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1ST CIRCUIT COURT  
STATE OF HAWAII  
FILED:

2011 AUG 10 PM 4:11

J. KUBO  
CLERK

**CIRCUIT COURT FOR THE FIRST CIRCUIT HONOLULU, HAWAII**

DR. ORLY TAITZ, ESQ	)	PETITION FOR A WRIT OF MANDAMUS
PLAINTIFF	)	REQUEST FOR INSPECTION OF RECORDS
	)	UNDER UNITED INFORMATION PRACTICES ACT
V	)	STATUTE 92F, STATE OF HAWAII
	)	<i>summons attached</i>
LORETTA FUDDY IN HER OFFICIAL CAPACITY AS	)	<i>Civil 11-1-1731-08 RAN</i>
DIRECTOR OF THE DEPARTMENT OF HEALTH	)	<i>Agency appeal</i>
STATE OF HAWAII,	)	
DR. ALVIN T. ONAKA,	)	
IN HIS OFFICIAL CAPACITY AS	)	
THE REGISTRAR, DEPARTMENT OF HEALTH	)	
STATE OF HAWAII	)	

**Jurisdiction**

This court has jurisdiction, as the defendants Loretta Fuddy, in her official capacity as the Director of Health, State of HI Department of Health (Hereinafter "Fuddy", and Alvin T. Onaka, Registrar of the Department of Health (hereinafter "Onaka") are located at 1250 Punchbowl street within Jurisdiction the First Circuit Court of the State of HI.

**Governing Statute**

Unified Information Practices Act, as codified in statute 92F

**Parties**

**Plaintiff**

Dr. Orly Taitz, ESQ, Attorney Pro Se, President of the "Defend Our Freedoms" foundation

**Defendants**

Ms. Loretta Fuddy, Director of Health, Department of Health, state of HI.

Dr. Alvin T. Onaka, Registrar Department of Health, State of HI

**Factual allegations**

1. Defendant Fuddy in her official capacity as Director of Health is a custodian of the original birth records of individuals born in HI, or individuals born abroad, who received Hawaiian birth certificates pursuant to statute 338-17, as well as Late Birth Records, created later in life under statute 338-6 when the original birth records are not available.

2. Defendant, Dr. Alvin T. Onaka, in his official capacity as the registrar of the Department of Health is the state of Hawaii official responsible for the authentication of the original records and the certified copies of the original records.

I do hereby certify that this is a full, true, and correct copy of the original on file in this office.

Clerk, Circuit Court, First Circuit

3. Under Article 2, section one of the Constitution of the United States President of the United States has to be the "natural born citizen" of the United States of America.
4. Article 2 section one is the only law/statute governing the eligibility of the President of the United States. U. S. Constitution is the Supreme law of the land, which supersedes any state statutes. No state statute, no state claim of privacy can supersede the requirement of the of the US Constitution for the President to be "Natural born" or de facto invalidate the Constitutional requirement by refusing to provide access and right for inspection of the admissible competent evidence of Natural Born status.
5. Fourteenth amendment of the Constitution does not provide definition of the "Natural Born citizen" as it relates only to the requirements of the citizenships and not "Natural Born Citizen" for the purpose of the qualification for the presidency of the United States.
6. "Natural Born Citizen" is different from "Native Born Citizen" and "Citizen at birth"
7. Citizen at birth provides one citizenship based on law or statute, regardless, whether born in the United States or not.
8. Native born Citizen is one born in the country, but might allow for split allegiance to other sovereignties.
9. "Natural Born Citizen" is the form of citizenship with the highest requirements of allegiance, based on "Jus Solis" and "Jus Sanquinis", born in the country with allegiance by blood (inherited from both parents".
10. Only one person at a time is required to possess this highest form of allegiance and citizenship- President of the United States. Such highest form of allegiance was sought by the framers of the United States Constitution in order to assure an undivided allegiance of the President of the United States of America and the Commander in Chief.
11. Barack Huissein Obama, currently occupying the position of the President of the United States, claims to be born in the state of Hawaii and claims the original typewritten long form birth certificate, created in 1961, is on file and in custody of the Defendants.
12. For nearly three years Mr. Obama refused to release his original long form birth certificate with the name of the doctor, hospital, registrar and other pertinent information.
13. Multiple individuals, including members of the US military demanded to see the long form birth certificate to make sure, that Mr. Obama is indeed qualified for the position of the P{resident of the United States and Commander in Chief.
14. Highly decorated U.S. Army officer, Bronze star recipient, flight surgeon LT. Col. Terrence Lakin was court martialled and spent six month in Fort Leavenworth military prison for demanding to see verification of legitimacy of Mr. Obama, as the president of the United States. In spite of thousands of requests for Mr. Obama to provide his long form birth certificate and spare a decorated officer, he refused to do so and in December of 2010 Lt. Col. Lakin was sent to prison.
15. Plaintiff herein is an attorney who represents other clients, questioning Mr. Obama's legitimacy to presidency, among the former UN ambassador Dr. Alan Keyes, 10 State Representatives from around the Nation and over 200 members of the military, going up in rank to Major General. She was named by the media "Queen of the Birthers", leader of the decident movement, questioning Barack Hussein Obama's legitimacy to the US Presidency.
16. Plaintiff and her clients were viciously attacked, defamed and persecuted for demanding to see the original record, which is the basis of Mr. Obama's eligibility to the U.S. Presidency.

17. On May 2, 2011 Taitz was scheduled to appear in oral argument in the Ninth Circuit Court of Appeals, in Barnett, Keyes et al v Obama 10-55084, seeking access and inspection of Mr. Obama's original 1961 long form birth certificate, kept on file in care of the defendants.

18. On April 27, 2011, only a few days before the scheduled oral argument in the Ninth Circuit court of Appeals, Mr. Obama held a public press conference, where he disclosed, what he claimed to be the certified copy of the original Birth Certificate. At the same press conference Mr. Obama attacked individuals, seeking verification of his records, calling them "side show, carnival barkers" and stating, that we have more important things to do. This appearance was certain to influence the three judge panel of Hon. Berzon, Hon. Pregerson and Hon. Fisher of the Ninth Circuit Court of Appeals, getting ready to hear the oral argument in Barnett, Keyes v Obama and was calculated to send the message, that the original long form birth certificate was disclosed to the public and the whole issue is moot. This cheap performance by Mr. Obama was also calculated to create a mass hysteria of further persecutions and harassment of the Plaintiff and her clients.

19. Shortly after Mr. Obama disclosed an alleged certified copy of his birth certificate and posted it on the WhiteHouse.gov official web site, for the whole world to see, Taitz started getting multiple affidavits of experts, attesting to the fact, that the document disclosed by Mr. Obama to the world and posted on line is a computer generate forgery.

20. Mr. Felicito Papa, an expert in Adobe software provided an affidavit and exhibits, showing that the document in question was computer generated and shows different layers of computer images, that were used and compiled together in order to create this "birth certificate". Exhibit 1.

20. Mr. Paul Irey, an expert in typesetting with over 50 years of experience, provided an affidavit, showing that the letters and numbers in the document came from multiple different typesetting, which is a clear evidence of forgery. Exhibit 2

21. Mr. Douglas Vogt, a 40 year expert in scanners and printers provided evidence of a mixture of different inks, kerning, gray scale mixed with color, mixture of ink writing and computer generated graphics, showing the document to be forged. Exhibit 3.

22. Alleged certified copy of Obama's birth certificate showed serial number 10641 and date of issuance 08.08.1961, which was completely out of order with previously made public certifications of Susan and Gretchen Nordyke, bearing serial numbers 10638 and 10639, even though issued on 08.11.1961, three days earlier.

23. Individuals, who do not possess valid birth certificates cannot obtain valid social security numbers. From February 2011 until now Taitz is prosecuting a 5 USC 552 Freedom of Information case Taitz v Astrue 11-402 RCL, USDC District of Columbia, where Taitz provided Obama's Selective service certificate, showing him using Connecticut Social Security number 042-68-4425 (Exhibit 4) and Social Security Verification Systems letter, showing that this number was never assigned to Obama. This provides further evidence, that Barack Obama does not have a valid birth certificate and does not have a valid social security number assigned to him.

24. Similarly, Taitz obtained verification from the Student Clearing house, showing Obama attending Columbia University only for 9 months, which contradicts Obama's public statements, where he claims to attend Columbia for two years. All of this information shows a pattern of fraud and lack of valid vital records.

25. On May 4 of 2011, Taitz sent certified mail requests to defendant Loretta Fuddy, director of Health and defendant Onaka, requesting inspection of Obama's 1961 original birth certificate under Unified Information Practices act of HI, codified as 92F,

26. Taitz received a response from Alvin T. Onaka, dated May 19, 2011, whereby Onaka stated, that he is responding on behalf of Fuddy and his own behalf and refused to allow inspection, citing privacy concerns and state statute HRS-§338-18

27. Taitz requested an administrative appeal and reconsideration, due to the fact, that Obama already waived any claims of privacy in regards to his long form birth certificate by disclosing it to the public and posting it on the official website WhiteHouse.gov

28. From the beginning of June, for a period of three month, there was no response to the request for the administrative appeal, which is tantamount to a denial of the request for the appeal.

28. Knowing, that the certificate of live birth posted on WhiteHouse.govTaitz is a forgery according to experts, Taitz looked for a possible source of the serial number 10641 used on that birth certificate.

29. A long time close friend of Obama is a known domestic terrorist William Ayers, leader of the terrorist organization "Weathermen", which was responsible for some 110 bombings around the country in the early 70s, among them bombings of the Pentagon, Capitol, New York city police headquarters and military barracks.

30 Ayers and his wife Bernardine Dorn were on the run for ten years and needed forged and fraudulently obtained vital records.

31. In his book Fugitive Days Ayers described his methods of obtaining fraudulent vital records, among them search of the graves of the deceased infants and use of their birth certificate numbers.

32. On August 4, 1961, same day, as the alleged date of birth of Obama, an infant by name Virginia Sunahara was born at the Wahiana hospital in Honolulu.

Due to health problems she was immediately transferred to the Kapiolani hospital, where she died next day, on August 5, 1961. Hi state archives show her birth and death listed among ones bor n and one deceased in 1961, but repeated request for her birth certificate yielded a response, that there is no birth certificate on file. While it could be understandable for the Health Department to respond, that the record is not available due to privacy, it is suspicious, that the Health department responded to the petitioners, that it does not exist.

33. On June 4, 2011 Taitz requested from defendant Fuddy a certified copy of Sunahara's birth certificate, but Fuddy did not respond.

34. As of now defendants did not allow examination of the original long form birth certificate for either Obama or Sunahara.

### **Complaint for petition for the Writ of Mandamus, request to allow inspection**

1. Plaintiff incorporates by reference all of previous paragraphs as if fully plea herein.
2. Hawaii Unified Information Practices act UIPA, as codified under 92F allows the public at large inspection of records in custody of the state agencies, unless such records are protected by local privacy codes.

3. Obama has already waived any claims of privacy in relation to the original long form birth certificate, as he personally disclosed the document and posted it on the official White house internet site WhiteHouse.gov easily accessible by any US or foreign citizen.
4. Additionally Obama expressly waived any privacy concerns by and through his private attorney, Judith Corley, who personally signed a waiver of any privacy concerns in her letter to defendant Fuddy. "We understand that the Department of Health has adopted this policy for sound administrative reasons. However, we are writing to request a waiver of the Department of Health's policy, so that my client can obtain two certified copies on his original, "long form" birth certificate. **Waiver of the Department policy in this instance would allow my client to make a certified copy of his original birth certificate publicly available** and would also relieve the burden currently being placed on the Department of Health by the numerous inquiries it receives from the media and others relating to my client's birth record." Id Exhibit 6 Letter from Judith Corley, private attorney for Obama, requesting waiver of privacy for purposes of disclosure of Obama's original birth certificate. Emphasis added. Defendant Fuddy agreed to such public disclosure and wrote in her April 25<sup>th</sup> letter to Obama: "We hope that issuing you these copies of your original Certificate of Live Birth will end the numerous inquiries received by the Hawaii Department of Health to produce this document...Enclosed please find two certified copies of your Certificate of Live birth. I have witnessed the copying of the certificate and attest to the authenticity of these copies" . As such, Fuddy acknowledged her understanding, that the document on question will be made public and the subject of this document and his attorney consented to public disclosure. Privacy is no longer at issue, however computer generated forgery is at issue and the public at large is entitled to know, whether Fuddy is telling the truth and whether indeed the document on file is the same forgery as the one posted on the WhiteHouse.gov. If the document on file is the same forgery, immediate criminal investigation, as well as congressional hearing on constitutional eligibility of Mr. Obama will need to commence.
5. § 92F-2. states the following:

Purposes; rules of construction

In a democracy, the people are vested with the ultimate decision-making power. Government agencies exist to aid the people in the formation and conduct of public policy. Opening up the government processes to public scrutiny and participation is the only viable and reasonable method of protecting the public's interest. Therefore the legislature declares that it is the policy of this State that the formation and conduct of public policy--the discussions, deliberations, decisions, and action of government agencies--shall be conducted as openly as possible.

The policy of conducting government business as openly as possible must be tempered by a recognition of the right of the people to privacy, as embodied in section 6 and section 7 of Article I of the Constitution of the State of Hawaii.

This chapter shall be applied and construed to promote its underlying purposes and policies, which are to:

- (1) Promote the public interest in disclosure;
- (2) Provide for accurate, relevant, timely, and complete government records;
- (3) Enhance governmental accountability through a general policy of access to government records;

(4) Make government accountable to individuals in the collection, use, and dissemination of information relating to them; and

(5) Balance the individual privacy interest and the public access interest, allowing access unless it would constitute a clearly unwarranted invasion of personal privacy.

The intent of the legislature is to provide transparency and public access to information, while balancing it with concerns of privacy of the individuals, who wish their information to remain private. As Obama has expressly indicate through his personal attorney Judith Corley and through his release of the document in question to the public, he does not wish the document to remain private. As such there is no justification for defendant's refusal to allow inspection of the document in question.

6. While prior to April 27, 2011 release of the document in question, defendants were justified in protecting privacy of the document in question, citing HRS §338-18, as confirmed in Justice v Fuddy, after April 27, 2011 HRS § 338-18 can no longer be used as the justification for refusal.

Wherefore Plaintiff respectfully seeks a Writ of Mandamus, advising the defendants, that:

1 Person of interest, whose long form birth certificate is sought has waived any claims of privacy by making a public disclosure of the document in question during his press conference on April 27, 2011.

2. After April 27, 2011 §338-18 no longer applies to the long form birth certificate sought and Defendants erred in refusing to allow inspection based on above statute.

3. Defendants are obligated to allow Plaintiff inspection of the long form birth certificate sought under Unified Information Practices Act chapter 92f of Hawaii Revised statutes.

4 Defendants are liable to the plaintiff for all costs and fees associated with this action.

Respectfully submitted



Dr. Orly Taitz, ESQ.

# EXHIBIT 1

### Affidavit

STATE OF FLORIDA )  
  )S.S.  
COUNTY OF DUVAL)

I, Felicito Papa, am over 18 years old and resident of 7579 Walden Road, Jacksonville, FL 32244 with FL DL #P100-245-45-082-0. I do not suffer from any mental impairment and can competently attest to the following under the penalty of perjury:

1. I am a professional web developer having graduated with a bachelor's degree in IT at IIT Technical Institute in Indianapolis, IN.
2. I have over ten years of experience of web designs and development and have often used software such as Adobe Photoshop and Adobe Illustrator.
3. I downloaded from the official Whitehouse website, [www.whitehouse.gov](http://www.whitehouse.gov), April 27, 2011, the new birth certificate of Barack Obama II:  
[http://www.whitehouse.gov/sites/default/files/rss\\_viewer/birth-certificate-long-form.pdf](http://www.whitehouse.gov/sites/default/files/rss_viewer/birth-certificate-long-form.pdf)
4. I observed that the birth certificate pdf file could be opened with Adobe Illustrator and the software revealed that this document has many layers of images on it. This indicates that the document was not a true copy of the original birth certificate, but a recently created document using Adobe Illustrator.
5. I further observed that this document does not have an embossed seal normally affixed by civil registrars to attest to the authenticity of government issued documents.

FURTHER AFFIANT SAYETH NOT.

  
FELICITO PAPA

SUBSCRIBED TO AND SWORN TO before me on April 28, 2011.

  
NOTARY PUBLIC

GODFREY C WILLIS, JR.  
Notary Public, State of Florida  
My comm. exp. Jan. 24, 2014  
Comm. No. DD 955008



STATE OF HAWAII **CERTIFICATE OF LIVE BIRTH** DEPARTMENT OF HEALTH  
 FILE NUMBER **151** **61 10641**

1. Child's First Name (Type or print) **BARACK** 1b. Middle Name **HUSSEIN** 1c. Last Name **OBAMA, II**

2. Sex **Male** 3. This Birth  Single  Twin  Triplet  4. If Twin or Triplet, Was Child Born 1a.  1st 2nd  3rd  5a. Birth Date **August 4, 1961** 5b. Hour / **7:24 P.M.**

6a. Place of Birth: City, Town or Rural Location **Honolulu** 6b. Island **Oahu**

7a. Name of Hospital or Institution (If not in hospital or institution, give street address) **Kapiolani Maternity & Gynecological Hospital** 7b. Is Place of Birth Inside City or Town Limits? If not, give judicial district **Yes**  No

8a. Usual Residence of Mother: City, Town or Rural Location **Honolulu** 8b. Island **Oahu** 8c. Country and State or Foreign Country **Honolulu, Hawaii**

9a. Street Address **6085 Kalaniana'ole Highway** 9b. Is Residence Inside City or Town Limits? If not, give judicial district **Yes**  No

10a. Mother's Mailing Address **6085 Kalaniana'ole Highway** 10b. Is Residence on a Farm or Plantation? **Yes**  No

11a. Full Name of Father **BARACK HUSSEIN OBAMA** 11b. Race of Father **African**

12a. Age of Father **25** 12b. Birthplace (Island, State or Foreign Country) **Kenya, East Africa** 12c. Usual Occupation **Student** 12d. Kind of Business or Industry **University**

13a. Full Maiden Name of Mother **STANLEY ANN DUNHAM** 13b. Race of Mother **Caucasian**

14a. Age of Mother **18** 14b. Birthplace (Island, State or Foreign Country) **Wichita, Kansas** 14c. Type of Occupation Outside Home During Pregnancy **None** 14d. Date Last Worked

15a. I hereby certify that the above stated information is true and correct to the best of my knowledge. 15b. Signature of Parent or Other Informant **Ann Dunham Obama** 15c. Date of Signature **8-7-61**

16a. I hereby certify that this child was born alive on the date and hour stated above. 16b. Signature of Attendant **David A. Simola** 16c. Date of Signature **8-8-61**

17a. Date Accepted by Local Reg. **AUG - 8 1961** 17b. Signature of Local Registrar **W. Lee** 17c. Date Accepted by Reg. General **AUG - 8 1961**

18. Evidence for Delayed Filing or Alteration

APR 25 2011

I CERTIFY THIS IS A TRUE COPY OR  
 ABSTRACT OF THE RECORD ON FILE IN  
 THE HAWAII STATE DEPARTMENT OF HEALTH  
 Alvin T. Onaka, Ph.D.  
 STATE REGISTRAR

## EXHIBIT 2

These are 161 typed characters selected from Obama's birth certificate that do not match each other for style or size.

AAAAEHHHKKMM

144 146 203 215 11 176 7 86 115 136 124 148 17 159

RRSSSUUaaaaaaa

3 145 151 152 201 8 192 23 52 56 61 65 84 92 103

aaaaaaazaaaa

116 118 125 127 130 132 141 174 177 218 221 224 233 236 239

ccccceeeeffgg

77 83 184 220 229 25 67 76 171 189 196 244 162 181 81 138

iiiiiiiiiiiiii

58 63 70 82 90 119 120 129 137 164 183 194 199 223 228

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24 47 49 60 79 85 93 126 134 45 62 69 75 96

nnnnnnnnnoooo

108 128 131 167 172 190 193 225 237 243 44 46 59 78

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80 87 95 97 107 109 133 242 57 89 68 163 182 197

sssstttttttt

30 88 198 222 238 240 32 66 71 91 179 186 191 200 232

uuuuuuuuuuww

27 29 48 50 54 99 101 105 111 113 187 219 117 140

yyyy 11122 99999

72 74 142 173 201 35 38 225 40 168 19 34 114 175 234

AAEEKKMM

144 146 11 176 124 148 17 159

RRSSUU ss

3 145 151 201 8 192 88 198

aaaaaa cc

23 56 118 125 130 236 77 229

ee ff gg ii

25 67 162 181 81 138 58 63

llnnpprr

47 79 62 193 57 89 163 182

tttttttt

32 66 71 91 179 186 191 200 232

uyy ll22

101 105 72 201 35 225 40 168

*Font of the*

BARACK HUSSEIN OBAMA, II

Male August 4, 1961 724 P

Honolulu Oahu

Kapiolani Maternity & Gynecological Hospital

Honolulu Oahu Honolulu, Hawaii

6085 Kalaniana'ole Highway

BARACK HUSSEIN OBAMA African

25 Kenya, East Africa Student University

STANLEY ANN DUNHAM Caucasian

18 Wichita, Kansas None

AA EE KK MM

RR SS UU ss

aa aaa cc

ee ff gg ii

ll nn pp rr

tttttttt

uu yy 11 22

*Fun & Learning*

Studentt

Difference in the lower case "t"

t t t t t t t t

Eight different "t"s found.

A A A S S n n

144

146

203

151

201

172

193

Differences in size ... angle ... and width

Uppercase  
Lowercase

TTTTTTTT

: different "t"s found.

ASSIN

208 151 201 172 193  
in c/z a anala and width



State of Florida  
County of Palm Beach  
This 9th day of June 2011



**MICHAEL GERLICK**  
Notary Public, State of Florida  
My Comm. Expires Nov. 29, 2013  
No. DD943069