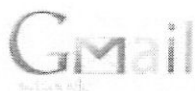


**EXHIBIT 1**



Orly Taitz <orly.taitz@gmail.com>

Your letter to me dated October 12, 2012

1 message

Sam Begley <sbegley1@bellsouth.net>  
To: Orly.Taitz@gmail.com

Fri, Oct 12, 2012 at 3:17 PM

Dear Ms. Taitz

In response to your letter to me dated October 11, 2012 and e-mailed today, your claims are preposterous, your evidence non-existent, any evidence of a fraud exists only in your own mind, and (as we wrote in our motion for judgment on the pleadings) ignoring you does not constitute a RICO violation. Also, under Mississippi law your current ridiculous claims are time barred and as an out of state resident you have no standing to bring them.

If I have not made it clear in the past, go away.

Sam Begley

Date: Fri, 12 Oct 2012 10:28:51 -0700  
Subject: Please, sign the letter ASAP  
From: orly taitz@gmail.com  
To:

DR. ORLY TAITZ, ESQ  
29839 SANTA MARGARITA, STE 100  
SANTA MARGARITA, CA 92688

10.11.2012.

Attention Mr. Samuel Begley,  
Counsel for the Executive Committee  
of the Democratic Party of MS

Dear Mr. Begley,

I am contacting you with this challenge to Candidate Obama in the state of MS, as you are a counsel of record for the MDEC and I do not want to be accused of attempting to contact a party to litigation directly, when the party is represented by a counsel.

In your response to the 2012 General election challenge to Candidate Barack Obama and in your motion to Hon Judge Wingate, you stated that the challenge was not ripe yet, as Mr. Obama was not nominated yet.

On September 6, 2012 Mr. Obama was nominated, therefore by your own admission the challenge is ripe now. I am asking you and your clients to view the ongoing legal challenge to Mr. Obama, recently removed by you to the federal court, as a post nomination challenge.

Additionally, out of abundance of caution, I am forwarding this letter to you as yet another, post nomination challenge to Candidate Obama on the ballot due to the fact that he is committing fraud, due to the fact that he is a foreign national, citizen of Indonesia and possibly still citizen of Kenya, who is on the ballot using a last name not legally his, forged birth certificate, forged Selective Service certificate and a fraudulently obtained Connecticut Social Security number .

I am including herein by reference all of the exhibits submitted by the Plaintiffs in this case, which support the demand to remove Mr. Obama as a candidate due to fraud and use of forged and fraudulently obtained IDs.

I would like to remind you and your clients that according to 18 USC Â§4 Misprission of Felony

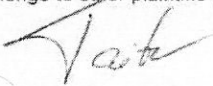
"Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both."

Accordingly, I am bringing this, third challenge to Mr. Obama in the state of MS and request that your clients

1. Remove Mr. Obama's name from the ballot, as a candidate, who is not eligible for the position
2. Forward the sworn affidavits and video testimony, provided to them to the Criminal division of the U.S. Attorney's office in MS and the DA of the Hinds county.

Please, advise me at your nearest convenience, whether your clients are consenting to remove Democratic Party Cndidate, Mr. Obama from the ballot or whether they are willing to stipulate that they will concede to such a removal, if the evidence in court in Taitz v Democratic Party of MS 12-cv-180 HTW before Judge Wingate will show that indeed fraud was committed and Mr. Obama is not eligible.

I am forwarding this challenge to other plaintiffs and other parties, to see if they would like to join the challenge.



Respectfully,

Dr. Orly Taitz, ESQ

cc Hon Henry Wingate

cc Mr. Matheny

cc Mr. Tepper

cc Brian Fedorka, MS voter and resident

cc Mitt Romney, Presidential Candidate

cc Laurie Roth, Presidential Candidate

cc Leah Lax, Presidential Candidate

cc Thomas MacLeran, Presidential Candidate

cc Ed Noonan, Presidential Candidate

cc U.S. and International media

cc Inspector General Department of Justice

cc Congressman Gregg Harper (R-MS)

Chairman

United State House Administration Subcommittee on Election  
307 House Office Building  
Washington DC 20515  
ph 202-225-5031  
fax 202-225-5797

cc Gregg Harper, Mississippi, Chairman  
Aaron Shock, Illinois  
Rich Nugent, Florida  
Todd Rokita, Indiana  
Bob Brady, Pennsylvania, Ranking Member  
Charlie Gonzalez, Texas  
cc Congressman Darrell Issa  
Chairman  
House Oversight Committee  
2347 Rayburn House Building  
Washington DC, 20515

cc Congressman Mike Rogers  
Chairman  
House Intelligence Committee  
133 Cannon House Office building  
Washington DC 20515

cc Congressman Sam Johnson  
Chairman  
House Subcommittee on Social Security  
House Ways and Means Committee  
2929 N Central Expy, 240  
Richardson, TX 75080

cc Congressman Dana Rohrbacher  
Chairman

House Subcommittee on Oversight and Investigations'  
House Committee on Foreign Affairs  
2300 Rayburn House Building  
Washington DC 20515

US Commission  
on Civil Rights  
624 Ninth Street, NW  
Washington, DC 20425 C

Public Integrity Section  
Department of Justice  
950 Pennsylvania Ave, NW  
Washington DC 20530-0001

Inter -American Commission on Human Rights  
1889 F Street, N.W., Washington, D.C., 20006 U.S.A..  
Tel.: 202-458-6002, 202-458-6002. Fax: 202-458-3992.

Office of the United Nations High Commissioner for Human Rights (OHCHR)  
Special Rapporteur on the Situation of Human Rights Defenders  
The Honorable Mrs. Margaret Sekaggya  
Palais des Nations  
CH-1211 Geneva 10, Switzerland  
International Criminal bar Hague  
BPI-ICB-CAPI  
Head Office  
Neuhuyskade 94  
2596 XM The Hague  
The Netherlands  
Tel : 0031 (70) 3268070 0031 (70) 3268070  
Fax : 0031 (70) 3353531

Email: [info@bpi-icb.org](mailto:info@bpi-icb.org)

Website: [www.bpi-icb.org](http://www.bpi-icb.org)

Regional Office - Americas / Bureau rÃ©gional -AmÃ©riques / Oficina regional - AmÃ©ricas

137, rue St-Pierre

MontrÃ©al, QuÃ©bec, Canada, H2Y 3T5

Tel : 001 (514) 289-8757      001 (514) 289-8757

Fax : 001 (514) 289-8590

Email: [admin@bpi-icb.org](mailto:admin@bpi-icb.org)

Website: [www.bpi-icb.org](http://www.bpi-icb.org)

Laura Vericat Figarola

BPI-ICB-CAPI

Secretaria Barcelona

[laura\\_bpi@icab.es](mailto:laura_bpi@icab.es)

Address: Avenida Diagonal 529 1Ã°2Ã°

08029 Barcelona, EspaÃ±a

tel/fax 0034 93 405 14 24

United Nations Commission for

Civil Rights Defenders

Orsolya Toth (Ms)

Human Rights Officer

Civil and Political Rights Section

Special Procedures Division

Office of the High Commissioner for Human Rights

tel: + 41 22 917 91 51




email: [ototh@ohchr.org](mailto:ototh@ohchr.org)

---  
Dr Orly TaitzESQ  
29839 Santa Margarita pkwy, ste 100  
Rancho Santa Margarita, CA 92688  
ph 949-683-5411 fax949-766-7603  
[orlytaitzesq.com](http://orlytaitzesq.com)

---  
Ian Begley  
Begley Law P.C., PLLC

P.O. Box 787  
Jackson, MS 39208  
(601) 948-5565 toll-free  
(601) 948-5408 mobile  
(601) 948-5547 fax  
sambegleylawfirm.com  
sambegley@belmont.com  
www.begleylawfirm.com

**3 attachments**

-  Letter to Dem party of MS 10.11.2012.docx  
19K
-  Attached Message Part  
1K
-  sbegley1.vcf  
1K

Respectfully,

Dr. Orly Taitz, ESQ

cc Hon Henry Wingate

cc Mr. Matheny

cc Mr. Tepper

cc Brian Fedarka, MS voter and resident

*Brian Fedarka 12/05/2012*

cc Mitt Romney, Presidential Candidate

cc Laune Roth, Presidential Candidate

cc Leah Lax, Presidential Candidate

cc Thomas MacLellan, Presidential Candidate

cc Ed Noonan, Presidential Candidate

cc U.S. and International media

cc Inspector General Department of Justice

cc Congressman Gregg Harper (R-MS)

Chairman

United State House Administration Subcommittee on Election

307 House Office Building

Washington DC 20515

ph 202.225-5033



## EXHIBIT 2



## Track & Confirm

### Search Results

Label/Receipt Number: 7010 1870 0003 3995 1107  
 Status: **Delivered**

Your item was delivered at 1:38 pm on January 23, 2012 in JACKSON, MS 39215. A proof of delivery record may be available through your local Post Office for a fee.

Additional information for this item is stored in files offline.

[Track & Confirm](#)

Enter Label/Receipt Number.

[Go >](#)

[Restore Offline Details >](#)



[Return to USPS.com Home >](#)

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
 Here

sent to *Democrat Party Mississ. PP*  
 Street, Apt. No.,  
 or PO Box No. *PO Box 1583, Jackson MS*  
 City, State, ZIP+4® *Jackson MS 39215*

PS Form 3800, August 2006 See Reverse for Instructions

**EXHIBIT 3**

**FedEx** NEW Package Express US Airbill

FedEx Tracking Number 8769 2956 3811

Form ID No. 0200

Sender's Copy

**From** Please print and press hard.  
 Date 02092012 Sender's FedEx Account Number [REDACTED] REC ONLY  
 Sender's ORLY TAITE Phone (949) 6835411  
 Company Law office of Orly Tait  
 Address 29839 Santa Margerite Sh. 100  
 City RSM State CA ZIP 92688

**Your Internal Billing Reference** First 21 characters will appear on invoice. OPTIONAL

**To**  
 Recipients Name Clerk of the Court Phone (606) 9686627  
 Company First Judicial District  
 Address PO Box 327  
 Address Jackson  
 City JACKSON State MS ZIP 39205

**HOLD Weekday** FedEx location address REQUIRED. NOT available for FedEx First Overnight.  
**HOLD Saturday** FedEx location address REQUIRED. Available ONLY for FedEx Priority Overnight and FedEx 2Day to select locations.

**4 Express Package Service** \*To most locations. NOTE: Service order has changed. Please select carefully. Packages up to 150 lbs. For packages over 150 lbs., use the new FedEx Express Freight US Airbill.

**Next Business Day**  
 FedEx First Overnight Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.  
 FedEx Priority Overnight Next business morning.\* Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.  
 FedEx Standard Overnight Saturday Delivery NOT available.

**2 or 3 Business Days**  
 NEW FedEx 2Day A.M. Second business morning.\* Saturday Delivery NOT available.  
 FedEx 2Day Second business afternoon.\* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.  
 FedEx Express Saver Third business day.\* Saturday Delivery NOT available.

**5 Packaging** \*Declared value limit \$500.  
 FedEx Envelope\*  FedEx Pak\*  FedEx Box  FedEx Tube  Other

**6 Special Handling and Delivery Signature Options**

SATURDAY Delivery NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.  
 No Signature Required Package may be left without obtaining a signature for delivery.  
 Direct Signature Someone at recipient's address may sign for delivery. Fee applies.  
 Indirect Signature If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

**Does this shipment contain dangerous goods?** One box must be checked.  
 No  Yes As per attached Shipper's Declaration  Yes Shipper's Declaration not required.  Dry Ice Dry Ice, 9, UN 1845 \_\_\_\_\_ x \_\_\_\_\_ kg  
 Dangerous goods (including dry ice) cannot be shipped in FedEx packaging or placed in a FedEx Express Drop Box.  Cargo Aircraft Only

**7 Payment Bill to:** Enter FedEx Acct. No. or Credit Card No. below.  
 Sender Acct. No. in Section 1 will be billed.  Recipient  Third Party  Credit Card  Cash/Check  
 FedEx Acct. No. \_\_\_\_\_ Exp. Date \_\_\_\_\_  
 Credit Card No. \_\_\_\_\_

Total Packages \_\_\_\_\_ Total Weight \_\_\_\_\_ lbs. Total Declared Value! \$ \_\_\_\_\_ 00

Your liability is limited to \$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability. 612  
 Rev. Date 11/10 • Part #163136 • 01/09-2010 FedEx • PRINTED IN U.S.A. SRY

**The FedEx US Airbill has changed. See Section 4.**  
 For shipments over 150 lbs., order the new FedEx Express Freight US Airbill.

**EXHIBIT 4**

OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA

DAVID FARRAR, :  
LEAH LAX, :  
CODY JUDY, :  
THOMAS MALAREN, : Docket Number: OSAH-SECSTATE-CE-  
LAURIE ROTH, : 1215136-60-MALIHI

Plaintiffs, : Counsel for Plaintiffs: Orly Taitz

v. : Counsel for Defendant: Michael Jablonski

BARACK OBAMA, :

Defendant. :

DAVID P. WELDEN, :

Plaintiff, :

Docket Number: OSAH-SECSTATE-CE-  
1215137-60-MALIHI

v. :

Counsel for Plaintiff: Van R. Irion

BARACK OBAMA, :

Counsel for Defendant: Michael Jablonski

Defendant. :

CARL SWENSSON, :

Plaintiff, :

Docket Number: OSAH-SECSTATE-CE-  
1216218-60-MALIHI

v. :

Counsel for Plaintiff: J. Mark Hatfield

BARACK OBAMA, :

Counsel for Defendant: Michael Jablonski

Defendant. :

KEVIN RICHARD POWELL, :

Plaintiff, :

Docket Number: OSAH-SECSTATE-CE-  
1216823-60-MALIHI

v. :

Counsel for Plaintiff: J. Mark Hatfield

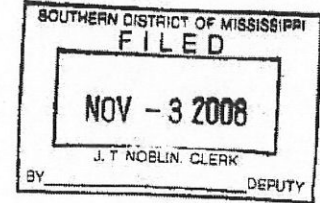
BARACK OBAMA, :

Counsel for Defendant: Michael Jablonski

Defendant. :

**EXHIBIT 5**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI



Daniel Scott Thomas, Elector for the State of California, who is nominated to vote in the Electoral College and is pledged to vote for Candidate Alan Keyes for President of the United States; Carl Bibeau, Teresa Bibeau, Ronald M. Hack, Stefany M. Hack, Jason Paulos, Gregory Poulos, Karen Poulos, Keith Poulos, Patricia J. Donahue, Michelle Tennison, Dr. Alan Keyes, Electors of the State of Florida, all of whom are nominated to vote in the Electoral College and are pledged to vote for Candidate Alan Keyes for President of the United States; Gerald L. Coffee, Elector for the State of Hawaii, who is nominated to vote in the Electoral College and is pledged to vote for Candidate John McCain for President of the United States; Geketa Holman, Elector for the Commonwealth of Kentucky, who is nominated to vote in the Electoral College and is pledged to vote for Candidate Alan Keyes for President of the United States; Joseph Mantegna, Arthur H. Hady, Brian Paul Weese, John H. Bane, Tim Phares, Bob Bailey and Steven B. Schulin, Electors of the State of Maryland, all of whom are nominated to vote in the Electoral College and are pledged to vote for Candidate Alan Keyes for President of the United States; Patrick Flynn, Elector for the State of Michigan, who is nominated to vote in the Electoral College and is pledged to vote for Candidate Alan Keyes for President of the United States; Tim Delrie, Leslie Riley and Vince Thornton, Electors of the State of Mississippi, all of whom are nominated to vote in the Electoral College and are pledged to vote for Candidate Chuck Baldwin for President of the United States; Christiane Schmenk and Joyce Houck, Electors of the State of Ohio, all of whom are nominated to vote in the Electoral College and are pledged to vote for Candidate John McCain for President of the United States; Virginia Chrisco, Elector for the State of Oklahoma, who is nominated to vote in the Electoral College and is pledged to vote for Candidate John McCain for President of the United States; Marvin Sprouse, Jr., Elector for the State of Texas, who is nominated to vote in the Electoral College and is pledged to vote for Candidate Alan Keyes for President of the United States; John Doe(s) and Jane Does(s), Electors of the various states nominated to vote in the Electoral College for Candidates for President and Vice-President of the United States, John Doe(s) and Jane Doe(s), Congressmen and Congresswomen in the United States House of Representatives,

PLAINTIFF(s),

v.

Delbert Hoseman, in his official capacity as Secretary of State for the State of Mississippi,

DEFENDANT(s).

COMPLAINT FOR  
DECLARATORY  
JUDGMENT &  
EXPEDITED  
DISCOVERY

Civil Action No. 2:08CV2415-MTP



**COMPLAINT FOR DECLARATORY JUDGMENT &  
EXPEDITED DISCOVERY**

Come now the PLAINTIFF(s), electors duly nominated pursuant to the laws of their various states as follows: Daniel Scott Thomas, Elector for the State of California, who is nominated to vote in the Electoral College and is pledged to vote for Candidate Alan Keyes for President of the United States; Carl Bibeau, Teresa Bibeau, Ronald M. Hack, Stefany M. Hack, Jason Paulos, Gregory Poulos, Karen Poulos, Keith Poulos, Patricia J. Donahue, Michelle Tennison, Dr. Alan Keyes, Electors of the State of Florida, all of whom are nominated to vote in the Electoral College and are pledged to vote for Candidate Alan Keyes for President of the United States; Gerald L. Coffee, Elector for the State of Hawaii, who is nominated to vote in the Electoral College and is pledged to vote for Candidate John McCain for President of the United States; Geketa Holman, Elector for the Commonwealth of Kentucky, who is nominated to vote in the Electoral College and is pledged to vote for Candidate Alan Keyes for President of the United States; Joseph Mantegna, Arthur H. Hady, Brian Paul Weese, John H. Bane, Tim Phares, Bob Bailey and Steven B. Schulin, Electors of the State of Maryland, all of whom are nominated to vote in the Electoral College and are pledged to vote for Candidate Alan Keyes for President of the United States; Patrick Flynn, Elector for the State of Michigan, who is nominated to vote in the Electoral College and is pledged to vote for Candidate Alan Keyes for President of the United States; Tim Delrie, Leslie Riley and Vince Thornton, Electors of the State of Mississippi, all of whom are nominated to vote in the Electoral College and are pledged to vote for Candidate Chuck Baldwin for President of the United States; Christiane Schmenk and Joyce Houck, Electors of the State of Ohio, all of whom are nominated to vote in the Electoral College and are pledged to vote for Candidate John McCain for President of the United States; Virginia Chrisco,

Elector for the State of Oklahoma, who is nominated to vote in the Electoral College and is pledged to vote for Candidate John McCain for President of the United States; Marvin Sprouse, Jr., Elector for the State of Texas, who is nominated to vote in the Electoral College and is pledged to vote for Candidate Alan Keyes for President of the United States; John Doe(s) and Jane Does(s), Electors of the various states nominated to vote in the Electoral College for Candidates for President and Vice-President of the United States, John Doe(s) and Jane Doe(s), Congressmen and Congresswomen in the United States House of Representatives, John Doe(s) and Jane Does(s), Electors of the various states nominated to vote in the Electoral College for Candidates for President and Vice-President of the United States; and John Doe(s) and Jane Doe(s) elected members of the U.S. Congress likely to receive the votes of the electors for review, to file this Complaint seeking:

FIRST, a Declaratory Judgment that the qualifications of all candidates for the offices of President and Vice-President of the United States as "Natural Born" citizens under Article II of the Constitution of the United States determined and verified by the Secretary of State, or other officer to whom is delegated the responsibility for the integrity of the ballot in that state is an essential element in the right to vote of every America voter, the electors, and the members of Congress who must count the electoral votes, and

SECOND, an Order for expedited discovery in the form attached hereto requiring and enabling the DEFENDANT Secretary of State to obtain evidence of the qualifications of every candidate for President and Vice-President as "natural born" citizens in compliance with Article II of the Constitution of the United States, and communicate such findings to the Secretaries of State in all other states and in support thereof would state as follows:

**JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331. This Court may exercise ancillary jurisdiction under 28 U.S. C. § 1367(a) to hear claims under the Constitution and laws of Mississippi. This Court has jurisdiction to grant both declaratory and injunctive relief under 28 U.S.C. §§ 2201 and 2202.

2. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) because Defendant Hoseman is situated within this judicial district.

**PLAINTIFFS**

3. That pursuant to Article II, Section 1 of the United States Constitution and state law, PLAINTIFF electors appear on the November 4, 2008, state ballots as indicated by their names in the attached list as a candidate for the office of Elector pledged to cast a ballot for President and Vice President of the United States of America, as provided in the Twelfth Amendment to the U.S. Constitution and their respective state laws.

**DEFENDANT**

4. Delbert Hoseman is the Secretary of State of Mississippi ("Secretary of State") and the chief election officer for the State. Miss Code Ann. § 23-15-211.1 and is sued in his official capacity.

5. That pursuant to Article II, Section 1 of the United States Constitution and state law, PLAINTIFF electors appear on the November 4, 2008, state ballots as indicated by their names in the attached list as a candidate for the office of Elector pledged to cast a ballot for President and Vice President of the United States of America, as provided in the Twelfth Amendment to the U.S. Constitution and their respective state laws.

6. That as candidate for the office of Elector entitled to vote to elect the President and Vice President of the United States, PLAINTIFF(s) have a constitutionally mandated duty to choose only such persons to fill such offices as they, in their discretion and according to law, ought to be entrusted with the powers and duties of such offices.

7. That, in order to discharge such duty, PLAINTIFF(s) must have access to all relevant information to ensure that the offices shall be filled only by such persons as are endowed with the requisite qualifications, including whether the candidates for President and Vice President meet the constitutional qualifications for office. The plaintiffs would suffer an injury in fact if this Court denied their right to bring this Motion for Declaratory Judgment. Those injuries would include, but not be limited to, their failure to perform their constitutionally mandated duties and the consequences associated therewith, the potential for civil fines and being required to defend themselves against causes of action such as a writ of mandamus, as well as their removal from office for a failure to comply with their individual state law. Plaintiffs come to this Court with a genuine present, substantial interest that would insure that this Court has the benefit of truly adverse parties. Without this Court's intervention, plaintiffs would have no opportunity to redress these wrongs.

8. That, among the constitutional qualifications for the office of President of the United States pursuant to Article II of the Constitution of the United States, a person shall be a natural born citizen of the United States.

9. That 3 U.S.C. Section 8 provides that: "The electors shall vote for President and Vice President, respectively, in the manner directed by the Constitution." This federal statute confers upon each elector an affirmative duty to discover whether the candidate for president for which

the elector is seeking election is a natural born citizen. Otherwise, the elector would not know if his vote was being cast in the "manner directed by the Constitution."

10. That given this constitutionally mandated duty, PLAINTIFF(s) have standing to bring this Complaint before this Court.

11. That a growing number of questions have arisen in litigation in at least ten (10) states contesting whether Senator John McCain and Senator Barack Obama are natural born citizens and, therefore, constitutionally eligible to be entrusted with the office of President of the United States. In the litigation against Senator Obama, allegations were made that his admitted dual citizenship in Kenya and Indonesia, and lack of evidence that he renounced the same, caused a loss of his U.S. Citizenship as a matter of law. Moreover, evidence released by the Obama campaign purporting to be a "Certification of Live Birth" on its face appears to be manufactured and unauthentic. See Exhibit A. This evidence was released to FactCheck.org, an Annenberg related agency which seeks to determine the veracity of certain claims made in public forums. See Exhibit B. One of the many problems with this evidence is that the border design differs from the border designs of other Certifications of Live Birth printed during the same time period. See Exhibit C. All these questions about both candidates are still unresolved. In the course of those lawsuits, some of which have been dismissed, it was determined that there exists no designated official in the federal government or the government of the states directly charged with the responsibility of determining whether any Presidential candidate meets the qualifications of Article II of the Constitution of the United States. In most states that responsibility is vested with the political parties, all of which have a conflict of interest in making any sort of such

determination, and none of which have been forthcoming with information or evidence verifying any candidate's compliance.

12. A press release was issued on October 31, 2008 by the Hawaii Department of Health by its Director, Dr. Chiyome Fukino. Dr. Fukino said that she had "personally seen and verified that the Hawaii State Department of Health has Sen. Obama's original birth certificate on record in accordance with state policies and procedures." That statement failed to resolve any of the questions being raised by litigation and press accounts. Being "on record" could mean either that its contents are in the computer database of the department or an actual "vault" original. If the latter, those are the words used to describe what is there.

Further, the report does not say whether the birth certificate in the "record" is a Certificate of Live Birth or a Certificate of Hawaiian Birth. In Hawaii, a Certificate of Live Birth resulting from hospital documentation, including a signature of an attending physician, is different from a Certificate of Hawaiian Birth. For births prior to 1972, a Certificate of Hawaiian Birth is the result of testimony of one witness and is not generated by a hospital. Such a Certificate could be obtained up to 1 year from the date of the child's birth. For that reason, its value as prima facie evidence is limited and easily overcome if any of the allegations of substantial evidence of birth outside Hawaii can be obtained and verified with a Court Order.

13. Despite an aggressive public dialogue about the qualifications of the Presidential candidates of the two major parties, there is no information whatsoever being disseminated concerning the qualifications of Presidential and Vice-Presidential candidates of the other parties.

14. That an unprecedented looming constitutional crisis awaits if a President elected by the popular vote and the electoral vote does not constitutionally qualify to serve in that capacity.

Given the current international turbulence, the potential results of this constitutional crisis would threaten the national security of the United States. The enormity of this grave risk is the reason for an urgent request to this Court to respond quickly to avert crisis.

15. That in order to discharge their constitutional and legal duties as Electors to ascertain whether any and all candidates for President and Vice-President possess the requisite constitutional qualification of natural born citizenship, PLAINTIFF(s) jointly seek the access of DEFENDANT to the birth certificates of every candidate for President or Vice-President and any other evidence required to determine their qualifications as "natural born" citizens.

16. The applicable section of U.S. Code titled "Presidential Elections and Vacancies", 3 U.S.C. 15, directs Congress in session on January 9, 2009 to open, count and record the electoral votes, then present the results to the President of the Senate, who shall then "announce the state of the vote." Ibid. The statute provides a mechanism for objections then to be registered and resolved that include the qualifications of those elected to serve in the office of President:

The Twentieth Amendment further provides, "if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be elected, and such person shall act accordingly until a President or Vice President shall have qualified.

17. Although Congress has the power to subpoena and/or duty to demand proof of qualifications for the office, a failure to qualify discovered at that time after the electoral vote could cause a widespread crisis of confidence not only in the United States but in other nations

already shaken with concern about the stability of our already weakened economy as well as our democratic system of government. PLAINTIFF members of Congress would be forced to make a determination with information denied from American voters and electors. Such denial and resulting constitutional crisis is avoided by completing the expedited discovery respectfully requested in the attached Order. In addition, this matter must be resolved now before the defense of laches would become applicable.

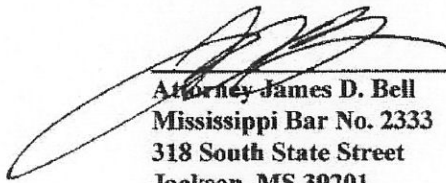
18. The Order attached empowers and authorizes the Defendant Secretary of State to work in cooperation with other Secretaries of State in other states and/or with the National Association of Secretaries of State, to formulate procedures to aid in making a determination of the qualifications of candidates, while maintaining the confidential nature of information that may be obtained through this expedited discovery that is not essential to the determination of a candidate's qualifications.

Wherefore, PLAINTIFFS respectfully request the attached Order For Expedited Discovery commanding DEFENDANT to produce for DEFENDANT's own inspection and review, under seal, certified copies of the birth certificates, and any further evidence necessary to establish the status as "natural born" citizens of every candidate for President and Vice-President of the United States and furnish its conclusions concerning same to the public and every other state no later than December 9, which date by law all states must conclude all contests or controversies concerning the selection of electors.



Date: November 3, 2008

**Respectfully submitted,**



---

**Attorney James D. Bell**  
**Mississippi Bar No. 2333**  
**318 South State Street**  
**Jackson, MS 39201**  
**601-981-9221**

**Attorney J. Thomas Smith\***  
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**615-790-2159**

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**2017 Cunningham Dr., Suite 210**  
**Hampton, VA 23666**  
**757-826-2200**

**Attorney James Hochberg\***  
**HI Bar No. 3686**  
**745 Fort St., Suite 1450**  
**Honolulu, HI 96183**  
**808-534-1514**

**\*Applications *pro hac vice* will be submitted.**

**EXHIBIT 6**

*et. KSC*  
**ORIGINAL**

**JAMES HOCHBERG, AAL, 3686**  
745 Fort Street Suite 1450  
Honolulu, Hawaii 96813  
808-534-1514/808-538-3075 fax  
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Attorney for Plaintiffs

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

DEC 02 2008  
at 1 o'clock and min. P.M.  
SUE BEITIA, CLERK *epd*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

**DANIEL SCOTT THOMAS, ELECTOR )  
FOR THE STATE OF CALIFORNIA, )  
WHO IS NOMINATED TO VOTE IN )  
THE ELECTORAL COLLEGE AND IS )  
PLEGDED TO VOTE FOR )  
CANDIDATE ALAN KEYES FOR )  
PRESIDENT OF THE UNITED )  
STATES; et al )  
PLAINTIFFS )**

**vs**

**DELBERT HOSEMANN )  
DEFENDANT )**

**vs.**

**STATE OF HAWAII DEPARTMENT OF )  
HEALTH, OFFICE OF HEALTH )  
STATUS MONITORING )  
CONTEMNER )**

Misc. No. **MC08-100280 JMS KSC**

PLAINTIFFS' MOTION FOR ORDER  
TO SHOW CAUSE WHY THE  
STATE OF HAWAII, DEPARTMENT  
OF HEALTH, OFFICE OF HEALTH  
STATUS MONITORING IS NOT IN  
CONTEMPT OF COURT FOR  
DISOBEYING A VALIDLY ISSUED  
AND SERVED SUBPOENA DUCES  
TECUM; DECLARATION OF JAMES  
HOCHBERG; EXHIBITS 1- 4;  
ORDER; CERTIFICATE OF  
SERVICE

PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE WHY THE STATE OF HAWAII, DEPARTMENT OF HEALTH, OFFICE OF HEALTH STATUS MONITORING IS NOT IN CONTEMPT OF COURT FOR DISOBEYING A VALIDLY ISSUED AND SERVED SUBPOENA DUCES TECUM

Plaintiffs, by and through their attorney, James Hochberg, Attorney at Law, file this Motion for Order to Show Cause Why the Office of Health Status Monitoring, of the State of Hawaii Department of Health should not be held in contempt of court for refusing to obey a validly issued and served subpoena duces tecum requesting access, review, inspection and copying of all of the original, long form vault documents concerning Barack Hussein Obama II's (hereinafter referred to as "Mr. Obama") birth held by the State of Hawaii.

The Plaintiffs have filed a Complaint in Mississippi styled *Thomas, et al vs. Hosemann*, in the United States District Court for the Southern District of Mississippi, Cause Number 2:08-cv-241. Through that cause of action the Plaintiffs have caused to be issued the Subpoena Duces Tecum from the United States District Court for the District of Hawaii (attached hereto as Exhibit 1) which was properly served in Hawaii upon the Custodian of Records of the State of Hawaii Department of Health, Office of Health Status Monitoring, seeking inspection and copying of the original, long form, vault documents concerning the birth records of Mr. Obama.

The Plaintiffs include Electors for the office of President of the United States of America, and a candidate for President of the United States of America. As such they are persons with a direct and tangible interest in the qualifications of the candidates for President of the United States of America. The birth records of Mr.

Obama are expected to contain information concerning his status as a natural born citizen of the United States, required by Article II of the Constitution of the United States of America to serve as President. All objections to the electoral votes must be resolved on or before December 9, 2008, so the voting of the Electoral College can occur December 15, 2008.

Mr. Obama's standing as a natural born citizen of the United States is seriously questioned in a number of cases filed in the state and federal courts across this country<sup>1</sup> (one of which is currently assigned to en banc conference at the Supreme Court of the United States of America for December 5, 2008; see Exhibit 2 attached hereto), alleging, among other things, that an eye witness, his

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<sup>1</sup>Litigation filed across the country in 2008 questioning whether Obama was born in Kenya, whether his birth certificate posted on his website is forged, whether he is not a natural born citizen, and similar issues includes, but is not limited to:

Leo Donofrio v. Nina Mitchell Wells, Secretary of State of the State of New Jersey - No. 08A047 - Currently set for en banc conference December 5, 2008 at the Supreme Court of the United States

Andy Martin v. Linda Lingle, Civil No. 08-1-2147-10-BIA (Hawaii);

Philip J. Berg v. Barack Obama, the Democratic National Committee, the Federal Election Commission, Case Number: 2:2008cv04083, (U.S. District Court for the Eastern District of Pennsylvania);

Daniel Scott Thomas v. Delbert Hoseman, No. 08cv 4083 (U.S. District Court for the Southern District of Mississippi)

David Neal v. Jennifer Brunner, et. al., Case No. 08 cv72726(Ohio)

Alan L. Keyes et al v. California Secretary of State Debra Bowen et al., Case No. 34-2008-80000096-CU-WM-GDS (Superior Court of California at Sacramento)

Bryan Terry, Sr. v. Karen Handel, Civil No. 2008cv158774 (Superior Court of Fulton County, Georgia)

grandmother, has stated that he was born in Kenya, the government of Kenya has sealed all records concerning Mr. Obama, and that the birth certificate posted on Mr. Obama's campaign website as evidence of his birth in the United States is a forgery.

Electors are required to vote for President of the United States on December 15, 2008, and in performing their Constitutional duty are obligated to ascertain the qualifications of the candidates before casting their vote. 3 U.S.C. Section 8 provides that: "The electors shall vote for President and Vice President, respectively, in a manner directed by the Constitution [emphasis added]." Since a legitimate question concerning Senator Obama's qualifications as a natural born citizen has arisen, the Plaintiffs have a direct and tangible interest in all of the original, long form, vault documents concerning Mr. Obama's birth.<sup>2</sup> Additionally, contests of the

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<sup>2</sup> In the State of Hawaii, back in 1961, there were three different birth certificates that were obtainable:

- a. If the birth was attended by a physician or mid wife, the attending medical professional was required to certify to the Department of Health the facts of the birth date, location, parents' identities and other information. (See Section 57-8 & 9 of the Territorial Public Health Statistics Act in the 1955 Revised Laws of Hawaii which was in effect in 1961).
- b. In 1961, if a person was born in Hawaii but not attended by a physician or mid wife, then, up to the first birthday of the child, an adult could, upon testimony, file a "Delayed Certificate", which required endorsement on the Delayed Certificate of a summary statement of the evidence submitted in support of the acceptance for delayed filing, which evidence must be kept in a special permanent file. The statute provided that the probative value of the Delayed Certificate must be determined by the judicial or administrative body or official before whom the certificate is offered as evidence. (See Section 57-18, 19 & 20 of the Territorial Public Health Statistics Act in the 1955 Revised Laws of Hawaii which was in effect in 1961).

recently held popular vote must be filed in most jurisdictions by December 9, 2008. The information requested is vital to the Plaintiff who is a candidate for President of the United States in order to ascertain whether contests should be filed.

The State of Hawaii Department of Health, Office of Health Status Monitoring refused to honor the subpoena, as shown on the letter attached to this Motion as Exhibit "3". The State of Hawaii relies on Hawaii Revised Statutes, Section 338-18 to argue that it is unlawful for it to comply with the validly issued and served Subpoena Duces Tecum from this Honorable Court. The full text of that statute is attached hereto as Exhibit 4, and the pertinent part relied on by the State of Hawaii in refusing to honor the subpoena is HRS Section 338-18(b) which provides:

§338-18(b) Disclosure of records.

- 
- c. If a child born in Hawaii, for whom no physician or mid wife filed a certificate of live birth, and for whom no Delayed Certificate was filed before the first birthday, then a Certificate of Hawaiian Birth could be issued upon testimony of an adult including the subject person) if the Lieutenant Governor was satisfied that a person was born in Hawaii, provided that the person had attained the age of one year. (See Section 57-40 of the Territorial Public Health Statistics Act in the 1955 Revised Laws of Hawaii which was in effect in 1961).
  2. In 1982, the vital records law was amended to create a fourth kind of birth certificate for children born outside of the Territory or State of Hawaii. HRS Chapter 338 was amended to add a new section authorizing the Director of the Department of Health to issue a birth certificate for a person **NOT** born in Hawaii either as a Territory or State, upon sufficient proof that the legal parents of such individual had declared the Territory or State of Hawaii as their legal residence for at least one year immediately preceding the birth of such child.
  3. The language of the statute clearly applies to births in the days of the Territory of Hawaii, so also births in 1961.

(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;
- (2) The spouse of the registrant;
- (3) A parent of the registrant;
- (4) A descendant of the registrant;
- (5) A person having a common ancestor with the registrant;
- (6) A legal guardian of the registrant;
- (7) A person or agency acting on behalf of the registrant;
- (8) A personal representative of the registrant's estate;
- (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;
- (10) Adoptive parents who have filed a petition for adoption and who need to determine the death of one or more of the prospective adopted child's natural or legal parents;
- (11) A person who needs to determine the marital status of a former spouse in order to determine the payment of alimony;
- (12) A person who needs to determine the death of a nonrelated co-owner of property purchased under a joint tenancy agreement; and
- (13) A person who needs a death certificate for the determination of payments under a credit insurance insurance policy.

[L 1949, c 327, §22; RL 1955, §57-21; am L Sp 1959 2d, c 1, §19; am L 1967, c 30, §2; HRS §338-18; am L 1977, c 118, §1; am L 1991, c 190, §1; am L 1997, c 305, §5; am L 2001, c 246, §2]

The State of Hawaii takes the improvident position that Plaintiffs must obtain a court order under subparagraph (9) rather than allow the State of Hawaii to examine Plaintiffs' interest and find that Plaintiffs qualify. In essence, then, the State



of Hawaii appears to be claiming that Section 338-18(b) is the exclusive list of persons qualified to review the subpoenaed documents.


Clearly, by the language of sub paragraph (b) of the statute stating that the State of Hawaii may only give access to persons if "it is satisfied that the applicant has a direct and tangible interest in the record," gives the State of Hawaii flexibility beyond the list of 13 stated categories of persons found by the legislature to have a direct and tangible interest in the record. Therefore, the State of Hawaii is in contempt of the subpoena for refusing to evaluate the Plaintiffs' tangible and direct interest.

The Plaintiffs' duties under the Constitution of the United States of America to serve as members of the Electoral College and cast their electoral votes in accordance with the Constitutional requirement that the President be a natural born citizen, gives Plaintiffs tangible and direct interests in the information. The State of Hawaii should have found the Plaintiffs to be persons with tangible and direct interests in the information contained in the records subpoenaed. All of the Electoral-Plaintiffs have a tangible and direct interest in the information. The electors will be voting in the electoral college and have a tangible and direct interest by virtue of the duty to vote in accordance with the Constitution. The list of 13 qualified persons set out in the statute is not an exclusive list.

Additionally, the State of Hawaii Department of Health, Office of Health Status Monitoring, is not entitled to invoke a state statute as grounds to refuse to honor a subpoena from a Federal Court.

Therefore, the Plaintiffs move the Court for an order requiring the State of Hawaii Department of Health, Office of Health Status Monitoring to show cause why it should not be found in contempt of Court for failing to honor the subpoena, finding that the Plaintiffs have a direct and tangible interest in all of the original, long form, vault documents of Mr. Obama's birth, and ordering the State of Hawaii Department of Health, Office of Health Status Monitoring to immediately produce all of the original, long form, vault documents of Mr. Obama's birth.

DATED: Honolulu, Hawai'i, December 2, 2008.



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JAMES HOCHBERG, ESQ.  
Attorney for Plaintiffs

**EXHIBIT 7**

JOHN MCCAIN  
ARIZONA

COMMITTEE ON ARMED SERVICES  
COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
COMMITTEE ON HEALTH  
EDUCATION, LABOR, AND PENSIONS  
COMMITTEE ON HOMELAND SECURITY  
AND GOVERNMENTAL AFFAIRS  
COMMITTEE ON INDIAN AFFAIRS

# United States Senate

241 Russell Senate Office Building  
Washington, DC 20510-8301  
202-224-2225

5303 North 16th Street  
Suite 100  
Phoenix, AZ 85016  
602-952-2410

122 North Curry Street  
Suite 100  
Prescott, AZ 86301  
928-445-0833

4702 South Litchfield Drive  
Suite 1  
Tucson, AZ 85710  
480-897-6289

491 West Chandler Street  
Suite 103  
Tucson, AZ 85701  
520-670-6324

Telephone for Hearing Room  
602-952-6170

January 13, 2010

Dr. Orly Tatz  
29839 Santa Margarita Pkwy  
Rancho Santa Margarita, CA 92688

Dear Orly:

I want to take this opportunity to thank you for your letter of January 8th 2010 regarding a judicial matter.

Unfortunately, your situation appears to involve litigation or may require litigation under the judicial system. Members of Congress are precluded from inquiring into matters pending before the courts by provisions of the Constitution that mandate a separation of powers between the Judicial, Executive, and Legislative branches. I feel that my involvement in your present situation may be viewed as an interference in the judicial process.

Orly, I am sorry that I cannot be of assistance at this time and your correspondence is being returned to you.

Sincerely,



John McCain  
United States Senator

JM/zso

**EXHIBIT 8**

JEFF SESSIONS  
ALABAMA

COMMITTEE  
SENATE SELECT  
JULY 2007  
2008 U.S. SENATE ELECTIONS  
TELE 33

United States Senate  
WASHINGTON, DC 20540-1104  
December 16, 2008

[REDACTED]  
[REDACTED]  
Birmingham, Alabama 35213

Dear Ms. [REDACTED]:

Thank you for your recent letter regarding President-elect Barack Obama. I appreciate your comments and welcome the opportunity to respond.


The Constitution of the United States requires that all candidates for the office of President must be at least 35 years of age, natural born citizens, and residents in the United States for the previous 14 years. As you know, stories have circulated that call into question President-elect Obama's citizenship. To this end, lawsuits have been filed alleging that Obama is not a natural born citizen of the United States, and therefore is constitutionally ineligible for the office of President.

One of the most highly publicized suits was filed by Philip Berg on August 21, 2008, in the U.S. District Court for the Eastern District of Pennsylvania. This suit was dismissed on October 24, 2008, and Berg subsequently filed an appeal. The decision to hear the case is still pending before the United States Supreme Court. A related suit, filed by Leo Donofrio, was recently submitted to the Supreme Court. On December 8, 2008, the court declined to hear Donofrio's suit.

Senate ethics rules preclude me from becoming personally involved in pending litigation. I sincerely hope this matter can be fully and promptly resolved by the courts. In the meantime, please do not hesitate to contact me in the future should you have a question regarding an issue over which I have jurisdiction.

Thank you again for writing. Your comments and suggestions are always welcome.

Very truly yours,

  
Jeff Sessions  
United States Senator

JS: cd

UNITED STATES SENATE

WASHINGTON, DC 20540-0104

OFFICIAL BUSINESS

*Jeff Sessions*  
U.S.S.

PERMIT 5720



NOV 21 2012 10 52 19

