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Plaintiff In propria persona

BEFORE KANSAS OBJECTIONS BOARD:
Secretary of State of KS Hon Kris Kobach
Attorney General of KS Hon Dereck Schmidt
Lieutenant Governor of Kansas Jeff Collier

Dr. Orly Taitz, ESQ
Plaintiff,
vs.
Barack Hussein Obama,
Defendant

) Case No.:
)
) Objection to ballot placement of
) Candidate Obama due to identity fraud,
) use of forged IDs and fraudulently
) obtained social Security number as
) proof and basis of identity
)
)

Notice of Motion and Motion for a Preliminary injunction, preventing Candidate for the U.S. Presidency Barack Hussein Obama (Hereinafter "Obama") from being listed on the ballot in the state of Kansas due to identity fraud, foreign citizenship, use of fraudulently obtained and forged identification papers: fraudulently obtained CT SSN, forged BC and a forged Selective service certificate. Such notice is given to the Secretary of State of Kansas Kris Kobach on September 16, 2012 via e-mail to kkobach@gmail.com, as well as to the counsel for the secretary of State Ryan Kriegshouser at ryan.kriegshouser@sos.ks.gov, as well as to the Attorney General of Kansas through his employee Athena Andaya at Athena.andaya@ksag.gov

Plaintiffs hereby move this Court to enter a preliminary injunction to prevent placing on the ballot in the general election of the name of the candidate for the U.S. Presidency Barrack Hussein Obama until the issues of Obama's use of a forged birth certificate, fraudulently obtained Social Security number and Selective Service certificate, along with Obama's use of the name which is not legally his, will be resolved. Plaintiffs assert that placing Obama on the ballot in the general election in November 2012 violates the U.S. and Kansas Constitution

BRIEF IN SUPPORT OF MOTION TO ENJOIN CANDIDAE BARACK
HUSSEIN OBAMA FROM BEING LISTED AS A CANDIDATE FOR THE U.S.
PRESIDENT DUE TO FRAUD, USE OF FORGED IDENTIFICATION PAPERS
AND USE OF A STOLEN SOCIAL SECURITY NUMBER BY OBAMA, USE OF
A NAME NOT LEGALLY HIS AND DUE TO OBAMA'S FOREIGN
CITIZENSHIP.

History of the case

Current case was originally brought by one Joseph Montgomery. Mr. Montgomery challenged Obama due to evidence of forgery in Obama's IDs and his foreign citizenship. During the original hearing the three member "Objections Board", consisting of the Secretary of State, Attorney General and Lieutenant Governor ruled that the issue warrants additional investigation. secretary of State of Kansas announced that he will contact the states of Hawaii, Mississippi and Arizona, where this matter was brought, to get additional information. On September 13, 2012 attorney Orly Taitz (Hereinafter "Taitz") joined the challenge to Obama in Kansas and filed a challenge with the Secretary of State Mr. Kris Kobach. She also sent by Federal Express her complaint to the other two members of the Objections Board: Attorney General of KS and Lieutenant Governor of KS, additionally she faxed her complaint to the Attorney General. Taitz brought her challenge against Obama in Kansas. In her challenge she advised the Secretary of State of Kansas, Mr. Kobach that there is only one challenge to Obama in Mississippi, it was filed by Attorney Taitz, the first hearing is yet to be conducted, and it is scheduled for September 24th, 2012 in front of the U.S. District Judge Henry Wingate. Taitz forwarded to Kobach the First amended Complaint that she filed in Mississippi, which contains the causes of action for racketeering with predicate crimes of fraud, wire fraud, mail fraud involving Obama, Registrar of the Health Department of Hawaii Alvin Onaka and a number of other high ranking individuals, who were complicit in fraud committed by Obama, including Secretary of State of Mississippi and the Democratic Party of Mississippi, who were put on notice of fraud committed by Obama, but who chose to be a part of the cover up. Additionally Taitz advised Kobach that she brought similar legal actions in several other states, that a temporary injunction hearing is

scheduled to be held in Indiana on September 26, where Superior Court Judge Sherry K. Reid at a prior hearing allowed Taitz to proceed against the Secretary of State of Indiana and the elections Commission of Indiana on three causes of action: Fraud, breach of Fiduciary Duty and Negligence.

Later same day Montgomery wrote to the Secretary of State, seeking to withdraw his challenge due to intimidation and harassment of him and his family. Secretary of State announced that the scheduled Monday 17, 2012 hearing will go on in spite of the withdrawal by Montgomery, but that it would be difficult to remove someone from the ballot without a testimony of the objector. Taitz wrote to Kobach that she will fly to Kansas and provide testimony, she also is bringing with her certified court transcript with sworn testimony of multiple experts and competent witnesses, attesting to forgery and fraud in Obama's alleged birth certificate and attesting to Obama's use of a stolen Connecticut Social Security number. Taitz received a response from Ryan Kriegshouser, legal counsel for the Secretary of State advising her that Montgomery already withdrew his complaint.

Taitz responded that Montgomery was very vocal in the media that the withdrawal of his complaint was made under duress, due to intimidation, which makes it ineffective. Additionally, regardless of whether Montgomery withdrew his complaint or not, Taitz effectively joined the challenge prior to the September 17, 2012 hearing and put the members of the Objections board on notice of the fact that Obama's birth certificate, Selective Service Certificate are forged and Connecticut Social Security number 042-68-4425, which Obama is using, is fraudulently obtained, whereby Obama is using forged documents as an identification and placed his name on the ballot based on fraud and uttering of forged IDs. Taitz advised Kriegshouser and Kobach that if the Objection board places Obama on the ballot, while possessing all this evidence of fraud, each and every member of the Commission will be liable and criminally complicit in aforementioned fraud and forgery and may be added as an additional defendant in the ongoing Federal legal action for racketeering and fraud Judd et al v Obama et al 12-cv-1507 Central District of California. On Saturday September 15, 2012 3:19 PM Kriegshouser responded that he is forwarding all of the evidence to all of the members of the Board and they will decide in regards to the further action on the matter. Taitz was cc-ed on an e-mail sent by Ryan Kriegshouser to Secretary of State Kris Kobach, to Eric Rucker from the office of the Secretary of State and Athena Andaya from the

office of the Attorney General. Taitz was scheduled to travel the next day on Sunday, September 16, 2012 from California to Texas and Missouri, in order to be in Topeka, Kansas, at the hearing on Monday, September 17th, 10 am.

ARGUMENT

- A. Evidence shows Obama using forged IDs, not eligible to be on the ballot
- B. Withdrawal by Montgomery under duress is ineffective and not valid
- C. Regardless of the withdrawal by Montgomery members of the Objections Board were put on notice in regards to fraud and forgery in Obama's IDs
- D. Preliminary injunction is proper and necessary as Plaintiff is likely to prevail on the merits of the case
- E. Not granting injunction represent an undue hardship of severe violation of the fundamental right of voting and political free speech, which is represented in valid, fraud and forgery free elections.
- F. Balancing of hardships is in favor of the voters, whose right to valid, fraud and forgery free election is violated by Obama
- G. there is no hardship to Obama as he was never eligible for the U.S. Presidency, as he never had any valid identification papers and used forged IDs at all times.
- H. It is in the interest of public policy to enjoin from the ballot a candidate, who is committing fraud, identity fraud, social Security fraud and is using forged IDs as his identification.
- I. Not enjoining Obama from the Ballot, makes members of the Objections Board: Secretary of State Kris Kobach, Attorney General Eric Schmidt and Lieutenant Governor Jeff Colyer complicit to elections fraud, identity fraud, use of forged IDs committed by Obama and makes the a part of a RICO (racketeering scheme) to place a foreign citizen Obama on the ballot and in the White House while using forged IDs.
- J Conclusion

A. Evidence shows Obama using forged IDs, not eligible to be on the ballot
Motion for preliminary injunction is governed by the Kansas elections code as follows:

Chapter 25: Elections

Article 3: Independent And Other Nomination Certificates; Terms Of Office; Filling Vacancies

Statute 25-308: Nominations; validity; filing; objections; proceeding to compel or restrain election officers. (a) Any certificate of nomination, nomination petitions or declaration of intention to become a candidate, filed or issued in apparent conformity with law, shall be deemed to be valid unless:

(1) Objection thereto is made in writing within three days from the date the certificate, petitions or declaration is filed with or issued by the proper officers; or

(2) in the case of certificates of nomination, nomination petitions and declarations of intention to become a candidate, the secretary of state or the county election officer finds them to be invalid pursuant to K.S.A. 25-208a, and amendments thereto.

(b) If the secretary of state or the county election officer finds any certificates of nomination, nomination petitions or declaration of intention to become a candidate to be invalid pursuant to K.S.A. 25-208a, and amendments thereto, the candidate on whose behalf the certificates, petitions or declaration was filed may make objection to such finding in writing within three days of receipt by the candidate of notice of such finding.

(c) In the case of nominations of national and state officers, objections shall be filed with the secretary of state and shall be considered by the lieutenant governor, secretary of state, and attorney general, and a decision of a majority of these officers shall be final. In the case of nominations for county, township, city and school officers, objections shall be filed with the county election officer and shall be considered by the county election officer, county attorney or district attorney and an elected official of the county whose position is not involved in the controversy, who shall be designated by the county election officer. The decision of a majority of these officers shall be final.

(d) In any case where objection is made, notice shall be given immediately, by the officer with whom the objections are filed, to the other officers required to determine the matter and to the candidates affected by such objection, addressed in the case of candidates to their places of residence as given in the nomination petitions, declaration of intention to become a candidate or certificate of nomination. The notice shall state the time when the objection will be considered. Such time shall not be more than five days following the giving of such notice in the case of nomination of a national or state officer and not be more than three days following the giving of such notice in the case of nomination of a county, township, city or school officer, and the place where such objections will be considered.

(e) The causes for objection under this section as to any office may be any of those causes listed in K.S.A. 25-1436, and amendments thereto. The officers determining any objections under this section may assess any costs arising from such determination to either the objector or objectee in accordance with the determination made. Such costs shall be paid to the secretary of state or the county election officer, as the case may be, and deposited in the treasury of the state or county to the credit of its general fund. If such costs are not paid within 10 days after being fixed, the

secretary of state or county election officer shall make a certificate of the facts and file it with the clerk of the district court in the county where the person resides who must pay such costs. Such clerk of the district court shall collect such costs as in cases of collection of court costs, and when collected such costs shall be disposed of as are court costs in such district court.

(f) All mandamus proceedings to compel an officer to certify and place upon the ballot any name or names, and all injunction proceedings to restrain an officer from certifying and placing upon the ballot any name or names, must be commenced not less than 45 days before the election.

History: L. 1893, ch. 78, § 10; L. 1897, ch. 129, § 10; R.S. 1923, 25-308; L. 1968, ch. 406, § 94; L. 1970, ch. 136, § 1; L. 1973, ch. 153, § 27; L. 1978, ch. 135, § 3; L. 1978, ch. 138, § 20; L. 1989, ch. 107, § 3; L. 1990, ch. 121, § 2; L. 1997, ch. 124, § 11; L. 2001, ch. 39, § 1; July 1.

1. According to Article 2, section 4 of the U.s. constitution the President of the United States has to be a natural born Citizen of the United

States.

A natural born U.S. citizen would be expected to have valid identification papers.

Evidence of lack of valid identification papers for Obama is as follows:

2. In 2008, when Mr. Obama ran for the U.S. Presidency, he was never vetted and he never provided any valid documentary evidence of his natural born status.

3. A natural born citizen would be expected to have valid U.S. identification papers, such as a valid long form birth certificate and a valid Social

Security number, which was lawfully obtained by presenting a valid birth

certificate, valid Social Security which can be verified through official U.S. Social Security verification services, such as E-Verify and SSNVS.

4. The most glaring evidence of Obama's lack of natural born status and legitimacy for the US Presidency, is Obama's lack of most basic valid identification papers, such as a valid Social Security Number ("SSN") and his use of a

fraudulently obtained Social Security Number from the state of Connecticut, a state where he never resided, and the number which was never assigned to him according in part to SSN verification systems "E-Verify" and SSNVS.

5. Taitz presents a sworn affidavit from a licensed investigator Susan Daniels ("Daniels") which shows that for most of his life Obama used a Connecticut Social Security Number 042-68-4425 issued in 1977, even though he was never a resident of the State of Connecticut. In 1977 Social Security numbers were assigned according to the state where the Social Security applications were submitted. In 1977 Obama was nowhere near Connecticut, but rather a young student at the Punahoa school in Hawaii, where he resided. (Exhibit I)

6. Additionally, according to the review performed by licensed investigators Sankey and Daniels, and as publicly available, national databases revealed another birth date associated with this number, a birth date of 1890. In or around 1976-77, due to changes in the Social Security Administration, many elderly individuals who never had Social Security numbers before, had to apply for their Social Security numbers for the first time in order to obtain Social Security Benefits. It appears that the number in question was assigned to an elderly individual in Connecticut around March of 1977. The death of this elderly individual was never reported, and from around 1980 this number was fraudulently assumed by Barack Obama. *See Exhibit I* attached hereto, Affidavit of Susan Daniels.

7. Plaintiff and Attorney herein Taitz was a delegate at the Continental Congress Convention in 2009, where she had a discussion on the matter of Barack Obama's fraudulent use of the aforementioned Connecticut SSN with a recently retired Senior Deportation Officer from the Department of Homeland Security ("DHS"), Mr. John Sampson ("Sampson"). Sampson provided Dr. Taitz with an affidavit attesting to the fact that indeed, according to national databases, Obama is using a

Connecticut SSN even though there is no reasonable justification or explanation for such use by one who resided in Hawaii in and around the time the Social Security number in question was issued. *See Exhibit 2* attached hereto, Affidavit of John Sampson.

8. In 2010 Obama posted online on WhiteHouse.gov his 2009 tax returns. He did not "flatten" the PDF file thereof, so all the layers of modification of the file became visible to the public. One of the pages contained Obama's full SSN 042-68-4425. Taitz received an affidavit from Adobe Illustrator program expert Mr. Felicito Papa ("Papa") attesting to the fact that the tax returns initially posted by Obama contained the Connecticut SSN 042-68-4425. While the file was later "flattened" and the SSN can no longer be seen, thousands of U.S. Citizens and individuals around the world were able to obtain the original file with the full SSN. *See Exhibit 3* attached hereto, Affidavit of Felicito Papa.

9. Taitz checked an official site for Selective Service SSS.gov. She entered the name "Barack Obama" along with his publicly available alleged date of birth "08.04.1961" and Connecticut SSN 042-68-4425 (which Obama is using in his tax returns as indicated above). Taitz received a verification showing that Obama registered for Selective Service using the Connecticut SSN. *See Exhibit 4* attached hereto, Selective Service Verification.

10. Taitz received an affidavit from a witness named Linda Jordan ("Jordan"), who ran an E-verify check for SSN 042-68-4425. According to E-Verify, there is no match between Obama's name and the SSN he used on his tax returns and Selective Service application. *See Exhibit 5* attached hereto, Affidavit from Linda Jordan.

11. Taitz received an affidavit from an assistant elections clerk in Honolulu, Hawaii, Timothy Adams, who checked in both Honolulu hospitals and found that there are no birth records for Barack Obama in any of them. *Exhibit 6 Affidavit of Tim Adams.*

12. Recently Obama's Uncle Onyango Obama was arrested for drunk driving and found to be using for employment a Social Security Number even though he is an illegal alien and not allowed to work. Obama's Aunt Zeutuni Obama was stealing taxpayer dollars by living in subsidized housing and using an Indiana-issued Social Security Number, even though she is an illegal alien and was never a resident of the State of Indiana. Therefore, there is a pattern of multiple members of Obama's family using fraudulently obtained Social Security numbers, and Obama's behavior is true to that pattern of Social Security fraud and immigration fraud.

13. Obama's close associate, William Ayers, in his book *Fugitive Days*, admitted to creating over a hundred fraudulent Social Security Numbers using names of deceased infants who did not get their Social Security numbers before their deaths. As he states in *Fugitive Days*, "After the Baltimore fiasco, stealing ID was forbidden. Instead we began to build ID sets around documents as flimsy as a fishing license or a laminated card available in a Times Square novelty shop called "Official TD." We soon figured out that the deepest and most foolproof ID had a government-issued Social Security card at its heart, and the best source of those were dead-baby birth certificates. I spent impious days over the next several months tramping through rural cemeteries in Iowa and Wisconsin, Illinois and North Dakota, searching for those sad little markers of people born between 1940

and 1950 who had died between 1945 and 1955. The numbers were surprising: two in one graveyard, a cluster of fourteen in another. Those poor souls had typically been issued birth certificates— available to us at any county courthouse for a couple of bucks and a simple form with information I could copy from the death announcement at the archive of the local paper— but they had never applied for a Social Security card. Collecting those birth certificates became a small industry, and within a year we had over a hundred. For years I was a paper-made Joseph Brown, and then an Anthony Lee, remarkably durable identities. My on-paper official residences: a transient hotel in San Francisco and a warehouse in New York." *William Ayers, Fugitive Days*. Association and close friendship with Ayers is an additional indication and circumstantial evidence of Social Security fraud by Obama, and his lack of valid identification documents to prove not only natural born status, but any U.S. citizenship or U.S. residency status for that matter.

14. For nearly three years after his inauguration Obama refused to provide to the public his long form birth certificate. On April 27, 2011, when Obama posted his alleged long form birth certificate online, just as with his tax returns, he originally did not flatten the file, which means that anyone with an Adobe Illustrator program on his computer could see layers of alterations in this alleged "birth certificate" which looked like a complete fraud and a hoax. Multiple long form birth certificates from 1961 are available. In those years green safety paper was not available and was not used. Other birth certificates, as one for Susan Nordyke, born the next day on August 5, 1961, in the same hospital, and signed by the registrar on August 11, 1961, show white paper with yellow aging stains, clear borders, raised seal and a lower serial number. (*Exhibit 9*)Obama's alleged birth

certificate is on a safety paper, which was not used *in* 1961, does not have a clear border, no raised seal, and the serial number is higher than the numbers issued later by the same Registrar. *See Exhibit 7, 9.*

15. According to the affidavit from Adobe Illustrator expert Papa (*Exhibit 7, hereto*), the released image digital file showed layers of alterations of the alleged birth certificate. It showed a signature of Obama's mother, Stanley Ann D. Soetoro (her married name by her second husband), where it looks as though "Soetoro" was erased, whited out and computer graphics used to add "Dunham Obama" and a signature "Stanley Ann Dunham Obama" was created by pasting and filling the blanks with computer graphics.

16. Taitz received an affidavit from scanning machines expert Douglas Vogt. ("Vogt") *See Exhibit 8 hereto, Affidavit of Douglas Vogt.* Vogt attests to further evidence of forgery, such as different types of ink used. Some of the document shows as "gray scale" scanning, some as black and white scanning, and some as color scanning. It shows different types of letters and variations in kerning, meaning some letters are encroaching into the space of other letters which is possible only with computer graphics, not with a typewriter used in 1961. Numerous other parameters lead to the same conclusion, that the document in question is not a copy of a 1961 typewritten document, but a computer-generated forgery, created by cutting and pasting bits and pieces from different documents and filling *in* the blanks with computer graphics. Similarly, a typesetting expert Paul Irey, who possesses fifty years of experience in typesetting, issued an affidavit, attesting to the fact Obama's alleged birth certificate is a forgery, as it

1 represents a compilation of bits and pieces of different documents with
2 different typesetting (Exhibit 10. Affidavit and accompanying article by
3 typesetting expert Paul Irej, attesting to forgery in Obama's alleged birth
4 certificate)
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7 17. It appears that Obama used a Social Security number of a deceased
8 elderly individual, as well as a birth certificate number of a deceased infant, to
9 fabricate his false identity. Research pointed to the fact that one Virginia
10 Sunahara was born in Honolulu on August 4, 1961 and passed away the
11 next day. Recently her surviving family member demanded to see her long
12 form birth certificate, but the department of Health provided Mr. Sunahara only
13 with a computer generated short form birth certificate with a serial number, which
14 was suspiciously out of sequence from all the other numbers issued to infants
15 born August 4, 1961.
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20 18. In spite of numerous demands, Director of Health Loretta Fuddy refused
21 to allow the inspection of the original birth certificate of either Obama or
22 Sunahara in lieu of the alleged certified copy, and the Social Security
23 Administration refused to provide even a redacted application for Connecticut
24 SSN xxx-xx-4425, which Obama is fraudulently using.
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1 19. Sheriff Joseph Arpaio of Maricopa County, Arizona provided a
2 sworn affidavit, result of his 6 month investigation, where he confirmed all the
3 findings by Taitz and stated that Obama's Birth Certificate, Selective Service
4 certificate and Social Security number are forged. (*Exhibit 11, Sworn affidavit*
5 *of Sheriff Joseph Arpaio, attesting to forgery in Obama's birth*
6 *certificate, Selective Service certificate and Social Security card*)
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9 20. Acton-Dystal advertising literary agency which represents Barack
10 Obama, kept on its' web site for 16 years Obama's biography, which was
11 submitted to the agency by Obama. In this biography Obama states that he was
12 born in Kenya. Only in 2007, when Obama decided to run for the U.S.
13 Presidency, and had to come up with a lie that he was born in the U.S., this
14 biography was removed from the web site. (*Exhibit 12 Barack Obama's*
15 *biography attesting to his birth in Kenya, advertised by his literary agent*
16 *Acton Dystal from 1991-2007*)
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20 21. During March 25, 2010 debates on the new Constitution, Minister of
21 Lands of Kenya James Orengo stated:" Those who fear devolution are living in
22 the past. They are being guided by their ethnic consideration and objectives. They
23 are living in the past. If America was living in a situation where they feared
24 ethnicity and did not see itself as a multiparty state or nation, how could a
25 young man born here in Kenya, who is not even a native American, become
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1 the President of America?" (Exhibit 13, p31 of the Transcript of the March 25,
2 2010 Assembly speech of the minister of lands of Kenya James Orengo,
3 referring to Barack Obama's birth in Kenya)
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5 22. California Bar deemed the issue of Obama's forged ID's to be the matter
6 of National Security which needs to be decided by the courts. (*Exhibit 14 Letter*
7 *from the California Bar*)
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9 23. Recently Alabama Supreme Court heard a similar case. McInnish v
10 Chapman 87140552 Alabama Supreme court. Unfortunately, the case was filed
11 by a pro se plaintiff, who mistakenly skipped the lower court and went straight to
12 a higher court to appeal the decision by the Secretary of State of Alabama Beth
13 Chapman to allow Obama on the ballot in light of his forged identification papers.
14 While the Supreme Court of AL had to dismiss the case due to lack of jurisdiction,
15 Supreme Court Justice Tom Parker wrote:
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19 *"McInnish has attached certain documentation to his mandamus petition) which, if*
20 *presented to the appropriate forum as part of a proper evidentiary presentation,*
21 *would raise serious questions about the authenticity of both the "short form"*
22 *and the "long form" birth certificates of President Barack Hussein Obama that*
23 *have been made public." Id McInnish v Chapman 87140552 Alabama Supreme*
24 *court. Secretary of State of Indiana and the Elections commission had a duty to*
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1 protect the integrity of elections and not allow a foreign national with all forged
2 identification papers on the ballot.

3 24. Based on all of the above, Obama does not have any valid
4 identification papers, which are necessary to be a candidate on the ballot,
5 running for the Presidency of the United States
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7 25. Additionally, the term "Natural Born Citizen," as it is applied to the
8 U.S. Presidency, means one born in the country to citizen parents. The plaintiffs
9 submit their evidence showing that from the time of the adoption of the
10 Constitution until today the standard was "One born in the country to parents who
11 are citizens do not owe their allegiance to others." The U.S. Constitution was
12 based in no small measure upon the book *The Law of Nations* by Emer de
13 Vattel, stating that "Natural Born Citizens" are ones born in the "Nations to
14 citizens. (Emer De Vattel, *The Law of Nations*, p. 499, section 212). A similar
15 definition was used by John A Bingham, drafter of the 14th amendment to the
16 United States Constitution, who stated during Congressional Hearings that a
17 "natural born citizen is born in the U.S. Territories to parents, who didn't owe
18 allegiance to other sovereignties." A similar definition was used in the case of
19 *Minor v. Happerset*, 88 U.S. 162 (1875).
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26 26. In 2008 natural born citizenship of John McCain was questioned as well
27 due to his birth in the zone of the Panama Canal. In Joint Senate Resolution
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1 511 the Senate unanimously found Senator McCain to be a "Natural Born"
2 U.S. Citizen. The Senate used the same Vattel two pronged test and found
3 McCain to be eligible for the presidency due to the fact that he was born in the
4 Panama Canal zone to two parents who were U.S. Citizens. Obama's father was
5 never a U.S. citizen. He never had a green card. He was in the U.S. for a few
6 years on a student visa and, as such, Obama did not satisfy either one of the
7 two prongs of the test for natural born status. Even if this office was to
8 subscribe to a more liberal modern definition of natural born citizen, a more
9 favorable to Obama definition, all evidence points to his birth outside the U.S.,
10 his foreign citizenship, use of a name that is not legally his and use of all forged
11 and fraudulently obtained identification papers.

16 B. Withdrawal by Montgomery under duress is ineffective and not valid

17 Duress negates intent

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19 On Friday 09.14.2012 an article was published in Huffington Post by a
20 correspondent John Celock. It stated "Montgomery told The Huffington Post Friday
21 afternoon that public reaction to the complaint led him to decide against continuing. He declined
22 to say exactly what was said in the calls and emails he received, but indicated that people who
23 knew him both personally and professionally were also contacted about the complaint.

24 "I didn't file this objection with the desire to involve anyone else. This is me expressing myself
25 on a personal political level," he said. "I would appreciate it if people would not call anyone
26 associated with me, whether a personal or professional association."

27 Montgomery, who works at Kansas State University, filed the objection Monday, claiming
28 Obama was not a "natural born citizen" because his father was a citizen of the United Kingdom
and Kenya, and that U.S. citizenship is conferred "primarily" through the father. He also said that
Obama has not shown "valid, certified documentary evidence" of being born in the United
States.

1 Montgomery wanted to start a dialogue with his objection, he said. "I have not been successful in
2 that objective," he told HuffPost. "Not in achieving a constructive dialogue."

3 The state Objections Board -- consisting of Secretary of State Kris Kobach, Lt. Gov. Jeff Colyer
4 and Attorney General Derek Schmidt -- voted to delay a final decision, saying it needed more
5 evidence and would reach out to Hawaiian officials for certification of the president's birth
6 certificate, along with officials in Arizona and Mississippi. The board expressed concern that
7 Obama's campaign did not appear before the board and only sent a letter with its position.
8 Obama's campaign attorney Kip Wainscott wrote the board that Montgomery's objection was
9 "baseless" and that Obama's eligibility has already been determined by state and federal courts.

10 The board's decision has led at least one Democrat, state Rep. Ann Mah (D-Topeka), to accuse
11 Kobach of pandering.

12 "It is a little disappointing that a board that has two out of three members as attorneys who
13 should understand the Constitution made this decision," said Mah, the ranking minority member
14 of the House Elections Committee.

15 "But we are in Kansas, and Kobach has been waiting for this moment for a long time. The
16 pretense that this has any validity and needs further investigation is ridiculous. Kobach seems to
17 enjoy this type of thing. It panders to his base of birthers."

18 Kobach, an informal adviser to Republican presidential nominee Mitt Romney, said at the board
19 meeting that he was not acting in a partisan role, but [rather wanted](#) as much information as
20 possible before the board made a final decision.

21 Mah told HuffPost she believes the episode has hurt the state's reputation. "They are making
22 Kansas a laughing stock again," she said, referring to Kobach, Colyer and Schmidt.

23 **UPDATE:** 7:06 p.m. -- The Kansas secretary of state's office sent out a statement Friday saying
24 that the state Objections Board will meet as scheduled Monday morning. The statement said the
25 meeting, which starts at 10 a.m. CT, will consider Montgomery's complaint and his decision to
26 withdraw the objection. Kobach's spokeswoman, Kay Curtis, told the *Topeka Capitol-Journal*
27 that the withdrawal is ["unprecedented"](#) and the meeting would be held to accept it. "

28 Above article clearly showed that Plaintiff Montgomery was contacted by e-mails and phone
calls. Additionally his family and co-workers were harassed. The article clearly shows that the
same Alinsky method of ridicule, harassment and intimidation is being used not only on the
Plaintiff Montgomery, but also on the members of the Objections Board by the operatives of
Barack Obama in the state legislature. People like Ann Ma believe that not accepting forged

1 documents and a stolen Social Security number as a proof of citizenship makes the Secretary of
2 State, Attorney General and Lieutenant Governor a laughing stock. Apparently not laughing
3 stock, serious, is tantamount to a "serious criminal" in the minds of thugs in Kansas legislature
4 and media. A Chicago mob environment unleashed on this country with Obama's ascendance to
5 the U.S. Presidency using forged IDs created an environment of duress on Plaintiffs and Federal
6 Whistle blowers. Duress makes the withdrawal of the complaint invalid.
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9 **C. REGARDLESS OF THE WITHDRAWAL BY MONTGOMERY MEMBERS**
10 **OF THE OBJECTIONS BOARD WERE PUT ON NOTICE IN REGARDS TO**
11 **FRAUD AND FORGERY IN OBAMA'S IDS**

12 Even if one were to believe that Duress did not invalidate the withdrawal of the
13 complaint, prior to the final decision being made, Taitz filed her complaint and
14 forwarded it to all three members of the Objections Board via e-mil and/or fax and
15 federal Express mail. Complaint by Taitz contains sworn affidavits showing that
16 Obama's mother's passport records show Obama's legal name to be Soebarkah, his
17 Indonesian school registration in Assissi school show his last name to be Soetoro
18 and citizenship Indonesian. Exhibits 1-13 show all of his primary identification
19 papers to be forged or obtained by fraud. Having such information in front of them,
20 Secretary of State, Attorney General and Lt. governor would be guilty of criminal
21 complicity to elections fraud, forgery, misprision of multiple felonies if they were
22 to allow Obama on the ballot with such flagrantly fraudulent IDs.
23

24 **D. Party seeking a preliminary injunction must show: 1) a likelihood of success**
25 **on the merits, 2) a threat of irreparable harm, 3) which outweighs any harm to the**
26 **non-moving party, 4) and that the injunction would not adversely affect the public**
27
28

1 interest (See *Awad v Ziriax*, 670 F.3d 1111, 1125 (10th Cir. 2012)). Each element
2 favors injunctive relief requested by the Plaintiff.

3
4 1. Likelihood of Success on the Merits

5 a) Violation of the United States Constitution

6 Plaintiffs assert that the 2012 election will be unlawful due to newly discovered
7 evidence, showing that the Presidential Candidate Barack Hussein Obama is not
8 qualified to be on the ballot for following reasons:
9

10 1) President of the United States has to be natural born Citizen of the United
11 States.
12

13 The Constitutional standard for becoming the President of the United States is
14 set in the US Constitution Article II, Section 1, Clause 5 and provides the principal
15 qualifications one must meet to be eligible to the office of the US President. A
16 president must:
17
18

19 a. be a natural-born citizen of the United States

20 b. be at least thirty-five years old;

21 c. have been a permanent resident in the United States for at least fourteen
22 years.
23

24 Plaintiff provided evidence showing that Barack Hussein Obama (Hereinafter
25 "Obama") is a citizen of Indonesia, Obama is not his legal last name and he is
26 using forged and fraudulently obtained identification papers. Lawful U.S. citizen
27
28

1 would have valid identification papers. Lack of valid identification papers points to
2 lack of citizenship. Plaintiffs in this case provided undeniable evidence showing
3 that candidate for the US Presidency, Barack Obama, is using a forged Birth
4 Certificate, a forged Selective Service certificate, and fraudulently obtained
5 Connecticut Social Security number which was never assigned to him according to
6 E-Verify and SSNVS, as a documentary basis for his eligibility for the US
7
8 Presidency. Additionally, Plaintiffs provided evidence showing that his legal last
9 name is not Obama and he is a citizen Indonesia.
10

11
12 The evidence provided by Plaintiffs includes:

13 1) A report from a licensed investigator Susan Daniels ("Daniels") which showed
14 that for most of his life Obama used a Connecticut Social Security Number xxxxx-
15 4425 issued in 1977 , even though he was never a resident of the State of
16 Connecticut. (Exhibit I)
17
18

19 2) Affidavit of retired Senior Deportation Officer from the Department of
20 Homeland Security ("DHS"), Mr. John Sampson attesting to the fact that Obama is
21 using a fraudulently obtained Social Security number. (Exhibit 2)

22
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24

25 3) Affidavit from Adobe Illustrator program expert Mr. Chito papa ("papa")
26 attesting to the fact that the tax returns initially posted by Obama contained the
27 Connecticut SSN 042-68-4425. (Exhibit 3)
28

1 4) Verification showing that Obama registered for Selective Service using the
2 Connecticut SSN. (Exhibit 4)

3
4 5) Affidavit from a witness named Linda Jordan ("Jordan"), who ran an E-verify
5 check for SSN 042-68-4425. Attesting to the fact that there is no match between
6 Obama's name and the SSN he used on his tax returns and Selective Service
7 application. (Exhibit 5)
8

9 6) Affidavit from assistant elections clerk Tim Adams in Honolulu, Hawaii,
10 attesting to the fact that there are no birth records for Barack Obama in any of the
11 two Hospitals in Honolulu. (Exhibit 6)
12

13 7) Affidavit from Adobe Illustrator expert Papa attesting to the fact that released
14 by the White House image of Obama's birth certificate showed layers of alteration
15 of the alleged birth certificate. (Exhibit 7)
16

17 8) Affidavit from scanning machines expert Douglas Vogt. ("Vogt") attesting to
18 further evidence of forgery, such as different types of ink used in alleged birth
19 certificate. (Exhibit B)
20

21 9) Affidavit of a typesetting expert Paul Irely, attesting to the fact that Obama's
22 alleged birth certificate is a forgery (Exhibit 9)
23

24 10) Affidavit of Sheriff Joseph Arpaio of Maricopa County stating that Obama's
25 Birth Certificate, Selective Service certificate and Social Security number are
26 forged. (Exhibit 10)
27
28

1 11) Affidavit of Chris Strunk, authenticating Passport records of Obama's mother
2 Stanley Ann Dunham received by Strunk through Freedom of Information Act
3 showing Obama listed in his mother's passport under the last name Soebarkah.
4

5 (Exhibit I t)

6 12) Obama's school registration from Indonesia, showing his citizenship
7 Indonesian and showing him using his last stepfathers last name Soetoro.
8

9 (Exhibit I2)

10 13) Copy of the cover page and page 31 of the transcript of the National Assembly
11 of Kenya, where during March 25, 2010 discussion on adoption of the new
12 Constitution of Kenya, minister of Lands, James Orengo, stated that Barack
13 Obama was born in Kenya and is not a native U.S. citizen. (Exhibrt I3)
14

15 In a recent case McInnish v Chapman 87140552, Alabama Supreme court
16 addressed the issue of Obama's forged IDs. This case was filed by a pro se
17 plaintiff, who mistakenly skipped the lower court and went straight to a higher
18 court to appeal the decision by the Secretary of State of Alabama Beth Chapman to
19 allow Obama on the ballot in light of his forged identification papers. Supreme
20 Court Justice Tom Parker wrote:
21

22 "McInnish has attached certain documentation to his mandamus petition, which, if
23 presented to the appropriate forum as part of a proper evidentiary presentation,
24 would raise serious questions about the authenticity of both the "short form" and
25
26
27
28

1 the "long-form" birth certificates of President Barack Hussein Obama that have
2 been made public." Though the case was not heard due to the fact that the plaintiff
3 did not go to the lower court first, opinion of the Judge of the Supreme Court of
4 Alabama, Tom Parker, reflects that indeed there is a serious question of
5 authenticity of Obama's IDs.
6

7 This court is a proper forum. Plaintiffs in the case at hand are in the proper
8 jurisdiction. This case will be heard on the merits. There is a high likelihood that
9 based on the evidence provided, this court will rule in favor of the Plaintiffs. As
10 such the first prong of the preliminary injunction test is satisfied, the plaintiffs are
11 likely to prevail on the merits.
12

13 Additionally, US Constitution Article II, Section 1, Clause 5 and provides that
14 the U.S, President must be "Natural Born Citizen". The term "Natural Born
15 Citizen," as it is applied to the U.S. Presidency, means one born in the country to
16 citizen parents. The Plaintiffs submit that from the time of the adoption of the
17 Constitution until today the standard was "One born in the country to parents who
18 are citizens and do not owe their allegiance to other sovereignties." The U.S.
19 Constitution was based in no small measure upon the book The Law of Nations by
20 Taitzv Elections Commission et al. Motion for Preliminary Injunction
21 Emer de Vattel, stating that "Natural Born Citizens" are ones born in the "in the
22 Country to citizen parents". (Emer De Vattel, The Law of Nations,p. 499, section
23
24
25
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1 212). A similar definition was used by John A Bingham, drafter of the 14th
2 amendment to the United States Constitution, who stated during Congressional
3 Hearings that a "natural born citizen is born in the U.S. Territories to parents, who
4 didn't owe allegiance to other sovereignties." A similar definition was used in the
5 case of Minor v. Happerset, SS U.S. 162 (1875).
6

7
8 Based on the evidence presented in this case, candidate Obama is not a natural
9 born citizen and lacks identification papers to show to be a natural-born citizen.

10
11 Irreparable Harm.

12 In Kikumura v Hurley ,242 F.3d 950, 963 (10th Cir. 2001), the Court decided
13 that the potential violation of Plaintiff s constitutional rights threatens irreparable
14 harm. In the case at hand placing Obama on the ballot as a candidate for U.S.
15 Presidency violates both the Constitution and Constitutional rights of US citizens
16 and Plaintiffs as it precludes them from participating in legal and lawful elections
17 which is the highest form of Freedom of Speech protected by the First
18 Amendment. Absent injunctive relief, Plaintiff would suffer imminent irreparable
19 harm.
20
21
22
23
24

25 Harm to Non-moving Party

26 Defendants cannot show any harm to non-moving party. Non-moving party
27 are elections officials. Their duty, according to their oath of office, is to protect and
28

1 defend the U.S. Constitution. As elections officials they have a statutory duty to
2 ensure lawful elections. Removing an unlawful candidate from the ballot cannot
3 possibly cause any harm to the defendants. This action will only assist the
4 defendants to ensure lawful elections.
5

6 Public Interest

7
8 In his decision in *McInnish v Chapman*, the court stated that the Complaint
9 presented evidence and that is raising "serious questions about the authenticity of
10 birth certificates of President Barack Hussein Obama that have been made
11 public." In addition, recently the California Bar Association called an issue raised
12 by Taitz "the issue of Obama's forged ID's to be "the matter of National Security
13 which needs to be decided by the courts."
14
15

16 Recent letter from the California attorney's bar that was sent in regards to an
17 attorney who submitted Obama's forged alleged birth certificate into evidence,
18 stated that this is a matter of National Security, which needs to be heard by the
19 court. (Exhibit 14)
20
21

22 In the case *Horn v Huddle*, 647 F.Supp 2d (DDC 2009) and 699F. Supp. 2d
23 (DDC 2010 U.S.) District court not only awarded a Plaintiff a multimillion dollar
24 judgment, but also sanctioned the defendant's attorneys, U.S. attorneys. *Horn v*
25 *Huddle* dealt with fraud committed by governmental officials, CIA agent and
26 U.S. attorneys. Here the fraud involves the highest office in the land and the
27
28

1 stakes are higher. The issue at hand is the whole U.S. economy of 14 trillion
2 dollars per year and the U.S. National Security and control of the U.S. nuclear
3 arsenal.
4

5 Even attorneys' bar believes this is a matter of National Security and needs
6 to be heard by the court. There is no more important matter of National Security,
7 than usurpation of the U.S. Presidency by a foreign national with forged and
8 fraudulently obtained IDs. It is clearly in public interest to address expeditiously
9 the matter of National Security and protect this nation from usurpation.
10
11

12 WHEREFORE, for the reasons set above the application for preliminary
13 injunction should be granted.
14

15 I. Not enjoining Obama from the Ballot, makes members of the Objections Board:
16 Secretary of State Kris Kobach, Attorney General Eric Schmidt and Lieutenant
17 Governor Jeff Colyer complicit to elections fraud, identity fraud, use of forged IDs
18 committed by Obama and makes the a part of a RICO (racketeering scheme) to
19 place a foreign citizen Obama on the ballot and in the White House while using
20 forged IDs.

21 Ballot access restrictions burden two different, though overlapping, rights: the right
22 of individuals to associate to advance their political beliefs, and the right of
23 qualified voters to cast effective votes. Populist Party v. Herschler, [746 F.2d 656](#),
24 [659](#) (10th Cir.1984). These rights " 'rank among our most precious freedoms.' " Id.
25 (quoting Williams v. Rhodes, [393 U.S. 23, 30](#), 89 S.Ct. 5, 10, 21 L.Ed.2d 24
26 (1968)).
27
28

1 the case at hand deals with a candidate who is a citizen of Indonesia and possibly
2 still citizen of Kenya, who is using a name that is not legally his and forged and
3 fraudulently obtained primary IDs. allowing such candidate on the ballot infringes
4 upon and violate the most cherished fundamental right of the citizens, as they are
5 forced to participate in unlawful election. As this is an election for the U.S.
6 President, actions by the elections officials in one state, affect citizens of other
7 states. Allowing Obama on the ballot will expose the Objections Board to liability
8 under 42 USC 1983, as well as RICO charges of being a part of a racketeering
9 scheme to violate the citizens' right to participate in free elections, free from fraud
10 and forgery. Members of the Objections Board cannot take upon themselves such
11 liability. Their oath of office to protect the Constitution and their duty to protect
12 the rule of law and legality and lawfulness of the elections demand a ruling
13 enjoining candidate Obama from the ballot. At the very minimum members of the
14 Objections Board are obligated to perform their due diligence and enjoin Obama
15 from the ballot in a preliminary injunction until they receive the original
16 application to a Connecticut social Security number that Obama is using, while it is
17 shown not to be assigned to Obama according to E-verify and SSNVS, original
18 application to the Selective Service Certificate and the original birth certificate and
19 the original microfilm for the alleged birth certificate for Obama. In light of the
20 evidence of forgeries and fraud in Obama's IDs the Objections Board has no other
21 choice but to demand such original IDs to overcome evidence of forgery and fraud.

22 23 **CONCLUSION**

24 Barack Hussein Obama, candidate for the U.S. President, has to be enjoined from
25 the ballot by the Objections Board until the original birth certificate, original
26 Selective Service application and the original SS-5 application for the CT SSN
27 042-68-4425 fraudulently used by Obama are presented to the Objections Board in
28

1 order to overcome evidence of fraud, identity fraud, Social Security fraud,
2 elections fraud and use of forged and fraudulently obtained IDs committed by
3 Obama.

4 Respectfully submitted,

5
6 /s/ Dr. Orly Taitz, ESQ

7 09.15. 2012

8
9 submitted via e-mail to

10 Secretary of State of KS Kris Kobach kkobach@gmail.com

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16
17 Cc

18 Darrel Issa

19 Chairman of the House oversight committee

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22 Congressman Lamar Smith,
23 Chairman of the Judiciary Committee
24 House of Representative
25 2409 Rayburn House Office Building,
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27 Public Integrity Unit Department of Justice
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9 UN Nations committee for civil rights defenders
10 OHCHR in New York
11 UN Headquarters
12 New York, NY 10017
13 USA

14 Inter-American Commission for Human rights
15 1889 F St., NW,
16 Washington, D.C., USA 20006

17 **DECLARATION OF DR. ORLY TAITZ ESQ.**

18 Dr. Orly Taitz states as follows:

19 1. Exhibit 1 is a true and correct copy of the Affidavit of Susan Daniels
20 received by Dr. Orly Taitz ESQ.

21 2. Exhibit 2 is a true and correct copy of the Affidavit of John Sampson,
22 Senior Deportation officer of the department of homeland security,
23 received by Dr. Orly Taitz ESQ.

24 3. Exhibit 3 is a true and correct copy of the Affidavit of Felicito Papa
25 received by Dr. Orly Tailz ESQ.

26 4. Exhibit 4 is a true and correct copy of the SSNVS (Social security
27 verification systems) printout received by Dr. Orly Taitz ESQ.
28

1 5. Exhibit 5 is a true and correct copy of the Affidavit of Linda Jordan and
2 attached e-verify received by Dr. Orly Taitz ESQ.

3 6. Exhibit 6 is a true and correct copy of the Affidavit of assistant registrar
4 of the state of Hawaii Timothy Adams received by Dr. Orly Taitz ESQ.

5 7. Exhibit 7 is a true and correct copy of the Affidavit of Adobe Illustrator
6 expert Felicito Papa received by Dr. Orly Taitz ESQ.
7

8 8. Exhibit 8 is a true and correct copy of the Affidavit of expert Douglas
9 Vogt received by Dr. Orly Taitz ESQ.
10

11 9. Exhibit 9 is a true and correct copy of the Affidavit of typesetting expert
12 Paul Irey received by Dr. Orly Taitz ESQ.
13

14 10. Exhibit 10 is a true and correct copy of the Affidavit of Sheriff Joseph M.
15 Arpaio received by Dr. Orly Taitz ESQ.
16

17 11. Exhibit 11 is a true and correct copy of Authentication Affidavit and
18 Passport records of Obama's mother Stanley Ann Dunham showing
19 Obama listed in his mother's passport under the last name Soebarkah
20 received by Dr. Orly Taitz ESQ.
21

22 12. Exhibit 12 is a true and correct copy of the School registration#203 for
23 Barack Obama from Assissi School in Jakarta Indonesia received by Dr.
24 Orly Taitz ESQ.
25

26 Taitzv Elections Commission et al. Motion for Preliminary Injunction 14
27
28

1 13. Exhibit 13 is a true and correct copy of Affidavit copy of the cover
2 page and page 31 of the transcript of the National Assembly of Kenya
3 received by Dr. Orly Taitz ESQ.
4

5 14. Exhibit 14 is a true and correct copy of the Letter from California State
6 Bar received by Dr. Orly Taitz ESQ.
7

8 Dated this 09.16.2012

9 /s/ Orly Taitz
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