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**OFFICE OF STATE ADMINISTRATIVE HEARINGS**

**STATE OF GEORGIA**

**DAVID FARRAR,** :  
**LEAH LAX,** :  
**CODY ROBERT JUDY,** : **DOCKET #: OSAH-SECSTATE-**  
**THOMAS MacLAREN** : **CE-1215136-60-MALIHI**  
**LAURIE ROTH** : **:PROPOSED FINDINGS OF FACT AND**  
: **: CONCLUSIONS OF LAW**

**Plaintiffs,**

**v.**

**BARACK OBAMA**

**Defendant.**

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**Introduction**

Barack Obama, defendant herein, (Hereinafter “Obama”) is a candidate for the position of the U.S. President in the 2012 Presidential elections in the state of Georgia. His name was submitted by the Executive Committee of the Democrat Party of Georgia, as a presidential candidate. Plaintiffs filed a challenge with the office of the Secretary of State of Georgia, stating that the candidate is not eligible, as he is not a natural born citizen. This current challenge was forwarded by the Secretary of State to the Administrative court of the state of Georgia for adjudication. This case was assigned to Honorable Michael Malihi, Deputy Chief judge. During the trial, held on January 26, 2012, Plaintiffs submitted witness testimony and exhibits showing the defendant not to be a natural born citizen. Defendant and his attorney did not appear and did not provide any evidence of eligibility. The parties were ordered by the court to submit by 5pm on February 5, 2012, a brief of Proposed Findings of Fact and Conclusions of Law, not exceeding 25 pages. On January 27, 2012 the court changed the submission date from February 5 to February 1. Plaintiffs are submitting attached Proposed findings of Facts and Conclusions of Law by the new deadline of 5:00 PM, February 1, 2012. Plaintiffs attest, that the length of the brief does not exceed allowed 25 page limit. The current brief is a result of three and a half years of investigation into the factual and legal background of the Defendant. Due to page limitation, not all of the facts can be included. Due to the fact that there are two other challenges to eligibility of the same defendant, limited to one issue- the fact that Defendant's father was not a US citizen - Plaintiffs in Farrar believe that the court will be fully briefed on this one issue. As such, Plaintiffs will somewhat limit the discussion of this issue in this brief and will allocate a larger part of the allowed 25 pages to issues of elections fraud, evidence of forgery in the defendant's alleged copy of his birth certificate released to the public, Social Security fraud, and use of multiple last names, as

those issues are not covered in concurrently submitted cases of Welden and Swenssen. Plaintiffs assert that based on law and fact, Obama is not eligible to be on the ballot in the state of Georgia as a Presidential candidate and such finding should be forwarded to the Secretary of State of Georgia. Plaintiffs seek their attorneys' fees and costs. Plaintiffs also assert that evidence of criminality as well as contempt of court and rule of law exhibited by the defendant, Obama, is so egregious that it warrants forwarding of the evidence and findings of this court to the Attorney General of Georgia for criminal prosecution of Obama for elections fraud, uttering of forged and altered documents, Obstruction of Justice and Social Security fraud. Additionally, the evidence submitted to this court warrants forwarding to the immigration and deportation services of the Department of Homeland Security for criminal prosecution; as well as to the U.S. Congress for impeachment for High Crimes and Misdemeanors committed by Defendant, Obama. Furthermore, Defendant and his attorney should be held in contempt of court and properly sanctioned for failure to comply with the subpoena duly issued and served on the defendant by the Plaintiffs counsel, Orly Taitz. Aforementioned subpoena was found to be valid when this court denied Defendant's motion to quash the subpoena and Defendant was obligated to appear in court and provide certified copies of his identification records. Obama and his attorney, member of Georgia bar Michael Jablonski, are in contempt of court, as they failed to appear and did not produce any documents attesting to Obama's eligibility.

### **ARGUMENT**

Case at hand brought based on O.C.G.A. §21-2-5(a) and (b), O.C.G.A. §21-2-193. O.C.G.A. §21-2-5 states "Every candidate for federal and state office ... shall meet the constitutional and statutory qualifications for holding the office being sought."

The case of Haynes v Wells, 538 S.E.2d 430 (GA 2000) establishes that a candidate seeking to hold office through an election in the state has the affirmative duty to prove their eligibility. This holding relied upon O'Brien v Gross OSAH-SECSTATE-CE-0829726-60-MALIHI, at 12 (2008) "The burden of proof is entirely upon Respondent to establish affirmatively his eligibility for office" *id.*

Defendant defaulted by not showing up. Administrative Rule of Procedure 616-1-2-30(1) "A default order may be entered against a party that fails to participate in any stage of the proceedings, a party that fails to file any required pleading, or a party that fails to comply with an order issued by the Administrative Law Judge."

616-1-2-.30(2) "After issuing a default order, the Administrative Law Judge shall proceed as necessary, to resolve the case without the participation of the defaulting party, or with such limited participation as the Administrative Law Judge deems appropriate, and shall determine all issues in the proceedings, including those affecting the party in default."

This is a case of national importance with repercussions on forty nine other states. Considering the importance of Presidential elections and in the interest of judicial economy, it is warranted to decide this case on the merits of law and fact, which are fully discussed below.

This court already established Plaintiff's right to proceed with this election challenge, when Defendant's motion to dismiss was denied. Plaintiff Farrar testified to being a registered voter in the state of Georgia. As such, he was an elector, who was eligible to bring an election challenge at hand.

What is the eligibility requirement for the U.S. President?

It is defined in the US Constitution Article 2, section 1, clause 5, which states "No person except a natural born Citizen, or a citizen of the United States, at the time of the adoption of the Constitution, shall be eligible to the office of the President".

So, based on the Constitution we have two options:

1. a U.S. citizen at the time the Constitution was adopted or
2. natural born U.S. citizen.

Of course, the first provision was written into the Constitution in order to grandfather in the first Presidents, who obviously were born before the creation of the United States of America and were required to be only "citizens" at the time the Constitution was adopted.

The second part relates to all other Presidents, who were born after the adoption of the Constitution. This means that the defendant needs to be a "natural born citizen". The Constitution does not provide a definition of what a natural born citizen is. Such definition needs to be drawn from multiple extraneous sources, available at the time of the adoption of the Constitution. Just as in a recent case of U.S. v Heller 554 U.S.570(2008), where the courts had to deduct the meaning of the Second Amendment right to bear arms from the framers intent; the case at hand requires such reconstruction of the framers' intent. To this extent, this is a case of first impression, as no court ever ruled directly on the point of the meaning of "natural born citizen", as it applies to the U.S. President. The closest the courts came to the determination of natural born, is in a precedent of Minor v Happersett 88 U.S. 163 (1875)

### **MINOR V HAPPERSETT**

Minor states:"The Constitution does not in words say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that. At common law, with the nomenclature of which the framers of the Constitution were familiar, it was never doubted that all children born in a country

of parents who were its citizens became themselves, upon their birth, citizens also. These were natives or natural-born citizens, as distinguished from aliens or foreigners. Some authorities go further and include as citizens children born within the jurisdiction without reference to the citizenship of their parents. As to this class there have been doubts, but never as to the first. For the purposes of this case, it is not necessary to solve these doubts.....” *id.* It is common knowledge and described at length in Defendant Obama's Memoirs, such as Dreams from my Father, that Obama's father was a foreigner. Obama Senior was a foreign exchange student who resided in the U.S. for a couple of years while he got his education and he returned to his native Kenya. At the time of Obama's birth, his father, who came from Mombasa, Zanzibar region of Kenya, was a British "protected person". Obama automatically inherited his father's British citizenship upon the British Nationality act of 1948. Upon the declaration of the Independence of Kenya on December 11, 1963, Barack Obama automatically received his Kenyan citizenship on December 12, 1963. As Obama was around five years old his mother remarried one Lolo Soetoro, Indonesian national. According to Obama's memoirs (Dreams from my Father) and official biography, it is common knowledge that the family immigrated to Indonesia around 1967. Obama's school records from Indonesia (P trial exhibit 7) show him using last name Soetoro and nationality Indonesian. So, from birth until today, Obama had citizenship of three other countries, he is a son of a foreign national and a step son of another foreign national, therefore not eligible to be considered a natural born U.S. citizen according to the precedent of *Minor v Happersett*.

### **Wong Kim Ark**

The only case law, that seems to contradict *Minor*, is a precedent of U.S. v Wong Kim Ark 169 U.S. 649 (1898). *Wong Kim Ark* is a case, relating to the citizenship of a young man, born to

two Chinese permanent residents. Kim Ark moved back to China and sought to return back to the U.S. as a U.S. citizen. Wong Kim Ark defined U.S. citizenship based on jus solis, based on the place of birth and subject to the jurisdiction of the U.S.

### **WONG KIM ARK IS NOT A CONTROLLING PRECEDENT FOR FARRAR**

Kim Ark is not a controlling precedent for a number of reasons.

- a. Kim Ark dealt only with citizenship in general. It never dealt with the definition of natural born citizenship.
- b. Kim Ark never dealt with the issue of the U.S. Presidency and heightened requirements of the natural born status as it relates to the President and Commander-in-Chief.
- c. In Kim Ark both parents of the Defendant were permanent U.S. residents, who intended to reside in the U.S. Obama's father was never a permanent resident, at the time of Obama's birth he was in the U.S. on a student visa only, intending to return to Kenya.
- d. Kim Ark was not an unanimous decision. Chief Justice Melville Fuller and Associate Justice John Harlan dissented, pointing out that since the Declaration of the Independence, U.S. parted from the British Common Law doctrine of jus solis and followed the international doctrine of jus sanguinis, with offspring inheriting the nationality and allegiance of their fathers.
- e. British common law doctrine of jus solis relates to allegiance to the crown, to the sovereign, which of course was abandoned in the U.S. since the adoption of the Constitution.
- f. The majority opinion in Kim Ark was drafted by the associate justice Horace Gray, appointee of President Chester Arthur. It was rumored, that Gray's commission and subsequent decision in Kim Ark was done to sanitize Arthur's own lack of eligibility. William Arthur, Chester Arthur's father was an Irish citizen and there is no clear evidence, that he became a U.S. citizen prior to

Chester Arthur's birth. Reportedly Chester Arthur burned his identification papers and his eligibility is covered in mystery. Chester Arthur is the only other U.S. President, whose eligibility is questioned. Just because Arthur burned his documents, does not give Obama green light to disrespect the court and the nation and show a contempt to the judiciary and refuse to produce any verifiable documents, any evidence of his natural born status.

Due to all of the above Plaintiffs believe that Kim Ark does not represent a binding authority.

### **INTENT OF THE FRAMERS**

At the time of the adoption of the U.S. Constitution a treatise, most commonly used by the framers, was the Law of Nations by a well known Swiss diplomat and jurist Emer de Vattel. Written in 1758, it was well known to the framers and often used as a template for the U.S. Constitution. Book 1, Chapter 19, part 212 of the Law of Nations says: "The natives, or natural born citizens, are those born in the country, of parents who are citizens". It states "parents" in plural, not at least one parent in singular. Moreover, at the time of the adoption of the Constitution, the controlling citizenship was one of a father and Obama's father was never a U.S. citizen. The framers knew the meaning of natural born and that might be the reason, why there is no definition in the Constitution. Based on Vattel and Minor Obama does not qualify as a natural born, due to his foreign citizenship and foreign allegiance at birth.

One of the framers of the Constitution, first Chief Justice of the Supreme Court, John Jay, wrote in his well known July 25, 1787 letter to George Washington: 'Permit me to hint, whether it would be wise and reasonable to provide a strong check to admission of foreigners into the administration of the 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.'"(the Federalist Papers Alexander Hamilton, James Madison and John Jay. Bantam Dell



2003) Clearly Jay's construction of natural born clause was- one without allegiance to foreign nations, which disqualifies Obama.

Lastly, during the Congressional debate on the 14th amendment John A. Bingham, framer of the 14th Amendment defined the natural born citizen as follows "every human being born within the jurisdiction of the United States not owing allegiance to any foreign sovereignty". As at the time of Obama's birth, his father owed allegiance to a foreign nation, Obama does not qualify as natural born citizen according to Bingham's construction.

Based on the above precedent of Minor and definitions provided by the framers of the Constitution natural born citizen, is one born in the country to parents, who don't owe allegiance to foreign sovereignties. Since at the time of Obama's birth his father owed allegiance to the British crown, Obama does not qualify as a natural born citizen.

**EVEN IF ARGUENDO MINOR DID NOT CONTROL, BUT KIM ARK CONTROLLED, OBAMA STILL DID NOT QUALIFY AS A NATURAL BORN DUE TO LACK OF ANY DOCUMENTARY EVIDENCE OF THE U.S. BIRTH AND LACK OF A VALID U.S. BIRTH CERTIFICATE AND LACK OF A VALID SOCIAL SECURITY NUMBER**

Even if arguendo the court were to decide, that Minor does not control, but rather Kim Ark controls as a binding precedent, Obama still cannot be considered a natural born citizen, since he does not possess any valid documents attesting to his birth in the United States of America. Defendant did not produce any evidence, any documents verifying his birth. The only thing he is relying on, is that on April 27, 2011 he posted a computer image on line and claimed that this computer image is a true and correct copy of his birth certificate, issued in

1961. He posted this image on mugs and T-shirts and sells them for \$25 apiece, claiming it to be a verification of his eligibility. It is possible, that an image on a mug constitutes a prima facia evidence in Mombasa, Kenya, maybe an image on a T-shirt represents a competent, admissible evidence in Jakarta, Indonesia, however in the United States of America, where we hopefully retained a rule of law, an image on mugs and T-shirts represents neither prima facia evidence, nor competent, admissible evidence. The only thing it represents, is complete disrespect of law and of 311 million American citizens.

At trial Plaintiffs in Farrar submitted evidence, showing, that a computer image, posted by Obama on line, represents a computer generated forgery. Plaintiffs, also, presented evidence, that Obama does not possess a valid Social Security number, that he is illegally using a number, issued in the state of Connecticut to another individual, who was born in 1890. Plaintiffs, also, provided evidence, showing Obama using different last names: Soetoro and Soebarkah and committing fraud, possible perjury and obstruction of justice by hiding his identity under those last names. The evidence, produced by the Plaintiffs, is so incriminating, that it warrants not only removal of Obama from the ballot, it warrants his criminal prosecution. Watergate pales in comparison to Obama's culpability.

**Plaintiffs presented unrefuted evidence of lack of a valid long form birth certificate for Barack Obama**

At trial Plaintiffs presented testimony of Scanning machines expert Douglas Vogt, Adobe Illustrator expert Felicito Papa and senior deportation officer John Sampson.

Douglas Vogt testimony was entered in the record as Case file pages 57-73, Court Reporter transcript pages 22-29 and attached e-mail from the staff attorney Kim Beal attesting that judge Malihi entered exhibits into evidence.

1. Douglas Vogt (Hereinafter "Vogt") testified, that when the alleged copy of Barack Obama's birth certificate was posted by Barack Obama on line, one could see a halo effect around the letters. Mr. Vogt testified, that such halo, white shadows around letters is a sign of forgery, that it does not happen, when a document is simply scanned. It happens as a result of using multiple layers and masking by a forger.

2. Vogt testified, that the embossed seal would be clearly visible, if it would be recently placed on a document. In the alleged birth certificate, posted by Obama on line, there was no clear image of an embossed seal. There was a latent image, which would be seen, when there is photocopying of photocopying of prior documents, not a copy of a freshly placed embossed seal.

3. Vogt testified that the document in question was not a part of a book of records, as it purported to be, but rather a piece of paper by itself scanned on a flatbed.

4. Vogt testified, that a date stamp, which would be placed by hand would be in slightly different position on different certified copies. Obama's alleged two certified copies of the alleged birth certificate contained the date stamp in exactly the same spot, pixel by pixel, which would not be consistent with two separately scanned certified copies of a document.

5. Vogt testified, that date stamp placed by hand would be slightly slanted, it would not be straight pixel by pixel, as it is on an alleged copy

6. Vogt testified, that in a document, created in 1961 using a typewriter, one would not expect kerning, meaning one would not see one letter encroaching in the space of another letter, which is impossible with a typewriter. Vogt testified, that there was kerning in Obama's alleged birth certificate.

7. Vogt testified, that letter spacing and line spacing was off .

Adobe Illustrator expert Felicito Papa (Hereinafter "Papa") testified, that he examined Obama's alleged long form birth certificate, posted by Obama on line on WhiteHouse.gov on April 27, 2011. Papa authenticated his sworn affidavit entered into evidence. (Court reporter transcript p 15-18, exhibits in Case File pp40-48, admitted into evidence by judge Malihi per e-mail from staff attorney Kim Beal. )

1. Papa testified, that one scanned document should appear in one layer if downloaded in Adobe Illustrator program. Obama's alleged birth certificate consisted of multiple layers, which is consistent with multiple documents used in order to create a composite document.

2. Papa testified in regards to one of such layers, enlarged via projector and shown in court on a screen. It showed, that the serial number on the birth certificate was a composite number, where different digits came from different documents, different layers.

3. Papa testified, that a seal was missing on a layer, shown on the screen.

4. Papa testified, that the signature of Obama's mother was a composite as well, partially copied from another document.

Lastly, immigration officer John Sampson ("Hereinafter Sampson") testified. Sampson testimony court reporter transcript pp30-39, exhibits entered into evidence in Case File pp82-183.

Sampson testified that he worked as an immigration inspector since 1981. He received on the job training and classroom instruction at Kennedy airport. He testified, that his instructor was an intelligence officer, who specialized in fraudulent documents and immigration fraud. Since around 1983 he was a senior deportation officer. Sampson testified as an expert on immigration and deportation before federal grand juries and administrative law judges.

Sampson authenticated his affidavit, which was entered into evidence.

In regards to Obama's alleged copy of his birth certificate he stated, that there were several issues of concern:

1. Serial number in the upper left corner was out of sequence. Serial number was higher, than known serial numbers of birth certificates of twins born three days later
2. Certification paragraph was different, than the certification paragraphs of known birth certificates
3. The name of the registrar was different, than the name of the registrar listed on the birth certificate of Nordyke twins, born in the same hospital within 24 hours as Obama. One would expect the name of the same registrar.

Based on all of the above, an alleged copy of a long form birth certificate posted by Obama on line, on WhiteHouse.gov does not represent a true and correct copy of any document, but rather a computer generated forgery. Obama did not appear in court and did not present any documents. As such he did not meet his burden of showing that he possesses necessary identification papers to meet statutory and Constitutional qualifications for holding the office being sought.

**Plaintiffs presented unrefuted evidence of lack of a valid Social Security number for the  
Defendant**

While Social Security number is not a document, evidencing birth per se, it is one, that is commonly forged, as it is an important identification paper. Social Security number is issued based on a valid birth certificate. Lack of a valid Social Security number is an indirect, a circumstantial evidence of lack of a valid long form birth certificate. Without a valid birth certificate, one cannot obtain a valid Social Security number.

Five witnesses testified in regards to Social Security fraud.

Licensed investigator Susan Daniels testified (Court reporter record pp10-14, exhibits accepted into evidence in the case file pp15-39).

Daniels testified, that at the time Obama got his Social Security number, the numbers were assigned based on the state, where one resided and applied for his Social Security number.

1. Daniels testified that she immediately knew, that the Social Security number was fraudulent, as it was a Connecticut number and Obama resided in Hawaii at a time. The number Obama is using is 042-68-4425, it starts with 042- which are the three digits assigned to Connecticut.

2. Daniels testified, that aforementioned SSN was connected to another date of birth, 1890 and Daniels believed, that this SSN was assigned to an individual born in 1890. She believed that the Social Security number was fraudulent.

3. Daniels testified that aforementioned Connecticut SSN was connected to Obama's phone records as well and those also showed date of birth of 1890.

4. Daniels testified that she checked a number of released Social Security numbers, which were issued before and after the SSN in question. She found, that all of them were issued in Connecticut around 1977. At a time Obama resided with his grandparents in Hawaii. He was never a resident of Connecticut.

Adobe Illustrator expert Falicito Papa, who testified in regards to evidence of forgery in Obama's birth certificate, as described previously, also testified in regards to Obama's 2009 tax returns posted on line, on WhiteHouse.gov in 2010. Papa testified, that originally PDF file was not flattened and the full social Security number was fully visible to the public. Papa testified, that it was indeed 042-68-4425 Connecticut Social Security number, which was previously described as fraudulent by Detective Daniels.

Witness Linda Jordan testified that on August 17, 2011 she personally ran Obama's E-Verify. E-Verify records show mismatch between the name Barack Obama and Social Security number he is using in his tax returns, which were previously provided by witness Papa. E-Verify record, authenticated by witness Linda Jordan, is on pp 56 and 198,199,200 of the exhibits admitted into evidence in case file and her testimony is on p 19-21 of the court reporter transcript.

Retired Senior deportation officer John Sampson testified and authenticated his affidavit, previously submitted to the Plaintiffs. Sampson testified, that the Social Security number used by Obama was issued in 1977 in the state of Connecticut, at the time Obama was residing with his maternal grandparents.

First amended complaint in this case contains an affidavit of Orly Taitz, attorney for Plaintiffs, attesting that she personally ran Connecticut Social Security number 042-68-4425 through www.sss.gov. official Selective Service website and found, that Obama has been using aforementioned Connecticut social Security number in his Selective Service application. (first amended complaint, affidavit of Orly Taitz and Selective Service printout, as well as trial exhibit 7, entered into evidence in case file pp 190-193). Plaintiffs witnesses and exhibits entered into evidence showed that not only Obama does not possess a valid birth certificate, he does not possess a valid Social Security number, but rather is using a Social Security number, which was assigned to another individual in the state of Connecticut. This constitutes additional evidence of lack of valid identification papers needed to prove Obama's constitutional and statutory eligibility as a natural born U.S. citizen.

**Plaintiffs presented this court with unrefuted evidence of Defendant using multiple last names, whereby Obama might not be his legal name**

Witness Chris Strunk testified and authenticated a report, received by him personally in response to his Freedom of Information request, submitted to the state department. (Court reporter transcript pp 8,9, exhibits admitted into evidence in case file pp 1-14) Aforementioned report contained passport records of Obama's mother, Stanley Ann Dunham, which show Obama listed under last name Soebarkah.

Attorney for Plaintiffs was sworn in as a witness and testified. She presented the court with video clip from CBS/Inside Edition report from Indonesia, showing a reporter's visit to Obama's former elementary school, Assisi catholic school in Jakarta Indonesia and review of the school book of records by the reporter for CBS/Inside edition. Video clip, brought as a business record and as a matter of common knowledge shows, that in Indonesia in school records Obama was listed under the last name Soetoro, which was the last name of his step father, Lolo Soetoro and nationality Indonesian, which was also the nationality of his step father. Enlarged copy of Obama's school record from Assisi school was entered into evidence in Case file P-7 pp184, 185. Defendant did not present any evidence to refute above testimony and to refute evidence showing him using different last names: Soetoro and Soebarkah and him having Indonesian citizenship. As an Indonesian citizen he does not qualify to run for the U.S. Presidency. There is no evidence to show Obama legally changing his name from Soetoro or Soebarkah to Obama. If Obama is not his legal name, he cannot be on the ballot in the state of GA under the name Obama.

#### **DEFENDANT'S BEHAVIOR SHOWS GUILTY MIND**

Defendant's behavior shows guilty mind. Defendant had an opportunity to appear in court and provide certified copies of his vital records. He chose not to show up and not to produce any records. An inference can be made, that he does not possess any valid records, which would explain his behavior. This particularly significant, as this is the first time the issue of Obama's



eligibility is being heard on the merits. Until now all of the eligibility challenges were dismissed on procedural grounds, such as lack of standing to challenge a sitting president, lack of jurisdiction or abstention. This is the first challenge, where electors have standing to challenge Obama and can have their challenge heard on the merits. It is reasonable to believe, that if Obama were to possess any valid identification papers, he would have produced them and would have stopped all further challenges on res judicata or collateral estoppel. Obama's contempt of court, refusal to show up in court for trial and lack of any valid identification papers represents circumstantial evidence of guilty mind and inability to respond on the merits and prove his Constitutional and statutory eligibility.

**There is a pattern of behavior by the defendant, showing attempts to obstruct justice, submit forged or fraudulently obtained documents, hide his prior identity under the names Soetoro and Soebarkah**

Orly Taitz, Plaintiffs attorney, testified that she downloaded from public on line records registration@iardc.org of the Illinois bar Obama's application to the Illinois bar, which was entered into evidence in P-7, p187. In the registration Obama is asked to provide his full name, which he provided as Barack Hussein Obama. On the next line he is asked for prior names, Obama entered none. This contradicts official passport records of Obama's mother, Stanley Ann Dunham, previously entered into evidence, which show Obama listed under the last name Soebarkah in his mother's passport records. This also contradicts Obama's school registration from Jakarta, Indonesia, where he was listed under the last name Soetoro. Clearly, Obama knew, that he went by the last name Soebarkah. Clearly he knew that for four years he went to school under the last name Soetoro. Obama's actions show a pattern of fraud and possibly perjury, if the registration to the bar was done under the penalty of perjury. Taitz further testified that she

contacted the Illinois bar and complained that Obama committed fraud in not disclosing his last name. She stated, that originally the bar refused to take any action as Obama's status was listed as inactive. When Taitz complained, that inactive status can be activated at any time, Obama changed his status from inactive to ineligible to practice law. It appears Obama has forfeited his law license and an expensive Harvard law degree in order to keep hidden his identity under prior names Soetoro and Soebarkah.

In the case at hand Obama and his attorney participated in the proceedings up to the point, where attorney Orly Taitz issued a subpoena for Obama to appear and provide certified copies of his identification records. As the motion to quash the subpoena was denied by this court, Obama made one more desperate last ditch effort to avoid trial by writing to the Secretary of State of Georgia, seeking assistance of the Secretary of State in halting this trial and protecting Obama from subpoenas filed by Taitz. As the last effort failed, Obama simply forfeited the 9th largest state in the Union, a state with nearly 10 million citizens in order to keep his records hidden. Obama's modus operandi shows, that just as he forfeited his law license in Illinois, he forfeited a state with nearly 10 million citizens to keep his identity under other last names and his vital records hidden. Taitz testified to the fact, that there are other areas of inconsistency in Obama's records. Exhibits entered into evidence Case records, p186 show a picture of Obama with his friend Scott Inoue signed Third Grade Honolulu, Hawaii, 1969 (Jerome Corsi Where's the birth Certificate, 2011 edition p 218). This picture contradicts Obama's accounts in his Memoirs and official biography, which place him in Indonesia from 1967. School records from Assisi school in Jakarta show him attending school there under the name Barry Soetoro from January 1967. On the other hand, his picture from Noelani elementary school in Honolulu Hawaii shows him attending school there in 1968, 1969 under the name Barry Obama. It appears that for a period of

two years there were two distinctly separate individuals: Barry Obama, who attended Noelani elementary school in Hawaii and Barry Soetoro, who attended Assisi school in Indonesia. It is not clear, how these two individuals merge into one person. It is not clear, who came back from Indonesia: Barry Obama or Barry Soetoro. We have no idea, who is residing in the White House: is it Barry Obama or Barry Soetoro? If it is Barry Soetoro, what happened to Barry Obama?

There are multiple similar inconsistencies throughout Obama's life. Taitz submitted as an exhibit with the first amended complaint and as trial exhibit 7 admitted into evidence in case file p189 Obama's official attendance record obtained by Taitz from the official records of Student Clearing House, at [www/studentclearinghouse.org](http://www/studentclearinghouse.org), showing Obama attending Columbia University only for nine months from September 1982 until May 1983. Aside from an obvious question, of how did he get a degree from the Columbia university, while attending the school for only nine months, this matter is relevant to the issue of eligibility for following reasons. In his campaign speeches in 2008 Obama stated that he went to Pakistan over the summer break in 1981 and visited his friends, prior to starting Columbia in 1981. His Columbia records show him starting classes in Columbia a year later, in September of 1982 not in September 1981. At a time Pakistan was ruled by a radical militant leader general Zia Ul Haq. Most Americans did not dare to visit Pakistan at the time and be identified as Americans. The question arises: What passport did Obama use to travel to Pakistan? If he used his Indonesian Passport in 1981-1982, when he was 20-21 years old, he forfeited his U.S. citizenship and affirmed his Indonesian citizenship during his age of majority, as dual citizenship was not recognized by either country at the time. Without Obama providing his certified identification records and without seeing the originals, those questions cannot be answered.

Lastly, Senior Deportation officer Sampson testified and provided his analysis of the immigration records of Lolo Soetoro, Obama's step father (court Reporter's record pp34-38, exhibits admitted into evidence in case file pp 74-183) . Sampson testified that redactions in the immigration file were a source of a concern. He testified that records of deceased individuals are not redacted. Lolo Soetoro is deceased, Stanley Ann Dunham is deceased, so are her parents. Obama's half sister, Maya Soetoro, would not be listed on Soetoro's immigration application, as she was not born yet. The only person, the only family member, who could possibly be listed on those records, is Obama. Sampson testified, that if Obama was a natural born citizen at birth and never lost his U.S. citizenship, while residing in Indonesia, there was no reason for him to apply for an immigration visa, he would have travelled on his U.S. passport. This is yet another area of a reasonable doubt as to Obama's natural born status and eligibility.

Sampson was asked

Q Knowing all the information that you have in regards to Mr. Obama, what would be your conclusion and what do you believe that needs to be done-or what would you do in cases similar to this with these kinds of records?

Sampson testified that a case like Obama's warranted further investigation and production of birth records from the state of Hawaii, SSA, immigration and passport records. He stated "...let me clarify-in the event we would be conducting an investigation, it would be a criminal investigation to determine whether any charges should be filed. And the way the procedure works in federal system is that you would do a report, submit it to the United States attorney's Criminal division, so that they could review it and determine whether or not they would accept it for prosecution.

Assuming that they declined it, the alternative would be, if there was evidence to suggest that the individual in question was not a citizen of the United States and in fact had falsely claimed to be a U.S. citizen, that person could be placed in deportation proceedings because falsely claiming to be a U.S. citizen is a separate and entirely standalone charge for deportation purposes.

Q Would it be sufficient for warrant for this person's arrest?

A Well, that would be how you would commence a removal proceeding. You would request an administrative arrest warrant signed by a field officer director...

Q ... So, just to clarify for the Court, if the U.S. Attorney refuses to proceed-to act-as a deportation officer, you would have been seeking a warrant for arrest of this individual and deportation?

A I would be seeking a warrant of arrest and then issuance of a notice to appear on any individual who made a false claim to United states citizenship, and who was not clearly a citizen or was clearly admitted for permanent residence.

A Thank you, thank you, Mr. Sampson."

The testimony of witnesses including senior deportation officer Sampson showed such concerns, that in the professional opinion of the deportation officer, it warranted a criminal investigation and possible deportation.

## **Summary**

1. The court rules and adjudicates on the merits that the Defendant did not meet his constitutional and statutory burden and is not eligible to be on the ballot as a Presidential candidate, and forwards such findings to the Secretary of State of Georgia

2. Awards the Plaintiffs their attorneys' fees and costs
3. Forwards to the Attorney General of Georgia court records of witness testimony and documentary evidence submitted by the Plaintiffs for the purpose of criminal investigation and prosecution of the Defendant for suspected elections fraud and suspected use of forged/fraudulently obtained identification records with the purpose to defraud the people of the state of Georgia
4. Forwards to the Department of Homeland Security Immigration and Deportation department witness testimony and documentary evidence submitted by the Plaintiffs for further investigation.
5. Due to Defendant's failure to comply with a duly issued subpoena court issues an order to show cause, why Defendant and his attorney should not be sanctioned for contempt of court.

#### **CERTIFICATION**

I, Orly Taitz, attest, that pursuant to court instructions I served the Defendant via e-mail through his attorney Michael Jablonski at [Michael.Jablonski@comcast.net](mailto:Michael.Jablonski@comcast.net)

/s/ Dr. Orly Taitz, ESQ

02.01.2012