

AFFIDAVIT IN SUPPORT OF TOUHY REQUEST

STATE OF CALIFORNIA §
§
COUNTY OF ORANGE §

BEFORE ME, the undersigned Notary, on this _____ day of March, 2009, personally appeared ORLY TAITZ, known to me to be a credible person and of lawful age, who being by me first duly sworn, on her oath, deposes and says:

1. I, ORLY TAITZ, am a resident of Rancho Santa Margarita, Orange County, California.
2. I am duly licensed to practice law within the State of California and US Federal Courts, and am engaged in the practice of law as a solo practitioner with the Law Office of Dr. Orly Taitz, located at 26302 La Paz, Suite 211, Mission Viejo, Orange County, California.
3. I am one of the attorneys representing Dr. Alan Keyes in Cause No. 34-2008-80000096-CU-WM-GDS, *Keyes v. Bowen*, brought in the Superior Court of California, County of Sacramento (hereinafter called the “Keyes Case”), alleging in part that Debra Bowen, as the California Secretary of State, improperly certified Barack Hussein Obama (hereinafter called “Obama”) as a US presidential candidate in California after accepting only a signed personal statement from Obama, in which he asserted that he was an eligible candidate, and without demanding any supporting verification proving that Obama was Constitutionally eligible to be a US President under Article II, Section 1 (5) of the US Constitution.
4. In addition to being an attorney on the Keyes Case and other related matters regarding similar issues associated with the Obama presidency, I have a website, currently located at <http://defendourfreedoms.us>, which informs the public and disseminates information about various national concerns. Despite the inexplicable sabotage of my original blog, located at <http://drorly.blogspot.com/>, the number of people visiting my website and working with me to uncover the truth about these matters continues to grow. After only two (2) months of existence, starting in November 2008, my blog had over one and a half million (1,500,000) visitors a month.
5. I am fully competent to make this affidavit and have personal knowledge of the facts stated herein and that they are all true and correct.
6. On January 19, 2009, plaintiffs in the Keyes Case issued a Deposition Subpoena for Production of Business Records to the US Department of

Justice (hereinafter called the “USDOJ”), which was served on the USDOJ on February 10, 2009.

7. By a letter dated February 18, 2009, counsel for the USDOJ proposed that the Keyes Case plaintiffs and the USDOJ treat plaintiffs’ subpoena as an informational demand under the administrative procedure set out in 28 C.F.R. Part 16 (USDOJ’s regulation under *United States ex rel. Touhy v. Ragen* (1951) 340 U.S. 462, or as hereinafter referred to as the “Touhy Regulation”) instead of as a subpoena.
8. In compliance with that proposal and resulting stipulation in the Keyes Case, this affidavit is being submitted to Lawrence G. Brown, Acting US Attorney and Yoshinori H. T. Himel, Assistant US Attorney for the Eastern District of California, both acting on behalf of Eric Holder, the US Attorney General.
9. The Keyes Case was filed because Obama has patently and continually refused to produce any substantive proof, including a copy of his original vault (long form) Hawaiian birth certificate, to show incontrovertibly that Obama is Constitutionally eligible to be a US President. Despite verbal assurances of his eligibility, Obama acknowledged on his own campaign website, as well as other pro-Obama websites, that he is a “native born citizen” and that his father, Barack H. Obama, Sr. (hereinafter called “Obama Sr.”), was a Kenyan native whose citizenship, as well as the citizenship of Obama Sr.’s children, was governed by The British Nationality Act of 1948. Obama’s website explains that Obama had dual citizenship with Kenya until age 21.
10. Article II, Section 1 (5) of the US Constitution requires that a US President must be a “natural born Citizen.” Although the Constitution does not define this term, various lawsuits, including *US v. Wong Kim Ark*, 169 U.S. 649 (1898) and *Minor v. Happersett*, 88 U.S. 162 (1874) have defined “natural born” to mean a person who was born under the jurisdiction of the United States to two parents who were US citizens. *Perkins v. Elg*, 307 US 325 (1939) provides examples to distinguish the differences among a “US citizen,” a “native born US citizen,” as Obama claims to be on his campaign website, and a “natural born US citizen,” as is Constitutionally required for the eligibility of a US President. The fact that Obama has openly acknowledged that he is a “native born citizen” and not a “natural born Citizen” and that his father, Obama Sr., was not a US citizen automatically places Obama’s “natural born” citizenship status in question and jeopardy under these definitions.
11. Obama’s paternal grandmother, Sarah Hussein Obama, has claimed that she was present, along with Obama’s half-brother and half-sister, when Obama was born in Kenya on August 4, 1961. No one in Hawaii has

come forward to make any similar statement regarding Obama's birth in Hawaii, nor has any registration for Obama's mother, Stanley Ann Dunham, or Obama's birth been found in any Hawaiian hospital, despite in-depth investigations conducted by US citizens. Although both Obama and his half-sister, Maya Soetoro-Ng, have identified two different hospitals in Hawaii where Obama was purportedly born, neither hospital has provided any proof of Obama's birth, nor has any proof been found through numerous citizen investigations.

12. Although Obama's mother was a US citizen, she was 18-years-old at the time of his birth. In the event Obama was born in Kenya, §301(a)(7) of the 1952 Immigration and Naturalization Act, as amended from the 1940 Act, required that his mother be 19-years-old to transfer her US citizenship to any child who was born outside of the US to one US citizen and one alien citizen. Since Obama Sr. was an alien citizen, Obama's mother was not old enough under the statute and could not legally transfer her US citizenship to her son if he was born outside of the US.
13. Even if Obama was born in Kenya, he could have received a Hawaiian registration of birth under Hawai'i Revised Statutes §338.17-8, which allows a Hawaiian registration of birth for babies born outside of Hawaii, based on the statement of one relative, as long as the parents had resided in Hawaii for at least one year. Although this registration is a totally different document from a birth certificate for a child who was actually born in Hawaii, both documents are referred to as "original birth certificates" in Hawaii. Regardless of this "designation," the Hawaiian birth registration is merely a registration of a live birth outside of Hawaii and it does not, nor can it ever, confer "natural born" US citizenship status to a child who was born outside of the US.
14. Despite news reports to the contrary, no Hawaiian official has ever stated that he or she has seen Obama's actual Hawaiian birth certificate or that Obama was born in Honolulu in 1961. Chiyome Leinaala Fukino, M.D., Director of the Hawaii Department of Health, merely stated on October 31, 2008, *"I have personally seen and verified that the Hawai'i State Department of Health has Sen. Obama's original birth certificate on record in accordance with state policies and procedures."* This statement simply confirms that Hawaii has some sort of birth document on file for Obama in its records in accordance with its state policies and procedures, which include Hawai'i Revised Statutes §338.17-8, designating the registration of birth for babies born anywhere outside of Hawaii as "original birth certificates," regardless of the actual location of birth, and §338-18, prohibiting the release of a certified birth certificate to persons who do not have a tangible interest in the vital record. The purpose of the latter statute is to protect the privacy of Hawaii's citizens.

15. As a public person seeking, and now functioning in, the office of the US President, Obama had and continues to have a duty to disclose his original vault Hawaiian birth certificate to prove he is Constitutionally eligible to hold that position. When Obama chose to seek public office, he gave up his privacy rights that Hawaii is seeking to protect for her other citizens under Hawai'i Revised Statutes §338-18. Yet despite Obama's verbal affirmations for openness and transparency, he has refused to respond to the repeated requests by US citizens, including almost 50 lawsuits on the matter, and has consistently avoided the production of a \$10 to \$20 birth certificate, which could put this matter to rest. Instead, he has chosen to hire several law firms around the country to protect his personal records, including birth, college, employment, medical, bar, and passport records, all of which have been sealed. Each American citizen has a tangible interest in viewing the content of these records, especially since Obama's lawyers have reportedly stated in court motions that revealing this information would "cause a defined and serious injury" to Obama and/or the DNC, and that "particularly serious embarrassment will result from turning over the requested documentation." This raises the issue as to what exactly is being hidden from the American public and whether the hidden information affects our US Constitution and national security.
16. To quell concerns, Obama has continually asserted that a short form Certification of Live Birth (hereinafter called the "COLB"), which he posted online in June 2008 and was purportedly "authenticated" by various pro-Obama internet websites, is a copy of his birth certificate and "evidence" of his eligibility. This computer-generated, laser printed document is not only lacking in detail, including the name of the hospital, name of the delivery doctor, birth weight and birth size, it has been determined by several forensic document examiners to be a forgery, which "cannot be relied upon as genuine." It appears that the COLB was obtained in 2007 and may have been further altered in 2008. Signs of forgery have included altered lettering on the words, border differentiation from the form's date, and a fraudulent Hawaiian seal, among other indications of forgery. Additionally, the COLB clearly states at the bottom of the document, "ANY ALTERATIONS INVALIDATE THIS CERTIFICATE". Despite this warning, most of the websites have blacked out the certificate number in the photo of the COLB appearing on the website, which is a clear alteration.
17. Not only does the question exist about Obama's "natural born" citizenship status, but it is possible that Obama may not be a US citizen at all. In his book, *Dreams from My Father*, Obama stated that he lived in Indonesia with his mom and stepfather, Lolo Soetoro, from ages 6 to 10. Obama's stepfather changed Obama's name to Barry Soetoro, and Obama became an Indonesian citizen, registered as a Muslim. It is illegal under Indonesian law to hold a dual citizenship, and only Indonesian citizens

may attend Indonesian schools or obtain Indonesian passports. Obama acknowledged in a 2008 speech that he traveled to Pakistan, India and Indonesia when he was 20-years-old. In 1981, Americans were not allowed to travel to Pakistan, so it is unlikely Obama used an American passport for that trip. Obama is reported to have traveled to Pakistan and the other countries on an Indonesian passport in 1981, which was two years after he had reached his age of majority, and Obama has never denied this fact.

18. Obama moved back to the United States at age 10 to live with his maternal grandparents in Hawaii, but there is no evidence that Obama was ever repatriated to the US, in the event he ever was a US citizen initially. There is no proof that Obama's mother ever took an oath of allegiance for her son at any time prior to him turning 18 nor is there proof that she took one for herself after her divorce. If Obama, indeed, had been born in Hawaii, it would have been necessary to take an oath of allegiance for him to reestablish US citizenship, since both he and his mother were officially Indonesian citizens. Even if his mother never took the oath of allegiance for him, there is no proof that Obama, himself, ever took an oath of allegiance after reaching his majority age (18) to repatriate himself (again, if he ever was a US citizen) nor does it appear that Obama has ever become a naturalized US citizen. If Obama did travel on an Indonesian passport at age 20, this complicates the issue and indicates that Obama may, in reality, still be an Indonesian citizen, which would make him an illegal alien in the US and not only make him wholly ineligible to be the US President, but also ineligible to be a US Senator, an Illinois state senator or even a voting citizen.
19. It is imperative that all questions raised within items 9 through 18 of this Affidavit be answered so that the truth can be uncovered regarding Obama's natural born citizenship status and illegal alien status. The truth to these issues and others mentioned herein affect every American and are essential to the preservation and protection of our country, national security and US Constitution. In the event Obama is ineligible to be a US President, which appears to be the case according to the accepted definition of a "natural born Citizen," as explained in item 10 above, then nothing that Obama does or Congress does while Obama is posing as a US president will have any legal consequence. If Obama is ineligible to hold the office he portends to hold and is therefore a usurper, our military has no commander in chief to follow. This is a potential Constitutional crisis of the highest magnitude and is being silenced within our country through an apparent mainstream media blackout on the subject. Many Americans are unaware that these issues even exist and must be alerted to the truth.
20. The Constitutional crisis and national security ramifications of these issues, along with an apparent media blackout on the subject matter

(outside of the internet and information disseminated about this subject on websites like my own), create an urgency to uncover the truth so that the public can be informed about actual or alleged federal government activity. These issues obviously affect possible questions about the government's integrity, which will affect public confidence once the information becomes more widespread. Additionally, there is a potential loss of substantial due process rights for the American public if the truth is not uncovered as soon as possible. The Obama administration is moving at warp speed to accomplish its goals, but if Obama is ineligible to be a US president, everything that is being "accomplished" will be illegal. Consequently, time is of the essence in uncovering the truth and **I respectfully request that production of the following information, listed below in this item 20, be expedited under Touhy Regulation §16.5 (d)(1)(i), (ii), (iii) and (iv).** Unfortunately, lack of expedited treatment could reasonably pose an imminent threat to the life or physical safety of many Americans if Obama is ineligible to hold the office of US President. Additionally, **I respectfully request that all fees associated with the production of the following information be waived under Touhy Regulation §16.11(k),** since these requests concern or affect the operations or activities of the government and are likely to contribute significantly to public understanding of government operations or activities:

- a. Copy of report (possibly 150 pages) and findings of the Inspector General of the DOJ and/or the State Department investigation report regarding the unauthorized employee access to and tampering with Obama's passport records on at least three separate occasions in 2008, including whether Obama made an original application or renewal of his American passport on his most recent request, when that application or renewal was made, information about whether an original vault birth certificate or Obama's online COLB was used to prove Obama's American citizenship status on his original American passport application and the date when Obama made that original application for an American passport;
- b. Names and contact information for investigators, results of the investigations performed and findings on all of the information and documentation forwarded by numerous American citizens, including individuals in Illinois, Washington, California, Texas, Alabama, Tennessee and Florida, to the DOJ and FBI as well as other government entities over the past several months about Obama, his personal records and his questionable activities, including, but not limited to:
 - i. Obama's authenticated original vault birth certificate, proving his age, date of birth and place of birth;

- ii. Proof of Obama's actual birthplace location and details regarding the investigation into Obama's potential birth in Kenya and Obama's potential birth in Hawaii;
- iii. Documentation revealing Obama's school registration in Indonesia, which shows his name to be Barry Soetoro, citizen of Indonesia;
- iv. Proof that Obama legally changed his name from his adopted Indonesian name, Barry Soetoro, to Barack Hussein Obama and when his name was legally changed;
- v. Proof that Obama became a repatriated American citizen after returning to the United States from Indonesia at age 10 and the date of that repatriation;
- vi. Proof that Obama became a naturalized US citizen and the date of that naturalization;
- vii. Obama's college records, including the name (i.e. Obama, Soetoro, Dunham) and country of citizenship that Obama used for registration as a college student and whether he registered as an American or foreign student;
- viii. Documentation revealing Obama as a foreign exchange student under the name of Barry Soetoro from 1979 to 1981 and during any other time periods;
- ix. Obama's Illinois State Bar records;
- x. Obama's medical records;
- xi. The passport that Obama used in 1981 for his trip to Pakistan;
- xii. The passport that Obama used in 2006 for his trip to Kenya;
- xiii. The use and purpose of \$1 million that "Friends of Senator Barack Obama" contributed to Raila Odinga in 2006 for his Kenyan campaign, reportedly used to fund bloodshed, mayhem and the promotion of Sharia law in Kenya;
- xiv. Affidavits of expert witnesses concerning the forgery of Obama's birth certificate (Docket #29473) as posted on various pro-Obama websites, including <http://www.dailykos.com/>, <http://my.barackobama.com/>, <http://www.fightthesmears.com/>, <http://www.politifact.org/>, and <http://www.factcheck.org/>;

- xv. A list of some 100 addresses found on LEXIS-NEXIS under the name of Barack Obama (and similar spellings) that were attached to various social security numbers, including two in Tennessee (the first three digits, which provide information on the actual state where application was made, indicate that the social security numbers came from different states all over the country, with one particular social security number that was used while Obama was a law student at Harvard and was attached to his address in Sommerville, MA, having been issued in Connecticut 118 years ago);
- xvi. Selective Service System registration ("SSS Form 1") for Obama, regarding whether he ever registered for the Selective Service System or if someone committed a crime for him, and accompanying computer print out ("SSS Print-out) forgery statement by recently retired federal agent, Stephen Coffman; and
- xvii. Other conflicting citizenship reports regarding Obama's travels to Kenya and Indonesia

or, alternatively, if no investigations were done on these multiple issues, an explanation as to why nothing was done;

- c. Names and contact information for investigators, results of the investigations performed and findings on the information forwarded to the FBI about Obama by the office of US Senator Lamar Alexander from Tennessee, or, alternatively, if no investigations were done on these issues, an explanation as to why nothing was done;
- d. Names and contact information for investigators as well as results and findings of investigations performed regarding additional inconsistencies and/or fraud discovered in the COLB that Obama filed online (which has been determined to have numerous signs of forgery by a number of forensic document examiner experts, as explained in item 16 above), including, but not limited to:
 - i. Any and all methods used by the US government to confirm the authenticity of the COLB and reasons for accepting this abbreviated, computer-generated, laser printed document as authentic proof of Obama's birthplace and age instead of requiring an authenticated original vault birth certificate to prove a US President's Constitutional eligibility;

- ii. Name of the agency that conducted the authenticity confirmation for Obama's COLB and processes used to compare its findings with those of the forensic document examiner experts who determined this COLB to be a forgery; or, alternatively,
 - iii. A detailed explanation as to why the US government is relying solely on internet websites for authentication of a US President's birth certificate and is accepting a short form, computer-generated, laser printed COLB as proof of a US President's Constitutional eligibility instead of requiring an authenticated original vault birth certificate as proof; and
- e. Names and contact information for investigators, documents provided, obtained and used, processes implemented, and the results and findings of investigations performed and/or conducted regarding any and all background checks on Obama, his family, neighbors and associates to determine and grant Obama a security clearance, both as a US Senator and US President, including the name, rank and official capacity of the person who ultimately authorized Obama's high level security clearance.

AFFIANT SAYS FURTHER NOT.

IN WITNESS WHEREOF, ORLY TAITZ has executed this Affidavit this _____ day of March, 2009.

ORLY TAITZ
Attorney for Dr. Alan Keyes
26302 La Paz, Suite 211,
Mission Viejo, CA 92691

STATE OF CALIFORNIA §
§
COUNTY OF ORANGE §

SUBSCRIBED AND SWORN TO BEFORE ME on the _____ day of March, 2009, by ORLY TAITZ, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

(Seal)

Notary Public in and for
the State of California