Civil Procedure, or else a Writ of Mandamus to Mr. Robert Gates, Secretary of Defense to submit an original Certification of Selective Service for Barack Hussein Obama.

85. An order to Compel, under the Federal Rules of Civil Procedure, or else a writ of Mandamus for the Ambassadors of Kenya, Indonesia, Pakistan, Great Britain and Russia to provide information in regards to the passports used during travel to the above countries (Country of Issue and serial number) for Barack Hussein Obama, aka Barry Soetoro .

86. An order to Compel, under the Federal Rules of Civil Procedure, or else a Writ of Mandamus for Obama to submit and produce his original birth certificate, immigration records, any and all passports from Indonesia, Kenya, Great Britain and US, his university enrollment records from Occidental College, Columbia University and Harvard University.



**VERIFICATION AND SUBMISSION**

“I hereby verify that the foregoing statements of fact made by me are true and correct, based on my reasonable pre-filing investigation and accordingly, upon my information and belief. I am aware that I am subject to penalties of pejury.”

Respectfully signed and verified before notary prior to submission to the Supreme Court of the United States:

By: \_\_\_\_\_ Tuesday, June 16, 2009

Dr. Orly Taitz, ESQ,  
a member of the California State Bar and admitted to practice before this Honorable Court  
26302 La Paz, Mission Viejo CA 92691  
Phone 949-683-5411 Fax 949-586-2082

**JURAT**

Dr. Orly Taitz appeared in person before me on this 16<sup>th</sup> day of June 2009, to sign and verify the above and foregoing Motion for Leave to File Original Action, Application for Issuance of Writ *In or Per Quo Warranto* and *Original Bill of Complaint* on this Tuesday the 16<sup>th</sup> day of June, 2009, in Orange County, California.

\_\_\_\_\_  
Notary Public, in and for Orange County, California

Printed Name of Notary: \_\_\_\_\_

My \_\_\_\_\_ Commission  
Expires: \_\_\_\_\_

**Affidavit in Proof of Service**

I, Orly Taitz, hereby certify, that petitioners motion was served upon the following parties via first class mail, postage fully prepaid, this May 15<sup>th</sup>, 2009

Barack Hussein Obama, aka Barry Soetoro,  
1600 Pennsylvania Ave  
Washington DC 20500

Elena Kagan  
Solicitor General of the United States  
Room 5614  
Department of Justice  
950 Pennsylvania Avenue, N. W.  
Washington, DC 20530-0001

His Excellency Peter NRO Ogengo  
Embassy of Kenya  
2249 R Street, NW  
Washington DC 20008

Sir Nigel Scheinwald  
Ambassador of Great Britain  
3100 Massachussets Ave, NW  
Washington DC, 20008

H. E. Sudjadnan Pamochadningnat  
Ambassador of Indonesia  
2020 Massachussets Ave, NW  
Washington DC 20038

His Excellency Hussain Haqqari  
Ambassador of Pakistan  
3517 International Court N.W.

Washington DC 20008

Mr. Sergei Kislyak  
Ambassador of the Russian Federation  
2650 Wisconsin Ave, NW  
Washington DC 20007

Ms. Hillary Rodham Clinton,  
Secretary of State of the United States  
2201 C Street NW  
Washington DC 20520

Dr. Robert Gates  
Secretary of Defense of the United States  
1000 Defense Pentagon  
Washington DC 20301-1000

The Honorable Linda Lingle  
Governor, State of Hawaii  
Executive Chambers  
State Capitol  
465 South, Honolulu HI, 96813

Mark Bennett  
Attorney General of Hawaii  
425 Queen Street  
Honolulu, Hawaii, 96813

By: \_\_\_\_\_ Tuesday, June 16, 2009  
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a member of the California State Bar and admitted to practice before this  
Honorable Court  
26302 La Paz, Mission Viejo CA 92691  
Phone 949-683-5411 Fax 949-586-2082

**NOTARY'S JURAT**

Dr. Orly Taitz appeared in person before me on this 16<sup>th</sup> day of June 2009, to sign and verify the above and foregoing Motion for Leave to File Original Action, Application for Issuance of Writ *In or Per Quo Warranto* and *Original Bill of Complaint* on this Tuesday the 16<sup>th</sup> day of June, 2009, in Orange County, California.

\_\_\_\_\_  
Notary Public, in and for Orange County, California

Printed Name of Notary: \_\_\_\_\_

My \_\_\_\_\_ Commission  
Expires: \_\_\_\_\_