

DRAFT No. _____

In The
United States District Court, District of Columbia

In re

ALLEN C. JAMES, US Army, active duty
RAYMOND REFITT, Commander, Submarine, US Navy
HARRY RILEY, Colonel, US Army, Silver Star Recipient
ALLEN C. JAMES, US Army, active duty in Iraq
CHARLES E. MILLER, Lt. Col. US Air Force
TIMOTHY KENNEY, Citadel Instructor, US Marine Corps veteran, Virginia Army National
Guard
RALPH JENKINS, Capt. Marine Corps
ERIC SWAFFORD, State Representative from Tennessee
CYNTHIA DAVIS, State Representative from Missouri
LARRY RAPPAPORT, State Representative from New Hampshire

Petitioners/Relators

v.

BARACK HUSSEIN OBAMA, II, a/k/a BARRY SOETORO, President, USA;
LINDA LINGLE, as Governor of the State of Hawai'i; &
HILLARY CLINTON, as Secretary of State, USA.

Respondents

**Motion for Leave to File Writ of *Quo Warranto* on
Barack Hussein Obama II, President of the U.S.A., and**

**Writs of Mandamus on Hawai'i Governor Linda Lingle, to provide evidence, and
on Secretary of State Hillary Clinton, to provide and request evidence from the
United Kingdom, and Republics of Kenya, Indonesia, and Pakistan.**

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. QUESTIONS PRESENTED

1 What is a President elect's or President's deadline, burden and standard of proof, to prove his qualifications, under *Quo Warranto*, by U.S. CONSTITUTION'S article II § 2 and amendment XX § 3, by statutes, and by ethical duties?

2 Whether the Presidential qualification of "natural born citizen" over "citizen" requires sole U.S. allegiance by birth to two U.S. citizens within the U.S.A.'s jurisdiction and without foreign allegiance, to choose a Commander in Chief with undivided loyalty in time of war and to preserve the Republic from tyranny.

3 Whether birth to an alien father irreparably negates being a "natural born citizen," or whether foreign allegiance by birth, adoption, or naturalization, incur foreign allegiance, to constitutionally disqualify a President elect.

4 Would a President elect have failed to qualify by neglecting, obstructing, or contesting constitutional duties to challenge, validate, and evaluate evidence of qualifications of identity, age, residency, and natural born citizenship, or by breaching ethical disclosure duties, by withholding or sealing records by privacy?

5 Would misprision(s) by Federal officers, bound by oath, fail to qualify a President Elect, by neglecting to challenge, validate, evaluate, or declare his qualification or failure, after citizens related information challenging those qualifications, via petitions for redress of grievance, or by law suits?

6 Whether a State withholding original birth records by privacy laws obstructs constitutional duties of the People to vote, and of officers to challenge, validate, and evaluate qualifications of presidential candidates, and of the President Elect.

7 Whether, after attaining one's suffrage, actions showing continued allegiance to a nationality of one's minority, evidence foreign allegiance sufficient to disqualify a President elect, by having failed to maintain undivided loyalty to the U.S.A..

8 Do candidates for office disqualify themselves if they seek office under a birth name different from a name by adoption, having not provided election officers *prima facie* evidence of legal name changes, or neglecting to legally change names?

9 Whether the Constitution grants officers or citizens access to uphold its inviolability and supremacy, including by quo warranto, against misprision and charismatic negligence.

. **PARTIES**

ALLEN C. JAMES, US Army, active duty in Iraq
RAYMOND REFITT, Commander, Submarine, US Navy
HARRY RILEY, Colonel, US Army
CHARLES E. MILLER, Lt. Col. US Air Force
TIMOTHY KENNEY, Citadel Instructor, US Marine Corps veteran, Virginia Army National
Guard
RALPH H. JENKINS, Cpt US Marine Corps
ERICK SWAFFORD, State representative from Tennessee,
CYNTHIA DAVIS, State Representative from Missouri
LARRY RAPPAPORT, State Representative from New Hampshire

Petitioners/Relators

v.

BARACK HUSSEIN OBAMA II, a/k/a BARRY SOETORO, as President
The White House, 1600 Pennsylvania Avenue NW
Washington, DC 20500 USA

LINDA LINGLE, as Governor of the State of Hawai'i
Governor's Office, State Capitol,
Honolulu, Hawai'i 96813 USA

HILLARY RODHAM CLINTON, as Secretary of State
U.S. Department of State, 2201 C Street NW
Washington, DC 20520 USA

Respondents

. MOTIONS

1. ***Quo Warranto***: Petitioners/Relators move to bring information that Barack Hussein Obama II, a/k/a Barry Soetoro (herein “Obama”), is usurping the office of President, and to request a writ of *Quo Warranto*, demanding that Obama show clear title, by proving that as President elect he had qualified, by giving clear and convincing evidence thereof to Federal officers, per Art. II, § 1 & Amend. XX, § 3.

2. **Jury Trial**: Relators request a jury trial to determine the facts on President Elect Obama's qualifications; his foreign allegiances to and influences by Britain, and the Republics of Kenya, and Indonesia; and what evidence he provided Federal officers for clear and convincing proofs of his father's and mother's citizenship(s) at his birth; his birthplace, birth date, U.S. residency duration, and legal name.

3. ***Mandamus***: In *arguendo* of Obama's burden of proof, for the United States ex rel., Relators request leave for this Court to issue a writ of *mandamus* on the Governor of Hawai'i, Linda Lingle, for the State of Hawaii to provide evidence regarding Respondent Obama's constitutional qualifications, to protect the People's sovereign right to constitutional protections, and to a President with clear title.

4. ***Mandamus***: In *arguendo* of Obama's burden of proof, for the United States ex rel., Relators request leave for this Court to issue a writ of *mandamus* on the Secretary of State, Hillary Clinton, to appoint an independent Commissioner for the Department of State to provide evidence regarding Obama's constitutional qualifications, and to request such evidence from the United Kingdom, and the Republics of Kenya, Indonesia, and Pakistan.

TABLE OF CONTENTS

QUESTIONS PRESENTED	1
PARTIES	2
MOTIONS	3
SUMMARY	1
A. Burden, Deadline, & Standard of Proof	1
B. Natural Born having Undivided Loyalty	1
C. President elect's Failures to Qualify	2
D. Executive, Legislative and Judicial Misprisions	5
E. Standing & Interest	5
F. Jurisdiction	6
G. Request for Jury Trial.....	7
ARGUMENT	8
H. JURISDICTION.....	8
1. Upholding the Rule of Law & Constitutional Safeguards	8
2. The Rule of Law Imposed Over Rulers	8
3. Establishing and Removing the President under the Rule of Law	9
I. Jurisdiction over quo warranto	10
J. Quo Warranto over President Obama	12
1. U.S. v. State of Hawaii Action from Quo Warranto of President	16
a. U.S. v. State of Hawaii over “Natural Born Citizen”	16
b. Obama’s posted Certification of Live Birth: Invalid, insufficient	16
c. Obama’s Hawaiian birth records	18
d. Alleged Kenyan birth records.....	18
e. Uncertain birth place.....	19
2. United States v. State of Hawaii Action over Obama’s Name	20
3. U.S. v. State of Hawaii Action to evaluate Obama’s qualifications	21
4. Hawaii’s Privacy Laws v. Evaluating Qualifications	22
K. Mandamus ON HAWAII'S GOV. LINGLE FOR EVIDENCE	22
1. Interpretation of Presidential Qualifications	23
2. Public Interest: Resolve at least 40 other cases.	24
L. Justification for Quo Warranto	25
1. Quo Warranto over Qualifications before Inauguration	25
2. Constitutional Qualification Process, Not a Political Question.....	25
3. Not over an Impeachable Offense occurring after inauguration	26
4. Obama had Opportunity to Demonstrate Qualifications.....	27
5. Timeliness of quo warranto	27
6. Other venues exhausted justifies quo warranto	27
M. CONSTITUTIONAL OBLIGATIONS & “STANDING”	28
1. Constitution Provides Access to Officers Bound by Oath of Office.....	29
2. Military obligation under oath to support the U.S. Constitution.....	29
3. Legislative obligation under Oath to support the U.S. Constitution	32

4. Elector’s obligation under Oath to support the U.S. Constitution	32
5. Presidential Candidate’s Oath to support the U.S. Constitution	32
6. People’s sovereign rights to uphold U.S. Constitution’s safeguards.....	33
N. BURDEN, DEADLINE, AND STANDARD OF PROOF	35
1. Burden of Proof on Respondent under quo warranto	35
2. Burden and Deadline of Proof on Obama under Amendment XX, § 3.....	36
A. Burden of Proof on Respondent by Statutes	36
3. Burden of Proof on Respondent by Ethical Duties	36
4. Standard of Evidence.....	37
5. Failure by Federal Officers' Negligence under Amendment XX.....	38
O. NATURAL BORN CITIZEN: NO FOREIGN INFLUENCE	39
1. “Natural born citizen” defined as jus sanguinis with jus soli	39
2. Natural Born: a citizen by “natural law” at and from birth	40
3. Intent: Undivided Loyalty for Commander in Chief.....	40
4. Amendment XIV Framers: “natural born” as undivided allegiance	42
5. Most Stringent Constitutional Qualifications for President.....	44
6. Primary allegiance by father’s allegiance at birth	45
7. Foreign Allegiance to Britain, Kenya, and Indonesia	46
a. Irreparable Primary Foreign Allegiance to Britain.....	46
b. Kenyan citizenship, and Ongoing Influence & de facto Allegiance	47
c. Foreign allegiance to Indonesia by Adoption	49
d. Natural Born excludes naturalized and dual citizenship.	50
e. Indonesian Foreign allegiance by oath, actions after age 18.	51
P. NEGLIGENCE & ACTIONS MAY NULLIFY CONSTITUTION	52
1. Obama's Negligence, Actions Nullify Constitutional Safeguards.....	52
2. Failure by Obstruction of Constitutional Validation Duties.....	52
Q. MANDAMUS ON SEC. CLINTON TO REQUEST DOCUMENTS	54
R. DISCOVERY DOCUMENTS REQUESTED.....	55
S. PRAYER FOR RELIEF	56
APPENDIX.....	1
A. Draft Writ of Mandamus on Hawaii Governor Linda Lingle	1
B. Draft Writ of Mandamus on the Secretary of State Hillary Clinton	3
C. Request for Production of Documents	8
D. Constitution of the United States of America (1787) Extracts	11
E. United States Code	12
1. Oaths of Enlistment and Oaths of Office.....	14
2. Naturalization statutes	14
F. DISTRICT OF COLUMBIA CODE	15
1. Subchapter I. Actions Against Officers of the United States.....	15
2. Subchapter III. Procedures and Judgments.....	16
G. STATE OF CALIFORNIA STATUTES	17
H. Hawaii Revised Statutes	17
I. INTERNATIONAL LAW	18
1. Magna Carta (1215) § 61	18

2. Hague Convention 1930	18
3. INDONESIAN LAW	18
J. Founders on Natural Born Citizen	19
K. Barack Obama, on Ethics, Transparency & Open Government	20
L. Natural Law, Law of Nations, Emmerich de Vattel.....	20
M. Extracts and authorities on the Rule of Law:	21
N. Petition for redress of President elect's failure to qualify	22
O. Table 1: Stringency of Leadership Qualifications	24
P. Table 2 Pilot Qualifications	25
Q. Civilians killed by 20th Century Tyrants	25
R. Republics and Democracies succumbing to Tyrants.....	26
S. Chester Arthur, British by birth	26
T. Period for qualifying, Sunday excepted.	27
U. Burden of Proof on the Defendant in Quo Warranto	27
V. Standing in Quo Warranto	28
W. Information relating to Obama's Kenyan Birth	28
X. Cases against Obama and McCain.....	28

. **SUMMARY**

1. Relators bring these motions for *quo warranto*, *mandamus* and jury trial based on public evidence that President elect Obama had failed to qualify.

A. Burden, Deadline, & Standard of Proof

2. To show good title, by *Quo Warranto*, by U.S. CONSTITUTION amendment XX § 3, by statutes, and by ethical disclosure duties, Obama bears the burden of proof to show that he had qualified while President elect.

3. Obama had to have submitted to Federal officers before inauguration, *prima facie* evidence of each of his legal name, age, US residency, and natural born US citizenship, including his birthplace and US citizenship of each parent.

4. To exercise the highest civil and military office, Obama should have met statutory criteria for transport pilots and military commanders.

5. Obama should at least bear the “clear and convincing proof” civil standard in showing he had qualified before inauguration.

6. He bears the ethical duty to have revealed both disqualifying and qualifying evidence.

7. No Relator affects this burden by claiming title to the office of President.

B. Natural Born having Undivided Loyalty

8. To eliminate foreign influence, the Founders established the Electoral College and stringent presidential qualifications.¹

9. John Jay proposed “natural born citizen” as qualification for President over “citizen” for Senator and Representative.

¹ U.S. CONST. art. II, § 1, par. 3, 5.

10. The underlying constitutional principle is for the Commander in Chief to have only had undivided loyalty from birth with no foreign influence or allegiance.

11. De Vattel's definition of birth to two citizens (*jus sanguinis*) within the country (*jus soli*), unquestionably distinguishes the natural law fact of “natural born citizen,” from legislated civil status of “citizen.”

12. Per delegate Sen. Charles Pinckney, the Constitutional Convention prescribed the President's qualifications and election:

“. . . to insure experience and attachment to the country. . .” without “improper domestic or . . . foreign influence and gold to interfere;”

13. 14th Amendment Framers affirmed this criteria for “natural born citizen.”

14. As candidate, Obama only declared that he qualified.

15. Obama posted an invalid redacted Hawai'ian “Certification of Live Birth” (COLB) on his website.

16. This COLB failed U.S. State Dept.'s and Dept. Hawai'ian Homelands' evidentiary requirements.

C. President elect's Failures to Qualify

17. By public evidence, President Elect, Obama had failed to qualify:

18. A) By allegiance to Britain at birth via his alien colonial father, irreparably negating his being a “natural born citizen”;²

19. B) By having irreparably failed to prove his qualifications before his constitutional deadline of inauguration, by clear and convincing evidence per statutory standards, of each of:

20. 1) The US citizenship of each of his father and his mother;

² British Nationality Act (1948) § 5 (1)

21. 2) His birthplace being within the U.S.A;

22. 3) His birth date, to prove he was at least 35 years old;

23. 4) His having resided fourteen years in the U.S.A.; and

24. 5) His legal change of name to Barack Hussein Obama II from Barry Soetoro as adopted or acknowledged by Leo Soetoro.

25. Obama failed by default of having not provided Federal officers with any *prima facie* evidence.

26. Obama had further failed to qualify:

27. C) By breach of his ethical duties as President elect, having failed to disclose relevant evidence regarding qualifications, including his original Hawaiian' birth records and all changes thereto, educational records disclosing legal name and citizenship;

28. D) By further breach of ethical duties, having failed to search for and submit all alleged Kenyan birth records sealed by Prime Minister Odinga of Obama's Luo tribe, and associated testimony thereto; and

29. E) By obstructing constitutional duties to validate his qualifications by sealing records and contesting efforts to evaluate his qualifications while President elect.

30. The Principal Registrar allegedly stated that records exist of Ann Dunham birthing Barack H. Obama, Jr. on Aug. 4, 1961 in Mombasa Kenya. Obama's step-grandmother allegedly stated that she attended his birth in Mombasa.

31. Hawaii's Registrar only stated that original records exist, not what they

contain, and Obama's parent(s) or grandparent(s) presumably attested his birth.

32. Obama had failed to disprove foreign allegiance(s) during his minority breaching the intent underlying “natural born citizen” that the Commander in Chief have not foreign allegiance:

33. E) By acquiring allegiance to the Republic of Kenya on its independence via his father;

34. F) By acquiring allegiance to Indonesia through adoption, his step father Lolo Soetoro renaming him “Barry Soetoro”, and declaring his citizenship “Indonesian.”

35. Obama had failed to prove undivided US loyalty from birth, by actions after age 18 affirming an allegiance of his minority breaching the constitutional intent underlying “natural born citizen” having no foreign allegiance:

36. G) By failing to overcome evidence that, after age 18, he probably affirmed Indonesian allegiance by renewing and traveling on an Indonesian passport in 1981 and 1988;

37. H) By failing to overcome evidence, that, after age 18, he probably entered Kenya in 1981, and affirmed Kenyan citizenship at that time;

38. Obama had failed to prove undivided US loyalty from birth, by actions after age 18 evidencing *de facto* allegiance to, and incurring foreign influence by, the Republic of Kenya, breaching the intent underlying “natural born citizen”:

39. D) By campaigning for Raila Odinga, both of the Luo tribe, who as Prime Minister sealed Obama's alleged birth records:

40. J) By requesting during his election year the help of Kenya's Vice President;

41. K) By evidence of Kenya's President Kibaki declaring a national holiday on Obama's election.

D. Executive, Legislative and Judicial Misprisions

42. Federal officers and Electors, obligated to support the U.S. CONSTITUTION, neglected to challenge Obama's qualifications, validate his proofs, or obtain and evaluate *prima facie* evidence thereto.

43. Federal officers failed to declare that President Elect Obama had qualified, or had failed to qualify, though citizens provided information by redress petition and lawsuits.

44. By these misprisions, Federal officers had failed to qualify President elect Obama before inauguration.

45. Obama had failed to ensure that officers declared he had so qualified.

46. **Unconstitutional Privacy:** Relators submit the State of Hawaii's withholding Obama's birth records by its privacy laws breaches constitutional validation and due diligence duties and the inviolability of the U.S. CONSTITUTION as supreme law.

E. Standing & Interest

47. The Military and Legislative Relators, are each obligated by oath to support the U.S. CONSTITUTION, which grants standing.

48. Allen James is on active duty in Iraq. Military Relators Commander Refit, Colonel Riley, Lt. Col. Miller and Instructor Kemmey, in active reserves, and call up, are under the Uniform Military Code of Justice.

49. Each Military Relator is legally obliged to only obey valid orders of authorized officers.

50. Evidence challenging the President's title obligates them to relate this information.

51. Military Relators have special interest, being in danger of court martial and execution, should relating *Quo Warranto* be misconstrued.

52. Legislative Relators Jones of Missouri and Rutherford of New Hampshire each have interest by constitutional duties impacted by Obama's acts and appropriations.

53. To uphold its inviolability as supreme law, the U.S. CONSTITUTION grants access to uphold the People's sovereign right to its safeguards, and preserve the Republic from tyranny.

F. Jurisdiction

54. This Court has explicit jurisdiction under DC code Title 16 Ch 35 *Quo Warranto*, Sub Chapter I. Actions against Officers of the United States.³

55. This Court has jurisdiction under Article II, Amendment XX, and 3 USC § 19, over whether the President elect has failed to qualify for President.^{4,5,6,7}

56. This Court has jurisdiction of duties of Federal officers regarding petition for redress of grievances preserved in Amendment I, and in challenging qualifications, validating proofs, evaluating evidence, and declaring whether the

³ DC Code § 16-3502. Parties who may institute; ex rel. proceedings.

⁴ U.S. CONST. art. II, § 1 Clause 5.

⁵ U.S. CONST. art. II, § 1 Clause 6.

⁶ U.S. CONST. amend. XX, § 3.

⁷ 3 USC § 19 (a) (1); (c); (c) (1).

President elect had qualified or had failed to qualify, implied by Amendment XX, and by *Marbury v. Madison*.^{89,10}

57. This Court has jurisdiction to uphold the inviolability of the Constitution as supreme law under Article VI, and under the Magna Carta (1215) as active in 1776, and to prevent its nullification, whether by breach or misprision, even by the President (“We”) and Chief Justice (Justiciar).^{11,12}

58. **Public Importance.** This case has very high public importance by the need for the President having clear title, and the need to interpret the qualification “natural born citizen,” when more than forty cases have been filed against Obama that hinge on that meaning.

59. **Justification:** *Quo Warranto* is timely, being submitted after Obama entered into the President’s office, and before his term expired.

G. Request for Jury Trial

60. Because of the public importance of knowing that this is a legal process to uphold the Constitution on facts, Relators move for a jury trial to clearly establish facts on whether President Elect Obama had constitutionally qualified by his inauguration deadline.¹³

61. Numerous cases against Obama or McCain were dismissed for lack of jurisdiction, standing, proper claim, or unknown reason(s). See Appendix.

⁸ U.S. CONST. amend. I.

⁹ U.S. CONST. amend. XX, § 3.

¹⁰ *Marbury v. Madison*, 5 U.S. 137, 176-177

¹¹ U.S. CONST. art. VI, cl. 2.

¹² Magna Carta (1215) § 61.

¹³ DC Code § 16-3544

62. To properly fulfill their oaths to support the Constitution, Relators request this Court's guidance on remedying any errors in their motions.

. ARGUMENT

H. JURISDICTION

1. Upholding the Rule of Law & Constitutional Safeguards

63. The gravamen of these motions is upholding the Rule of Law, the inviolability of the U.S. CONSTITUTION as supreme law, and key constitutional safeguards around the Commander in Chief that preserve our Republic against tyranny.

64. During the 20th century 33 Republics failed to uphold their constitutions and fell into tyranny. Consequently, some 125 million citizens were killed by their own governments, compared to 39 million in all wars of the 20th century.¹⁴

65. Upholding the U.S. CONSTITUTION and safeguarding the Republic against domestic enemies has far greater importance than against external enemies, though lacking war's drama.

2. The Rule of Law Imposed Over Rulers

66. The Rule of Law was codified in the MOSAIC CODE with public consent.¹⁵ Judeo-Christian code formed a third of Alfred's COMMON LAW.¹⁶

67. The Barons led by Archbishop Stephen Langton interposed over King John's

¹⁴ David L. Hagen & Eddie J. Irish, *Impeachment: Trapdoor to Tyranny*, 2000

¹⁵ Exodus 20:2-17, Deuteronomy 4:13, Deuteronomy 17:18-20.

¹⁶ DOOMS (CODE) of Alfred (880). Francis N. Lee, *Common Law: Roots and Fruits*, Revised Edition, (1997) Dissert. Samuel Rutherford School of Law, FL, USA

tyranny, restoring the Rule of Law acknowledged by Henry (1100).¹⁷ They brought the King, the Chief Justice and all civil powers under MAGNA CARTA as inviolable supreme law, secured by oath and redress petition.¹⁸

68. Bracton observed that “the king must . . . be under God and under the law.”¹⁹

69. King James II jailed seven bishops for seditious libel over their conscience based petition for redress of his indulgence order. Parliament reaffirmed the right of redress petition over the King in the *Bill of Rights*,²⁰ codifying *Seven Bishops Trial*,²¹ and preserving interposition and alternatives for conscience’s sake.

70. By their DECLARATION, the Founders restored “a government of laws, and not of men” over the tyranny of King George III and abuse by Parliament.^{22,23}

71. The Founders preserved the inviolability of supreme law in the U.S. CONSTITUTION, preserving security of petition for redress of grievances.²⁴

3. Establishing and Removing the President under the Rule of Law

72. The People, by sovereign right, established the office of President and its qualifications of “natural born citizen[ship]”, 35 years of age, & 14 years residency.²⁵

73. They next provided “in Case of the Removal of the President from Office, or

¹⁷ CHARTER OF LIBERTIES, 1 Henry (1100)

¹⁸ 17 John (1215) § 61

¹⁹ Henry de Bracton, *Laws and Customs of England* (c1258) V 2 p 33 Harvard

²⁰ 1 W. & M., 2d sess., c. 2 (1689)

²¹ 12 Howell’s State Trials 183 (1688)

²² DECLARATION OF INDEPENDENCE (1776)

²³ Massachusetts Const. art. XXX (1780)

²⁴ U.S. CONST. art. VI & amend. I.

²⁵ U.S. CONST. preamb. & art. II, § 1.

of his Death, Resignation, or Inability.”²⁶ Debate distinguished “Impeachment” from “(Dismission) Removal”.²⁷

74. Amendment XX provides for “if the President elect shall have failed to qualify.”²⁸ This required Obama to have proved before inauguration that he qualified.

75. Federal officers have constitutional obligations to challenge and validate Obama's proofs, evaluate evidence testing his qualifications, and determine and declare whether the President elect had qualified or had failed to so qualify.

I. Jurisdiction over quo warranto

76. The CONSTITUTION, preserves both petition for redress of grievances and its inviolability as supreme law, as codified in Magna Carta (1215):

“. . . if we (King/President) or our justiciar (Chief Justice), or our bailiffs, or any of our servants shall have done wrong in any way toward any one, **or shall have transgressed any of the articles of peace or security**; . . . **We will not seek** to procure from anyone, either by our own efforts or those of a third party, **anything by which any part of these concessions or liberties might be revoked or diminished**. Should such a thing be procured, it shall be null and void . . .”²⁹

77. This security was clarified in the Bill of Rights (1689), restored by the DECLARATION, and preserved in U.S. CONSTITUTION article VI and amendments I and XX.

78. After seating them, the Senate discovered Albert Gallatin was an alien and James Shields lacked his 9 years citizenship. Upholding the CONSTITUTION's inviolability, the Senate, in 1793 and 15th March 1849, declared those elections

²⁶ U.S. CONST. Art. II, § 1 cl. 6.

²⁷ Red. Fed. Conv. 2:146, 172; Committee of Detail, IV, IX.

²⁸ U.S. CONST. amend. XX, § 3.

²⁹ Magna Carta (1215) § 61

void.³⁰

79. Should the President have failed to qualify, that failure would be irreparable. His election would be void, the Presidency vacant, and another President elected by Amendment XX.

80. Congress legislates for the District of Columbia.³¹ To enforce qualifications for office it enacted *quo warranto* against:

“a person who within the District of Columbia usurps, intrudes into, or unlawfully holds or exercises. . . a public office of the United States”³²

81. DC § 16-3502 covers “a person” and “a public office” without restriction.

82. While Congress controls impeachment, it assigned the Attorney General, US Attorney, US Attorney, to bring *quo warranto* before the Judiciary, to preserve the People's sovereign right to a qualified President and officers.³³

83. Congress further granted “any attorney in the name of the United States” on behalf of an “interested person,” to bring *quo warranto* by leave. *Id.*

84. Historically, *quo warranto* was issued by equity from Chancery and tried before the king’s justices at Westminster.^{34,35}

85. This Federal Court is empowered to issue “all writs necessary or appropriate.”^{36,37}

³⁰ 42nd Cong. Globe 2nd Sess. P 223 (1872).

³¹ U.S. CONST. Art. I § 8 cl. 17.

³² DC § 16-3501.

³³ DC § 16-3522; DC § 16-3523.

³⁴ Blackstone, *Quo Warranto, Private Wrongs*, Book III Ch. 17 § 5, *262-*263.

³⁵ Richard I, A.D. 1198. James L. High, *Extraordinary Legal Remedies*, Callaghan & Co. (1896)

³⁶ 28 USC § 1651.

³⁷ Chester J. Antieau, *The Practice of Extraordinary Remedies*, Oceana Pub. Inc. (1987)

J. Quo Warranto over President Obama

86. Barack Hussein Obama II was inaugurated President on January 20, 2009.

87. Obama is exercising this civil public office from the Executive Office of the President and resides in the Whitehouse, both located in the District of Columbia.

88. Federal code fills Presidential vacancies from impeachment or “death, resignation, removal from office, inability, or failure to qualify.”³⁸

89. Having no deadlines, this and Amendment XX empower *quo warranto* enforcing presidential qualifications after inauguration.

90. This Court further has jurisdiction to uphold the inviolability of the Constitution as supreme law, collectively and by individual oaths of office, including enforcing the qualifications for President and provision for removal of the President in Article II, and the President elect's duties to show proof of qualification, implied by “if the President elect shall have failed to qualify” in Amendment XX.^{39, 40, 41}

91. This Court has the duty to uphold the inviolability of U.S. CONSTITUTION as supreme law against prospective nullification by a President Elect's having failed to qualify, by alien birth, alien naturalization, negligence, and affirmations and actions after age 18, and by Officers' misprisions of Amendment XX duties;

92. This Court has jurisdiction over the Federal code, including determining if there has been a “failure to qualify” resulting in there being no one “to discharge the powers and duties of the office of President”, including through the end of the

³⁸ 3 USC §19.

³⁹ U.S. CONST. art. II, § 1 Clause 5.

⁴⁰ U.S. CONST. art. II, § 1 Clause 6.

⁴¹ U.S. CONST. amend. XX, § 3.

Presidential term.^{42, 43} There being no time limit specified, this code includes *quo warranto* after taking office.

93. This Court has jurisdiction over misprision in performance of constitutional duties of federal officers within the District of Columbia to challenge the qualifications of the President elect, validate proofs he submits, evaluate relevant evidence thereto, and declare whether the President elect had qualified or had failed to qualify, as implied by Amendment XX, as inferred in *Marbury v. Madison*, and by Oaths of Office.⁴⁴

94. This Court has jurisdiction over misprision of federal officers for failing to perform their duties implied by specified under based on this Court's constitutional review authority of Misprisions per *Marbury v. Madison*; and by Justices' oath of office.

95. J. Marshal emphasized the U.S. CONSTITUTION's inviolability as established by the People.⁴⁵ Restating Marbury for this case:

96. "It is a proposition too plain to be contested, that the constitution controls any [President elect's] act repugnant to it . . . The constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with [the President elect's] ordinary[] act[ion]s, and like other act[ion]s, is alterable when the [President elect] shall please to alter it."

97. This *quo warranto* is grounded on the constitutional qualifications for presid-

⁴² 3 USC § 19 (a) (1).

⁴³ 3 USC § 19 (c); 3 USC § 19 (c) (1).

⁴⁴ U.S. CONST. amend. XX, § 3.

⁴⁵ Marbury v. Madison, 5 U.S. 137, 176-177

ent, not upon electors' discretion, nor on political questions, nor over high crimes and misdemeanors.

98. Relators submit that, under the U.S. CONSTITUTION, Federal Law, and COMMON LAW, this Court has original jurisdiction for *quo warranto* to test the title of the Respondent Obama to the federal office of President, which is not an article of impeachment.

99. This *quo warranto* is brought to protect the People's sovereign rights to preserve and enforce safeguards of presidential qualifications and officers' duties.

100. This is a rare but vital test of enforcing the U.S. CONSTITUTION's core qualification and verification safeguard's to preserve the Republic from tyranny, in the face of nullification by a charismatic leader.

101. Chief Justice Burger recognized jurisdiction over the President to uphold the Rule of Law (other than impeachment).⁴⁶

102. President-elect Obama committed "to restoring the rule of law and respecting constitutional checks and balances."⁴⁷

103. While Courts have clarified individual citizenship rights, no court has reviewed presidential qualifications on merit.

104. The stringent Presidential qualification of "natural born citizen" versus "citizen" for Senator or Representative has not been evaluated on merit and needs interpretation to resolve this and numerous other cases.

105. Presidential qualifications need be evaluated in context of appointing the

⁴⁶ United States v. Nixon, 418 U.S. 683 (1974)

⁴⁷ Office, President Elect Change.Gov Dec. 15, 2008

Commander in Chief, defending the U.S. CONSTITUTION, and preserving the Republic from internal enemies, treason, and tyranny.

106. At stake are:

107. A) Nullification of Amendment XX constitutional qualifications for President by the President elect's negligence, having failed to submit *prima facie* proofs of qualifications to Federal officers;⁴⁸

108. B) Nullification of Amendment XX: "if the President elect shall have failed to qualify," by obstructing officers' constitutional duties to challenge, validate, and evaluation of proofs of qualifications for President;⁴⁹

109. C) Nullification of the CONSTITUTION's supremacy, by Hawaii withholding Respondent's original birth records, claiming privilege of privacy laws;⁵⁰

110. D) Nullification of oaths of office, by State and Federal officers' misprisions in not challenging, validating, or evaluating Obama's qualifications;⁵¹ and

111. E) Danger of descent into tyranny by a popular Commander in Chief having foreign allegiance(s) by birth, adoption, and affirmation, especially in time of war.

112. Respondent Obama bore the burden of proof (*onus probandi*) to have had submitted *prima facie* evidence of his identity, age, residency, and "natural born citizen[ship]."

113. Obama had the deadline of proving he qualified by his inauguration.

114. Relators submit that Obama had failed to do qualify.

⁴⁸ U.S. CONST. art. II, § 1

⁴⁹ U.S. CONST. amend. XX, § 3

⁵⁰ U.S. CONST. art. VI, cl. 2

⁵¹ U.S. CONST. art. VI ¶ 3

1. U.S. v. State of Hawaii Action from *Quo Warranto* of President

115. Officers are obliged to uphold the People's sovereign rights by enforcing constitutional safeguards.

116. Federal officers have the constitutional mandate to challenge, and validate the President elect's qualifications, and to declare "if the President elect [had or had] failed to qualify."⁵²

117. Assuming *in arguendo* that Obama has no burden, officers have obligated due diligence duties to obtain and evaluate evidence testing Respondent's qualifications, to uphold the People's rights to these safeguards.

118.

a. U.S. v. State of Hawaii over "Natural Born Citizen"

119. The Founders' intent for the qualification "natural born citizen" was to exclude foreign influence over the Commander in Chief.

120. At birth, this bars any foreign allegiance by either parent's allegiance or by birthplace. See below.

121. To evaluate the citizenship of both of Respondent Obama's parents and his birthplace, the Respondent's original long form "vault" birth records are required.

122. Subsequent allegiances by adoption and the Respondent's actions after coming of age also bear on having foreign allegiance(s) and/or foreign influence which breach the intent of "natural born citizen".

b. Obama's posted Certification of Live Birth: Invalid, insufficient

⁵² U.S. CONST. art. II, § 1 & amend. XX, § 3.

123. Obama posted he was a “native born citizen” (not “natural born citizen”).⁵³

124. Obama posted an image of his redacted Hawaiian “Certification of Live Birth” (COLB). *Id.*

125. Redaction invalidated his COBL on its face, (“Any Alterations Invalidate This Certificate.”)⁵⁴

126. Certified Diplomate Sandra Ramsey Lines “state[d] with certainty that the COLB presented on the internet . . . cannot be relied upon as genuine. . . . examination of the vault birth certificate for President-Elect Obama would lay this to rest”⁵⁵

127. U.S. Dept. State rejects images and abstract certificates as *prima facie* evidence:

“A certified birth certificate has a registrar's raised, embossed, impressed or multicolored seal, registrar’s signature, . . . some short (abstract) versions of birth certificates may not be acceptable for passport purposes.”⁵⁶

128. Hawaii similarly warns:

“Prima facie evidence overcome by competent evidence of nonidentification. 4 U.S.D.C. Haw. 258. Certificate not controlling upon U.S. immigration officials re admission of Chinese. 217 F. 48; 35 Op. U.S. Att. Gen. 69”.⁵⁷

129. The Dept. Hawaiian Homelands (DHHL) accepts original “Certificate of Birth”’s of applicants and parents to evidence of age and 50% ancestral Hawaiian blood.⁵⁸

130. DHHL rejects Hawaii’s own “Certification of Live Birth” as being insufficient evidence.^{59, 60}

⁵³ *Id. Fight the Smears*

⁵⁴ HRS § 338-30

⁵⁵ Keyes v. Lingle, SC Hawaii No. 29473, Declaration of Sandra Ramsey Lines Exhibit C

⁵⁶ *How to Apply for the First Time*, U.S. Dept. State
travel.state.gov/passport/get/first/first_830.html

⁵⁷ HRS §338-41's Case Notes

⁵⁸ The Hawaiian Homes Commission Act, 1920 42 Stat. 108

⁵⁹ “*Applying for Hawaiian Home Lands*,” Department of Hawaiian Homelands, State of

c. Obama's Hawaiian birth records

131. Obama's COLB lists "father" as "Barack Hussein Obama" and race as "African".

132. Obama had not submitted *prima facie* US citizenship evidence for either parent.

133. Hawaii seals original birth records after adoption.⁶¹

134. Health Dept. Director Chiyome Fukino, M.D.:

" . . . verified that the Hawaii State Department of Health has Sen. Obama's original birth certificate on record in accordance with state policies and procedures."⁶²

135. Fukino stated:

"State law (Hawaii's Revised Statutes §338-18) prohibits the release of a certified birth certificate to persons who do not have a tangible interest in the vital record." *Id.*

136. Hawaii's privacy laws seal original birth records on pain of fine and charge of misdemeanor.⁶³

137. Director Fukino stated that Obama's birth certificate exists, not how many exist of what type, nor what they include, nor how attested, nor if changed by adoption or divorce, nor if late or altered, or on what evidence.

138. Proving Hawai'ian birth is necessary but insufficient for Obama to evidence "natural born citizen[ship]."

Hawaii

⁶⁰ HRS § 338-17.8

⁶¹ HRS § 338-20

⁶² HI Dept. Health News Release, October 31, 2008

⁶³ Hawaii HRS § 338-17.7 (a)(3) & HRS § 578-14 (a). HRS § 338-30

139.

d. Alleged Kenyan birth records

140. Obama's Kenyan step grandmother Sarah Hussein Obama alleged that she attended his birth in Mombasa Kenya.⁶⁴

141. The Principal Registrar alleged that birth records exist for Ann Dunham giving birth to Barack Hussein Obama, II in Mombasa, Kenya on August 4, 1961.

Id.

142. M.P. Odhiambo implied in Parliament that Obama was Kenyan born (*jus soli*):

“The President-elect, Mr. **Obama**, is a son of the soil of this country. . . . It is only proper and fitting that **the country which he originates from** should show the same excitement . . .”⁶⁵

143. Kenyan birth would irreparably disqualify Obama from “natural born citizen[ship]”, not being born within the U.S.A.

144. If Kenyan born Obama would not even have acquired U.S. citizenship on birth, as his mother would have been too young to confer citizenship on him.⁶⁶

⁶⁴ SC No. 08A50 Berg v. Obama, (F.3d. No. 08-cv-04083) aff. Rev. Kweli Shuhubia Oct. 27,2008.

⁶⁵ 10 PARL. DEB. Kenya, (2008) Nov. 5 p 3275-3276

⁶⁶ 1952 Immigration and Nationality Act, § 349(a)[1988]; 14. 8 U.S.C. 1401(g)

e. Uncertain birth place

145. Kenyan and Hawaiian Public Registrars claim to hold Obama's birth records. Obama's step-grandmother's and MP Odhiambo's statements contradict Obama's U.S. relatives' filings. Public records evidence controversy and uncertainty over Obama's birth place.

146. For Obama to have provided clear and convincing evidence of his birth place and date would have required from both Hawai'i and Kenya:

147. A) Preservation and submission of all certified original long form ("vault") birth records;

148. B) Verification of the attestations;

149. C) Associated *prima facie* evidence;

150. D) Testimony from living relatives and witnesses thereto.

151. E) Further supporting evidence;

152. To Relators' knowledge, Obama had failed to provide Federal officers with any certified *prima facie* evidence of his birth place and birth date from either Hawaii or Kenya.

2. United States v. State of Hawaii Action over Obama's Name

153. Stanley Ann D. Obama's divorce from Obama (Sr) may have changed Obama (Jr)'s legal name to Barack or Barry Dunham.

154. Divorce may have generated another Hawai'ian birth certificate, while sealing previous certificates.

155. Obama's step father Lolo Soetoro declared Obama's name as "Barry James v. Obama, Demand: Quo Warranto, Jury, Mandamus to Taylor DC Apr. 6, 2009 v0.95 p 20/57

Soetoro,” his place and date of birth as “Honolulu 4-8-1961”, and his citizenship as “Indonesian”.⁶⁷

156. Hawaiian registration of Soetoro’s marriage to Dunham and adopting Obama would have created another birth certificate for Barry Soetoro, sealing previous records.⁶⁸

157. Stanley Ann D. Soetoro v. Lolo Soetoro's divorce decree acknowledged one child under 18 and one child over 18, implying Barry's adoption by Soetoro.⁶⁹

158. Barry Soetoro may have retained his name as his parents divorced after his 18th birthday.

159. *Quo warranto* includes testing Obama's identity and legal name.

160. Relators know of no *prima facie* evidence President elect Obama submitted to Federal officers to prove either his identity or legal name change from Soetoro to Obama.

~~161.~~

~~162.~~161. In *arguendo* of Obama's burden of proof, Relators move for a Writ of *Mandamus* on Gov. Lingle for evidence detailing Obama's legal name, per appended draft.

~~163.~~162. Relators submit that by its “quo warranto” jurisdiction and “all writs” authorization, this Court has authority for writs of *mandamus* seeking evidence from the State of Hawaii seeking evidence to validate and test proofs submitted by

⁶⁷ Record #203 of Fransiskus Assisi School, Jakarta, Indonesia. Broe v. Reed, No. 8-2-473-8, S.C.WA (2008), Joint Aff. Plaintiffs, pp 6-8.

⁶⁸ Hawaii HRS § 338-17.7 (a)(3) & HRS § 578-14 (a)

⁶⁹ Stanley Ann Soetoro v. Lolo Soetoro, 1st Ckt. Ct. Haw. FC.D.No.117619 Divr. Decr. Aug. 28, 1980.

Obama to prove his title.^{70, 71}

3. U.S. v. State of Hawaii Action to evaluate Obama's qualifications

~~164.163.~~ In *arguendo* of Obama's burden, Federal officers are constitutionally obligated to validate *prima facie* evidence of Obama's, age, residence, and "natural born citizen[ship]" and evaluate other evidence.

~~165.164.~~ Military and Legislative Relators each have Oath obligations to uphold constitutional qualifications and provisions.

~~166.165.~~ However, Hawaii seals original birth records and all subsequent changes.

~~167.166.~~ In *arguendo* of Obama's burden, this motion raises an action by the United States ex rel. seeking evidence testing Obama's title to the office of President.

~~168.167.~~ This includes evaluating *prima facie* evidence of his qualifications.

~~169.168.~~ Information sought includes evidence is foreign allegiance(s) and/or influence that may disqualify.

~~170.169.~~ Relators submit that this Court has jurisdiction for writs of mandamus to enforce the supremacy of the U.S. CONSTITUTION, in applying *quo warranto*, over the State of Hawaii requesting Gov. Linda Lingle to provide the information.⁷²

4. Hawaii's Privacy Laws v. Evaluating Qualifications

⁷⁰ U.S. CONST. art. III, § 2, per 28 USC § 1251 (b) (2).

⁷¹ Title 28 U.S.C.A. §§ 1345.

⁷² U.S. CONST. art. VI.

~~171.~~170. Hawai'i requires a court order to access original birth certificates.⁷³

~~172.~~171. Should Federal officers require court orders to overcome State privacy laws to perform constitutionally mandated duties?

~~173.~~172. Relators submit that Hawaii's § 338-17.7 (b) and HRS § 578-14 (b) are unconstitutional by obstructing constitutional duties of election and federal officers to validate and evaluate qualifications for President, Senator or Representative, including identity, age, residency, and citizenship.

~~174.~~173. Relators submit that this Court has jurisdiction to determine constitutionality of actions of federal officers as established in Marbury v. Madison.

K. *Mandamus* ON HAWAII'S GOV. LINGLE FOR EVIDENCE

~~175.~~174. In *arguendo* of Obama's burden, Federal officers are constitutionally obliged to challenge and validate Obama's name and qualifications, and to evaluate further evidence thereto.

~~176.~~175. Original records, attestations, related evidence, and testimony need be examined to resolve conflicts between Kenyan and Hawai'ian Registrars over Obama's actual birth.

~~177.~~176. To clearly uphold People's sovereign right to the Constitutional inviolability and safeguards, Relators move for the U.S. Ex rel. to file a *Mandamus* Writ on Hawaii's Gov. Lingle to provide records pertaining to Obama's name and

⁷³ HRS §338-17.7 (b); HRS § 578-14 (b)

qualifications. See draft in Appendix A.

1. Interpretation of Presidential Qualifications

~~178.~~177. This Court has held in Marbury that:

“It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule.”⁷⁴

~~179.~~178. Though rare, there is now great controversy over the President's qualifications. At least 40 law suits have challenged Obama's qualifications.⁷⁵

~~180.~~179. This action and similar suits require interpretation of the meaning of “natural born citizen” and “if the President elect shall have failed to qualify”.⁷⁶

~~181.~~180. Most important is interpreting “natural born citizen” over “citizen.”⁷⁷ Evidence in the public record reveals the Founders' intent that “natural born citizen” excluded foreign influence(s) over the Commander in Chief.

~~182.~~181. By natural law, “natural born citizen” requires that the Commander in Chief have only had sole allegiance to the United States from birth, being born within the U.S.A. (*jus soli*) of two citizens (*jus sanguinis*). See below.

~~183.~~182. Numerous cases have adjudicated naturalization citizenship issues and XIVth Amendment citizenship rights of individuals.

~~184.~~183. However, Relators know of no court examining on merits the qualifications for President in context of constitutional safeguards and protections against tyranny.

⁷⁴ Marbury v. Madison, 5 U.S. 137, 177.

⁷⁵ e.g., Martin v. Lingle Hawaii Circuit No. 1CC08-1-002147, Jan. 12, 2009

⁷⁶ U.S. CONST. art. II, § 1 ¶ 5; U.S. CONST. amend. XX, § 3.

⁷⁷ U.S. CONST. art. II, § 1 versus art. I § 2 ¶ 2 and art. I § 3 ¶ 3.

~~185~~184. Furthermore, this restriction of “natural born citizen” over “citizen” has not been examined in light of constitutional provisions for Commander in Chief, treason, war, oaths, tranquility, and safeguarding the Republic.

2. Public Interest: Resolve at least 40 other cases.

~~186~~185. This case is of very high public importance and interest. More than 325,000 citizens signed a petition to the Supreme Court seeking “. . . Public Release of Barack Hussein Obama’s Birth Certificate.”⁷⁸

~~187~~186. More than 40 cases challenged Obama's qualifications in Alabama, Connecticut, California, District of Columbia, Georgia, Hawaii, Illinois, Indiana, Kentucky, Michigan, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, and Washington. See Appendix.

~~188~~187. In none of these cases has Obama or Governor Lingle released Obama's original long form (“vault”) birth certificates.

~~189~~188. Evaluating this *quo warranto* on its merits would resolve at least 40 cases most if not all of which involve records held by the State of Hawai'i.

L. JUSTIFICATION FOR QUO WARRANTO

1. Quo Warranto over Qualifications before Inauguration

~~190~~189. This *quo warranto* tests whether “President elect [Obama had] failed to qualify. . .” and involves interpreting constitutional provisions and processes.⁷⁹

~~191~~190. The constitutional title “President elect” identifies the person elected by

⁷⁸ World Net Daily, <http://www.wnd.com/index.php?pageId=81550>

⁷⁹ U.S. CONST. art. II, § 2; amend. XX, § 3

the Electoral College as tallied by Congress in joint session (Jan 8th in 2009) and before his inauguration as President on January 20th.

~~192,191.~~ “President elect” also defines this time period during which he must have qualified.

~~193,192.~~ This *quo warranto* tests the President-elect's actions BEFORE inauguration.

2. Constitutional Qualification Process, Not a Political Question

~~194,193.~~ By law, the Presiding Officer in joint session must call for objections after the reading of each State’s electoral certificates. By law, a Representative and a Senator may jointly object in writing, and then each House separately debate objections raised.⁸⁰

~~195,194.~~ After Congress declares the President elect, then the duties prescribed by Amendment XX apply.

~~196,195.~~ Amendment XX implies that after the President elect is declared, then officer(s) had to challenge his qualifications.

~~197,196.~~ The President elect had to prove his qualifications with *prima facie* evidence.

~~198,197.~~ Officer(s) had to validate evidence submitted.

~~199,198.~~ Officer(s) had a due diligence duty to evaluate other relevant evidence on qualifications.

~~200,199.~~ Officers then had to determine if the President elect had qualified or had

⁸⁰ 3 USC Ch. 1, § 15; § 17.

failed to qualify against constitutional qualifications.

~~201.~~200. Officers then had to so declare his qualification or failure.

~~202.~~201. The CONSTITUTION as supreme law requires these processes, not the Electoral College's Electors' discretion.

~~203.~~202. By explicit constitutional prescription, this is not a political question subject to interpretation by Members of Congress.

3. Not over an Impeachable Offense occurring after inauguration

~~204.~~203. The Constitution empowers the House to raise articles of impeachment against the President with trial before the Senate.⁸¹

~~205.~~204. Impeachment covers high crimes and misdemeanors AFTER the President takes office.

~~206.~~205. Relators provide no information nor raise any claim for impeachment for any high crimes or misdemeanors after Obama's inauguration.

4. Obama had Opportunity to Demonstrate Qualifications

~~207.~~206. Congress declared Obama President elect on January 8th, 2009. He was inaugurated President on January 20th, 2009.

~~208.~~207. Obama had ten constitutional business days to submit *prima facie* evidence to Federal officers proving that he had qualified.⁸² See Appendix.

5. Timeliness of quo warranto

~~209.~~208. *Quo warranto* testing Respondent's title is timely brought since Obama

⁸¹ U.S. CONST. art. II, § 4.

⁸² U.S. CONST., amend. XX, §3; P.L. 100-430.

has taken office.⁸³

~~210:209.~~ By COMMON LAW, *nullum tempus occurrit regi*, lapse of time does not bar the United States from enforcing the People's sovereign rights.⁸⁴

6. Other venues exhausted justifies quo warranto

~~211:210.~~ Numerous suits challenged Obama's qualifications, but none were evaluated on merit.⁸⁵

~~212:211.~~ The World Net Daily submitted petitions challenging Obama's qualifications from 3,653 citizens to all 538 Electors before their Dec. 15th, 2008 vote.⁸⁶

~~213:212.~~ Citizens petitioned Members of Congress for Redress of Grievance over Obama's qualifications prior to Jan. 8th, 2009 when Congress met to tally the Electoral College votes. e.g., See Appendix for David L. Hagen's formal petition.

~~214:213.~~ Representatives and Senators may jointly object while tallying Electoral College votes.

~~215:214.~~ However, Presiding Officer Richard Cheney failed to call for objections as required by law.⁸⁷

~~216:215.~~ No members raised an objection. This breached the First Amendment right of petition for redress of grievances of those citizens filing petitions.

~~217:216.~~ Subsequently, no Member of Congress raised a Point of Order in

⁸³ Sheils v. Flynn (1937) 163 Masc. 506, 299 NYS 20.

⁸⁴ United States v. Hoar, 2 Mason 311

⁸⁵ Berg v. Obama, E.D. Pa. No. 08-cv-4083

⁸⁶ WND.com Dec. 13, 2008.

⁸⁷ 3 USC Ch. 1, § 15; 155 CONG. REC. H75, Jan. 8, 2009

Congress that the President elect failed to provide any *prima facie* qualifying evidence.

~~218~~217. None of the numerous cases against Obama had been granted standing to be heard on merits before inauguration.

~~219~~218. *Quo warranto* is the only formal means left to test this President's title (without invoking residual sovereign powers of the People and the States).⁸⁸

M. CONSTITUTIONAL OBLIGATIONS & “STANDING”

~~220~~219. Suits over Respondent Obama’s qualifications have been dismissed under the “Doctrine of Standing”.

~~221~~220. In this *quo warranto*, each Relator is obliged by oath to uphold the constitution.

~~222~~221. *Quo warranto* under the DC Code was interpreted to protect officers from:

“attack by a person who had no claim on the office, no right in the office, and no interest which is different from that of every other citizen and taxpayer of the United States.”⁸⁹

~~223~~222. Each Relator has an interest above that of “every other citizen and taxpayer”.

~~224~~223.

1. Constitution Provides Access to Officers Bound by Oath of Office

~~225~~224. To preserve its inviolability, the U.S. CONSTITUTION necessarily provides access in court to constitutional officers, bound by oath, to perform their

⁸⁸ 45 How., 110, 14 Abb. N. S., 191; 24 N. Y., 86.

⁸⁹ Newman v. United States ex Rel. Frizzell, 238 U.S. 537 (1915)

constitutional obligations to support the U.S. CONSTITUTION including *quo warranto*.

226:225. If Officers were prevented from supporting the U.S. CONSTITUTION, would it not become a dead letter, nullified by “death of a thousand cuts” of official misprision?

227:226. Would not raising the “Doctrine of Standing” above inviolability itself breach the CONSTITUTION'S supremacy and the Oath of Office?⁹⁰

2. Military obligation under oath to support the U.S. CONSTITUTION

228:227. Armed Forces Relators are members of the Executive under the President as Commander in Chief.⁹¹

229:228. Military Relators are bound by oath to support the CONSTITUTION.⁹²

230:229. Relators represent the Army, Air Force, Marines, and Police, in active duty, active reserves, and as retired officers subject to recall.

231:230. Military Relators find the Founders established qualifications to elect a Commander in Chief having sole allegiance to the United States, free from foreign allegiances or influence.

232:231. Relators relate public information showing Obama had not constitutionally qualified for President, and Federal officers failed to qualify him.⁹³

233:232. Active, active reserve, and retired armed forces members are under the

⁹⁰ U.S. CONST. art. VI, cl. 3.

⁹¹ U.S. CONST. art. I, § 8 and art. II, § 2.

⁹² U.S. CONST., art. VI, cl. 3.

⁹³ U.S. CONST., amend. XX, § 3.

Uniform Code of Military Justice (UCMJ).⁹⁴

~~234.233.~~ Armed forces members can request redress of wrongs by commanding officers under UCMJ.⁹⁵

~~235.234.~~ However, a civilian President is elected, qualified and appointed their Commander in Chief under the CONSTITUTION.⁹⁶

~~236.235.~~ Congress enacted that the:

“Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate . . .”⁹⁷

~~237.236.~~ However, Judge Hastings ruled that *quo warranto* in Federal District Courts is only available in the District of Columbia.⁹⁸

~~238.237.~~ Information negating Respondent’s qualifications raises difficult choices for enlisted Members on oath to both support the U.S. CONSTITUTION and obey their Commander in Chief.

~~239.238.~~ Relators Attorney knows of one military person who has been ordered to not speak about Obama’s eligibility.

~~240.239.~~ The UCMJ Manual prescribes:

“(ii) *Determination of lawfulness.* The lawfulness of an order is a question of law to be determined by the military judge.

“(iii) *Authority of issuing officer.* The commissioned officer issuing the order must have authority to give such an order. Authorization may be based on

⁹⁴ UCMJ 802(4)

⁹⁵ UCMJ 938 art. 138.

⁹⁶ U.S. CONST. art. II, § 2 cl. 1.

⁹⁷ Title 28 U.S.C.A. §§ 1345.

⁹⁸ U.S. ex rel. State of Wisconsin v. First Fed. Sav. and Loan Ass'n, [248 F.2d 804](#), 807-08 (7th Cir.1957), cert. denied

law, regulation, or custom of the service.”⁹⁹

~~241,240.~~ By constitutional oath and military code, Armed Forces Members' are obligated to and have a duty to only obey authorized orders.

~~242,241.~~ These obligations with the evidence related obliges Military Relators to bring *quo warranto* to test if their constitutionally established civilian Commander in Chief “issuing the order [has] authority to give such an order”.

~~243,242.~~ Military Relators are in danger of being misunderstood and charged with disobeying a superior, mutiny, or sedition:¹⁰⁰

“Any person subject to this chapter who—(2) willfully disobeys a lawful command of his superior commissioned officer; shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct, and if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.”

~~244,243.~~ Their Command in Chief lacking constitutional authority would place Armed Forces Members in conflict in danger of international war crime tribunals.

~~245,244.~~ Military personnel are directly affected by whether Obama is replaced, by UMCJ penalties, and by their Oaths, giving interest in *quo warranto* above citizens.

⁹⁹ U.S. Manual Courts-Martial (2008) 14.c(2)(a)(ii),(iii)

¹⁰⁰ UCMJ §809, §894.

3. Legislative obligation under Oath to support the U.S. CONSTITUTION

~~246.~~245. Legislator Relators are bound by oath to support the U.S. CONSTITUTION, which establishes their offices, guaranteeing States a “republican form of government”, assistance against “domestic violence,” and ratification of amendments.¹⁰¹

~~247.~~246. State Legislators have constitutional budgetary and allocation obligations reciprocal to Federal funds dispersed under the President’s signature.

~~248.~~247. State Rep. Martinez was affected by his Governor, giving interest and standing to bring *quo warranto*.¹⁰²

~~249.~~248. Legislative Relators have both constitutional obligation, and interest above citizens to bring information for *quo warranto* on Obama.

~~250.~~249.

4. People’s sovereign rights to uphold U.S. CONSTITUTION’S safeguards

~~251.~~250. DC Code incorporates the COMMON LAW and British statutory law as of 1776.

~~252.~~251. These empowered *quo warranto* at the “relation” of *any* person.¹⁰³

~~253.~~252. Should not challenges to the CONSTITUTION’S inviolability grant to citizens access to bring *quo warranto*, to uphold the People’s sovereign rights.

~~254.~~253. Would not requiring “personal injury” to uphold the Constitution degrade the People's sovereign rights in face of nullification by misprision, sloth, and inconvenience?

¹⁰¹ U.S. CONST. art. IV, § 4, & art. V.

¹⁰² Martinez v. Martinez, 545 So. 2d 1338, 1339 (June 22, 1989)

¹⁰³ 9 Anne c. 20 (1710)

~~255:~~254. Under the CONSTITUTION, Congress tabulates Electoral College's votes and announces the President elect.

~~256:~~255. Should "the President elect [] have failed to qualify", the CONSTITUTION voids that election, providing for the Vice President to act as President until a qualifying president is elected.¹⁰⁴

~~257:~~256. Furthermore, the People by supreme right to establish government, and the States by ratification, reserve all powers necessary to uphold the inviolability of U.S. CONSTITUTION as supreme law.¹⁰⁵

"... this grant of power to the elector can in no way impair the right of the people, in their sovereign capacity, to inquire into the authority by which any person assumes to exercise the functions of a public office or franchise, and to remove him therefrom if it be made to appear that he is a usurper having no legal title thereto."¹⁰⁶

~~258:~~257. J. McDonald affirmed stating:

"In *quo warranto* proceedings seeking the enforcement of a public right[] the people are the real party to the action and the person bringing suit 'need not show that he has any real or personal interest in it.'¹⁰⁷"

~~259:~~258. The People's sovereign right to uphold the Constitution and by redress petition, explicitly covers breach or misprision by President or Chief Justice.^{108, 109}

~~260:~~259. When constitutional officers fail their duties and oaths, should not the U.S. CONSTITUTION, of necessity, authorize Relators as citizens to uphold the People's sovereign rights to the safeguards of a President who qualifies, and a

¹⁰⁴ U.S. CONST. amend. XX, § 3

¹⁰⁵ U.S. CONST. amend. I, IX, and X

¹⁰⁶ People v. Holden, 28 Cal. 123; James L. High, Treatise on Extraordinary Legal Remedies § 624, p 453 Callaghan & Co. Chicago (1874)

¹⁰⁷ Martinez v. Martinez, 545 So. 2d at 1339 (1989); quoting State ex rel. Pooser v. Wester, 126 Fla. 49, 53, 170 So. 736, 737 (1936).

¹⁰⁸ Magna Carta (1215) § 61.

¹⁰⁹ U.S. CONST. amend. I.

Commander in Chief having no foreign influence?

~~261~~260. Would not preventing Citizens from preserving the People's sovereign rights to constitutional safeguards, by any Doctrine of "Standing", in itself breach the inviolability of U.S. CONSTITUTION?

~~262~~261. If the People were denied their sovereign right to support the Constitution, would that not destroy the accountability by which the Rule of Law is maintained?

N. BURDEN, DEADLINE, AND STANDARD OF PROOF

1. Burden of Proof on Respondent under *quo warranto*

~~263~~262. In *quo warranto*, Relators upholding the People's rights need only provide general information while Respondent has the burden of a rule *nisi*.

~~264~~263. Justice Breeze ruled:

"This court has decided that the people are not called upon to show anything; The entire onus is on the defendant, and he must show by his plea, and prove that he has a valid title to his office, . . ." ^{110, 111}

~~265~~264. Burr Jones reviewed *quo warranto* :

"... the ordinary rules as to burden of proof do not apply in *quo warranto* proceedings. One who is exercising the privilege of a public office is considered an usurper unless he can maintain his title;" ¹¹²

"In *quo warranto* proceedings undertaken by the people the burden is so far cast upon the respondent that he cannot rely upon presumptions, but he must prove the continued existence of every qualification necessary to the

¹¹⁰ People v. Ridgley, 21 Ill. 67; People v. Baldrige, 267 Ill. 190; p 519

¹¹¹ James L. High, *Treatise on Extraordinary Legal Remedies*, Chicago, Callaghan & Co. (1874) p 519

¹¹² Burr W. Jones, *The Law of Evidence in Civil Cases*, § 193, 2nd Ed., (1908) p 234. People v. Mayworm, 5 Mich. 146.

enjoyment of the office.”¹¹³

“ . . .the *certificate*, and *returns* on which [the election] is based are *open to investigation*, and that judgment will be rendered according to real facts.”¹¹⁴

“It is not enough to allege generally that he was duly elected or appointed to the office or has been granted the franchise. He must plead facts showing on the face of the plea that he has valid title to the office or franchise.”¹¹⁵

2. Burden and Deadline of Proof on Obama under Amendment XX, § 3

~~266:265.~~ By prescribing the (conditional) active voice “have qualified” (rather than the passive “have been qualified”) the U.S. CONSTITUTION placed on Obama a fallible burden of proof when Congress announced his election.¹¹⁶

~~267:266.~~ The future perfect tense “have qualified” with “President elect” established the deadline of the January 20th Inauguration to have qualified.¹¹⁷

O. Burden of Proof on Respondent by Statutes

~~268:267.~~ Statutes place the burden of proof on applicants for privilege, trust and citizenship.¹¹⁸

“Applicants have the burden of proving by a preponderance of the evidence their identity (22 CFR 51.23) and that they are citizens of the United States (22 CFR 51.40).”¹¹⁹

~~269:268.~~ Obama should at least have met standards required of citizens, voters and drivers. e.g, proving true name, age, residency, and Social Security Number.¹²⁰

¹¹³ Jones *id.*, p 234; State v. Beecher, 15 Ohio 723.

¹¹⁴ Jones *id.*, p 235; People v. Thacher 55 N.Y. 525.

¹¹⁵ William M. McKinney *Ruling Case Law*, Vol. 22, Edward Thompson, (1918) p 717. State v. Harris, 3 Ark. 570.

¹¹⁶ U.S. CONST. amend. XX, § 3.

¹¹⁷ U.S. CONST. amend. XX, § 1.

¹¹⁸ 8 USC 5 Sec. 1361; 8. U.S.C. 1429(b).

¹¹⁹ 7 FAM 1313(b) Entitlement to Services, US. Dept. State.

¹²⁰ Form DL 44, California Dept. Motor Vehicles.

~~270:269.~~ To govern air travel and control America's nuclear arsenal Obama should have met identity and citizenship requirements for Airline Transport Pilots and Hazardous Material Drivers.¹²¹

1. Burden of Proof on Respondent by Ethical Duties

~~271:270.~~ The President is bound by Oath or Affirmation to:

“the best of my ability, preserve, protect and defend the Constitution of the United States” “. . . and to “take Care that the Laws be faithfully executed, . . .”¹²²

~~272:271.~~ Seeking the highest office of public trust to execute the Laws imposes the highest ethical duty to state true facts to constitutionally required qualifications:

“It is the duty of a person to make to another person, to whom he holds a trust or fiduciary relationship, a full disclosure of any and all material facts within his knowledge . . .”¹²³

2. Standard of Evidence

~~273:272.~~ On applicant's uncertain evidence, U.S. Dept. State may require more evidence.¹²⁴

~~274:273.~~ Where citizens provide uncertain parentage evidence the Hawaiian Dept. Homelands requires further qualification evidence.¹²⁵

~~275:274.~~ Since higher trust imposes greater qualification burdens, should not the Constitution's highest officer have met the most stringent standards?

¹²¹ 14 CFR 61 *et seq.* & Table II; “Application for a Hazardous Materials Endorsement (HME)” Trans. Sec. Admin. 49 U.S.C. 5103a.

¹²² U.S. CONST., art. II, §2 ¶ 8, § 3.

¹²³ American Nat'l Ins. Co., etc. v. Murray, 383 F.2d 81 ¶29, 30.

¹²⁴ 22 CFR 51.44; 7 FAM 1313.

¹²⁵ *Applying for Hawaiian Home Lands*. Hawaiian Dept. Homelands

~~276:275.~~ For existential organic law, our Founders used the “Supreme” standard of “appealing to the Supreme Judge of the world for the rectitude of our intentions.”¹²⁶

~~277:276.~~ To hold clear title to this premier office of existential importance, President elect Obama should at least have met the civil standard “Clear and convincing evidence,” if not the “Supreme” standard.¹²⁷

~~278:277.~~ Relators come only to test if Obama qualifies as a “natural born citizen”, not to remove his U.S. citizenship.

3. Failure by Federal Officers' Negligence under Amendment XX

~~279:278.~~ In *arguendo* of Obama's burden, Amendment XX § 3 creates Federal duties to challenge his qualifications, and to validate *prima facie* evidence submitted.

~~280:279.~~ In *arguendo*, Federal officers have constitutional due diligence duties to evaluate other evidence testing Obama's qualifications.¹²⁸

~~281:280.~~ Amendment XX requires Federal officers to declare before inauguration whether the President elect had qualified or had failed to qualify.

~~282:281.~~ Absent laws specifying officers, Federal officers are collectively and severally obligated to uphold these provisions.

~~283:282.~~ President Bush neglected his constitutional obligation to ensure that

¹²⁶ DECLARATION OF INDEPENDENCE (1776)

¹²⁷ 37 USC § 10.149

¹²⁸ U.S. CONST., art. II, § 2 & amend. XX, § 3.

Amendment XX, as supreme law, was faithfully executed.¹²⁹

~~284~~283. The Dept. State issues passports on submission of *prima facie evidence* of citizenship.

~~285~~284. Secretary of State Rice failed to declare the citizenship of Obama's father and mother or his birth date before inauguration.

~~286~~285. Members of Congress, and Electors, obligated by oath, neglected their XXth Amendment duties before Obama's inauguration, though notified by citizens' redress petitions.

~~287~~286. Judiciary officers, neglected oaths to perform these XXth amendment duties, though notified by suits and petitions.

~~288~~287. As Federal officers neglected their qualification duties, and Obama failed to ensure their performance, President elect Obama had failed to qualify.

P. NATURAL BORN CITIZEN: NO FOREIGN INFLUENCE

~~289~~288. Chief Justice Marshal clarified:

“Affirmative words are often, in their operation, negative of other objects than those affirmed; and in this case, a negative or exclusive sense must be given to them or they have no operation at all. It cannot be presumed that any clause in the constitution is intended to be without effect; and therefore such construction is inadmissible, unless the words require it.”¹³⁰

~~290~~289. The qualification “natural born citizen” must be an unquestionable restriction on “citizen.”

~~291~~290. Relators submit that the CONSTITUTION'S and XIVth Amendment's

¹²⁹ U.S. CONST., art. II, § 3.

¹³⁰ Marbury v. Madison, 5 U.S. 137, 174.

Framers, intended “natural born” to require undivided loyalty at and from birth, including birth to two citizen parents within US jurisdiction, without foreign allegiance or influence.

1. “Natural born citizen” defined as *jus sanguinis* with *jus soli*

~~292~~291. Contemporary Emmerich de Vattel defined “natural born citizen” as combining both parents’ allegiance (*jus sanguinis*) with birthplace (*jus soli*):

“The natives, or **natural-born citizens, are those born in the country, of parents who are citizens. .**” “ to be of the country, it is necessary to be born of a person who is a citizen, for if he be born there of a foreigner, it will be only the place of his birth, and not his country. . .”¹³¹

de Vattel’s *Law of Nations* highly influenced THE DECLARATION and the CONSTITUTION.¹³² The Supreme Court has cited de Vattel more than 150 times.

2. Natural Born: a citizen by “natural law” at and from birth

~~293~~292. The original States’ DECLARATION OF INDEPENDENCE (1776) established the U.S.A. by Acts enabling 13 States including Hawaii.

~~294~~293. All States mutually required its principles for equal standing in the Union by requiring that Constitutions and laws of new States:

‘shall **not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence**’.¹³³

~~295~~294. Thus, all States affirm the “laws of Nature and of Nature’s God.”

~~296~~295. The plain meaning of “natural born citizen” is that by those “laws of

¹³¹ Emmerich de Vattel, *The Law of Nations* (1758), Bk. 1, Ch. 19, § 212, § 215; p 101 cited in Scott v. Sanford, 60 U.S. 393, 476 (1856).

¹³² Robert Trout, *Life, Liberty, and The Pursuit of Happiness.*, FIDELIO Mag. V. VI No.1 , Spring, 1997.

¹³³ Act of March 18, 1959, Pub. L. 86-3, § 1, 73 Stat. 4.

nature” the person is unquestionably a citizen at birth.

~~297~~296. “Natural born citizen” is thus established by the facts of birth place and of the allegiance of both parents at one's birth.

~~298~~297. Unquestionable citizenship by natural law excludes extension of citizenship by any Legislative Act, Judicial ruling, or Executive fiat.

3. Intent: Undivided Loyalty for Commander in Chief

~~299~~298. The Framers designed the election of President to exclude foreign influence over the Command in Chief. Alexander Hamilton explained:

“. . . every practicable obstacle should be opposed to cabal, intrigue, and corruption. These most deadly adversaries of republican government . . . [come] chiefly from the desire in foreign powers to gain an improper ascendant in our councils.” To protect the President’s election from foreign powers: “. . . raising a creature of their own to the chief magistracy . . the convention have guarded against all danger of this sort, . . .”¹³⁴

~~300~~299. Rejecting selection by the Legislature, the Convention created the Electoral College where:

“. . . the appointment of the President [can not] depend on any preexisting bodies of men, . . but . . [on] an immediate act of the people of America, to be exerted in the choice of persons for the temporary and sole purpose of making the appointment.”¹³⁵

~~301~~300. Compared to requiring 7 years citizenship for Representatives and 9 for Senators, Hamilton proposed the President: “be born a Citizen of the United States,” requiring at least 35 years citizenship.¹³⁶

~~302~~301. John Jay, Continental Congress President and first Chief Justice,

¹³⁴ THE FEDERALIST No. 68

¹³⁵ *Id.*, U.S. CONST. art. II, § 1.

¹³⁶ 3 M. Farrand, *Rec. Fed. Conv.* 617, 629, June 18, 1787.

proposed “natural *born* citizen” for the “commander in chief of the American army” (emphasizing *born*). He wrote Convention President Washington:

“Permit me to hint, whether it would be wise and seasonable to provide a **strong check on the admission of Foreigners** into the administration of our 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.**”¹³⁷

~~303.~~302. Washington acknowledged, and the Convention changed “citizen” to “natural born citizen” without debate.¹³⁸

~~304.~~303. This affirmed the Mosaic Code's “Do not place a foreigner over you.”¹³⁹

~~305.~~304. To squelch rumors of foreign princes becoming president, the framers published regarding “send[ing] for (Prince Frederick Augustus) . . .we never once thought of a king.”¹⁴⁰

~~306.~~305. Delegate Senator Charles Pinckney described how the Constitutional Convention prescribed the election and qualifications to ensure a President free from influence:

“It was intended to give your President the command of your forces, to make it impossible for the different States to know who the Electors are for, or for improper domestic, or, what is of much more consequence, **foreign influence and gold to interfere**; that by doing this the President would really hold his office **independent of the Legislature**; . . . This therefore they have guarded against, and to **insure** experience and **attachment to the country**, they have determined that no man who is not a **natural born** citizen, or citizen at the adoption of the Constitution, of fourteen years residence, and thirty-five years of age, shall be eligible....” Rec. Fed. Conv. 1787 CCLXXXVIII p 385, 386, 387 (March 28, 1800). See Appendix J

¹³⁷ Rec. Fed. Conv. 1787 LXVIII. John Jay to George Washington.3 (New York, July 25, 1787).

¹³⁸ Rec. Fed. Conv. 2:494; Journal, 4 Sept. 1787; 1 J. Eliot, 284, 302.

¹³⁹ Deuteronomy 17:15

¹⁴⁰ Pennsylvania J. Aug. 22, 1787.

~~307-306.~~ James Kent and Joseph Story affirmed this interpretation.¹⁴¹ Appendix

J

~~308-307.~~ This clear intent excludes foreign allegiance and influence, both at and from birth.

4. Amendment XIV Framers: “natural born” as undivided allegiance

~~309-308.~~ Rep. John A. Bingham, appointed Union Army Judge Advocate by Lincoln, stated regarding the Act of April 9, 1866.¹⁴²

“‘[I] find no fault with the introductory clause [S 61 Bill], which is simply declaratory of what is written in the Constitution, that **every human being born within the jurisdiction of the United States of parents not owing allegiance to any foreign sovereignty is, in the language of your Constitution itself, a natural born citizen**’.”¹⁴³

~~310-309.~~ That month, Rep. Bingham crafted that same language into Amendment XIV (final April 28, 1866.)

~~311-310.~~ Senator Lyman Trumbull, Chairman of the Judiciary Committee, inserted “**subject to the complete jurisdiction thereof**” into Amendment XIV, explaining:

“That means 'subject to the complete jurisdiction thereof.' What do we mean by 'complete jurisdiction thereof?' **Not owing allegiance to anybody else. That is what it means.**”¹⁴⁴

~~312-311.~~ In debating Amendment XIV, Sen. Howard confirmed:

“all this amendment [citizenship clause] provides is, that all persons born in the United States and **not subject to some foreign Power**. . . shall be con-

¹⁴¹ James Kent *Commentaries, Lecture 13* (1826-30); Joseph Story, *Commentaries 3* § 1473 (1833).

¹⁴² Act of April 9, 1866 U.S. Revised. Stat. 1878 Sec. 1992

¹⁴³ 39 Cong. 1st Sess., Globe 1291 (Mar. 9, 1866) Statement Rep. Bingham.

¹⁴⁴ 39 Cong. Globe, Mar. 9, 1866 pg. 1293, Statement of Sen. Trumbull.

sidered as citizens of the United States.”¹⁴⁵

~~313.~~312. Chief Justice Waite observed:

“At common law, . . . 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, . . . Some . . . include as citizens children born within the jurisdiction without reference to the citizenship of their parents. As to this class there have been doubts, . . .”¹⁴⁶

~~314.~~313. Justice Gray affirmed:

“. . . citizens are “all persons born or naturalized in the United States, and **subject to the jurisdiction thereof.**” The evident meaning of these last words is not merely subject in some respect or degree to the jurisdiction of the United States, but **completely subject to their political jurisdiction and owing them direct and immediate allegiance.** And the words **relate to the time of birth** in the one case . . .”¹⁴⁷

~~315.~~314. Chief Justice Fuller dissenting stated:

“Considering the circumstances surrounding the framing of the constitution, I submit that **it is unreasonable to conclude that 'natural born citizen'** applied to everybody born within the geographical tract known as the United States, irrespective of circumstances; and **that the children of foreigners, . . . were eligible to the presidency, while children of our citizens, born abroad, were not.**” . . . “The act was passed and the amendment proposed by the same congress, and it is not open to reasonable doubt that **the words “subject to the jurisdiction thereof,” in the amendment were used as synonymous with the words “and not subject to any foreign power, . . .”** This was distinctly so ruled in Elk v. Wilkins, 112 U.S. 101, 5 Sup. Ct. 41.”¹⁴⁸

~~316.~~315. Rep. Bingham, Sen. Trumbull, Sen. Howard, Justice Gray, and Chief Justice Fuller each confirmed de Vattel’s (1758) definition that birth to two citizens within U.S. jurisdiction grants “natural born citizen[ship].”

~~317.~~316. Jay’s exclusion of foreign influence over the Commander in Chief infers that “natural born” requires sole allegiance from birth without dual citizenship.

¹⁴⁵ 39 Cong. Globe (1866) p 2893 Statement Sen. Howard

¹⁴⁶ Minor v. James v Obama 88 U.S. (21 Wall.) 162, 167-168.

¹⁴⁷ 14 Stat. 27; Rev. Stat. § 1992.” Elk v. Wilkins, 112 U.S. 94, 102 (1884).

¹⁴⁸ United States v. Wong Kim Ark, 169 U.S. 649, 716, 721.

5. Most Stringent Constitutional Qualifications for President

~~318~~317. Applicants for greater public trust face stricter constitutional qualifications.

~~319~~318. Appendix Table 2 shows age and training qualifications increasing rapidly from Private, to Commercial, to Airline Transport Pilots.¹⁴⁹

~~320~~319. Representatives bear responsibility for a district, Senators for a State, and the President for the nation.

~~321~~320. Appendix Table I shows their age qualifications increasing from 25 to 30 to 35 years.

~~322~~321. Citizenship duration increases from 7 to 9 years for Representatives and Senators. It jumps to 35 years for President, requiring citizenship from birth, plus requiring 14 years residency within the USA.

~~323~~322. The Framers stringent qualifications for President, correspond to Hamilton and Jay's exclusion of foreign influence.

~~324~~323. By this parallel sequence of constitutional qualifications, the President's "natural born citizen" qualification must be much more stringent than "citizen" for Representatives and Senators.

~~325~~324. This sequence in stringency of constitutional qualifications supports "natural born citizen" requiring birth within the "complete jurisdiction of the United States" without foreign allegiance. I.e. Citizenship by natural law facts of birth within the USA (*jus soli*) to two citizen parents (*jus sanguinis*).

¹⁴⁹ 14 CFR 61 *et seq.*

6. Primary allegiance by father's allegiance at birth

~~326~~325. Allegiance flowed through the father in Judeo-Christian legal tradition.¹⁵⁰

~~327~~326. de Vattel finds allegiance follows 'born of the parents' (*jus sanguinis*) especially through fathers:

" . . .the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights. . . .The country of the fathers is therefore that of the children."¹⁵¹

~~328~~327. Blackstone affirms allegiance through fathers:

" . . . so that all children, born out of the king's licence, whose fathers were natural-born subjects, are now natural-born subjects themselves, to all intents and purposes, . . ." ¹⁵²

~~329~~328. The Founders codified citizenship as passing through the father:

"the right of citizenship shall not descend to persons whose fathers have never been resident in the United States...."¹⁵³

330. Constitutional Convention Delegate Sen. Charles Pinckney affirms:

" . . .through laws of nature the **child inherits the condition of their father.**"¹⁵⁴

~~330~~329. The father's allegiance was held to control a man's natural citizenship:

"As a man is a "citizen" of the country to which his father owes allegiance, it was incumbent on one alleging in an election contest that a **voter was not a citizen** of the United States to show that such **voter's father was not a citizen thereof during his son's minority.**"¹⁵⁵

~~331~~330. Justice Harlan affirmed this historical paternal citizenship, while noting

¹⁵⁰ Bible Ruth 4:6; Rushdoony (1973), *Inst. Biblical Law*, Craig Press p 99.

¹⁵¹ Emmerich de Vattel, *Law of Nations* (1758), Bk. 1, Ch. 19, Citizens & Nations, p 101 sect. 212, sect. 215.

¹⁵² William Blackstone, *Commentaries* (1765) *154-57.

¹⁵³ Naturalization Act 1790 March 26, 1790.

¹⁵⁴ Rec. Fed. Conv. 1787 CCLXXXVIII p 385, 387 (March 28, 1800).

¹⁵⁵ Savage v. Umphries (TX) 118 S. W. 893, 909; Judicial Definitions Words and Phrases 2nd Ser. (1914) West Pub. p 697.

that Congress extended citizenship rights in 1934 to foreign-born children of citizen mothers.^{156, 157}

~~332~~331. Chester Arthur was the only other President to have British citizenship at birth. William Arthur was not naturalized until 14 years after Chester's birth.

~~333~~332. Arthur strenuously hid his disqualifying British allegiance. He appointed and may have influenced Justice Gray. See Appendix.

7. Foreign Allegiance to Britain, Kenya, and Indonesia

a. Irreparable Primary Foreign Allegiance to Britain

~~334~~333. Barack Obama Sr. was an alien Kenyan student without permanent US domicile from the British East African Protectorate of Zanzibar.

~~335~~334. By their Hawaiian divorce decree, Barack H. Obama & Stanley Ann D. Obama acknowledged Barack Hussein Obama II as their issue:

“That one child has been born to said Libelant and Libeled as issue of said marriage, to wit: BARACK HUSSEIN OBAMA, II, a son, born August 4, 1961.”¹⁵⁸

~~336~~335. His colonial father Barack H. Obama had British citizenship at Obama (II)'s birth.¹⁵⁹

“As a Kenyan native, Barack Obama Sr. was a British subject whose citizenship status was governed by The British Nationality Act of 1948. That same act governed the status of Obama Sr.'s children.”¹⁶⁰

~~337~~336. ___ Obama acknowledged allegiance to Britain's sovereign at birth through

¹⁵⁶ Montana v. Kennedy, 366 U.S. 308 (1961)

¹⁵⁷ 10 Stat. 604; 48 Stat. 797.

¹⁵⁸ HI, 1st Cir. Domestic Relations, divorce decree D. No. 57972 Stanley Ann D. Obama v. Barack H. Obama p 2 § IV. Posted at: <http://www.plainsradio.com>

¹⁵⁹ British Nationality Act (1948) § 5 (1)

¹⁶⁰ <http://www.Fightthesmears.com>

his father.¹⁶¹

~~338~~337. The Annenberg Foundation affirms Obama's British citizenship:

“. . .at the time of his birth, Barack Obama Jr. was both a U.S. citizen (by virtue of being born in Hawaii) and a citizen of the United Kingdom and Colonies (or the UKC) by virtue of being born to a father who was a citizen of the UKC”.¹⁶²

~~339~~338. By birth to a paternal British subject, Obama had British citizenship by natural law fact.

~~340~~339. Obama had irreparably failed to qualify as British citizenship at birth disqualified him from being a US “natural born citizen.”

~~341~~340. XIV'th amendment civil citizenship fails to remove Obama's disqualification by natural law of primary foreign allegiance at birth.

b. Kenyan citizenship, and Ongoing Influence & *de facto* Allegiance

~~342~~341. ___ Obama gained Kenyan citizenship on its independence through his father Barack H. Obama (Sr.):

“. . .So given that Obama qualified for citizen of the UKC status at birth and given that Obama's father became a Kenyan citizen via subsection (1), it follows that Obama did in fact have Kenyan citizenship after 1963. . .” *Id.*,¹⁶³

~~343~~342. Obama was a Kenyan citizen until his citizenship expired on 4th August 1982. *Id.*

~~344~~343. Obama apparently traveled to Kenya in 1981 from Indonesia and Pakistan.

~~345~~344. If Obama declared his Kenyan citizenship on entry, he would have

¹⁶¹ British Nationality Act of 1948, Pt. II, § 5 ¶ 1.

¹⁶² Joe Miller, *Does Barack Obama have Kenyan citizenship?* FactCheck.org August 29, 2008

¹⁶³ Constitution of Kenya, Ch. VI, § 87 (1), (2).

affirmed Kenyan allegiance after reaching age 18 in 1979.

~~346~~345. After Obama's election, Kenya's Vice President declared:

"We now have an African American of **Kenyan origin** being President-elect. . . . **to support that blood relation**, . . . this year Senator Barack Obama called me at midnight and told me: "Mr. Vice President, could you make sure you sort out this problem?" I want to assure him that the problem has since been sorted out. . . ." ¹⁶⁴

~~347~~346. For Obama to make a personal request during his election year of Kenya's Vice President implies incurring foreign influence after age 18.

~~348~~347. Obama's step-grandmother allegedly stated she attended his birth in Mombasa. ¹⁶⁵

~~349~~348. Barack Obama campaigned for Raila Odinga in 2006, being of the same Luo tribe. *Id.*

~~350~~349. After becoming Prime Minister, Odinga sealed records of Obama's birth in Mombasa alleged to exist by the Principal Registrar. *Id.*

~~351~~350. Odinga forbade Obama's relatives from speaking with reporters without permission. *Id.*

~~352~~351. Kenyan President Mwai Kibaki, declared a national holiday on Nov. 6th in Obama's honor. ¹⁶⁶

~~353~~352. Obama's actions after age 18 may have affirmed formal allegiance to, and gave the appearance of having foreign influence by and *de facto* allegiance to the Republic of Kenya.

¹⁶⁴ Statement of The Vice-President and Minister for Home Affairs (Mr. Musyoka): 10 PARL. DEB. Kenya, (2008) Nov. 5 p 3277- 3278.

¹⁶⁵ Berg v. Obama, SC No. 08A50 (F.3d. No. 08-cv-04083) affidavit of Bishop Ron McRae Oct. 27, 2008, & Exhibit 1.

¹⁶⁶ The Chair, 10 PARL. DEB. Kenya, (2008) Nov. 5 p 3277.

~~354~~353. President elect Obama had failed to disprove foreign Kenyan allegiance or influence, breaching the constitutional intent of “natural born citizen.”

c. Foreign allegiance to Indonesia by Adoption

~~355~~354. In his divorce decree, Lolo Soetoro, declared Indonesian citizenship.

~~356~~355. Soetoro implicitly acknowledged adopting Obama, declaring one child under age 18 and one child over age 18.¹⁶⁷

~~357~~356. On Obama’s school records, Lolo Soetoro declared Respondent’s name as “Barry Soetoro”, birth place and date as “Honolulu 4-8-1961”, and citizenship as “Indonesian”.¹⁶⁸

~~358~~357. As Lolo Soetoro (Mangunharjo) acknowledged the child Barry Soetoro as his son, Indonesian law deemed that son to be a citizen of the Republic of Indonesia.^{169, 170}

d. Natural Born excludes naturalized and dual citizenship.

~~359~~358. The framers made explicit exception for:

“. . . a citizen of the United States at the time of the adoption of this Constitution”.¹⁷¹

~~360~~359. By this grandfather exception the Founders defined “natural born citizen” as excluding naturalized persons, inhabitants, and aliens, having held

¹⁶⁷ Stanley Ann Soetoro v. Lolo Soetoro, 1st Ckt. Ct. Haw. FC.D.No.117619 Divorce Decree Aug. 28, 1980.

¹⁶⁸ Record #203 of Fransiskus Assisi School, Jakarta, Indonesia. Broe v. Reed, No. 8-2-473-8, S.C.WA (2008), Joint Affidavit of Plaintiffs, pp 6-8.

¹⁶⁹ Constitution of Republic of Indonesia.

¹⁷⁰ Indonesia Law 62 of 1958 Art. 2 (1) Immigration Affairs and Indonesian Civil Code (Kitab Undang-undang Hukum Perdata) (KUHPer), Sriro's Desk Ref. Indonesian Law, (2006) p 103

¹⁷¹ U.S. CONSTITUTION Article II, § 1 ¶ 5.

foreign allegiance by birth place, or by either parent's allegiance.

~~361.360.~~ As “natural born subjects” of Britain by birth in British colonies to British colonial subjects in America, Presidents Washington, Adams, Jefferson, Madison, Monroe, Quincy Adams, Jackson and Harrison failed to qualify as “natural born citizens,” though made citizens by the DECLARATION OF INDEPENDENCE (1776).

~~362.361.~~ These Presidents qualified under the CONSTITUTION'S grandfather exception.

~~363.362.~~ Obama cannot claim that grandfather naturalization exception.

~~364.363.~~ In 1790, Congress enacted that foreign born children of citizens “shall be considered as natural-born citizens,” extending statutory citizenship.¹⁷²

~~365.364.~~ This grammar distinguishes statutory citizenship from “natural born citizen[ship]” by natural law based on birth place and both parents' allegiance.

~~366.365.~~ In 1795, Congress repealed, correcting “natural born citizen” to “citizen”
173

~~367.366.~~ The Supreme Court affirmed that “natural born citizen” excludes naturalized citizenship.¹⁷⁴

~~368.367.~~ By Jay's exclusion of foreign influence from birth excludes naturalized citizens having previous allegiance.

~~369.368.~~ Thus “natural born citizen” must exclude those with dual citizenship

¹⁷² The Naturalization act of 1790,

¹⁷³ The *Naturalization act of 1795*, 1 Sess. II Ch. 21 414, 415 (1795) Sec. 3

¹⁷⁴ Lauria v. United States, 231 U.S. 9, 22 (1913).

which incurs current foreign allegiance.

e. Indonesian Foreign allegiance by oath, actions after age 18.

~~370:369.~~ “. . . taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state” can result in loss of US citizenship when combined with an intent to relinquish citizenship.¹⁷⁵

~~371:370.~~ Obama reportedly traveled to Indonesia and Pakistan, and apparently to Kenya in spring 1981.

~~372:371.~~ Obama reportedly traveled again around 1988.

~~373:372.~~ Obama gave no evidence of traveling under a U.S. passport in 1981 or 1988.

~~374:373.~~ As President elect, Obama failed to rebut appearance of traveling to Indonesia, and Pakistan on his Indonesian passport.

~~375:374.~~ After reaching age 18 in 1979, Obama probably affirmed allegiance to Indonesia to renew his Indonesian passport around 1981, 1986.¹⁷⁶

~~376:375.~~ As Indonesia expected sole allegiance, Obama probably renounced his US citizenship.

~~377:376.~~ Relators know of no evidence Obama renounced Indonesian citizenship.

~~378:377.~~ President elect Obama had failed to disprove public evidence giving appearance of affirmation of and ongoing allegiance to the Republic of Indonesia by travel on an Indonesian passport after age 18.

¹⁷⁵ Vance v. Terrazas, 444 U.S. 252 (1980); Immigration & Nationality Act Sects. 349(a)(2); 8 USC 1481(a)(2).

¹⁷⁶ U.S. CONST. amend. XXVI.

~~379~~378. President elect Obama had apparently failed to qualify, having adult and current Indonesian allegiance, breaching the constitutional intent of “natural born citizen” having no foreign allegiance.

~~380~~379. XIV'th amendment civil citizenship fails to remove Obama's disqualification of breaching the constitutional intent of no foreign allegiance or influence.

Q. NEGLIGENCE & ACTIONS MAY NULLIFY CONSTITUTION

1. Obama's Negligence, Actions Nullify Constitutional Safeguards

~~381~~380. Can negligence be allowed to nullify the Constitution?

~~382~~381. In Marbury v. Madison, J. Marshal recognized the Judiciaries obligation to review legislative acts for constitutionality.

~~383~~382. Relators submit that this Court has the corresponding duty to evaluate if actions of constitutionally defined officers and persons, satisfied, neglected, or breached constitutionally defined duties.

~~384~~383. Thus this Court has jurisdiction over whether President elect Obama had proved qualifications with “clear and convincing” *prima facie* evidence before inauguration, OR whether he “had failed to qualify”.¹⁷⁷

~~385~~384. Obama’s negligence and actions would set precedent nullifying Constitutional safeguards.

2. Failure by Obstruction of Constitutional Validation Duties

~~386~~385. By seeking the office of President, Obama had constitutional and ethical

¹⁷⁷ U.S. CONST. amend. XX, § 3.

duties to “take care that the laws be faithfully executed”.

387-386. These duties, included submitting *prima facie* evidence to satisfy his burden of proof, before inauguration, that he qualified for president.¹⁷⁸

388-387. Public trust imposes an ethical duty to state true facts when legally required. E.g., Circuit Judge Rives observes:

“ . . . particular circumstances may **impose upon a party a duty to speak** rather than to remain silent in respect of **facts within his knowledge and of which another party is ignorant**. It is the duty of a person to make to another person, to whom he holds a trust or fiduciary relationship, **a full disclosure of any and all material facts within his knowledge**,. . .”¹⁷⁹

389-388. Failure to so disclose necessary information is construed as negligence or fraud:

“Silence can only be equated with fraud where there is a **legal or moral duty to speak** or where an **inquiry left unanswered would be intentionally misleading**.”¹⁸⁰

390-389. Judge Tuttle opined:

“ . . . the traditional definition of “fraud and deceit,” since such terms can apply to an implied misstatement of the existing facts or **the failure to state the true facts when such statement is legally required**, . . .”¹⁸¹

391-390. In the face of numerous court challenges to his qualifications for President, Obama systematically withheld access to his birth records.

392-391. When \$10 would have provided a certified birth certificate, Obama engaged three law firms and incurred well over half a million dollars to oppose those challenging his qualifications.

¹⁷⁸ U.S. CONST., art. II, § 3, & amend. XX, § 3

¹⁷⁹ Circuit Judge Rives, American Nat'l Ins. Co., etc. v. Murray, 383 F.2d 81 ¶29, 30.

¹⁸⁰ United States v. Prudden 424 F.2d, 1021, 1032 ¶43.

¹⁸¹ Judge Tuttle, Atilus v. United States, 406 F.2d 694, 698 ¶24 (5th Cir. 1969).

~~393~~392. Obama sealed all his educational records in Punahou High School, Occidental College, Columbia University, and Harvard Law School.

~~394~~393. Obama gives the impression he is hiding evidence regarding his qualifications.

~~395~~394. Obama has obstructed efforts by State and Federal officers to perform constitutional duties to validate or evaluate his qualifications for President.

~~396~~395. Obama opposed efforts by citizens challenging his qualifications in Court to uphold the People's rights.

~~397~~396. This Court has Jurisdiction to evaluate whether the President Elect had fulfilled his ethical duty in applying for U.S. CONSTITUTION's highest office of public trust.

~~398~~397. As in Marbury v. Madison, it can determine if Obama had violated those constitutional duties by obstructing Federal officers in their constitutional duties to validate or evaluate of proof to qualify before taking his Oath of Office.¹⁸²

R. *MANDAMUS* ON SEC. CLINTON TO REQUEST DOCUMENTS

~~II.~~—

~~399~~398. **The Department of State requires and possesses, immigration, emigration, and passport records evidencing declared name(s) and citizenship, *prima facie* citizenship evidence submitted.**

~~400~~399. The DOS keeps any naturalization or affirmations of allegiance for Obama and/or his parents.

~~401~~400. In *arguendo* of Obama's burden of proof, due diligence requires evaluating and documenting any allegiance(s) to the United Kingdom, and the

¹⁸² U.S. CONST., art. II, § 3, & amend. XX, § 3.

Republics of Kenya and Indonesia, by birth, independence, adoption, and by Obama's actions after age 18.

~~402.~~401. Due diligence requires resolving conflicts between Kenyan and Hawai'ian Registrars over Obama's birth, and uncertainty over Obama's legal name.

~~403.~~402. Secretary of State Hillary Clinton was appointed by Obama and has an intrinsic conflict of interest regarding requesting such information.

~~404.~~403. A draft Writ of Mandamus is appended listing information sought to qualify Obama's qualifications.

~~405.~~404. Only information essential to determine qualifications and show clear title need be made public.

~~406.~~405. Relators move for appointment of an independent emissary to obtain and request this information, to uphold the People's sovereign rights and interests.

A.S. DISCOVERY DOCUMENTS REQUESTED

~~407.~~406. In *arguendo* of Obama's burden, due diligence requires establishing clear title.

~~408.~~407. Obama alleged he registered with Selective Service System in 1979.¹⁸³

~~409.~~408. Federal Agent Steven Coffman (retired) has documented numerous discrepancies on Barack Obama's Certification for Selective Service.¹⁸⁴

~~410.~~409. A preliminary list of documents to be requested during discovery are listed in the Appendix.

¹⁸³ Barack Hussein Obama SSS Registration Nr. 0897080632

¹⁸⁴ Steven Coffman report on Barack Obama SSS DebbieSchlussel.com

B.T. PRAYER FOR RELIEF

~~411.410.~~ WHEREFORE, to obtain President with clear title, Plaintiffs/Relators pray this Court for relief and judgment as follows:

~~412.411.~~ Provide guidelines on how officers bound by oath and citizens are to exercise their duties and rights to uphold the inviolability of Constitution as supreme law, and the sovereign rights of the People to its protections, including the president's qualifications.

~~413.412.~~ Interpret the “natural born citizen” qualification for President relating to his birth place, and each of his parents' allegiances at his birth.

~~414.413.~~ Interpret whether “natural born citizen” restricts his allegiance(s), citizenship(s) and actions, as a minor, and after age 18, regarding foreign allegiance(s) and influence(s).

~~415.414.~~ Interpret the implied duties of State and Federal officers, to determine whether candidates and the President elect had or had failed to qualify, and declare whether these had been performed.

~~416.415.~~ Establish the qualification facts regarding Obama's birth.

~~417.416.~~ Establish relevant facts of foreign allegiance and influence bearing on the intent of “natural born citizen”.

~~418.417.~~ Issue judgment that Respondent Obama had failed to qualify for President per Amendment XX and that he be ousted and excluded therefrom.

~~419.418.~~ Communicate this judgment to Congress and the Electoral College pursuant to their duties under Amendment XX to the United States Constitution.

~~420.419.~~ Allow plaintiffs to recover costs, expert witness fees, and attorney fees,
as may be allowed by law; and

~~421.420.~~ Order such other and further relief as the Court may deem proper.

“I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.”

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Date: March 26, 2009

. APPENDIX

A. Draft Writ of Mandamus on Hawaii Governor Linda Lingle

~~422~~421. In the case of *Easterling v. Obama*, the United States Court of _____ issues a Writ of Mandamus to the Governor of the State of Hawaii, Linda Lingle in her official capacity, for information relating to the identity, age, residency, and natural born citizenship qualifications for President of Barack Husein Obama II, including providing:

Documents relating to the marriage of Barack Hussein Obama (Sr) and Stanley Ann Dunham.

~~423~~422. Certified copies of any marriage license and/or marriage certificate between Barack Hussein Obama and Stanley Ann Dunham, allegedly on February 2, 1961.

~~424~~423. Certified copies of each and every full long form (“vault”) birth record of Barack Hussein Obama II born to Stanley Ann D. Obama (nee Dunham) and Barack Hussein Obama (Sr), allegedly on or about 4 August, 1961.

~~425~~424. Certified copies of the hospital records of Obama's birth, allegedly at Kapiolani Medical Center, Honolulu, and/or Queens Medical Center, Honolulu.

~~426~~425. Certified copies of the hospital registrar(s) and rosters of the doctors, nurses, and other maternity ward staff on duty during the week before and after 4 August, 1961 at Kapiolani Medical Center, Honolulu, and/or Queens Medical Center, Honolulu.

~~427~~426. A certified list of all births that occurred during the week before and after 4 August, 1961 at Kapiolani Medical Center, Honolulu, and Queens Medical

Center Honolulu.

~~428~~427. Certified copies of documents on the divorce of Barack H. Obama and Stanley Ann D. Obama (nee Dunham) including: HI, 1st Cir. Domestic Relations, divorce decree D. No. 57972 Stanley Ann D. Obama v. Barack H. Obama p 2 § IV, 23 January 1964.

~~429~~428. A certified copy of any full long form birth certificate and any other documents recording any change of legal name created for Barack Dunham, a/k/a Barry Dunham, a/k/a Barack Hussein Obama II, created after the divorce of Barack H. Obama from Stanley Ann D. Obama (nee Dunham), e.g., about or after 23 January 1964.

Documents relating to the marriage of Lolo Soetoro and Stanley Ann D. Soetoro

~~430~~429. Any marriage license and/or marriage certificate for the marriage between Lolo Soetoro and Stanley Ann D. Soetoro (nee Dunham). e.g., around 1966 or 1967.

~~431~~430. A certified copy of any full long form birth certificate and any other documents, including records of any change of legal name, created for Barry Soetoro a/k/a Barack Hussein Obama II, Barack Dunham, or Barry Dunham, pursuant to recording the marriage of Lolo Soetoro (Mangunharjo) to Stanley Ann D. Soetoro (nee Dunham), e.g., on or about 1966 or 1967.

~~432~~431. Certified copies of the documents of the divorce of Lolo Soetoro and Stanley Ann D. Soetoro (nee Dunham). Including Stanley Ann Soetoro v. Lolo Soetoro, 1st Ckt. Ct. Haw. FC.D.No.117619 Divorce Decree Aug. 28, 1980.

~~433.~~432. A certified copy of any full long form birth certificate and other documents including records of any change in legal name, created for Barry Dunham, a/k/a Barry Soetoro, Barack Dunham, Barack Hussein Obama II, Barack Dunham, on recording the divorce of Lolo Soetoro (Mangunharjo) and Stanley Ann D. Soetoro (nee Dunham), e.g., about or after 28 August 1980.

B. Draft Writ of Mandamus on the Secretary of State Hillary Clinton

~~434.~~433. In the case of *Easterling v. Obama*, the _____ United States Court issues a Writ of Mandamus to the Secretary of State, Hillary Clinton in her legal capacity, for information relating to the qualifications for President, of Barack Hussein Obama II, including to:

~~435.~~434. A) Provide certified documents evidencing the legal name(s), birthplace, birth date, residence, and type of citizenship, of Barack Hussein Obama, II, a/k/a Barry Soetoro, a/k/a Barry Dunham, including passports, emigration, and immigration documents, including travels to/from the British East African Protectorate of Zanzibar, the Republic of Kenya, the Republic of Indonesia, and the Islamic Republic of Pakistan. e.g., Provide:

~~436.~~435. Evidence of whether Obama's asserted his claim to US nationality on returning from Indonesia as a minor, or after age 18, or declared allegiance to Kenya or Indonesia after age 18.

~~437.~~436. Evidence of alleged emigration of Stanley Ann D. Obama and Barack H. Obama II from Kenya in 1961;

~~438.~~437. Evidence of travel of Barry Soetoro (a/k/a/ Barack H. Obama II) with Lolo Soetoro and Stanley Ann D. Soetoro to the Republic of Indonesia about 1967, including declared name, date, declared citizenship and travel documents used;

~~439.~~438. Evidence of travel of Barack Hussein Obama II, (a/k/a/ Barry Soetoro, Barry Dunham) emigrating from Indonesia and immigrating to the USA about 1971, including declared name(s), dates, declared citizenship(s), and travel documents used on emigration and immigration to both countries;

~~440.~~439. Evidence of travel of Barack Hussein Obama II, (a/k/a/ Barry Soetoro, Barry Dunham) travel from the USA to the Republic of Indonesia about 1981 including declared name(s), dates, declared citizenship, and the travel documents used on emigration and immigration to both countries;

~~441.~~440. Evidence of travel of Barack Hussein Obama II, (a/k/a/ Barry Soetoro, Barry Dunham) to and from the Islamic Republic of Pakistan about 1981, and in the period 1987 to 1992, including declared name(s), date(s), declared citizenship(s), and travel documents used on emigration and immigration to both countries;

~~442.~~441. Evidence of travel of Barack Hussein Obama II, (a/k/a/ Barry Soetoro, Barry Dunham) to and from the Republic of Kenya, allegedly about 1981, and again in the 1985, 1986 or spring 1988, including declared name(s), date(s), declared citizenship(s), and travel documents used on emigration and immigration to both countries;

~~443.~~442. Certified evidence of the legal name and citizenship provided to obtain the travel documents used by Barry Soetoro to travel to Indonesia, whether on his

own passport, or on his mother's passport, in about 1967;

444.443. Certified copies of evidence of the legal name and citizenship provided to obtain the passport used by Barack Hussein Obama II (a/k/a Barry Soetoro) to travel to and from Indonesia, in about 1976, and about 1981;

445.444. A copy of the formal US policy regarding travel by private US citizens to Pakistan in 1981.

446.445. Certified copies of evidence of the legal name and citizenship provided to obtain or renew the passport used by Barack Hussein Obama II, (a/k/a Barry Soetoro, a/k/a Barry Dunham) to travel to and from the Republic of Kenya in about 1985-1988;

447.446. Certified copies of evidence of legal name and citizenship used by Senator Barack Hussein Obama II to obtain his passport for travel in 2005 and 2006.

448.447. B) Provide certified documents evidencing any British, Kenyan, and/or US citizenship, status, and domicile, of Barack Hussein Obama (Sr.), including passports, visas, and immigration and emigration documents for citizenship and travel to and from the British East African Protectorate of Zanzibar, and the Republic of Kenya, during or about the period from 1959 to 1971.

449.448. C) Provide certified documents evidencing any U.S., British, Kenyan, and/or Indonesian citizenship of Stanley Ann Dunham, Stanley Ann D. Obama (nee Dunham), and Stanley Ann D. Soetoro (nee Dunham), including any travel to and from the British East African Protectorate of Zanzibar (e.g. in 1961), and the Repub-

lic of Indonesia, including passports, visas, and immigration and emigration documents, during or about the period from 1964 to 1995. Request statements from Obama's aunt Kezia Obama, and half-sister Auma Obama regarding the birth location and events relating to Obama's birth to Dunham.

~~450.449.~~ D) Request certified information from the Republic of Kenya, relating to the birthplace, birth date, and British and Kenyan citizenship of Barack Hussein Obama (Sr.) and his marriage to Stanley Ann D. Obama (nee Dunham);

~~451.450.~~ E) Request certified information from the Republic of Kenya, relating to the birthplace, birth date, and British and Kenyan citizenship of Barack Hussein Obama II, including full original records of his birth to Stanley Ann D. Obama on or about 4 August 1961, allegedly in the Coastal Provincial General Hospital, Mombasa; a full list of all other births in that hospital for the week before and after Obama's alleged birth on 4 August 1961; and notarized statements from relatives, and eye witnesses as to his birth or birth records, and after Obama's alleged birth, including the Principal Registrar and relatives including Habiba Akumu Obama, Sarah Hussein Obama, and Malik Obama.

~~452.451.~~ F) Request certified information from the United Kingdom for evidence it may have relating to the British and Kenyan citizenship of Barack Hussein Obama (Sr) and Barack Hussein Obama II, including his alleged birth on or about 4 August 1961 to Stanley Ann D. Obama (nee Dunham) and Barack Hussein Obama (Sr) in or near Mombasa, Kenya.

~~453.452.~~ G) Request certified information from the Republic of Indonesia relating
James v. Obama, Demand: Quo Warranto, etc. to Taylor DC Apr. 6, 2009 v0.95 Appendix p 6/29

to the birthplace, birth date, and Indonesian (and/or Malaysian) citizenship of Lolo Soetoro (Mangunharjo), particularly during the period 1964 to 1987.

~~454.453.~~ H) Request certified information from the Republic of Indonesia relating to both the marriage of Stanley Ann D. Soetoro to Lolo Soetoro and their divorce, including any acquired Indonesian citizenship thereto, any renunciation of US citizenship, visas, passport, and travel to/from Indonesia, in the period from 1964 to 1975.

~~455.454.~~ Request certified information from the Republic of Indonesia relating to the identity, travel, and citizenship(s) of Barry Soetoro, a/k/a Barry Dunham, a/k/a Barack Hussein Obama II, including dates of immigration and emigration; including his adoption papers, declaration, certificate and evidence of Indonesian citizenship, any renunciation of US allegiance, identity papers (including the Kartu Keluarga) of Lolo Soetoro listing his wife and children, and the identity papers for Stanley Ann Dunham listing her children after her divorce from Soetoro.

~~456.455.~~ Certified copies of evidence of the legal name and citizenship provided to obtain the travel documents used by Barry Soetoro to travel to the U.S.A. about 1971, and his emigration date, whether on his own or his mother's passport, or on his Indonesian or US birth certificate(s);

~~457.456.~~ Certified copies of evidence of the legal name, citizenship, and declaration of allegiance, provided to obtain the travel documents used by Barry Soetoro to travel from/to the U.S.A. about 1976, and his immigration/emigration dates;

~~458.~~457. Certified copies of school records of Barry Soetoro (a/k/a Barack H. Obama II), son of Lolo Soetoro evidencing his name and birth date, birthplace and/or citizenship, and names of his father and/or mother. e.g., at the Franciscan Asisi Primary School from about 1 January 1967-1969, and at the Besuki State Elementary School, Meteng 01, Jakarta, from about 1969-1971.

~~459.~~458. Adoption birthplace, birth date, and citizenship of Lolo Soetoro (Mangunharjo), allegedly born about 29 November 1942. Adoption of Barry Soetoro, a/k/a Barack Hussein Obama II, a/k/a Barry Dunham by Lolo Soetoro, change of name to Barry Soetoro, Indonesian citizenship, passports, and actions after his age of suffrage, of renewing his passport, affirming allegiance to Indonesia, renouncing US citizenship, and traveling on Indonesian passport(s).

~~460.~~459. From the Islamic Republic of Pakistan requesting information regarding travel by Barry Soetoro a/k/a Barry Dunham, a/k/a Barack Hussein Obama II to Pakistan in 1981, including what name(s) he traveled under, what allegiance(s) he claimed, which passport he traveled on, and details regarding his activities in Pakistan relevant to Respondent's allegiance.

C. Request for Production of Documents

~~461.~~460. 1) *Prima facie* evidence at the birth of Respondent Barack Hussein Obama II documenting:

~~462.~~461. 1.1) His birthplace.

~~463.~~462. 1.2) His birth date.

~~464.~~463. 1.3) The citizenship(s) of his father Barack Hussein Obama (Sr.).

~~465-464.~~ 1.4) The citizenship(s) of his mother Stanley Ann Dunham Obama.

~~466-465.~~ 1.5) The citizenship(s) of Barack Hussein Obama II.

~~467-466.~~ Each and every original long form (“vault”) birth certificate created in Hawaii for Barack Hussein Obama II.

~~468-467.~~ Copies of the original application and all related evidence submitted with the application to register birth of Barack Hussein Obama II.

~~469-468.~~ Each and every original long form (“vault”) birth certificate created for Barry Dunham.

~~470-469.~~ Each and every original long form (“vault”) birth certificate created in Hawaii for Barry Soetoro.

~~471-470.~~ Each and every original long form (“vault”) birth certificate created in Kenya for Barack Hussein Obama II to Stanley Ann Dunham Obama.

~~472-471.~~ Copies of the original application and all related evidence submitted with the application to register birth of Barack Hussein Obama II in Kenya.

~~473-472.~~ Certified registration and financial aid records from Punahou High School, documenting the names, birthplace, and citizenship registered by Barack Hussein Obama II, a/k/a Barry Soetoro, a/k/a Barry Dunham 1971-1979.

~~474-473.~~ Certified registration and financial aid records from Occidental College, documenting the name(s), birthplace and citizenship registered by Barack Hussein Obama II, a/k/a Barry Soetoro, a/k/a Barry Dunham 1979-1981.

~~475-474.~~ Certified registration and financial aid records from Columbia

University, declaring the name(s), birthplace, and citizenship registered by Barack Hussein Obama II, a/k/a Barry Soetoro, a/k/a Barry Dunham. 1981-1984.

~~476.~~475. Certified registration and financial aid records from Harvard Law School, documenting the name(s), birthplace and citizenship registered by Barack Hussein Obama II, a/k/a Barry Soetoro, a/k/a Barry Dunham. 1988-1991.

~~477.~~476. Current and archived records of Barack Obama's Selective Service Record DLN#0897080632, September 4, 1980.

~~478.~~477. Copies of 100 records before and after this record in sequence in the Federal Records Center, Chicago.

~~479.~~478. Evidence documenting the citizenship of Stanley Ann Dunham at the birth of Barack Hussein Obama II.

~~480.~~479. Evidence documenting the citizenship of Barack Hussein Obama at the birth of Barack Hussein Obama II.

~~481.~~480. A list of all immigration and emigration dates for travel to and from each of the U.S.A., Republic of Indonesia, Republic of Kenya, Republic of Pakistan in the period from August 1961 to December 1990, for Barack Hussein Obama, Barack Hussein Obama II, Stanley Ann Dunham Obama, Barry Dunham, Lolo Soetoro, Stanley Ann D. Soetoro, and Barry Soetoro, and any related aliases.

~~482.~~481. A list of each passport or travel document used for travel to and from each of the U.S.A., Republic of Indonesia, Republic of Kenya, and the Republic of Pakistan in the period from August 1961 to December 1990, for Barack Hussein Obama, Barack Hussein Obama II, Stanley Ann Dunham Obama, Barry Dunham,

Lolo Soetoro, Stanley Ann D. Soetoro, and Barry Soetoro, and any related aliases.

D. Constitution of the United States of America (1787) Extracts

U.S. CONST., preamble

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Prosterity, do ordain and establish this Constitution for the United States of America.

U.S. CONST. art. I, § 3, cl. 6

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two thirds of the members present.

U.S. Const. art. I, § 3, cl. 6

The Senate shall have the sole Power to try al Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation.

U.S. CONST. art. II, § 1, cl. 5.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty five years, and been fourteen Years a resident within the United States.

U.S. CONST. art. II, § 1, cl. 8.

Before he enter on the Execution of his Office, *he shall take the following Oath or Affirmation:--"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."* (Emphasis added.)

U.S. CONST. art. II § 2

"The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States;"

U.S. CONST. art. III, § 3.

Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort.

U.S. CONST. art. VI, cl. 2.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.

U.S. CONST. art. VI, cl. 3.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

U.S. CONST. amend. IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

U.S. CONST. amend. X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

U.S. CONST. amend. XIV, § 1

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

U.S. CONST. amend. XXVI § 1

The right of citizens of the United States, who are 18 years of age or older, to vote, shall not be denied or abridged by the United States or any state on account of age.

E. United States Code

3 USC 15 § 15 Counting electoral votes in congress para. 4

“Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received.”

8 USC 5 Sec. 1361. Burden of proof upon alien

“Whenever any person makes application for a visa or any other document required for entry, or makes application for admission, or otherwise attempts to enter the United States, the burden of proof shall be upon such person to establish that he is eligible to receive such visa or such document, or is not inadmissible under any provision of this chapter, . . .In any removal proceeding under part IV of this

subchapter against any person, the burden of proof shall be upon such person to show the time, place, and manner of his entry into the United States, . . . If such burden of proof is not sustained, such person shall be presumed to be in the United States in violation of law.”

8 USC Sec. 1481 Loss of nationality by native-born . . . burden of proof

“(b) Whenever the loss of United States nationality is put in issue in any action or proceeding commenced on or after September 26, 1961 under, or by virtue of, the provisions of this chapter or any other Act, the burden shall be upon the person or party claiming that such loss occurred, to establish such claim by a preponderance of the evidence. Any person who commits or performs, or who has committed or performed, any act of expatriation under the provisions of this chapter or any other Act shall be presumed to have done so voluntarily, but such presumption may be rebutted upon a showing, by a preponderance of the evidence, that the act or acts committed or performed were not done voluntarily.”

10 USC A II Ch 31 § 502. Enlistment oath

(a) Enlistment Oath.— Each person enlisting in an armed force shall take the following oath: “I, XXXXXXXXXXXX, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God.”

16 USC Sec. 1651. Writs

(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

(b) An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction.

18 U.S.C § 1001. Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully--

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), im-

prisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.”

1. Oaths of Enlistment and Oaths of Office

Oath for commissioned officers:

"I, _____ (SSAN), having been appointed an officer in the Army of the United States, as indicated above in the grade of _____ do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign or domestic, that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservations or purpose of evasion; and that I will well and faithfully discharge the duties of the office upon which I am about to enter; So help me God." (DA Form 71, 1 August 1959, for officers.)

10 USC § 4346. Cadets: requirements for admission

(d) To be admitted to the Academy, an appointee must take and subscribe to the following oath—

“I, XXXXXXXXXXXX, do solemnly swear that I will support the Constitution of the United States, and bear true allegiance to the National Government; that I will maintain and defend the sovereignty of the United States, paramount to any and all allegiance, sovereignty, or fealty I may owe to any State or country whatsoever; and that I will at all times obey the legal orders of my superior officers, and the Uniform Code of Military Justice.”

32 USC Ch 3 § 312. Appointment oath

Each person who is appointed as an officer of the National Guard shall subscribe to the following oath:

“I, XXXXXX, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of XXXXXX against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of XXXXXX, that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of XXXX in the National Guard of the State of XXXXXX upon which I am about to enter, so help me God.”

2. Naturalization statutes

The *Naturalization act of 1790*,

"...the children of citizens of the United States that may be born beyond Sea, or out of the limits of the United States, shall be considered as natural born Citizens..."

The *Naturalization act of 1795*, 1 Sess. II Ch. 21 414, 415 (1795) SEC. 3

“And be it further enacted, that the children of persons duly naturalized, dwelling within the United States, and being under the age of twenty-one years at the time of such naturalization, and the children of citizens of the United States born out of the limits and jurisdiction of the United States, shall be considered as citizens of the United States. Provided, that the right of citizenship shall not descend on persons whose fathers have never been resident of the United States.”

F. DISTRICT OF COLUMBIA CODE

D. II, T. 16, Chapter 35. Quo Warranto. (Current through Dec. 1, 2008)

1. Subchapter I. Actions Against Officers of the United States.

§ 16-3501. Persons against whom issued; civil action.

“A quo warranto may be issued from the United States District Court for the District of Columbia in the name of the United States against a person who within the District of Columbia usurps, intrudes into, or unlawfully holds or exercises, a franchise conferred by the United States or a public office of the United States, civil or military. The proceedings shall be deemed a civil action.”

§ 16-3502. Parties who may institute; ex rel. proceedings.

“The Attorney General of the United States or the United States attorney may institute a proceeding pursuant to this subchapter on his own motion or on the relation of a third person. The writ may not be issued on the relation of a third person except by leave of the court, to be applied for by the relator, by a petition duly verified setting forth the grounds of the application, or until the relator files a bond with sufficient surety, to be approved by the clerk of the court, in such penalty as the court prescribes, conditioned on the payment by him of all costs incurred in the prosecution of the writ if costs are not recovered from and paid by the defendant.”

§ 16-3501. Persons against whom issued; civil action.

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§ 16-3503. Refusal of Attorney General or United States attorney to act; procedure.

“If the Attorney General or United States attorney refuses to institute a quo warranto proceeding on the request of a person interested, the interested person may apply to the court by certified petition for leave to have the writ issued. When, in the opinion of the court, the reasons set forth in the petition are sufficient in law, the writ shall be allowed to be issued by any attorney, in the name of the United States, on the relation of the interested person on his compliance with the condition prescribed by section 16-3502 as to security for costs.”

2. Subchapter III. Procedures and Judgments.

§ 16-3542. Notice to defendant.

“On the issuing of a writ of quo warranto the court may fix a time within which the defendant may appear and answer the writ. When the defendant cannot be found in the District of Columbia, the court may direct notice to be given to him by publication as in other cases of proceedings against nonresident defendants, and upon proof of publication, if the defendant does not appear, judgment may be rendered as if he had been personally served.”

§ 16-3543. Proceedings on default.

“If the defendant does not appear as required by a writ of quo warranto, after being served, the court may proceed to hear proof in support of the writ and render judgment accordingly.”

§ 16-3544. Pleading; jury trial.

“In a quo warranto proceeding, the defendant may demur, plead specially, or plead “not guilty” as the general issue, and the United States or the District of Columbia, as the case may be, may reply as in other actions of a civil character. Issues of fact shall be tried by a jury if either party requests it. Otherwise they shall be determined by the court.”

§ 16-3545. Verdict and judgment.

“Where a defendant in a quo warranto proceeding is found by the jury to have usurped, intruded into, or unlawfully held or exercised an office or franchise, the verdict shall be that he is guilty of the act or acts in question, and judgment shall be rendered that he be ousted and excluded therefrom and that the relator recover his costs.”

§ 16-3548. Recovery of damages from usurper; limitation.

“At any time within a year from a judgment in a quo warranto proceeding, the relator may bring an action against the party ousted and recover the damages sustained by the relator by reason of the ousted party's usurpation of the office to which the relator was entitled.”

G. STATE OF CALIFORNIA STATUTES

VC Div. 6 Ch1 Art. 1 § 215 Driving for Hire or Truck Driving: Age Limit

“(a) No person under the age of 18 years shall be employed for compensation by another for the purpose of driving a motor vehicle on the highways.

(b) No person under the age of 21 years shall be employed for compensation by another to drive, and no person under the age of 21 years may drive a motor vehicle, as defined in Section 34500 or subdivision (b) of Section 15210, that is engaged in interstate commerce, or any motor vehicle that is engaged in the interstate or intrastate transportation of hazardous material, as defined in Section 353.”

Cal. Code 12505 (a)(1) Residency.

“. . . residency shall be determined as a person’s state of domicile. . . .where a person has his or her true, fixed, and permanent home and principal residence and to which he or she has manifested the intention of returning whenever he or she is absent.”

“*Prima facie* evidence of residency” includes:

“(A) Address where registered to vote.

(B) Payment of resident tuition at a public institution of higher education.

(C) Filing a homeowner’s property tax exemption. . . .”

H. Hawaii Revised Statutes

H.R.S. § 338-17.7 Establishment of new certificates of birth

(a) The department of health shall establish, in the following circumstances, a new certificate of birth for a person born in this State who already has a birth certificate filed with the department and who is referred to below as the “birth registrant”:

(1) Upon receipt of an affidavit of paternity, a court order establishing paternity, or a certificate of marriage establishing the marriage of the natural parents to each other, together with a request from the birth registrant, or the birth registrant’s parent or other person having legal custody of the birth registrant, that a new birth certificate be prepared because previously recorded information has been altered pursuant to law; . . .

(3) Upon receipt of a certified copy of a final adoption decree, or of an abstract of the decree, pursuant to sections 338-20 and 578-14;

(b) When a new certificate of birth is established under this section, it shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence supporting the preparation of the new certificate shall be sealed and filed. Such sealed document shall be opened only by an order of a court of record.

H.R.S. § 338-18 Disclosure of records.

(a) To protect the integrity of vital statistics records, to ensure their proper use, and to ensure the efficient and proper administration of the vital statistics system, it shall be unlawful for any person to permit inspection of, or to disclose information contained in vital statistics records, or to copy or issue a copy of all or part of any such record, except as authorized by this part or by rules adopted by the department of health.

(b) The department shall not permit inspection of public health statistics records, or issue a certified copy of any such record or part thereof, unless it is satisfied that the applicant has a direct and tangible interest in the record. The following persons shall be considered to have a direct and tangible interest in a public health statistics record:

(1) The registrant; . . .

(7) A person or agency acting on behalf of the registrant; . . .

(9) A person whose right to inspect or obtain a certified copy of the record is established by an order of a court of competent jurisdiction;

(g) The department shall not issue a verification in lieu of a certified copy of any such record, or any part thereof, unless it is satisfied that the applicant requesting a verification is:

(4) A private or government attorney who seeks to confirm information about a vital event relating to any such record which was acquired during the course of or for purposes of legal proceedings; . . .”

I. INTERNATIONAL LAW

1. *Magna Carta* (1215) § 61

“ . . if we (King/President) or our justiciar (Chief Justice), or our bailiffs, or any of our servants shall have done wrong in any way toward any one, or shall have transgressed any of the articles of peace or security; . . .We will not seek to procure from anyone, either by our own efforts or those of a third party, anything by which any part of these concessions or liberties might be revoked or diminished. Should such a thing be procured, it shall be null and void .”

2. Hague Convention 1930

“A State may not afford diplomatic protection to one of its nationals against a State whose nationality such person also possesses.” Article 4,

3. INDONESIAN LAW

“Foreign persons under age of five who are adopted by Indonesian Citizens obtain Indonesian Citizenship following legalization of adoption process by District Court of general jurisdiction with jurisdiction over adoptive parents.” Indonesia Law 62 of 1958 Art. 2 (1), Sriro's Desk Reference of Indone-

J. Founders on Natural Born Citizen

“Sketch of a plan of government which was meant only to give a more correct view of his ideas, and to suggest the amendments which he should probably propose ... in ... future discussion”... Article IX Section 1: “No person shall be eligible to the office of President of the United States unless he be now a Citizen of one of the States, or hereafter be born a Citizen of the United States.” Alexander Hamilton, June 18, 1787, 3 M. Farrand, *The Records of the Federal Convention of 1787*, at 617, 629.

“It was intended to give your President the command of your forces, the disposal of all the honors and offices of your Government, the management of your foreign concerns, and the revision of your laws. Invested with these important powers, it was easily to be seen that the honor and interest of your Government required he should execute them with firmness and impartiality; that, to do this, he must be **independent of the Legislature**; that they must [P 386] have no control over his election; that the only mode to prevent this was to give the exclusive direction to the State Legislatures in the mode of choosing Electors, who should be obliged to vote secretly; and that the vote should be taken in such manner, and on the same day, as to make it impossible for the different States to know who the Electors are for, **or for improper domestic, or, what is of much more consequence, foreign influence and gold to interfere**; that by doing this the President would really hold his office independent of the Legislature; that instead of being the creature, he would be the man of the people; that he would have to look to them, and to the confidence which he felt his own meritorious actions would inspire, for applause or subsequent appointments....Knowing that it was the intention of the Constitution to make the President completely independent of the Federal Legislature, I well remember it was the object, as it is at present not only the spirit but the letter of that instrument, to give to Congress no interference in, or control over the election of a President. . . . [P 387] . . . They well knew, that to give to the members of Congress a right to give votes in this election, or to decide upon them when given, was to destroy the independence of the Executive, and make him the creature of the Legislature. This therefore they have guarded against, **and to insure experience and attachment to the country**, they have determined that no man who is not a **natural born** citizen, or citizen at the adoption of the Constitution, of **fourteen years residence, and thirty-five years of age**, shall be eligible....” Senator Charles Pinckney (emphasis added) *The Records of the Federal Convention of 1787* [Farrand's Records, Volume 3] CCLXXXVIII. Charles Pinckney in the United States Senate. March 28, 1800, 1 *Annals of Congress*, Sixth Congress, 129--139.] pp 385, 386, 387 http://lweb2.loc.gov/cgi-bin/query/D?hlaw:17:./temp/~ammem_CpCV::

“the president should be a natural born citizen ... Considering the greatness of the trust... these restrictions will not appear altogether useless or unimportant. As the president is required to be a native citizen of the United States, ambitious foreigners cannot intrigue for the office, and the qualification of birth cuts off all those inducements from abroad to corruption, negotiation, and war, which have frequently and fatally harassed the elective monarchies of Germany and Poland, as well as the Pontificate at Rome.” James Kent, Lecture 13 Of the President (2.), Commentaries on American Law (1826-1830).

“It is indispensable, too, that the president should be a natural born citizen of the United States; or a citizen at the adoption of the constitution, and for fourteen years before his election. This permission of a naturalized citizen to become president is an exception from the great fundamental policy of all governments, to exclude foreign influence from their executive councils and duties. It was doubtless introduced (for it has now become by lapse of time merely nominal, and will soon become wholly extinct) out of respect to those distinguished revolutionary patriots, who were born in a foreign land, and yet had entitled themselves to high honours in their adopted country. A positive exclusion of them from the office would have been unjust to their merits, and painful to their sensibilities. But the general propriety of the exclusion of foreigners, in common cases, will scarcely be doubted by any sound statesman. It cuts off all chances for ambitious foreigners, who might otherwise be intriguing for the office; and interposes a barrier against those corrupt interferences of foreign governments in executive elections, which have inflicted the most serious evils upon the elective monarchies of Europe. Germany, Poland, and even the pontificate of Rome, are sad, but instructive examples of the enduring mischiefs arising from this source.” Joseph Story, Commentaries on the Constitution 3 § 1473 on Art II § 1 Cl. 5 (1833)

K. Barack Obama, on Ethics, Transparency & Open Government

“My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government.

Government should be transparent. Transparency promotes accountability and provides information for citizens about what their Government is doing. Information maintained by the Federal Government is a national asset. My Administration will take appropriate action, consistent with law and policy, to disclose information rapidly in forms that the public can readily find and use. Executive departments and agencies should harness new technologies to put information about their operations and decisions online and readily available to the public. Executive departments and agencies should also solicit public feedback to identify information of greatest use to the public. . . .” Barack Obama, Memorandum for the Heads of Ex-

ecutive Departments and Agencies, The Whitehouse, Mon, January 26, 12:27 PM EST

L. Natural Law, Law of Nations, Emmerich de Vattel

"§ 212. Citizens and natives.

"The citizens are the members of the civil society; bound to this society by certain duties, and subject to its authority, they equally participate in its advantages. The natives, or natural-born citizens, are those born in the country, of parents who are citizens. As the society cannot exist and perpetuate itself otherwise than by the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights. The society is supposed to desire this, in consequence of what it owes to its own preservation; and it is presumed, as matter of course, that each citizen, on entering into society, reserves to his children the right of becoming members of it. The country of the fathers is therefore that of the children; and these become true citizens merely by their tacit consent. We shall soon see whether, on their coming to the years of discretion, they may renounce their right, and what they owe to the society in which they were born. I say, that, in order to be of the country, it is necessary that a person be born of a father who is a citizen; for, if he is born there of a foreigner, it will be only the place of his birth, and not his country." Emmerich de Vattel, Law of Nations, Book I, c.19, § 212.

"§ 215. Children of citizens born in a foreign country.

"It is asked whether the children born of citizens in a foreign country are citizens? The laws have decided this question in several countries, and their regulations must be followed.(59) By the law of nature alone, children follow the condition of their fathers, and enter into all their rights (§ 212); the place of birth produces no change in this particular, and cannot, of itself, furnish any reason for taking from a child what nature has given him; I say "of itself," for, civil or political laws may, for particular reasons, ordain otherwise. But I suppose that the father has not entirely quitted his country in order to settle elsewhere. If he has fixed his abode in a foreign country, he is become a member of another society, at least as a perpetual inhabitant; and his children will be members of it also." Emmerich de Vattel, Law of Nations, Book I, c.19, § 215.

"I am much obliged by the kind present you have made us of your edition of Vattel. It came to us in good season, when the circumstances of a rising state make it necessary frequently to consult the Law of Nations. Accordingly, that copy which I kept, has been continually in the hands of the members of our congress, now sitting." Benjamin Franklin, letter to Charles W.F. Dumas, December 1775.

M. Extracts and authorities on the Rule of Law:

The Declaration and Resolves, Continental Congress, Tansill 1--5 #2 (14 Oct. 1774) preserved 'immutable laws of nature, the principles of the English constitu-

tion and the several Charters.’ These included ‘rights, liberties, and immunities’ and ‘common law’ via their ancestors. Those Codes, Charters, Acts and ‘unalienable rights’ acknowledged God and were secured by swearing before God, commonly on the Bible. When King and Parliament breached their unalienable rights, the Colonies interposed, establishing the U.S.A. by the DECLARATION OF INDEPENDENCE para. 2.

Provide alternatives for the sake of conscience, whenever government touches religion, especially involving deeply held sectarian religious practices, like swearing before God. SC Justice James Iredell defined the Oath as:

“a solemn appeal to the Supreme Being for the truth of what is said by a person who believes in the existence of a Supreme Being and in the state of rewards and punishments according to that form which would bind his conscience most,” 4 Elliott’s Debates p. 196 (30 July 1788).

He described other forms of oaths for other religions.

28 USC § 453, requires each Judge or Justice to “solemnly swear (or affirm) [to] administer justice.” Alternatives to militia duty and union fees are provided for conscientious objectors and those with religious convictions. 10 USC 312b; 29 USC 169.

The Magna Carta (1215) and the DECLARATION OF INDEPENDENCE (U.S. 1776) were both secured before God by Oath or sacred pledge.

“Know that, having regard to God . . . Both we and the barons have sworn that all this shall be observed in good faith and without deceit.” Magna Carta (1215).

“[W]ith a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.” DECLARATION OF INDEPENDENCE (1776) para. 32.

The Constitution is secured by Oath or Affirmation:

“The Senators and Representatives . . . all members of the several state legislatures and all executive and judicial officers . . . shall be bound by Oath or Affirmation to support this Constitution.” U.S. Const. art. VI ¶ 3.

See also U.S. CONST., art. II, § 1, ¶ 8; 5 USC 3331 Oath of Office, Story, J. *Commentaries*, Ch. 43 §1837-1840.

The Oath is a religious act, based on biblical principles:

“Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice?” Washington, *Farewell Address* (1796).

N. Petition for redress of President elect's failure to qualify

Citizen David L. Hagen submitted to Congress the following Petition for redress of grievances that Barack Obama II failed to qualify to become President.

“Re: Petition for Point of order: Barack H. Obama II is not qualified to become president.

Grievance: Barry Soetoro/a.k.a. Barack Hussein Obama II is not qualified to become president, having had primary allegiances to other nations, and not providing unambiguous evidence he is a “natural born Citizen” without other allegiance, to satisfy the Constitution Article 2 Sect. 1.

Prayer: By your oath to uphold the Constitution, your privilege to raise a Point of Order, by the 10th Amendment powers retained by We the People, and by the right of petition for redress of grievances, I pray that you cosign/raise an Objection/Point of Order in Congress on January 8th 2009, with a member of the other House, on the reading of each State’s electoral certificates/of the total vote for Barack Hussein Obama II, per 3 USC Ch. 1, §15, §17, §19(a) (1), and §19 (c) (1), namely:

“We/I Object/raise a Point of Order that Mr. Barack Hussein Obama II, is not qualified to become president per the Constitution Article Two, §1, having “Foreign Allegiances” by birth and adoption, by renouncing US citizenship, and by failing to provide unambiguous evidence that he is “a natural born Citizen” without other allegiance, election of a President who does qualify having precedence over other business of this House per Amend. 20 §3 and 3 USC 1. In particular:

1 Mr. Obama having had conflicting “Foreign Allegiance”(s) cannot become Commander in Chief having sole allegiance to the USA, and thus cannot qualify as “a natural born Citizen”.

1.1 Barry Soetoro, a.k.a. Barack Obama, has first allegiance to Indonesia, having Indonesian citizenship with renunciation of US citizenship, by adoption/legal acknowledgment by Lolo Soetoro Mangunharjo, a citizen of Indonesia, per Constitution of Indonesia, Law No. 62 of 1958, Art. 2 (1), as required to enroll in Indonesian schools, per school records and travel to Pakistan in 1981; and

1.2 Mr. Obama had first allegiance to the British Crown and to Kenya, being born a citizen of Kenya through his Kenyan birth father Barack Obama, Sr., per Chapter VI. Sections 87 and 97 of the Constitution of Kenya.”

O. Table 1: Stringency of Leadership Qualifications			
	Member of Congress		President
	Representative	Senator	Commander in Chief
Responsibility	Part State	State	All States
Minimum Age years	25*	30**	35***

Citizen/ Resident	7 years citizen*	9 years citizen**	14 years a resident ***
Citizen Type	Any *	Any **	Natural born ***
US allegi- ance	Sole or di- vided	Sole or divided	Undivided
Father a cit- izen	Option	Option	Yes
Mother a cit- izen	Option	Option	Yes
Naturalized	Option+	Option+	No+
Born in US jurisdiction	Option+	Option+	Yes (or Res- idency)+
*U.S. CONST. art. I, § 1; **U.S. CONST. art. I, § 3; ***U.S. CONST. art. II, § 1; +U.S. CONST. amend. XIV §1 with statutory citizenship requirements			

Pilot Qualifications

P. Table 2 Pilot Qualifications			
License Type: Qualification	Private Pilot*	Commercial Pilot**	Airline Transport Pilot ***
Age years	17	18	23
Training hours	40	250	1,500
Instrument Rating	No	Typical	Yes
Medical Certificate	3 rd Class	2 nd Class	1 st Class
Passengers	Not for hire	Non-airline	Airline service
*14 CFR 61(E) FAR61.102; **14 CFR 61(F)FAR61.123; *** 14 CFR 61(G) FAR61.153			

Q. Civilians killed by 20th Century Tyrants

Historians and experts estimate that some 100-176 million people were executed or starved by dictators and tyrants - in the 20th century. E.g., typical ranges from Hagen & Irish (2000):

Murder by Government Tyrant	Civilians killed
Mao Tse-tung, China	50-70 million
Stalin, USSR	20-40 million
Hitler, Europe	10-20 million
Lenin, USSR	4 million
Talaat Pasha, Turkey	2 million
Sudan Arab vs Nebo	2 million
Franco, Spain	2 million
Pol Pot, Cambodia	1.7 million
Kim Il-sung, N. Korea	1 million?
Mengistu, Ethiopia	1 million
Sukarno, Indonesia	0.6-1 million
Rawanda Hutu v. Tutsi	800,000
Tito, Yugoslavia	500,000
Ho Chi Minh, Vietnam	200,000
Milosovic, Yugoslavia	200,000
Nehru-Gandhi, India	200,000

The greatest danger to the People and the USA is not external but INTERNAL. Dictators have killed about three times the 38 million killed in all 20th Century wars.

R. Republics and Democracies succumbing to Tyrants

At least thirty three Democracies succumbed to tyrants in the 20th Century when they failed to uphold Oaths and constitutions. Taken from Hagen & Irish (2000):

Argentina: Juan Peron; **Cambodia:** Pol Pot & Khmer Rouge; **USSR - Ukraine:** Stalin; **USSR - Russia:** Stalin; **China:** Mao Tse-Tung & China's "Great Leap Forward"; **Central African Republic:** Jena-Bédal Bokassa; **Cote D'Ivoire:** Felix Houphouet-Boigny; **Dominican Republic:** Diederich Bernard Trujillo; **Germany:** Adolf Hitler, GDR; **Ghana:** Kwame Nkrumah; **Haiti:** Dr. François Duvalier; **Indonesia:** Sukarno, Suharto; **Iran:** Shah Pahlavi, Khomeini; **Iraq:** Saddam Hussein; **Italy:** Benito Mussolini; **Malawi:** Dr. Hastings Kamuzu Banda; **Malaysia:** Dr. Mahathir Mohammad; **North Korea:** Kim Il-Song; **Panama:** General Noriega; **Philippines:** President Ferdinand Marcos; **Romania:** Ion Antonescu, Gheorghiu-Dej, Nicolae Ceausescu;; **Senegal:** Leopold Sedar Senghor; **Spain:** Prima De Rivera, General Francisco Franco; **Sudan:** Arab-Islamist military; **Tanzania:** Mwalimu Julius Nyerere; **Turkey:** Prime Minister Talaat Pasha (Ottoman Empire); **Turkmenistan:** Saparmurat Nyazov; **Uganda:** Idi Amin; **Uruguay:** Gregorio Alvarez; **Zaire:** Mobutu Sese Seko; **Zimbabwe:** Robert Mugabe.

See also: **Rome:** Julius Caesar, Nero, Domitian.

S. Chester Arthur, British by birth

Chester Arthur was born in Vermont on October 5, 1829, to William & Malvina Arthur.¹⁸⁵ William Arthur, was born in Ireland in 1796 and eloped to Canada with Malvina of Vermont in 1821. William Arthur was naturalized as a US citizen in New York on August 31, 1843¹⁸⁶ Chester Arthur's birth his father was still a British citizen, giving Chester primary British citizenship through his father. William was not naturalized until 14 years after Chester's birth. Apparently Chester Arthur explicitly hid his British citizenship when running for Vice President. Chester Arthur took the unusual step of burning all his records. He appears to have sufficiently dissembled regarding his father's history that no one discovered that William had been a British citizen at Chester's birth, and that Chester was ineligible to become President, not being a "natural born citizen" for having foreign allegiance.

¹⁸⁵ Thomas Reeves, Gentleman Boss, (1991) Am. Pol. Bio. Press ISBN: 0945707037.

¹⁸⁶ William Arthur naturalization, August 31, 1843 Washington County Clerk, NY, Lib. Cong.

Wrotnowski details Arthur's restating birth dates and his father's history.¹⁸⁷ Since Justice Gray was appointed by Arthur, Wrotnowski suggests Arthur's appointment may have influenced Gray's opinion in *U.S. v. Wong Kim Ark* vs his opinion in *Elk v. Wilkins*.^{188, 189}

T. Period for qualifying, Sunday excepted.

Verifying the qualifications of the President elect before inauguration is of great public importance. January 19th the Martin King Luther Federal holiday, while January 20th is a holiday for federal workers in the District of Columbia and surrounding counties. 5 USC § 6103 (a) & (c). Excluding weekends, the period between the constitutional “election” of the President elect January 6th to Inauguration on January 20th, typically leaves only seven business days to submit a motion between the formal “election” of the President elect, and the Supreme Court’s last Friday conference to review such a motion (5 days from Jan 8th in 2009.)

Resolving this issue before the Inauguration of the President Elect on Jan. 20th is of the highest public importance. Should the President Elect be found ineligible to become President after inauguration, that would cause a major constitutional “crisis” of the first order. It would seriously damage the public trust in the Rule of Law, and in the honor and reputation of Congress, the Electoral College and the Judiciary in the eyes of the public. If the President elect’s qualifications are challenged, but the Inauguration proceeded without word from the Court would give the impression of *fait accompli* creating enormous political barriers that make it difficult to obtain effective redress by the Petitioner.

However, the Constitution only excludes Sunday as days in which the government is required to act. U.S. Const. art. I, § 7 ¶ 2. Preservation of the Constitution as supreme law empowers overrides subsidiary laws, rules and customs. If necessary, the Supreme Court could meet on Saturdays, Martin Luther King day, or January 20th to consider motions regarding qualification of the President elect. This provides ten days in which the Supreme Court can act.

U. Burden of Proof on the Defendant in Quo Warranto

“In a long line of decisions this court has held that in proceedings by information in the nature of quo warranto the defendant, if he justifies, must set out his title specifically, and must show on the face of the plea that he has a valid title to the office; that the people are not called upon to show anything; that the entire onus is on the defendant, and that he must not only show by his plea, but prove that he has valid title to his office, and if this proof is not made, the people will be entitled

¹⁸⁷ Wrotnowski v. Bysiewicz, SC No. 08A469, Nov. 25, 2008, Supplemental Brief

¹⁸⁸ U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)

¹⁸⁹ Elk v. Wilkins, 112 U.S. 94, 101-102(1884).

to judgment of ouster. . . .The form of the issue in quo warranto between the state and the respondent is not like in other civil proceedings, but the defendant is called on to show title by his plea, which presents an issue of fact, and the burden of proof is upon him to establish it.” People v. Baldrige, 267 Ill. 190, 108 N.E. 49; ANN. CAS. 1917B Ed. Thompson p 468.

“The people here are the ultimate source of the right to hold a public office; and now, as heretofore, when the right of a person exercising an office is challenged in a direct proceeding by the attorney general, the defendant must establish his title, or judgment will be rendered against him. . . . The possession of the office was not in this action evidence of his right. The burden was upon him to show by affirmative evidence that his possession was a legal and rightful one.” People v. Thacher, 55 N.Y. 525, 14 Am. Rep. 312; ANN. CAS. 1917B Ed. Thompson p 468

V. Standing in Quo Warranto

“In quo warranto proceedings seeking the enforcement of a public right the people are the real party to the action and the person bringing suit "need not show that he has any real or personal interest in it." State ex rel. Pooser v. Wester, 126 Fla. 49, 53, 170 So. 736, 737 (1936).

W. Information relating to Obama’s Kenyan Birth

Rev. Kweli Shuhubia personally recorded Sarah Hussein Obama’s statement that she was present in Mombasa at the birth of her grandson Senator Barack Obama (Jr). Respondent Obama's cousin Prime Minister Raila Odinga has sealed public records that allegedly contain Ann Dunham's birth records in Mombasa Kenya.

“Bishop McRae asked Ms. Obama specifically, “Were you present when your grandson Barack Obama was born in Kenya?” This was asked to her in translation twice, and both times she specifically replied, “Yes”. . . . "I left Kisumu City and traveled to Mombosa, Kenya. I interviewed personnel at the hospital in which Senator Obama was born in Kenya. I then had meetings with the Provincial Civil Registrar. I learned there were records of Ann Dunham giving birth to Barack Hussein Obama, III in Mombosa, Kenya on August 4, 1961. I spoke directly with an Official, the Principal Registrar, who openly confirmed the birthing records of Senator Barack H. Obama, Jr. and his mother were present, however, the file on Barack H. Obama, Jr. was classified and profiled. The Official explained Barack Hussein Obama, Jr. birth in Kenya is top secret. I was further instructed to go to the Attorney General’s Office and to the Minister in Charge of Immigration if I wanted further information" Berg v. Obama, SC No. 08A50 (F.3d. No. 08-cv-04083) affidavit of Rev. Kweli Shuhubia Oct. 27,2008.

X. Cases against Obama and McCain

“Lawsuits have been filed in at least 10 states claiming that either President Obama or the 2008 Republican Presidential Candidate, Senator John McCain, is not a “natural born citizen.” All of the cases that have proceeded to judgment have been found to be improper and have been quickly dismissed. See, e.g.,

Wrotnowski v. Bysiewicz, 958 A.2d 709, 713 (Conn. 2008) (dismissing case regarding Obama for lack of statutory standing and subject matter jurisdiction);

Stamper v. United States, 2008 WL 4838073, at *2 (N.D. Ohio Nov. 4, 2008) (dismissing suit regarding Obama and McCain for lack of jurisdiction);

Roy v. Federal Election, 2008 WL 4921263, at *1 (W.D. Wash. Nov. 14, 2008) (dismissing suit regarding Obama and McCain for failure to state a claim);

Marquis v. Reed, Superior Court Case No. 08-2-34955 SEA (Wash. 2008) (dismissing suit regarding Obama);

Hollander v. McCain, 566 F. Supp. 2d 63, 71 (D.N.H. 2008) (dismissing suit regarding McCain on standing grounds);

In re John McCain’s Ineligibility to be on Presidential Primary Ballot in PA., 944 A.2d 75 (Pa. 2008);

Lightfoot v. Bowen, Supreme Court Case No. S168690 (Cal. 2008) (Original Proceeding) (denying Petition for Writ of Mandate/Prohibition and Stay regarding Obama);

Robinson v. Bowen, 567 F. Supp. 2d, 1144, 1147 (N.D. Cal. 2008) (dismissing suit regarding McCain for lack of standing and lack of a state court remedy);

Constitution Party v. Lingle, 2008 WL 5125984, at *1 (Haw. Dec. 5, 2008) (unpublished) (dismissing election contest challenging Obama’s Nov. 4, 2008 victory);

Martin v. Lingle, Supreme Court Case No. 08-1-2147 (Haw. 2008) (Original Proceeding) (rejecting original writ petition regarding Obama on several grounds);

Cohen v. Obama, 2008 WL 5191864, at *1 (D.D.C. Dec. 11, 2008) (dismissing suit regarding Obama on standing grounds);

Donofrio v. Wells, Motion No. AM-0153-08T2 before the New Jersey Appellate Division (N.J. 2008).”¹⁹⁰

¹⁹⁰ Hollister v. Soetoro, 2d Cir. D.C. Cir. No. 1:08-cv-02254-JR, Motion to Dismiss Jan 26, 2009.