

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

MANDAMUS ) PETITION FOR A WRIT OF  
DR. ORLY TAITZ, ESQ ) REQUEST FOR INSPECTION  
OF RECORDS )  
PLAINTIFF ) UNDER UNIFIED INFORMATION  
PRACTICES ACT )  
HAWAII ) STATUTE 92F, STATE OF  
V ) CIVIL 11-1-1731-08  
PRESIDING ) HON. RHONDA NISHIMURA  
LORETTA FUDDY IN HER OFFICIAL CAPACITY AS ) FILED AUGUST 10, 2011  
DIRECTOR OF THE DEPARTMENT OF HEALTH ) TRIAL DATE -NOT SET YET  
STATE OF HAWAII, )  
DR. ALVIN T. ONAKA, )  
IN HIS OFFICIAL CAPACITY AS )  
THE REGISTRAR, DEPARTMENT OF HEALTH )  
STATE OF HAWAII )

**Jurisdiction**

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

**Governing Statute**

Unified Information Practices Act, as codified in statute 92F

## **Parties**

### Plaintiff

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

### Defendants

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

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

## **Factual allegations**

1. Defendant Fuddy in her official capacity as Director of Health is a custodian of the original birth records of individuals born in HI, or individuals born abroad, who received Hawaiian birth certificates pursuant to statute 338-17, as well as Late Birth Records, created later in life under statute 338-6 when the original birth records are not available.
2. Defendant, Dr. Alvin T. Onaka, in his official capacity as the registrar of the Department of Health is the state of Hawaii official responsible for the authentication of the original records and the certified copies of the original records.
3. Under Article 2, section one of the Constitution of the United States President of the United States has to be the “natural born citizen” of the United States of America.
4. Article 2 section one is the only law/statute governing the eligibility of the President of the United States. U. S. Constitution is the Supreme law of the land, which supersedes any state statutes. No state statute, no state claim of privacy can supersede the requirement of the of the US Constitution for the President to be “Natural born” or de facto invalidate the Constitutional requirement by refusing to provide access and right for inspection of the admissible competent evidence of Natural Born status.
5. Fourteenth amendment of the Constitution does not provide definition of the “Natural Born citizen” as it relates only to the requirements of the citizenships and not “Natural Born Citizen” for the purpose of the qualification for the presidency of the United States.
6. “Natural Born Citizen” is different from “Native Born Citizen” and “Citizen at birth”
7. Citizen at birth provides one citizenship based on law or statute, regardless, whether born in the United States or not.
8. Native born Citizen is one born in the country, but might allow for split allegiance to other sovereignties.

9. "Natural Born Citizen" is the form of citizenship with the highest requirements of allegiance, based on "Jus Solis" and "Jus Sanquinis", born in the country with allegiance by blood (inherited from both parents").

10. Only one person at a time is required to possess this highest form of allegiance and citizenship- President of the United States. Such highest form of allegiance was sought by the framers of the United States Constitution in order to assure an undivided allegiance of the President of the United States of America and the Commander in Chief.

11. Barack Huissein Obama, currently occupying the position of the President of the United States, claims to be born in the state of Hawaii and claims the original typewritten long form birth certificate, created in 1961, is on file and in custody of the Defendants.

12. For nearly three years Mr. Obama refused to release his original long form birth certificate with the name of the doctor, hospital, registrar and other pertinent information.

13. Multiple individuals, including members of the US military demanded to see the long form birth certificate to make sure, that Mr. Obama is indeed qualified for the position of the President of the United States and Commander in Chief.

14. Highly decorated U.S. Army officer, Bronze star recipient, flight surgeon LT. Col.

Terrence Lakin was court martialed and spent six month in Fort Leavenworth military prison for demanding to see verification of legitimacy of Mr. Obama, as the president of the United States. In spite of thousands of requests for Mr. Obama to provide his long form birth certificate and spare a decorated officer, he refused to do so and in December of 2010 Lt. Col. Lakin was sent to prison.

15. Plaintiff herein is an attorney who represents other clients, questioning Mr. Obama's legitimacy to presidency, among theM former UN ambassador Dr. Alan Keyes, 10 State Representatives from around the Nation and over 200 members of the military, going up in rank to Major General. She was named by the media "Queen of the Birthers", leader of the dissident movement, questioning Barack Hussein Obama's legitimacy to the US Presidency.

16. Plaintiff and her clients were viciously attacked, defamed and persecuted for demanding to see the original record, which is the basis of Mr. Obama's eligibility to the U.S. Presidency.

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

18. On April 27, 2011, only a few days before the scheduled oral argument in the Ninth Circuit court of Appeals, Mr. Obama held a public press conference, where he disclosed, what he claimed to be the certified copy of the original Birth Certificate. At the same press conference Mr. Obama attacked individuals, seeking verification of his records, calling them "side show, carnival barkers" and stating, that we have more important things to do.

This appearance was certain to influence the three judge panel of Hon. Berzon, Hon. Pregerson and Hon. Fisher of the Ninth Circuit Court of Appeals, getting ready to hear the oral argument in Barnett, Keyes v Obama and was calculated to send the message, that the original long form birth certificate was disclosed to the public and the whole issue is moot. This cheap performance by Mr. Obama was also calculated to create a mass hysteria of further persecutions and harassment of the Plaintiff and her clients.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Purposes; rules of construction

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

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

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

- (1) Promote the public interest in disclosure;
- (2) Provide for accurate, relevant, timely, and complete government records;
- (3) Enhance governmental accountability through a general policy of access to government records;
- (4) Make government accountable to individuals in the collection, use, and dissemination of information relating to them; and
- (5) Balance the individual privacy interest and the public access interest, allowing access unless it would constitute a clearly unwarranted invasion of personal privacy.

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

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

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

- 1 Person of interest, whose long form birth certificate is sought has waived any claims of privacy by making a public disclosure of the document in question during his press conference on April 27, 2011.
2. After April 27, 2011 §338-18 no longer applies to the long form birth certificate sought and Defendants erred in refusing to allow inspection based on above statute.
3. Defendants are obligated to allow Plaintiff inspection of the long form birth certificate sought under Unified Information Practices Act chapter 92f of Hawaii Revised statutes.
- 4 Defendants are liable to the plaintiff for all costs and fees associated with this action.

Respectfully submitted

Dr. Orly Taitz, ESQ.