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9 Dr. Wiley S. Drake and
10 Markham Robinson

11 **UNITED STATES DISTRICT COURT**
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
13 **SANTA ANA (SOUTHERN) DIVISION**

14 CAPTAIN PAMELA BARNETT,) CIVIL ACTION NO:
15 et al.,) SACV09-00082-DOC (Anx)
16 Plaintiffs,) **PLAINTIFFS' PROPOSED SECOND**
17 v.) **AMENDED COMPLAINT**
18 BARACK HUSSEIN OBAMA, et) DATE: October 5, 2009
19 al.,) TIME: 8:30 a.m.
20 Defendants) CTRM: 9D
21) Hon. David O. Carter
22)
23)
24)
25)
26)
27)
28)

29 **INTRODUCTION**

30 1. This Second Amended Complaint (hereinafter referred to as "SAC") is
31 brought by Plaintiffs Dr. Wiley Drake and Markham Robinson (hereinafter referred
32 to as "PLAINTIFFS"), in this action, which was originally filed on January 20,
33 2009, by a Vice-Presidential candidate and a Pledged Presidential Electoral for the
34 2008 United States Presidential election, who seek a determination by this Court as
35 to whether Defendant Barack Obama has met all of the Constitutional requirements
36 for eligibility for the office of President of the United States.

37 2. An unprecedented and looming constitutional crisis is before this court if
38 Defendant Obama has been elected as President by the popular vote, and the

1 Electoral College, but does not constitutionally qualify to serve in that capacity. In
2 addition, if Defendant Obama is not a Natural Born citizen and not eligible for the
3 Presidency, then all acts that he has taken as “President” are subject to challenge.

4 **I. Parties**

5 3. Dr. Drake was the Vice Presidential candidate for the American Independent
6 Party in the 2008 election, on the California State Ballot. As a Vice-Presidential
7 candidate, Dr. Drake had an interest in having a fair competition for that position.
8 This interest is akin to the interest of an Olympic competition, where one of the
9 competitors in an athletic competition is found to be using performance enhancing
10 drugs, but is not removed despite a violation of the rules, and all of the athletes who
11 had trained for the event legitimately are harmed if that disqualified contestant
12 remains, as the contestants would not be competing on a level playing field.

13 Defendant Obama entered this race without having met the eligibility requirements
14 for the office of President of the United States. Because Dr. Drake was compelled
15 to campaign against an unqualified candidate on the California Ballot, he suffered
16 irreparable harm due to his being denied fair competition for the California
17 Presidential Electoral Votes. Therefore, he has standing to pursue this action.

18 4. Mr. Robinson was a Certified California Elector of the American Independent
19 Party, and is currently Chairman of the American Independent Party. As an Elector,
20 and as head of a political party, he had an interest in there being a fair competition
21 between the candidate he pledged to vote for, and the political party he heads, and
22 the other candidates for the office of President of the United States and the political
23 parties that they represent. Because his party’s candidate was compelled to
24 campaign against an unqualified candidate on the California Ballot, he suffered
25 irreparable harm due to his party being denied fair competition for the California
26 Presidential Electoral Votes, thus preventing Mr. Robinson from voting for the
27 candidate he was pledged to vote for. Therefore, he has standing to pursue this
28 action.

1 5. Defendant Barack Obama was a candidate for President of the United States
2 for the Democratic Party on the California Ballot, and ran against the Dr. Alan
3 Keyes, a Plaintiff herein, and Dr. Wiley Drake ticket in the 2008 presidential
4 election.

5 **II. Jurisdiction and Venue**

6 6. In order for this court to consider a case, it must have subject matter
7 jurisdiction over the claim raised. According to 28 United States Code (hereinafter
8 referred to as “USC”) § 1331, “[t]he district courts shall have original jurisdiction of
9 all civil actions arising under the Constitution, laws, or treaties of the United
10 States.” This claim arises from Article II, § 1 of the United States Constitution,
11 concerning whether Defendant Barack Obama has met the eligibility requirements
12 for the office of President of the United States. Because this claim arises under the
13 Constitution of the United States, this Court has subject matter jurisdiction over this
14 claim pursuant to 28 USC § 1331.

15 7. This court has the authority to grant declaratory relief pursuant to the
16 Declaratory Judgment Act, 28 U.S.C. Section 2201.

17 8. According to 28 U.S.C. § 1391, a plaintiff may lay venue either where the
18 Defendant resides or where a substantial portion of the claim arose. Thus, venue is
19 proper under 28 U.S.C. § 1391(a)(2) because a substantial part of the events or
20 omissions giving rise to this claim occurred in the Central District of California.

21 **Legal Basis**

22 9. The Court in *Hollander v. McCain* held, “a candidate or his political
23 party has standing to challenge the inclusion of an allegedly ineligible rival on the
24 ballot, on the theory that doing so hurts the candidate's or party's own chances of
25 prevailing in the election.” *Hollander v. McCain*, 566 F.Supp.2d 63 (D.N.H. 2008).
26 Here, PLAINTIFFS are a candidate for Vice-President and the head of a political
27 party, respectively, and they allege that they suffered irreparable harm because
28 Defendant Obama was and is ineligible for the position of President of the United

1 States.

2 10. Article II, § 1 of the United States Constitution, provides, in pertinent part, as
3 follows:

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

7 11. Defendant Barack H. Obama was a candidate for United States Office of the
8 President. However, to assume such office, Defendant Obama must meet the
9 qualifications specified for the Office of the President of the United States, which
10 includes that he must be a "natural born" citizen. Defendant Obama has failed to
11 demonstrate that he is a "natural born" citizen. There are, and have been, other legal
12 challenges before various State and Federal Courts regarding aspects of lost or dual
13 citizenship concerning Defendant Obama. Those challenges, in and of themselves,
14 demonstrate PLAINTIFFS' argument that reasonable doubt exists as to the
15 eligibility of the Defendant Obama for the office of President.

16 12. The Electoral College is the body Constitutionally empowered to elect the
17 President of the United States. That body is not, however, empowered with the
18 authority to determine the eligibility of any candidate. In twenty-six States and the
19 District of Columbia, Presidential Electors are prohibited by statute from voting in
20 variance with their pledges, or, if they do, they face civil or criminal penalties and
21 fines. The act of determining eligibility is one that requires discretionary authority,
22 so that a candidate found to be ineligible may be removed. However, any
23 discretionary authority of the majority of the State's Presidential Electors has been
24 removed by statute, and the Presidential Electors, instead, perform a ministerial
25 function of casting their votes in accordance with the popular vote of the State that
26 each Elector represents. The assertion of Defendants that the Electoral College has
27 the authority to make any determination of a Presidential candidate's qualifications
28 is unpersuasive because, while the historical intent of the of the Electoral College

1 was to make such determinations, the modern majority trend of the States is to limit
2 the duties of the Electors to the ministerial role of casting a vote for the candidate
3 chosen by the popular vote of their respective States. Thus, because the Electoral
4 College lacks the authority to make a determination of a candidate's eligibility,
5 PLAINTIFFS request that the Court make a determination on this issue.

6 13. There is a reasonable and common expectation by the voters that to qualify
7 for the ballot the individuals running for office must meet minimum qualifications
8 as outlined in the federal and state Constitutions and statutes, and that compliance
9 with those minimum qualifications has been confirmed by the officials overseeing
10 the election process. In California, only a signed statement from the candidate
11 attesting to his meeting those qualifications was requested, and received by the
12 California Secretary of State, with no verification demanded. This practice
13 represents a much lower standard than that demanded of one when requesting a
14 California driver's license. PLAINTIFFS seek a judicial determination as to
15 whether Defendant Obama is, in fact, eligible to serve in the office of President of
16 the United States.

17 14. At this point, Defendant Obama has not allowed independent or official
18 access to his vault (original hospital) birth records and supporting hospital records.
19 Defendant Obama's citizenship status has been challenged in numerous different
20 legal actions in various federal and state courts, although none of these challenges
21 have, to date, been decided on the merits.

22 15. PLAINTIFFS do not bring this SAC in order to judicially place a different
23 political party in the White House. PLAINTIFFS only seek a determination as to
24 whether Defendant Obama has met the Constitutional eligibility requirements, and,
25 should Defendant Obama be discovered to be ineligible for the Office of President
26 of the United States of America and, thereby, he will be declared disqualified for the
27 office, Vice-President Joseph Biden will Constitutionally be his Presidential
28 successor.

1 16. As a Presidential candidate for the Republican Party, Senator John McCain
2 faced eligibility questions regarding his birth status and was subject to
3 Congressional hearings into the matter. Senate Resolution 511, April 24, 2009. To
4 date, Defendant Barack Obama has neither been subject to any Congressional
5 hearings nor any judicial review on the question of his eligibility, nor has he done
6 any affirmative act to prove his eligibility.

7 17. Questions about Defendant Obama are still unresolved, and, other than the
8 Courts, there is no body that has the authority to make a determination as to whether
9 a presidential candidate is eligible for the position, because there exists no
10 designated official or political body in the Federal government, or the governments
11 of the various States, directly charged with the responsibility of determining
12 whether any Presidential candidate meets the qualifications of Article II of the
13 Constitution of the United States. In similar disputes over eligibility of candidates at
14 the State level, political bodies have been held to be not the proper venue for
15 making determinations of eligibility. According to a 2006 Arkansas Attorney
16 General Opinion, the Baxter County Board of Election Commissioners could not
17 properly omit names of candidates who had failed to meet all the requirements for
18 office:

19 18. As a preliminary matter, I should note that the Baxter County Board of
20 Election Commissioners is not empowered to omit from the ballot the names of any
21 candidates who have complied with the filing requirements for the office. When
22 questions arise as to a candidate's eligibility prior to an election, the proper remedy
23 is resort to the courts, by virtue of an action for a declaratory judgment and
24 mandamus. Ark. Op. Atty. Gen. No. 2006-153, 2006 WL 2474743 (Ark.A.G.).

25 19. Further, in *State ex rel. Robinson v. Craighead County Bd. of Election*
26 *Com'rs*, the Appellate Court reversed the lower court's determination that "the
27 Board of Election Commissioners had the power to make factual determinations
28 concerning a candidate's eligibility and that, once that determination was made,

1 mandamus could not compel an opposite result” *State ex rel. Robinson v. Craighead*
2 *County Bd. of Election Com'rs*, 779 S.W.2d 169, 171 (Ark. 1989) holding that, “the
3 board does not have the authority to declare a candidate ineligible and remove his
4 name from the ballot when there is a dispute concerning the facts or the law” *Id.* at
5 171. Political boards, committees, and panels, such as the United States Congress,
6 are not proper bodies for making determinations of eligibility because of the
7 significant risk of “corrupt and partisan action” *Irby v. Barrett*, 163 S.W.2d 512,
8 514 (Ark. 1942). The court in *Irby v. Barrett* held that:

9 If the Chairman and Secretary of the Committee have the right to say that
10 because of the decision of this court petitioner is ineligible to be a candidate
11 for office, they may also say, in any case, that for some other reason a
12 candidate is ineligible. For instance, it has been held by this court in many
13 election contests that one must pay his poll tax; that he must do so after
14 proper assessment in the time and manner required by law, and that otherwise
15 he is not eligible even to vote, and unless he were a voter he could not hold
16 office. So with other qualifications, such as residence. May this question be
17 considered or decided by the Chairman and Secretary of the Committee? It
18 may be that such power can be conferred upon them by laws of this State or
19 the rules of the party; but it is certain that this has not yet been done. If this
20 can be done, and should be done, the door would be opened wide for corrupt
21 and partisan action. It might be certified that a prospective candidate has
22 sufficiently complied with the laws of the State and the rules of a political
23 party to become a candidate, and, upon further consideration, that holding
24 might be recalled; and this might be done before that action could be
25 reviewed in a court of competent jurisdiction and reversed in time for the
26 candidate to have his name placed on the ticket. It would afford small
27 satisfaction if, after the ticket had been printed with the name of the candidate
28 omitted, to have a holding by the court that the name should not have been

1 omitted. *Id.*

2 20. Because of the risk of “corrupt and partisan action,” the proper remedy for
3 eligibility disputes is to bring such disputes to a Court for determination, rather than
4 to Congress or the Electoral College, and, because this Court has the power to make
5 determinations of fact and law regarding controversies over the eligibility of a
6 political candidate, this Court has the power to redress the injury suffered by
7 PLAINTIFFS.

8 21. Thus, since political bodies are not the proper venue to determine whether a
9 candidate is eligible for the office of President of the United States, PLAINTIFFS
10 seek a determination from this court on this matter.

11 **Facts**

12 22. Defendant Obama ran for President of the United States for the Democratic
13 Party in 2008, on the California Ballot. However, he never provided proof that he
14 met all of the eligibility requirements to run for, or serve in, said position.

15 23. This lack of proof became an issue as there have been many reports that
16 Defendant Obama was not born in Hawaii, but, rather, elsewhere. Defendant
17 Obama’s Kenyan step-grandmother, Sarah Obama, has stated that Defendant Obama
18 was born in what is now Kenya, and that she was present, in the hospital, during his
19 birth. Bishop Ron McRae, who oversees the Anabaptists Churches in North
20 America, and Reverend Kweli Shuhubia, had the opportunity to interview Sarah
21 Obama. Reverend Kweli Shuhubia went to the home of Sarah Obama located in
22 Kogello, Kenya. Reverend Kweli Shuhubia called Bishop McRae from Ms.
23 Obama’s home and placed the call on speakerphone. Bishop McRae obtained
24 permission from the parties to tape the interview. Because Ms. Obama only speaks
25 Swahili, Reverend Kweli Shuhubia and another grandson of Ms. Obama, translated
26 the telephone interview. Bishop McRae asked Ms. Obama where Defendant Obama
27 was born; Ms. Obama answered in Swahili and was very adamant that Defendant
28 Obama was born in Kenya and that she was present during his birth.. *See Exhibit 1.*

1 24. In Hawaii, Defendant Obama's birth is reported as occurring at two (2)
2 separate hospitals, Kapiolani Hospital and Queens Hospital. The Rainbow Edition
3 News Letter, published by the Education Laboratory School, produced in its
4 November 2004 Edition, an article from an interview with Defendant Obama and
5 his half-sister, Maya Soetoro, in which the publication reports that Obama was born
6 August 4, 1961 at Queens Medical Center in Honolulu, HI. Four years later, in a
7 February, 2008, interview with the Hawaiian newspaper Star Bulletin, Maya
8 Soetoro states that her half-brother, Defendant Obama, was born August 4, 1961,
9 this time in Kapiolani Medical Center for Women & Children.

10 25. The only proof that Defendant Obama allowed the Daily Kos, Factcheck and
11 his campaign website to post is a Hawaiian Certification of Live Birth, purported to
12 be Defendant Obama's, on their websites. The image posted on dailykos.com,
13 factcheck.org and fightthesmears.com has been deemed an altered and forged
14 document according to document image specialists. Even if this document,
15 purported to be Defendant Obama's Certification of Live Birth, was an accurate
16 document, it does not prove "natural born" U.S. citizenship status. The Hawaii
17 Department of Health issues a Certification of Live Birth to births that occurred
18 abroad in foreign countries, as well as birth's that occurred at home and not in a
19 Hospital. Certifications of Live Birth are issued to those births as "naturalized" U.S.
20 citizens as well as "natural born" U.S. citizens. A Certification of Live Birth is not
21 sufficient evidence to prove that one is, in fact, a "natural born" U.S. citizen.¹

22 26. In or about 1965, when Defendant Obama was approximately four (4) years
23 old, his mother, Stanley Ann Dunham, after being divorced on March 5, 1964, from
24 Barack H. Obama, married Lolo Soetoro, a citizen of Indonesia, and moved to
25 Indonesia with Barack Obama. A minor child follows the naturalization and
26 citizenship status of their custodial parent. A further issue is presented, in that

27
28 ¹A manual produced by the Department of Hawaiian Home Lands, condensed with
the appropriate pages, shows that the Hawaiian Government will not use a Certification
of Live Birth (COLB) for proof of Hawaiian heritage to purchase land. *See* Exhibit 2.

1 Barack Obama's Indonesian stepfather, Lolo Soetoro, either (1) signed a
2 governmental acknowledgment legally "acknowledging" Obama as his son or (2)
3 adopted Obama, either of which changed any citizenship status of Obama to a
4 "natural citizen" of Indonesia. Defendant Obama admits in his book, *Dreams from*
5 *my Father*, that after his mother's marriage to Lolo Soetoro, Lolo Soetoro left
6 Hawaii rather suddenly and he and his mother left shortly thereafter. Defendant
7 Obama admits that, when he arrived in Indonesia, he had already been enrolled in a
8 public school.

9 27. Defendant Obama was registered in a public school as an Indonesian citizen
10 by the name of Barry Soetoro and his father was listed as Lolo Soetoro, M.A.
11 Indonesia did not allow foreign students to attend their public schools in the 1960's
12 and any time that a child was registered for a public school, their name and
13 citizenship status was verified through the Indonesian Government. The school
14 record indicates that Obama's name is "Barry Soetoro;" his nationality is
15 "Indonesia;" and his religion as "Islam." There was no other way for Defendant
16 Obama to have attended school in Jakarta, Indonesia, as Indonesia was a "Police
17 State." These facts indicate that Barack Hussein Obama is an Indonesian citizen,
18 and, therefore, he is not eligible to serve as President of the United States.

19 28. Under Indonesian law, when a male acknowledges a child as his son, it deems
20 the son — in this case Defendant Obama — to be an Indonesian State citizen.
21 Constitution of Republic of Indonesia, Law No. 62 of 1958 Law No. 12 concerning
22 Citizenship of Republic of Indonesia; Law No. 9 concerning Immigration Affairs
23 and Indonesian Civil Code (Kitab Undang-undang Hukum Perdata) (KUHPer)
24 (Burgerlijk Wetboek voor Indonesie).

25 29. Furthermore, under Indonesian adoption law, once adopted by an Indonesian
26 citizen, the adoption severs the child's relationship to the birth parents, and the
27 adopted child is given the same status as a natural child. Indonesian Constitution,
28 Article 2.

1 30. The Indonesian citizenship law was designed to prevent a person from being
2 apatride (stateless) or bipatride (dual citizenship). Indonesian regulations in the
3 1960's recognized neither apatride nor bipatride citizenship. Since Indonesia did not
4 allow dual citizenship, neither did the United States, and, since Defendant Obama
5 was a "natural" citizen of Indonesia, the United States would not have stepped in or
6 interfered with the laws of Indonesia. Hague Convention of 1930.

7 31. As a result of Defendant Obama's Indonesia "natural" citizenship status, he
8 would never regain U.S. "natural born" status, if he, in fact, ever held such.
9 Defendant Obama could have only become "naturalized" if the proper paperwork
10 were filed with the U.S. State Department, in which case, he would have received a
11 Certification of Citizenship, after U.S. Immigration.

12 32. PLAINTIFFS are informed, believe and thereon allege that Barack Hussein
13 Obama was never naturalized in the United States after his return. Defendant Obama
14 was ten (10) years old when he returned to Hawaii to live with his grandparents.
15 Obama's mother did not return with him. If citizenship for Defendant Obama had
16 been applied for in 1971, he would have a Certification of Citizenship. If he had
17 returned in 1971 to Hawaii without going through U.S. Immigration, today he
18 would be an illegal alien – and, obviously, not able to serve as President.

19 **First Cause of Action - Declaratory Relief**

20 33. PLAINTIFFS reallege paragraphs 1 through 32 and pray this Court will make
21 a determination as to whether, under Article II, Section 1, Defendant Barack H.
22 Obama meets the eligibility requirements for the office of President of the United
23 States. As stated above, the Court is the only permissible place for issues of
24 eligibility to be determined, and no such determination has yet been made.

25 **WHEREFORE**, PLAINTIFFS respectfully pray that this Court:

26 A. Declare that Defendant Barack Hussein Obama is ineligible to serve in
27 the office of the President United States under the United States Constitution,
28 Article II, Section 1;

1 B. Grant PLAINTIFFS such other relief as the Court deems just and
2 proper.

3
4 Respectfully submitted,

5 DATED: September 30, 2009

/s/ Gary G. Kreep

6 GARY G. KREEP

7 UNITED STATES JUSTICE FOUNDATION

8 Attorney for PLAINTIFFS Dr. Wiley Drake and
9 Markham Robinson

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EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILIP J. BERG, ESQUIRE	:	
	:	
<i>Plaintiff</i>	:	
vs.	:	CIVIL ACTION NO: 08-cv- 04083
	:	
BARACK HUSSEIN OBAMA, ET AL	:	
	:	
<i>Defendants</i>	:	

AFFIDAVIT OF REVEREND KWELI SHUHUBIA

I, Kweli Shuhubia am over the age of eighteen (18) and not a party to the within action. If called to do so, I could and would competently testify under oath as follows

I am an ordained minister of the gospel of Jesus Christ and a native evangelist and translator for the Anabaptist churches in Kenya. I am the official Swahili translator for the annual Anabaptists Conference held each year in Africa, working with the American bishops sitting upon the Continental Presbytery of the Anabaptists Churches of Africa. I am fluent in Swahili and in English. I am a former teacher in Kenya, and travel extensively in the ministries of the Anabaptists Churches of Africa throughout Kenya, Uganda and the Sudan.

It is common knowledge throughout the Christian and Muslim communities in Kenya that Barack Hussein Obama, Jr., the United States Presidential candidate, was born in Mombosa Kenya. Senator Obama's grandmother still resides in the village of Alego-Kogello, approximately 37 miles from Kisumu City. On October 16, 2008 I went to interview Ms. Sarah Obama at her home. Ms. Obama's home was flooded with people who were celebrating Senator Obama's success story. Ms. Obama's home was heavily

guarded by Kenya Police. Prior to the interview with Ms. Obama, I took pictures of Ms. Obama, her grandson who was present and other family members.

During my interview of Sarah Obama; I called Bishop Ron McRae in the United States from my mobile number. I advised Bishop McRae that I was present with Ms. Obama in her home, and wished for him to speak with her. Bishop McRae informed me he would call me right back, to avoid the international costs on my personal mobile phone. Bishop McRae subsequently called me back; Bishop McRae requested permission to electronically record his telephone conversations with Ms. Obama, to which I agreed.

Due to bad telephone connections Bishop McRae had to call me back three [3] times, before we were able to continue our conversation. The telephone interview conducted by Bishop McRae was conducted on loud speaker (speaker phone). During the interview conversation, one of Ms. Obama's grandsons's and myself acted as Swahili translators, and as Bishop McRae talked to and questioned Ms. Obama, we would translate what Bishop McRae said to Ms. Obama in Swahili, and then we would translate her Swahili responses to Bishop McRae in English. Ms. Obama can fluently speak Swahili in her native dialect, but cannot read or write.

Bishop McRae asked Ms. Obama specifically, "Were you present when your grandson Barack Obama was born in Kenya?" This was asked to her in translation twice, and both times she specifically replied, "Yes". It appeared Ms. Obama's relatives and her grandson, handling the translating,, had obviously been versed to counter such facts with the purported information from the American news media that Obama was born in Hawaii. Despite this, Ms. Sarah Hussein Obama was very adamant that her grandson, Senator Barack Hussein Obama, was born in Kenya, and that she was present and

witnessed his birth in Kenya, not the United States. When Ms. Obama's grandson attempted to counter his grandmother's clear responses to the question, verifying the birth of Senator Obama in Kenya, Bishop McRae asked her grandson, how she could be present at Barack Obama's birth if the Senator was born in Hawaii, but the grandson would not answer the question, instead he repeatedly tried to insert that, "No, No, No. He was born in the United States!" But during the conversation, Ms. Sarah Hussein Obama never changed her reply that she was in deed present when Senator Barack Obama was born in Kenya. A copy of the Tape transcript is attached hereto as **EXHIBIT "1"**.

I left Kisumu City and traveled to Mombosa, Kenya. I interviewed personnel at the hospital in which Senator Obama was born in Kenya. I then had meetings with the Provincial Civil Registrar. I learned there were records of Ann Dunham giving birth to Barack Hussein Obama, III in Mombosa, Kenya on August 4, 1961. I spoke directly with an Official, the Principal Registrar, who openly confirmed the birthing records of Senator Barack H. Obama, Jr. and his mother were present, however, the file on Barack H. Obama, Jr. was classified and profiled. The Official explained Barack Hussein Obama, Jr. birth in Kenya is top secret. I was further instructed to go to the Attorney General's Office and to the Minister in Charge of Immigration if I wanted further information

The above related facts are true and verifiable to the best of my personal knowledge before God Almighty, whose I am and whom I serve.

I declare under the penalty of perjury of the laws of the United States, that the foregoing is true and correct.

Dated: October 30, 2008

By the grace of God alone,



Kweli Shuhubia
John 3:30/
Philippians 3:19-21, 29, 30

EXHIBIT "1"

Obama\Obama, Affidavit of Rev. Kweli Shuhubia 10 30 2008

Transcript of Phone Conversation
With Kweli Shuhudia & Sarah Obama

Thursday, October 16, 2008

Time: 10:40 a.m.

NOTATION: Mr. Shuhudia called me first on October 16th at 10:33a.m. and advised that he was with Sarah Hussein Obama and that she wanted to speak with me, but the connection was lost. He called me right back at 10:35a.m. and he informed me that there were several hundred people present, celebrating Obama's success. I questioned him about the format of the phone call and conversation with Ms. Obama, and then informed him that I would call him right back, so it would not cost him international charges for the call. I called back at 10:40a.m. and public music and voices could be heard that were gathered around Kweli Shuhudia. I then spoke with him and requested that they utilize the speaker phone so everyone could hear. The speaker phone with its open microphone was utilized with Mr. Kweli Shuhudia, Mr. Vitalis Akech Ogombe assisting in the translation work and Ms. Sarah Hussein, along with several hundred people including policeman present and listening to the open conversation between the four of us for approximately 15 minutes. A third unknown party can be heard periodically interjecting both Swahili and English words in the public discussion and conversation between the four of us. At times the room noise from other peoples' voices makes some of the swahili difficult to hear, and towards the end of the converstaion several men's voices are heard that are not identified.

From AT&T Monthly Statement of Calls:

110	WED	10/15/2008	8:18PM	814-629-5423	BOSWELL PA	1	RM30	DT	0.00	0.00	0.00
111	THU	10/16/2008	10:33AM	254726	██████████ INCOMING CL	1	RM30	DT	0.00	0.00	0.00
112	THU	10/16/2008	10:35AM	254726	██████████ INCOMING CL	1	RM30	DT	0.00	0.00	0.00
113	THU	10/16/2008	10:40AM	254726	██████████ KENYA **	15	RM30	DT	0.00	12.32	12.32
114	THU	10/16/2008	10:54AM	610-662-3005	BALACYNWY PA	2	ESMI	DT M2MC	0.00	0.00	0.00
115	THU	10/16/2008	10:56AM	610-825-3134	CONSHOHCK PA	10	RM30	DT	0.00	0.00	0.00
116	THU	10/16/2008	11:17AM	313-418-6959	DETROIT MI	1	RM30	DT	0.00	0.00	0.00
117	THU	10/16/2008	11:18AM	313-418-6959	DETROIT MI	16	RM30	DT	0.00	0.00	0.00
118	THU	10/16/2008	11:33AM	254726	██████████ KENYA **	2	RM30	DT	0.00	1.76	1.76
119	THU	10/16/2008	12:37PM	254726	██████████ KENYA **	2	RM30	DT	0.00	1.76	1.76
120	THU	10/16/2008	12:41PM	814-242-9409	VMAIL CL	1	RM30	DT VM	0.00	0.00	0.00
121	THU	10/16/2008	12:42PM	254726	██████████ KENYA **	10	RM30	DT	0.00	8.80	8.80

Transcript:

Two Rings:

Kweli Shuhudia: Hello? [Back ground music]

Ron McRae: Brother Kweli? [music] Brother Kweli? This is Brother McRae.

Kweli Shuhudia: Yes.

Ron McRae: Okay. How are you today?

Kweli Shuhudia: Now. We are okay. How are you?

Ron McRae: I'm doing very well. You said you are there with, uh, Barack Obama's grandmother?

Kweli Shuhudia: Yes. I am just in the home now. She is right here. We're, we're waiting to talk in a uh long conversation. And [unitelligible] a good family and she is ready to talk.

Ron McRae: Good. She's not there at the present?

Kweli Shuhudia: Yes. She's here right now.

Ron McRae: Okay. Is it possible to speak to her?

Kweli Shuhudia: Yes. It is possible. I ah, along with her and her family, uh, you and me.

Ron McRae: Uh, is it possible for you to put her on the speaker phone and translate for me?

Kweli Shuhudia: Yes! Yes! I will do that.

Ron McRae: Okay.

Kweli Shuhudia: Yes?

Ron McRae: Okay.

Kweli Shuhudia: Yes. Go ahead [he then speaks to her in Swahili]

Sarah Obama: [Replies to him in Swahili]

Ron McRae: Ms. Obama?

Kweli Shuhudia: Yes go ahead.

Ron McRae: Mrs. Obama, my name is bishop Ron McRae.

Kweli Shuhudia: Ametaja bishop Ron McRae, Ron McRae. Go ahead.

Ron McRae: I am, I am the bishop of the Anabaptists Churches of North America.

Kweli Shuhudia: Yeye niaskofu Anabaptists makaisa.

Sarah Obama: Shikamooo! [Hello, good day].

Mr. Ogombe: Are you speaking English and , and we will tell her in Luo. Okay?

Ron McRae: Now give me that again. Explain it to me again.

Ogombe: It is welcome. She is very grateful for your interest.

Ron McRae: Okay. Thank you! Tell her I count it a great honor to speak to here since her son Barack Obama is running for President of the United States.

Ogombe: Eh makasema yuko kuu mgomba Obama kwa mwenyekiti America. Yah, she says she is very helpful for got to you to please pray for Obama. She is asking you to pray for him. For Obama.

Ron McRae: Yes Sir. Uh...Ms. Obama, you can rest assured that I am praying for your son, for your grandson.

Ogombe: Yes. It is helpful also towards it is beginning to help.

Ron McRae: Okay.

Sarah Obama: [unintelligible from Ms. Obama because of room noise].

Ogombe: She says she is covet your prayers for he [unintelligible] her son.

Ron McRae: Okay. And tell her that I will be coming there in December and I would like to come by and meet with her and pray with her.

Ogombe: Yes. Ye atakuwa mwezi Desemba.

Kweli Shuhudia: In December. He will come in December and he wants to come and talk with you.

Sarah Obama: [unintelligible]

Ogombe: Oh she says you're so encourage her. Your coming in December so you can talk together with her.

Ron McRae: Amen. I am so thankful. Could I ask her, uh, about his, uh, his actual birthplace? I would like to see hi actual birthplace when I, when I come to Kenya in December. Uh, was she present when he was, was she present when he was born in Kenya?

Ogombe to Sarah Obama: Alikuma zalima Obama [unintelligible].

Kweli Shuhudia: He is asking her, he wants to know something was ah she present when he was born?

Ogombe: Yes. She says, "Yes she was! She was present when Obama was born."

Ron McRae: Okay.

REGISTRATION OF GRADEBOOK

NO. 203.

1. The name of the pupil: Barry Soetoro
2. The place and date of birth: Honolulu 4-8-1961
3. The nation
 - a. of Citizenship: Indonesia
 - b. The foreign descendants:
 - c. The ethnic group:
4. The religion: Islam
5. Address of the pupil: Menteng Dalam R001/R003
6. From which school (moved from) and what class: ???
7.
 - a. Date accepted: 1-1-1968 (January 1, 1968)
 - b. Grade: I (First grade)
8.
 - a. The name of the parents Mr./Ms.: L. Soetoro M A (LoLo Soetoro)
 - b. Occupation/Job: (???? Geography ????)
(name of the mother will only be used if father is deceased)
 - c. Address: Menteng Dalam R001/R003
9. The name of the guardian:
(??? was filled up, ??? parents of the pupil were not available, already ????)
 - b. Occupation/Job:
 - c. The address: Menteng Dalam R001/R003
10. Left this school:
 - a. ?? was finished. Outside from the class: The date:
 - b. ?? recieved ?? the date: No.
 - c. ?? the school to:
11. Other information:

No. 203

1. Nama murid : Robby Wacora L
P

2. Tempat dan tanggal lahir : Harau 4-2-61

3. Bangsa: a. Warga negara : Indonesia
 b. Keturunan asing : _____
 c. Suku bangsa : _____

4. Agama : Islam

5. Alamat murid : Memb. Dalam R001/R002

6. Dari sekolah mana (dipindahkan) dan kelas berapa: Taman Siswa Harau

7. a. Diterima disekolah ini tgl: 1-1-1964
 b. Ditempatkan dikelas : F

8. a. Nama orang tua Ayah
Ibu G. Sक्टरa M.A.
 b. Pekerjaan : Peg. Dinas Geografi Dit. Top. D.D.
 (nama dan dlat, hanya jika ayah sudah meninggal)
 c. Alamat : Memb. Dalam R1001/R1002

9. a. Nama wali
 (hanya diisi, jika orang tua murid tak ada, sudah meninggal atau karena hal lain)
 b. Pekerjaan : _____
 c. Alamat : _____

10. Meninggalkan sekolah ini : _____


A. Belum tepat. Keluar dari kelas _____ tanggal _____
 Karena _____ Sebab Pindah

B. Tepat, menerima ijazah tanggal _____ No. _____

C. Melanjutkan sekolah ke _____

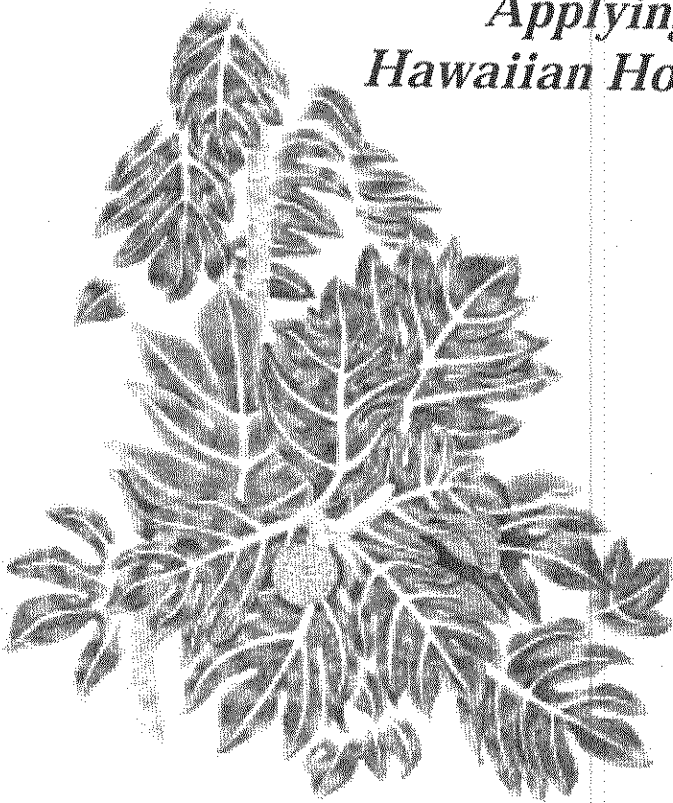
11. Keterangan lain: _____

EXHIBIT 2



***Loa'a
Ka 'Āina
Ho'opulapula***

*Applying for
Hawaiian Home Lands*



**Department of Hawaiian Home Lands
State of Hawai'i**

Aloha kākou!

Welcome to the Hawaiian home lands program. The program has its roots in the Hawaiian Homes Commission Act of 1920, as amended. It provides native Hawaiians with several benefits that we hope will assist you and your 'ohana for generations to come. Entry into the program, however, depends largely upon you. In the course of applying for a homestead, you may find yourself embarking on a journey of discovery into your family's history. While it often takes time, for most people it is a process well worth the effort.

This booklet is designed to make your entry into the program as smooth and fruitful as possible. Like the 'ulu tree, the Hawaiian home lands program can provide sustenance for generations to come.

We look forward to serving you.

Aloha,

The Department of Hawaiian Home Lands

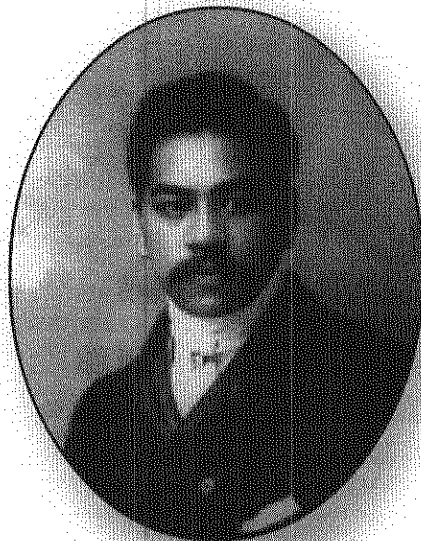
*Me ka mālama ana, ulu pono ke kumu lā au
`ulu i kanu `ia a ho`opa`a `ia ma ka `āina ola mau.
Ho`olako ke kumu lā`au o`o
i nā mea `ai i nā kānaka e `ai i kāna hua.*



The breadfruit tree, planted and rooted in life sustaining land,
grows strong when it is cared for.
Year after year the mature tree provides nourishment to all who eat its fruit.

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Prince Jonah Kūhiō Kalanianaʻole

Introduction

In the early 1900's Prince Jonah Kūhiō Kalanianaʻole and his supporters sought ways to revitalize the Hawaiian people. Prince Kūhiō's vision of *ʻāina hoʻopulapula* or "restoration through the land" resulted in the passage of the "Hawaiian Homes Commission Act of 1920" (HHCA) by the United States Congress. It was signed into law on July 9, 1921, by President Warren G. Harding.

The Act reserved 203,500 acres, "more or less," of public lands in the Territory of Hawaiʻi for homesteading by native Hawaiians. These lands were called Hawaiian home lands. Today, the Department of Hawaiian Home Lands (DHHL) is responsible for administering the Hawaiian home lands' program. DHHL continues to strive for Prince Kūhiō's vision of returning the Hawaiian people to the land through the many benefits and programs it offers.

So So So

In order to make the application process as smooth as possible, there are certain things you need to know and do as an applicant. Since the land benefits offered by the Department of Hawaiian Home Lands (DHHL) are very valuable, it is important to understand that DHHL is responsible for maintaining the integrity of the HHCA in administering its programs. An essential element of this responsibility is requiring applicants to demonstrate, through documentation, that they are eligible for the program.

Eligibility Requirements

To be eligible to apply for a Hawaiian home lands homestead lease, you must meet two requirements:

- You must be at least 18 years of age; and
- You must be a native Hawaiian, defined as "any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778." This means, you must have a blood quantum of at least 50 percent Hawaiian. This requirement remains unchanged since the HHCA's passage in 1921.

Tracing Your Genealogy

The general rule of thumb in determining 50 percent blood quantum is to submit enough documentation tracing your genealogy to your full Hawaiian ancestor(s). Some applicants need only go back two generations – that is, to their grandparents.

Others may need to go back further, gathering pieces of information which eventually grow into a large family tree with roots beginning with full Hawaiian ancestors.

However, before starting your search for acceptable documents, *kuka*, or consult with your *`ohana*. They are an invaluable source of information. Once you've "talked story," you should be better prepared to begin gathering the documentation needed to show eligibility for the program.

There are two categories of documents used in determining eligibility: primary and secondary.

Primary Documents

The primary documents used to show you are of age and a qualified native Hawaiian are:

- ☛ A certified copy of **Certificate of Birth**;
- ☛ A certified copy of **Certificate of Hawaiian Birth**, including testimonies; or
- ☛ A certified copy of **Certificate of Delayed Birth**.

You will need the certified birth certificates for:

- ☛ Yourself;
- ☛ Your biological father; and
- ☛ Your biological mother.

The state Department of Health (DOH), Vital Records Section, records documents by island and district (geographically) and by the date of the event (chronologically).

If your biological parents' documents don't clearly prove that you have at least 50 percent Hawaiian ancestry, you will also need certified birth certificates for:

- ☛ Your biological father's parents; and
- ☛ Your biological mother's parents.

In order to process your application, DHHL utilizes information that is found only on the original Certificate of Live Birth, which is either black or green. This is a more complete record of your birth than the Certification of Live Birth (a computer-generated printout). Submitting the original Certificate of Live Birth will save you time and money since the computer-generated Certification requires additional verification by DHHL.

When requesting a certified copy of your birth certificate from the Vital Records Section of DOH, **let the clerk know you are requesting it "For DHHL Purposes," and that you need a copy of the original Certificate of Live Birth and not the computer-generated Certification. If mailing in your request form, please fill in "For DHHL Purposes" in the "Reason for Requesting a Certified Copy" section. (See example on page 6.)**

Please note that DOH no longer offers same day service. If you plan on picking up your certified DOH document(s), you should allow at least 10 working days for DOH to process your request(s), OR four to six weeks if you want your certified certificate(s) mailed to you.

In the event the Vital Records Section does not have a birth certificate for any of your parents or grandparents, they will issue a "No-record" certification. "No-record" certification means after searching its records, the DOH cannot find the requested birth certificates. Please submit this "No-record" certification with your other documents to DHHL.

If you are adopted, your biological birth record is probably sealed. In this instance, DHHL staff may be able to assist you in getting the ethnicity of your biological parents. Additionally, depending on your particular circumstance the Family Court may be able to help you get the information you need. If your adoption occurred in the State of Hawai'i, you may be able to get a copy of your original birth certificate. Access to out of state adoption records, however, vary according to the respective jurisdiction.

Secondary Documents

There are times when the birth certificates for yourself and/or your parents or grandparents are not available and you have gotten "No-record" certifications from DOH. DHHL may accept secondary documents which assist in establishing family ties or blood quantum in place of primary documents.

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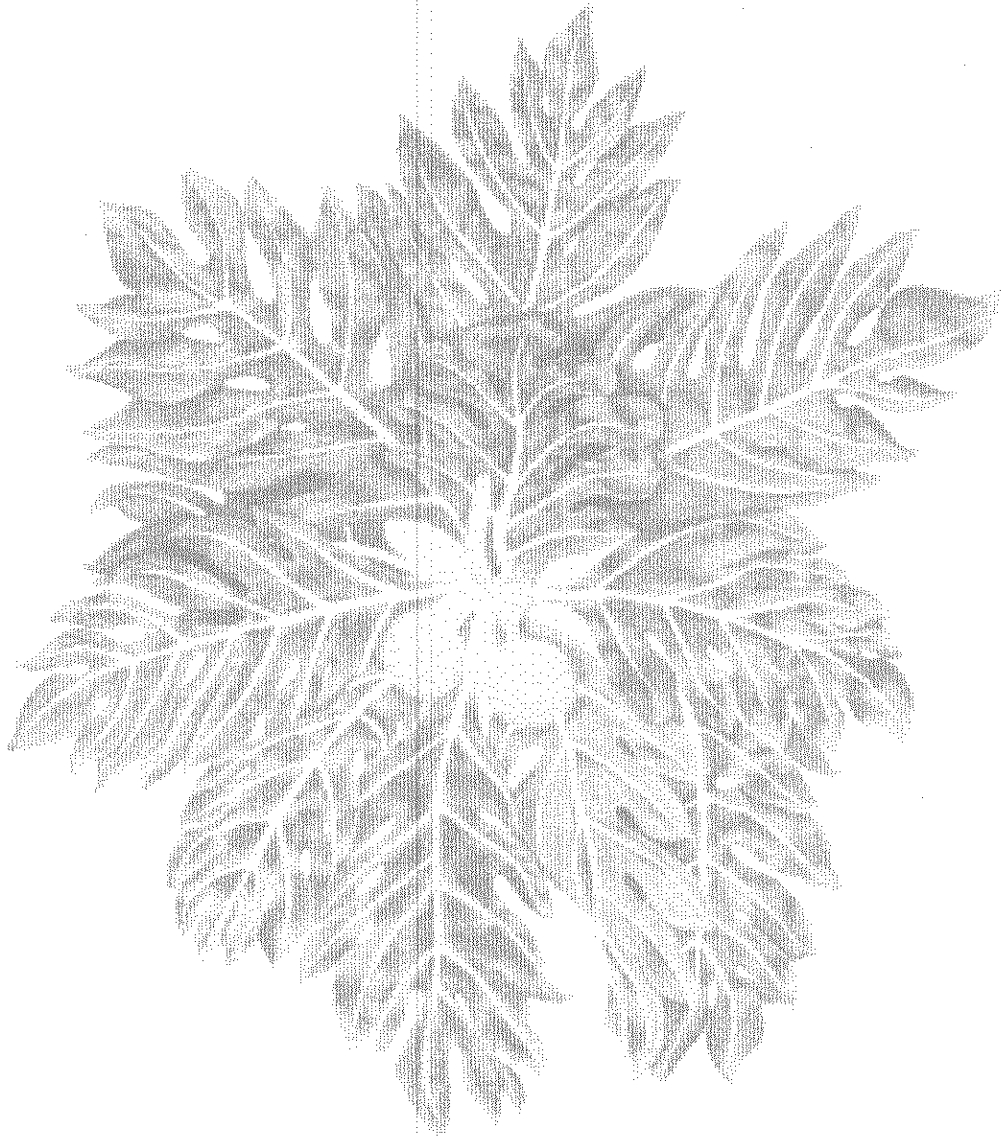
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**Mahalo to the State Department of Health
Office of Health Status Monitoring**
for its continued support and assistance.

*This booklet is meant to assist you with the application process for obtaining Hawaiian home lands. It is not an administrative rule book. If you wish to view the Department of Hawaiian Home Lands' *Administrative Rules*, please contact the district office in your area.



*Department of Hawaiian Home Lands
State of Hawai'i
August 2000*