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Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Dr. ORLY TAITZ, ESQ, PRO SE
Plaintiff,

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Freedom of information violation
5USC §552

v.

Michael Astrue, Commissioner of the
Social Security Administration,

Case: 1:11-cv-00402
Assigned To : Lamberth, Royce C.
Assign. Date : 2/16/2011
Description: FOIA/Privacy Act

Does 1-100

Respondents

§
§

COMPLAINT

JURISDICTION and venue

Current complaint filed under federal statute 5USC § 552 (a)(4)(B) and the respondents are officers of the U.S. government

PLAINTIFF

Plaintiff herein is Dr. Orly Taitz, ESQ, President of “Defend Our Freedoms foundation”, filing pro se

RESPONDENT

Michael Astrue, Commissioner of the Social Security Administration

1. Plaintiff brings this action pursuant to the provisions of USC §552 known as the “Freedom of Information Act” (FOIA) and in particular 5 U.S.C. §552(a)(4)(B)

ALLEGATIONS

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1. Plaintiff, Dr. Orly Taitz, esq, is the "President of the Defend Our Freedoms foundation" (hereinafter Foundation) and an attorney, who represented this foundation.
2. Both the Plaintiff and the foundation are dedicated to the preservation of the Constitutional rights and Freedoms of the U.S. citizens.
3. Plaintiff works closely with a number of licensed investigators.
4. Plaintiff received a report and an affidavit from a licensed investigator and former Elite Anti Communist proliferation and Anti Organized Crime unit Scotland Yard officer Neil Sankey. (Exhibit 2 A and B)Mr. Sankey's report and an affidavit, showed that Barack Hussein Obama, the President of the United States (hereinafter "Obama") is linked in the National databases to some 39 Social Security numbers and multiple addresses. The number he used most often since around 1980 is 042-68-4425. According to Lexis Nexis and Choice Point this number originally was assigned to an elderly individual born in 1890, who resided in CT, but was assumed by Obama from around 1980-1981.
5. The first three digits of the Social Security number signify the state. 042 signifies the state of Connecticut.
6. Obama was never a resident of Connecticut.
7. At the time Obama obtained such Social Security number he was a student, residing in Hawaii.
8. To confirm such findings Taitz obtained an opinion of yet another licensed investigator, Susan Daniels, who attested to the fact that national databases show multiple social security numbers associated with the name Barack Obama, among them CT Social Security number 042-68-4425 used most often. She, also, found that this number was assigned originally to an individual born in 1890. Later, the same number was associated with the

birth date 04.08.1961 and 08.04.1961. Dates of 04.08.1961 and 08.04.1961 suggest existence of some documents, created using an European system of dating: Day, Month, Year, versus the American system of Month, day, Year.
Exhibit 1

9. In and around 1976-1977 due to new Social Security requirements multiple elderly individuals, particularly women, who were housewives and never worked before, applied for Social Security numbers in order to obtain Social Security Benefits, therefore date of birth of 1890 originally connected to 042-68-4425 was consistent with many other examples of elderly individuals, born between 1890-1915, applying for Social Security cards for the first time between 1976-1977.
10. National Databases such as Lexis-Nexis and Choice Point show another Social Security number, originally assigned to an elderly individual, being connected to the name Barack Obama.
11. This social security 485-40-5154 is noteworthy, as it was assigned to Lucille I Ballantyne, born 12.22.1912, deceased 09.13.1998
12. Ms. Ballantyne was the mother of Harry C. Ballantyne, Chief Actuary of the Social Security administration, who had access to all Social Security databases and death indices.
13. Obama's selective service certificate verification, readily available on the world wide web, shows a complete match with the number 042-68-4425, therefore verification of Obama's use of this number since 1980. Exhibit 4
14. Taitz verified this data with the third investigator, retired Senior Investigator with the Department of Homeland Security John Sampson.
15. Mr. Sampson provided Taitz with an affidavit, stating that according to his investigation, the number Obama is using most of his life, is indeed a CT Social Security number. Mr. Sampson provided an expert opinion, that there

- is no reasonable explanation for one residing in HI to get a CT social security number. Exhibit 3.
16. At the same time Taitz found that the National Databases show different dates of birth for Obama: 08.01.1961 and 08.04.1961.
 17. Recently released passport records for Obama's mother, Ann Dunham, show that Obama was listed in her passport under a name Soebarkah. (Exhibit 5)
 18. AP report from Indonesia, where Obama resided, show Obama's Elementary school record, showing him using last name of his adopted father Soetoro, citizenship Indonesian, religion Islam. Obama denies all three facts.
 19. Recently Neil Abercrombie, Governor of HI, in an interview to Honolulu Star Advertiser admitted that he was not able to locate the original birth certificate for Obama, only a notation by someone in archives, that some record exist, though no actual original certified long form U.S. birth certificate was ever found for Obama.
 20. Obama provided the public only a short form Certification of live birth created in 2007, right before the election, which does not contain any essential information, which typically would be found in the original long form birth certificate, such as the name of the hospital, the name of the attending physician and signatures, The state of HI statute 338-17 allows a foreign born child of HI resident to obtain HI birth certificate.
 21. The state of HI statute 338-5 allows one to obtain a birth certificate based on a statement of one relative only without any corroborating evidence from any hospital.
 22. The state of HI statute 338-6 allows one to get a late birth certificate, obtained as a result of adoption or loss of an original birth certificate
 23. Numerous reports, claiming that prior Governor of HI Linda Lingle examined Obama's birth certificate were false as well. Lingle's interview

reveals that she relied on a statement of former Director of HI Health Department Chiyome Fukino, but Lingle never personally saw a birth certificate for Obama.

24. Chiyome Fukino made a statement that there is a record in Hawaii, however she never provided any information, what record exists there. A record created pursuant to statute 338-5, 338-6 or 338-17 would not be sufficient to establish one's birth in HI.

25. There were reports of newspaper articles, announcing Obama's birth in HI. Follow up research did not uncover any such article anywhere. Nobody ever found any actual newspapers, announcing Obama's birth. Only a microfiche image was found. There is no evidence, verifying when this image was created. Even if one were to believe that such news paper announcement actually existed, it still did not verify Obama's birth in HI, as a newspaper article is not a prima facie evidence of birth and it could have been created based on a birth certificate, created under statute 338-5 and statute 338-17.

26. As above information showed that Obama does not possess either a long form birth certificate or a Social Security number of his own, Taitz filed a FOIA request for the Social Security number application for CT social security number 042-68-4425, which was issued in CT around 1977 to an elderly individual born in 1890 and later assumed by Obama.

27. Taitz agreed to accept a redacted application, which was denied.

28. In March of 2010 Taitz filed an appeal and obtained a final determination on May 18, 2010, when her SSA FOIA appeal was denied by Jonathan R Canthor, Executive Director, Office of Privacy and Disclosure of the Social security Administration. Exhibit 6.

29. Taitz appealed to the U.S. District Court, District of Columbia 1:2010-cv-00151, Chief Judge of the DC Circuit, Judge Royce Lamberth

30. Court denied the appeal, citing that the court appeal was filed prior to the final disposition by the agency and the privacy considerations.
31. In and around September 2010, Senior Deportation officer of the Department of Homeland Security (Ret) John Sampson provided an affidavit, where he stated that in situations, where there is a release of the FOIA request for the SS-5 application for the Social Security number, which is suspected to be illegally used by one, who is not the original applicant, routinely government agencies request partial information in order to ascertain, whether indeed the number is fraudulently used. Such information includes: gender of the applicant, zip code, where the Social Security card was sent, race of the applicant. Such information is general enough as not to reveal the identity of the applicant, but on the other hand, it is helpful in identifying fraudulent use of the Social Security number.
32. On October 4, 2010 Taitz filed yet another FOIA request with the Social Security Administration. Exhibit 7. This request was received by the Social Security Administration on October 8, 2010. Six certified mail receipts of the Certified Mail requests are attached (Exhibit 8, 9).
33. In her FOIA request Taitz asked for the following information on several SSA-5 forms: (a) Request for clarification, why SSA-5 form for Stanley Ann Dunham, deceased mother of Barack Hussein Obama, which was filled out in 1959, shows form revision date 7/65. (b) Taitz asked for the dates of the SSA-5 form revision dates (c) Limited information regarding SSA-5 042-68-4425, such as zip code to which the original form was mailed, gender of the applicant and date of the application. (d) SS-5 application for Margaret Bossing 042-68-4437 born January 7 1896, death 1982, SS card issued in 1977 (e) SS-5 application for Antoinette Demo born May 30 1890, died April 1979, Social Security card issued between 1977-1979 in Danbury

Connecticut. (f) requested information whether another individual assisted those elderly individuals: Margaret Bossing and Antoinette Demo in processing of the Social Security SS-5 applications, Taitz requested the name of the individual, who filled out the cards and the name of the individual, who processed them (g) Taitz provided a sworn affidavit of a licensed investigator Susan Daniels, showing that in national databases the name of Barack Obama is linked to SSN 485-40-5154, which is traced to Lucille T Ballantyne born 12.22.1912, deceased 09.13.1998, the mother of the Chief Actuary of the Social Security administration Harry C Ballantyne. In light of this fact Taitz requested information whether Harry C Ballantyne, Chief Actuary of the Social Security Administration, made any changes or alterations or additions to the Social Security records 485-40-5154 and/or 042-68-4425, 042-68-4426 and/or 042-68-4427. In a separate letter Taitz requested for the SSA application for deceased Thomas Wood, SS number 042-68-4424. SSA acknowledged Taitz requests, however no information was ever provided and no denial of the request was ever received in 120 days.

34. In December of 2010 and January 2011 Taitz sent two follow up certified mail letters, where she stated that she treated lack of requested information as a denial and she demanded that SSA grant her FOIA request or officially deny it. None was received. As such SSA is in violation of the 5 U.S. §552 and Taitz requests an order and adjudication from this Honorable Court, directing Mr. Michael Astrue, Commissioner of the Social Security Administration to provide Taitz the information requested.

35. Plaintiff alleges on information and belief that:

Pursuant to the Freedom and Information Act, 5 U.S.C. §552(a)(3), Plaintiff has a right of access to the documents requested, and Defendant has no legal basis for their actions in withholding the right of access to such documents.

Plaintiff has exhausted its administrative remedies as provided in the Freedom of Information Act and Agency regulations.

Wherefore, Plaintiff Prays this court:

1. To take jurisdiction over this case;
2. To order Defendants to release the requested documents to Plaintiff;
3. To grant such other and further relief as the court may deem proper and just

02.06.2011

/s/ Dr. Orly Taitz ESQ

Certificate of service

Plaintiff certifies that a true and correct copy of the above pleadings was served on the U.S. Attorney for the District of Columbia

I CERTIFY THAT TRUE AND CORRECT COPY OF THE ABOVE PLEADINGS WERE SERVED on 02.01. 2011 on

Alan Burch, Assistant United States Attorney for the District of Columbia
555 4th str., N.W.

Washington D.C. 20530 VIA MAIL and ELECTRONIC FILING

/s/Orly Taitz

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Chairman
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cc Congressman Mike Rogers

Chairman

House Intelligence Committee

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House Subcommittee on Social Security

House Ways and Means Committee

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