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State of Kan	sas <b>District Court</b>
200 SE 7th St., 7	Гореka, Kansas 66603
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Orly Taitz, ESQ, Roger Walters	) Case No.:
Plaintiffs,	) Application for stay/
vs.	) Motion for emergency preliminary
Kris Kobach, Secretary of	) injunction
State of Kansas, "Objection Board"	)
of Kansas	)
Defendants	)
	)
	)

Dr. Orly Taitz ESQ

APPLICATION FOR AN EMERGENCY STAY/ MOTION FOR AN EMERGENCY PRELIMINARY INJUNCTION OF THE RULING BY THE

# SECRETARY OF STATE OF KANSAS AND THE "OBJECTIONS BOARD" OF KANSAS

#### **PARTIES**

Roger Walters is a resident of Kansas and a registered voter in Kansas, who opposes the decision of the "Objections Board" to place on the ballot in the state of Kansas candidate Obama in spite of overwhelming evidence of identity fraud by Obama and use of forged IDs and fraudulently obtainded Social Security number, and in spite of evidence of duress, harassment and intimidation of objectors to Obama.

Orly Taitz is an attorney who filed an objection with the Objections Board against Candidate Obama and produced evidence, sworn testimony of Senior Deportation officer John Sampson, sheriff Joseph Arpaio and others showing with the "Objections Board" of the state of Kansas.

Kris Kobach is the Secretary of state of Kansas is a three member board deciding on elections objections.

#### JURISDICTION AND VENUE

Jurisdiction and venue is proper, as the nucleus of events and the defendants are located in Topeka Kansas.

#### STATEMENT OF FACTS AND ARGUMENT

BRIEF IN SUPPORT OF MOTION TO ENJOIN CANDIDATE BARACK
HUSSEIN OBAMA FROM BEING LISTED AS A CANDIDATE FOR THE U.S.
PRESIDENT DUE TO FRAUD, USE OF FORGED IDENTIFICATION PAPERS
AND USE OF A STOLEN SOCIAL SECURITY NUMBER BY OBAMA, USE OF

# A NAME NOT LEGALLY HIS AND DUE TO OBAMA'S FOREIGN

#### CITIZENSHIP.

### History of the case

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

to be a part of the cover up. Additionally Taitz advised Kobach that she brought similar legal actions in several other states, that a temporary injunction hearing is scheduled to be held in Indiana on September 26, where Superior Court Judge Sherry K. Reid at a prior hearing allowed Taitz to proceed against the Secretary of State of Indiana and the elections Commission of Indiana on three causes of action: Fraud, breach of Fiduciary Duty and Negligence.

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

Taitz responded that Montgomery was very vocal in the media that the withdrawal of his complaint was made under duress, due to intimidation, which makes it ineffective. Additionally, regardless of whether Montgomery withdrew his complaint or not, Taitz effectively joined the challenge prior to the September 17, 2012 hearing and put the members of the Objections board on notice of the fact that Obama's birth certificate, Selective Service Certificate are forged and Connecticut Social Security number 042-68-4425, which Obama is using, is fraudulently obtained, whereby Obama is using forged documents as an identification and placed

Kriegshouser and Kobach that if the Objection board places Obama on the ballot, while possessing all this evidence of fraud, each and every member of the Commission will be liable and criminally complicit in aforementioned fraud and forgery and may be added as an additional defendant in the ongoing Federal legal action for racketeering and fraud Judd et al v Obama et al 12-cv-1507 Central District of California. On Saturday September 15, 2012 3:19 PM Kriegshouser responded that he is forwarding all of the evidence to all of the members of the Board and they will decide in regards to the further action on the matter. Taitz was cc-ed on an e-mail sent by Ryan Kriegshouser to Secretary of State Kris Kobach, to Eric Rucker from the office of the Secretary of State and Athena Andaya from the office of the Attorney General. Taitz was scheduled to travel the next day on Sunday, September 16, 2012 from California to Texas and Missouri, in order to be in Topeka, Kansas, at the hearing on Monday, September 17th, 10 am. During September 17th hearing the three member board consisting of the Secretary of the State and two surrogates for the other two Board members decided to allow Obama on the ballot. The Board ruled: a. that they did not have evidence of duress on objector Montgomery to withdraw his objection to Obama, in spite of the fact that Montgomery stated in his withdrawal that he is withdrawing his objection to Obama due to intimidating and harassing phone calls and e-mails aimed at him and his family. The Board ruled that the withdrawal of objection was in free will and with no duress and should be accepted

his name on the ballot based on fraud and uttering of forged IDs. Taitz advised

b. the Board decided to ignore all evidence of fraud and forgery in Obama's IDs that was in front of them and that was provided to them by attorney Taitz

by the Board as valid.

- c. The board decided to accept as a valid document a letter from the registrar of the Health Department of Hawaii Alvin T. Onaka, in spite of the fact that Onaka is the one, who is a person of interest in the ongoing criminal investigation of forgery in Obama's IDs, in spite of the fact that Onaka is the one who released the forgery in the first place and who is refusing to provide for examination the original birth certificate and original microfilm of Obama's birth certificate, he claims to have. Onaka repeatedly refused to produce aforementioned original documents in spite of federal and state subpoenas and demands from law enforcement.
- d. The Board decided to ignore the fact that Obama is using a Social Security number, which was never assigned to him according to the E-Verify and SSNVS e. the Board refused to consider the fact that Obama is using a forged Selective service application. without a valid Selective Service Application one cannot hold a position with the Federal government.
- f. Plaintiffs requested the certified record of September 17, 2012 hearing before the Objections Board and the agency Certified Record of all the objections against candidate Obama.
- g. Plaintiffs are appealing herein the decision by the Objections Board to place Obama on the ballot.

#### **ARGUMENT**

- A. Evidence shows Obama using forged IDs, not eligible to be on the ballot
- B. Withdrawal by Montgomery under duress is ineffective and not valid
- C. Regardless of the withdrawal by Montgomery members of the Objections Board were put on notice in regards to fraud and forgery in Obama's IDs

D. Preliminary injunction is proper and necessary as Plaintiff is likely to prevail on the merits of the case

E. Not granting injunction represent an undue hardship of severe violation of the fundamental right of voting and political free speech, which is represented in valid, fraud and forgery free elections.

F. Balancing of hardships is in favor of the voters, whose right to valid, fraud and forgery free election is violated by Obama

G. there is no hardship to Obama as he was never eligible for the U.S. Presidency, as he never had any valid identification papers and used forged IDs at all times.

H. It is in the interest of public policy to enjoin from the ballot a candidate, who is committing fraud, identity fraud, social Security fraud and is using forged IDs as his identification.

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

J Conclusion

A. Evidence shows Obama using forged IDs, not eligible to be on the ballot

Motion for preliminary injunction is governed by the Kansas elections code as
follows:

Kansas Statutes

Browsable and searchable archive of 2009 Kansas Statutes Annotated (K.S.A.)

Chapter 25: Elections

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

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

- (1) Objection thereto is made in writing within three days from the date the certificate, petitions or declaration is filed with or issued by the proper officers; or
- (2) in the case of certificates of nomination, nomination petitions and declarations of intention to become a candidate, the secretary of state or the county election officer finds them to be invalid pursuant to K.S.A. 25-208a, and amendments thereto.
- (b) If the secretary of state or the county election officer finds any certificates of nomination, nomination petitions or declaration of intention to become a candidate to be invalid pursuant to K.S.A. 25-208a, and amendments thereto, the candidate on whose behalf the certificates, petitions or declaration was filed may make objection to such finding in writing within three days of receipt by the candidate of notice of such finding.
- (c) In the case of nominations of national and state officers, objections shall be filed with the secretary of state and shall be considered by the lieutenant governor,

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

- (d) In any case where objection is made, notice shall be given immediately, by the officer with whom the objections are filed, to the other officers required to determine the matter and to the candidates affected by such objection, addressed in the case of candidates to their places of residence as given in the nomination petitions, declaration of intention to become a candidate or certificate of nomination. The notice shall state the time when the objection will be considered. Such time shall not be more than five days following the giving of such notice in the case of nomination of a national or state officer and not be more than three days following the giving of such notice in the case of nomination of a county, township, city or school officer, and the place where such objections will be considered.
- (e) The causes for objection under this section as to any office may be any of those causes listed in K.S.A. 25-1436, and amendments thereto. The officers determining any objections under this section may assess any costs arising from such determination to either the objector or objectee in accordance with the determination made. Such costs shall be paid to the secretary of state or the county election officer, as the case may be, and deposited in the treasury of the state or county to the credit of its general fund. If such costs are not paid within 10 days after being fixed, the

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

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

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

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

States.

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

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

- 2. In 2008, when Mr. Obama ran for the U.S. Presidency, he was never vetted and he never provided any valid documentary evidence of his natural born status.
- 3. A natural born citizen would be expected to have valid U.S. identification papers, such as a valid long form birth certificate and a valid Social

Security number, which was lawfully obtained by presenting a valid birth certificate, valid Social Security which can be verified through official U.S. Social Security verification services, such as E-Verify and SSNVS.

4. The most glaring evidence of Obama's lack of natural born status and

legitimacy for the US Presidency, is Obama's lack of most basic valid identification papers, such as a valid Social Security Number ("SSN") and his use of a fraudulently obtained Social Security Number from the state of Connecticut, a state where he never resided, and the number which was never assigned to him according in part to SSN verification systems "E-Verify" and SSNVS.

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

6. Additionally, according to the review performed by licensed i nvestigators Sankey and Daniels, and as publicly available, national databases revealed another birth date associated with this number, a birth date of 1890. In or around 1976-77, due to changes in the Social Security Administration, many elderly individuals who never had Social Security numbers before, had to apply for their Social Security numbers for the first time in order to obtain Social Security Benefits. It appears that the number in question was assigned to an elderly individual in Connecticut around March of 1977. The death of this elderly individual was never reported, and from around 1980 this number was fraudulently assumed by Barack Obama. See Exhibit 1 attached hereto, Affidavit of Susan

7. Plaintiff Taitz was a delegate at the Continental Congress

Convention in 2009, where she had a discussion on the matter of Barack Obama 's fraudulent use of the aforementioned Connecticut SSN with a recently retired Senior Deportation Officer from the Department of Homeland Security ("DHS"), Mr. John Sampson ("Sampson"). Sampson provided Taitz with an affidavit attesting to the fact that indeed, according to national databases, Obama is using a Connecticut SSN even though there is no reasonable justification or explanation for such use by one who resided in Hawaii in and around the time the Social

Security number in question was issued. See Exhibit 2 attached hereto, Affidavit

Daniels.

John Sampson.

- 8. In 2010 Obama posted online on WhiteHouse.gov his 2009 tax returns. He did not "flatten" the PDF file thereof, so all the layers of modification of the file became visible to the public. One of the pages contained Obama's full SSN 042-68-4425. Taitz received an affidavit from Adobe Illustrator program expert Mr. Felicito Papa ("Papa") attesting to the fact that the tax returns initially posted by Obama contained the Connecticut SSN 042-68-4425. While the file was later "flattened" and the SSN can no longer be seen, thousands of U.S. Citizens and individuals around the world were able to obtain the original file with the full SSN. *See Exhibit 3* attached hereto, Affidavit of Felicito Papa.
- 9. Taitz checked an official site for Selective Service SSS.gov. She entered the name "Barack Obama" along with his publicly available alleged date of birth "08.04.1961" and Connecticut SSN 042-68-4425 (which Obama is using in his tax returns as indicated above). Taitz received a verification showing that Obama registered for Selective Service using the Connecticut SSN. *See Exhibit 4* attached hereto, Selective Service Verification.
- 10. Taitz received an affidavit from a witness named Linda Jordan ("Jordan"), who ran an E-verify check for SSN 042-68-4425. According to E-Verify, there is no match between Obama's name and the SSN he used on his tax returns and Selective Service application. *See Exhibit 5* attached hereto, Affidavit from Linda Jordan.
- 11. Taitz received an affidavit from an assistant elections clerk in Honolulu, Hawaii, Timothy Adams, who checked in both Honolulu hospitals

and found that there are no birth records for Barack Obama in any of them.

Exhibit 6 Affidavit of Tim Adams.

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

Obama's behavior is true to that pattern of Social Security fraud and immigration fraud.

13. Obama's close associate, William Ayers, in his book *Fugitive Days*, admitted to creating over a hundred fraudulent Social Security

Numbers using names of deceased infants who did not get their Social

Security numbers before their deaths. As he states in *Fugitive Days*, "After the Baltimore fiasco, stealing ID was forbidden. Instead we began to build ID sets around documents as flimsy as a fishing license or a laminated card available in a Times Square novelty shop called "Official TD." We soon figured out that the deepest and most foolproof ID had a government-issued Social Security card at its heart, and the best source of those were dead-baby birth certificates. I spent impious days over the next several months tramping through rural cemeteries in Iowa and Wisconsin, Illinois and North Dakota,

searching for those sad little markers of people born between 1940 and 1950 who had died between 1945 and 1955. The numbers were surprising: two in one graveyard, a cluster of fourteen in another. Those poor souls had typically been issued birth certificates— available to us at any county courthouse for a couple of bucks and a simple form with information I could copy from the death announcement at the archive of the local paper— but they had never applied for a Social Security card. Collecting those birth certificates became a small industry, and within a year we had over a hundred. For years I was a paper-made Joseph Brown, and then an Anthony Lee, remarkably durable identities. My on-paper official residences: a transient hotel in San Francisco and a warehouse in New York." William Ayers, Fugitive Days. Association and close friendship with Ayers is an additional indication and circumstantial evidence of Social Security fraud by Obama, and his lack of valid identification documents to prove not only natural born status, but any U.S. citizenship or U.S. residency status for that matter.

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

1961, show white paper with yellow aging stains, clear borders, raised seal and a lower serial number. (*Exhibit* 9)0bama's alleged birth certificate is on a safety paper, which was not used *in* 1961, does not have a clear border, no raised seal, and the serial number is higher than the numbers issued later by the same Registrar. *See Exhibit* 7, 9.

- 15. According to the affidavit from Adobe Illustrator expert Papa (*Exhibit* 7, *hereto*), the released image digital file showed layers of alterations of the alleged birth certificate. It showed a signature of Obama's mother, Stanley Ann D. Soetoro (her married name by her second husband), where it looks as though "Soetoro" was erased, whited out and computer graphics used to add "Dunham Obama" and a signature "Stanley Ann Dunham Obama" was created by pasting and filling the blanks with computer graphics.
- 16. Taitz received an affidavit tl-om scanning machines expert Douglas Vogt. ("Vogt") *See Exhibit 8 hereto*, Affidavit of Douglas Vogt. Vogt attests to further evidence of forgery, such as different types of ink used. Some of the document shows as "gray scale" scanning, some as black and white scanning, and some as color scanning. It shows different types of letters and variations in kerning, meaning some letters are encroaching into the space of other letters which is possible only with computer graphics, not with a typewriter used in 1961. Numerous other parameters lead to the same conclusion, that the document in question is not a copy of a 1961 typewritten document, but a computer-generated forgery, created by cutting and pasting bits and pieces from different documents and filling *in* the blanks with computer graphics. Similarly, a typesetting expert Paul Irey, who possesses

fifty years of experience in typesetting, issued an affidavit, attesting to the fact Obama's alleged birth certificate is a forgery, as it

represents a compilation of bits and pieces of different documents with different typesetting (Exhibit 10. Affidavit and accompanying article by typesetting expert Paul Irey, attesting to forgery in Obama's alleged birth certificate)

- 17. It appears that Obama used a Social Security number of a deceased elderly individual, as well as a birth certificate number of a deceased infant, to fabricate his false identity. Research pointed to the fact that one Virginia Sunahara was born in Honolulu on August 4, 1961 and passed away the next day. Recently her surviving family member demanded to see her long form birth certificate, but the department of Health provided Mr. Sunahara only with a computer generated short form birth certificate with a serial number, which was suspiciously out of sequence from all the other numbers issued to infants born August 4, 1961.
- 18. In spite of numerous demands, Director of Health of the State of Hawaii Loretta Fuddy and Registrar of the Department of Health Alvin T. Onaka refused to allow the inspection of the original birth certificate and the original microfilm of either Obama or Sunahara in lieu of the alleged certified copy, and the Social Security

Administration refused to provide even a redacted application for Connecticut SSN xxx-xx-4425, which Obama is fraudulently using.

- 19. Sheriff Joseph Arpaio of Maricopa County, Arizona provided a sworn affidavit, result of his 6 month investigation, where he confirmed all the findings by Taitz and stated that Obama's Birth Certificate, Selective Service certificate and Social Security number are forged. (Exhibit 11, Sworn affidavit of Sheriff Joseph Arpaio, attesting to forgery in Obama's birth certificate, Selective Service certificate and Social Security card)
- 20. Acton-Dystal advertising literary agency which represents Barack Obama, kept on its' web site for 16 years Obama's biography, which was submitted to the agency by Obama. In this biography Obama states that he was born in Kenya. Only in 2007, when Obama decided to run for the U.S. Presidency, and had to come up with a lie that he was born in the U.S., this biography was removed from the web site. (Exhibit 12 Barack Obama's biography attesting to his birth in Kenya, advertised by his literary agent Acton Dystal from 1991-2007)
- 21. During March 25, 2010 debates on the new Constitution, Minister of Lands of Kenya James Orengo stated:" Those who fear devolution are living in the past. They are being guided by their ethnic consideration and objectives. They are living in the past. If America was living in a situation where they

feared ethnicity and did not see itself as a multiparty state or nation, how could a young man born here in Kenya, who is not even a native American, become the President of America?" (Exhibit 13, p31 of the Transcript of the March 25, 2010 Assembly speech of the minister of lands of Kenya James Orengo, referring to Barack Obama's birth in Kenya)

- 22. California Bar deemed the issue of Obama's forged ID's to be the matter of National Security which needs to be decided by the courts. (Exhibit 14 Letter from the California Bar)
- 23. Recently Alabama Supreme Court heard a similar case. Mclnnish v

  Chapman 87140552 Alabama Supreme court. Unfortunately, the case was filed by a pro se plaintiff, who mistakenly skipped the lower court and went straight to a higher court to appeal the decision by the Secretary of State of Alabama

  Beth Chapman to allow Obama on the ballot in light of his forged identification papers. While the Supreme Court of AL had to dismiss the case due to lack of jurisdiction, Supreme Court Justice Tom Parker wrote:

"McInnish has attached certain documentation to his mandamus petition) which, if

presented to the appropriate forum as part of a proper evidentiary

presentation, would raise serious questions about the authenticity of both the

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"short form" and the "long form" birth certificates of President Barack

Hussein Obama that have been made public." Id McInnish v Chapman 871

40552 Alabama Supreme court. Secretary of State of Indiana and the

Elections commission had a duty to protect the integrity of elections and not allow a foreign national with all forged identification papers on the ballot.

- 24. Based on all of the above, Obama does not have any valid identification papers, which are necessary to be a candidate on the ballot, running for the Presidency of the United States
- 25. Additionally, the term "Natural Born Citizen," as it is applied to the U.S. Presidency, means one born in the country to citizen parents. The plaintiffs submit their evidence showing that from the time of the adoption of the Constitution untiltoday the standard was "One born in the country to parents who are citizens do not owe their allegiance to others." The U.S. Constitution was based in no small measure upon the book *The Law ((Nations by Emer de Vattel, stating that "Natural Born Citizens" are ones born in the "Nations to citizens. (Emer De Vattel, <i>The Law of Nations, p. 499, section 212).* A similar definition was used by John A Bingham, drafter of the 14th amendment to the United States Constitution, who stated during Congressional Hearings that a "natural born citizen is born in the U.S. Territories to parents, who didn't owe allegiance to other sovereignties." A

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similar definition was used in the case of *Minor v. Happerset*, 88 U.S. 162 (1875).

26. In 2008 natural born citizenship of John McCain was questioned as well due to his birth in the zone of the Panama Canal. In Joint Senate Resolution 511 the Senate unanimously found Senator McCain to be a "Natural Born" U.S. Citizen. The Senate used the same Vattel two pronged test and found McCain to be eligible for the presidency due to the fact that he was born in the Panama Canal zone to two parents who were U.S. Citizens. Obama's father was never a U.S. citizen. He never had a green card. He was in the U.S. for a few years on a student visa and, as such, Obama did not satisfy either one of the two prongs of the test for natural born status. Even if this office was to subscribe to a more liberal modern definition of natural born citizen, a more favorable to Obama definition, all evidence points to his birth outside the U.S., his foreign citizenship, use of a name that is not legally his and use of all forged and fraudulently obtained identification papers.

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

#### **DURESS NEGATES INTENT**

On Friday 09.14.2012 an article was published in Huffington Post by a correspondent John Celock. It stated "Montgomery told The Huffington Post

Friday afternoon that public reaction to the complaint led him to decide against continuing. He declined to say exactly what was said in the calls and emails he received, but indicated that people who knew him both personally and professionally were also contacted about the complaint.

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

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

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

The state Objections Board -- consisting of Secretary of State Kris Kobach, Lt. Gov. Jeff Colyer and Attorney General Derek Schmidt -- voted to delay a final

decision, saying it needed more evidence and would reach out to Hawaiian officials for certification of the president's birth certificate, along with officials in Arizona and Mississippi. The board expressed concern that Obama's campaign did not appear before the board and only sent a letter with its position. Obama's campaign attorney Kip Wainscott wrote the board that Montgomery's objection was "baseless" and that Obama's eligibility has already been determined by state and federal courts.

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

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

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

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Kobach, an informal adviser to Republican presidential nominee Mitt Romney, said at the board meeting that he was not acting in a partisan role, but <u>rather</u> wanted as much information as possible before the board made a final decision.

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

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

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

State, Attorney General and Lieutenent Governor a laughing stock. Apparently not laughing stock, serious, is tantamount to a "serious criminal' in the minds of thugs in Kansas legislature and media. A Chicago mob environment unleashed on this country with Obama's ascendance to the U.S. Presidency using forged IDs created an environment of duress on Plaintiffs and Federal Whistle blowers. Duress makes the withdrawal of the complaint invalid.

# REGARDLESS OF THE WITHDRAWAL BY MONTGOMERY MEMBERS OF THE OBJECTIONS BOARD WERE PUT ON NOTICE IN REGARDS TO FRAUD AND FORGERY IN OBAMA'S IDS

Even if one were to believe that Duress did not invalidate the withdrawal of the complaint, prior to the final decision being made, Taitz filed her complaint and forwarded it to all three members of the Objections Board via e-mil and/or fax and federal Express mail. Complaint by Taitz contains sworn affidavits showing that Obama's mother's passport records show Obama's legal name to be Soebarkah, his Indonesian school registration in Assissi school show his last name to be Soetoro and citizenship Indonesian. Exhibits 1-13 show all of his primary identification papers to be forged or obtained by fraud. Having such information in front of them, Secretary of State, Attorney General and Lt. governor would be guilty of criminal

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b. be at least thirty-five years old
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c. have been a permanent resident in the United States for at least fourteen years.

Plaintiff provided evidence showing that Barack Hussein Obama (Hereinafter "Obama") is a citizen of Indonesia, Obama is not his legal last name and he is using forged and fraudulently obtained identification papers. Lawful U.S. citizen would have valid identification papers. Lack of valid identification papers points to lack of citizenship. Plaintiffs in this case provided undeniable evidence showing that candidate for the US Presidency, Barack Obama, is using a forged Birth Certificate, a forged Selective Service certificate, and fraudulently obtained Connecticut Social Security number which was never assigned to him according to E-Verify and SSNVS, as a documentary basis for his eligibility for the US Presidency. Additionally, Plaintiffs provided evidence showing that his legal last name is not Obama and he is a citizen Indonesia.

The evidence provided by Plaintiffs includes:

- 1) A report from a licensed investigator Susan Daniels ("Daniels") which showed that for most of his life Obama used a Connecticut Social Security Number xxxxx-4425 issued in 1977, even though he was never a resident of the State of Connecticut. (Exhibit I)
- 2) Affidavit of retired Senior Deportation Officer from the Department of

1	Homeland Security ("DHS"), Mr. John Sampson attesting to the fact that Obama is
1 2	using a fraudulently obtained Social Security number. (Exhibit 2)
3	using a fraudulentry obtained Social Security humber. (Exhibit 2)
4	Taitzv Elections Commission et al. Motion for Preliminary Injunction 5
5	3) Affidavit from Adobe Illustrator program expert Mr. Chito papa ("papa")
6	attesting to the fact that the tax returns initially posted by Obama contained the
7 8	Connecticut SSN 042-68-4425. (Exhibit 3)
9	4) Verification showing that Obama registered for Selective Service using the
10 11	Connecticut SSN. (Exhibit 4)
12	5) Affidavit from a witness named Linda Jordan ("Jordan"), who ran an E-verify
13 14	check for SSN 042-68-4425. Attesting to the fact that there is no match between
15	Obama's name and the SSN he used on his tax returns and Selective Service
16 17	application. (Exhibit 5)
18	6) Affidavit from assistant elections clerk Tim Adams in Honolulu, Hawaii,
19	attesting to the fact that there are no birth records for Barack Obama in any of the
20 21	two Hospitals in Honolulu. (Exhibit 6)
22	7) Affidavit from Adobe Illustrator expert Papa attesting to the fact that released
23	by the White House image of Obama's birth certificate showed layers of alteration
25	of the alleged birth certificate. (Exhibit 7)
26	8) Affidavit from scanning machines expert Douglas Vogt. ("Vogt") attesting to
27 28	further evidence of forgery, such as different types of ink used in alleged birth
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certificate. (Exhibit B) 1 2 9) Affidavit of a typesetting expert Paul Irey, attesting to the fact that Obama's 3 alleged birth certificate is a forgery (Exhibit 9) 4 10) Affidavit of Sheriff Joseph Arpaio of Maricopa County stating that Obama's 5 6 Birth Certificate, Selective Service certificate and Social Security number are 7 forged. (Exhibit 10) 8 11) Affidavit of Chris Strunk, authenticating Passport records of Obama's mother 10 Stanley Ann Dunham received by Strunk through Freedom of Information Act 11 showing Obama listed in his mother's passport under the last name Soebarkah. 12 13 (Exhibit I t) 14 12) Obama's school registration from Indonesia, showing his citizenship 15 16 Indonesian and showing him using his last stepfathers last name Soetoro. 17 (Exhibit 12) 18 13) Copy of the cover page and page 31 of the transcript of the National Assembly 19 20 of Kenya, where during March 25, 2010 discussion on adoption of the new 21 Constitution of Kenya, minister of Lands, James Orengo, stated that Barack 22 23 Obama was born in Kenya and is not a native U.S. citizen. (Exhibrt I3) 24 In a recent case McInnish v Chapman 87140552, Alabama Supreme court 25 26 addressed the issue of Obama's forged IDs. This case was filed by a pro se 27 plaintiff, who mistakenly skipped the lower court and went straight to a higher 28

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court to appeal the decision by the Secretary of State of Alabama Beth Chapman to allow Obama on the ballot in light of his forged identification papers. Supreme Court Justice Tom Parker wrote:

"McInnish has attached certain documentation to his mandamus petition, which, if

presented to the appropriate forum as part of a proper evidentiary presentation, would raise serious questions about the authenticity of both the "short form" and the "long-form" birth certificates of President Barack Hussein Obama that have been made public." Though the case was not heard due to the fact that the plaintiff did not go to the lower court first, opinion of the Judge of the Supreme Court of Alabama, Tom Parker, reflects that indeed there is a serious question of authenticity of Obama's IDs.

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

Additionally, US Constitution Article II, Section 1, Clause 5 and provides that the U.S, President must be "Natural Born Citizen". The term "Natural Born Citizen," as it is applied to the U.S. Presidency, means one born in the country to citizen parents. The Plaintiffs submit that from the time of the adoption of the

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are citizens and do not owe their allegiance to other sovereignties." The U.S. Constitution was based in no small measure upon the book The Law of Nations by Emer de Vattel, stating that "Natural Born Citizens" are ones born in the "in the Country to citizen parents". (Emer De Vattel, The Law of Nations, p. 499, section 212). A similar definition was used by John A Bingham, drafter of the 14th amendment to the United States Constitution, who stated during Congressional Hearings that a "natural born citizen is born in the U.S. Territories to parents, who didn't owe allegiance to other sovereignties." A similar definition was used in the case of Minor v. Happerset, SS U.S. 162 (1875). Based on the evidence presented in this case, candidate Obama is not a natural born citizen and lacks identification papers to show to be a natural-born citizen. In Kikumura v Hurley ,242 F.3d 950, 963 (10th Cir. 2001), the Court decided that the potential violation of Plaintiff's constitutional rights threatens irreparable harm. In the case at hand placing Obama on the ballot as a candidate for U.S. Presidency violates both the Constitution and Constitutional rights of US citizens and Plaintiffs as it precludes them from participating in legal and lawful elections which is the highest form of Freedom of Speech protected by the First Amendment. Absent injunctive relief, Plaintiff would suffer imminent irreparable

harm.

## Harm to Non-moving Party

Defendants cannot show any harm to non-moving party. Non-moving party are elections officials. Their duty, according to their oath of office, is to protect and defend the U.S. Constitution. As elections officials they have a statutory duty to ensure lawful elections. Removing an unlawful candidate from the ballot cannot possibly cause any harm to the defendants. This action will only assist the defendants to ensure lawful elections.

#### **Public Interest**

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

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

In the case Horn v Huddle,647 F.Supp 2d (DDC 2009) and 699F. Supp. 2d (DDC 2010 U.S.) District court not only awarded a Plaintiff a multimillion dollar judgment, but also sanctioned the defendant's attorneys, U.S. attorneys. Horn v Huddle dealt with fraud committed by governmental officials, CIA agent and U.S. attorneys. Here the fraud involves the highest office in the land and the stakes are higher. The issue at hand is the whole U.S. economy of 14 trillion dollars per year and the U.S. National Security and control of the U.S. nuclear arsenal. Even attorneys' bar believes this is a matter of National Security and needs to be heard by the court. There is no more important matter of National Security, than usurpation of the U.S. Presidency by a foreign national with forged and fraudulently obtained IDs. It is clearly in public interest to address expeditiously the matter of National Security and protect this nation from usurpation. WHEREFORE, for the reasons set above the application for preliminary injunction should be granted. I. Not enjoining Obama from the Ballot, makes members of the Objections Board:

Secretary of State Kris Kobach, Attorney General Eric Schmidt and Lieutenant Governor Jeff Colyer complicit to elections fraud, identity fraud, use of forged IDs committed by Obama and makes the a part of a RICO (racketeering scheme) to

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place a foreign citizen Obama on the ballot and in the White House while using forged IDs.

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

The case at hand deals with a candidate who is a citizen of Indonesia and possibly still citizen of Kenya, who is using a name that is not legally his and forged and fraudulently obtained primary IDs. allowing such candidate on the ballot infringes upon and violate the most cherished fundamental right of the citizens, as they are forced to participate in unlawful election. As this is an election for the U.S. President, actions by the elections officials in one state, affect citizens of other states. Allowing Obama on the ballot will expose the Objections Board to liability under 42 USC 1983, as well as RICO charges of being a part of a racketeering scheme to violate the citizens' right to participate in free elections, free from fraud and forgery. Members of the Objections Board cannot take upon themselves such liability. Their oath of office to protect the Constitution and their duty to protect the rule of law and legality and lawfulness of the elections demand a ruling

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enjoining candidate Obama from the ballot. At the very minimum members of the Objections Board are obligated to perform their due diligence and enjoin Obama from the ballot in a preliminary injunction until they receive the original application to a Connecticut social Security number that Obama is using, while it is shown not to be assigned to Obama according to E-verify and SSNVS, original application to the Selective Service Certificate and the original birth certificate and the original microfilm for the alleged birth certificate for Obama. In light of the evidence of forgeries and fraud in Obama's IDs the Objections Board has no other choice but to demand such original IDs to overcome evidence of forgery and fraud.

#### **CONCLUSION**

Due to all of the above the court should issue a stay/ preliminary injunction should be issued enjoining placement of candidate Obama's name on the ballot pending expert examination of the original IDs and original application to the Connecticut SSN 042-68-4425, which Obama is using and resolution of the issue of forgery and fraud in the aforementioned IDs.

#### PRAYER FOR RELIEF:

1. Preliminary injunction/stay of the decision by the "Objections board" of the State of Kansas to place on the ballot the name of Barack Hussein Obama as a candidate for the U.S. President pending expert examination of the original 1961

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typewritten long form birth certificate, original Microfilm of the long form birth certificate, original SS-5 application for the Connecticut Social Security number 042-68-4425 Obama is using, original 1980 application for the Selective Service for Barack Hussein Obama, in light of overwhelming evidence of forgery, fraud and identity fraud in alleged "true and correct" copies of aforementioned certificates.

2. Costs and fees

3. Any other relief the court finds just and proper

Dated this 09.19.2012

/s/ Dr. Orly Taitz ESQ-Attorney-Plaintiff

Pro Se

submitted via e-mail to

1	Secretary of State of KS Kris Kobach kkobach@gmail.com
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LO	Cc
L2	Darrel Issa
L3 L4	Chairman of the House oversight committee
L5	2157 Rayburn House Office Building,
L6 L7	Washington, DC 20515
L8	Congressman Lamar Smith,
L9	Chairman of the Judiciary Committee
20	House of Representative
22	2409 Rayburn House Office
23	Building, Washington, DC 20515
25	
26 27	Public Integrity Unit Department of Justice
28	U.S. Department of Justice

38

1	Criminal Division
2	950 Pennsylvania Avenue, N
3 4	W Washington, DC 20530-
5	0001
6	
7	Michael E.
9	Horowitz Inspector
10	General Department
12	of Justice
13 14	Office of the Inspector General
15	U.S. Depru1ment of Justice
16 17	950 Pennsylvania Avenue,
18	N.W. Room 4706
19 20	Washington, D.C. 20530
21	
22	UN Nations committee for civil rights defenders
23	OHCHR in New York
25	UN Headquarters
26 27	New York, NY 10017
28	USA

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2	Inter-American Commission for Human rights
3	1889 F St., NW,
5	Washi ngton, D.C., USA 20006
6	Washington, D.C., OSA 20000
7	
8	DECLARATION OF DR. ORLY TAITZ ESQ.
9	Dr. Orly Taitz states as follows:
LO L1	1. Exhibit 1 is a true and correct copy of the Affidavit of Susan Daniels
L2	received by Dr. Orly Taitz ESQ.
L3 L4	2. Exhibit 2 is a true and correct copy of the Affidavit of John Sampson,
L5	Senior Deportation officer of the department of homeland security,
L6 L7	received by Dr. Orly Taitz ESQ.
L8	3. Exhibit 3 is a true and correct copy of the Affidavit of Felicito Papa
L9	received by Dr. Orly Tailz ESQ.
20	4. Exhibit 4 is a true and correct copy of the SSNVS (Social security
22	verification systems) printout received by Dr. Orly Taitz ESQ.
23	5. Exhibit 5 is a true and correct copy of the Affidavit of Linda Jordan and
25	attached e-verify received by Dr. Orly Taitz ESQ.
26	6. Exhibit 6 is a true and correct copy of the Affidavit of assistant registrar
27 28	of the state of Hawaii Timothy Adams received by Dr. Orly Taitz ESQ.

1	7. Exhibit 7 is a true and correct copy of the Affidavit of Adobe Illustrator
2	expert Felicito Papa received by Dr. Orly Taitz ESQ.
3 4	8. Exhibit 8 is a true and correct copy of the Affidavit of expert Douglas
5	Vogt received by Dr. Orly Taitz ESQ.
6	9. Exhibit 9 is a true and correct copy of the Affidavit of typesetting expert
7 8	Paul Irey received by Dr. Orly Taitz ESQ.
9	10.Exhibit 10 is a true and correct copy of the Affidavit of Sheriff Joseph M
10	Arpaio received by Dr. Orly Taitz ESQ.
12	1 l.Exhibit 11 is a true and correct copy of Authentification Affidavit and
13	Passport records of Obama's mother Stanley Ann Dunham showing
14	Obama listed in his mother's passport under the last name Soebarkah
16	received by Dr. Orly Taitz ESQ.
17 18	12.Exhibit 12 is a true and correct copy of the School registration#203 for
19	Barack Obama from Assissi School in Jakarta Indonesia received by Dr.
20	Orly Taitz ESQ.
21	Taitz v Elections Commission et al. Motion for Preliminary Injunction 14
23	13. Exhibit 13 is a true and correct copy of Affidavit copy of the cover
24	page and page 31 of the transcript of the National Assembly of Kenya
25	received by Dr. Orly Taitz ESQ.
27	
28	14.Exhibit 14 is a true and correct copy of the Letter from California State

Taitz, Walters v Secretary of State of Kansas, Objections Board