

NO. 29473

IN THE SUPREME COURT OF THE STATE OF HAWAII

CONSTITUTION PARTY; ALAN L. KEYES;)	
)	ORIGINAL PROCEEDING
Plaintiffs,)	
)	DECLARATION OF
vs.)	XXXXXXXXXXXXXX; EXHIBIT A
)	
LINDA LINGLE in her official capacity as)	
Governor of the State of Hawaii; KEVIN B.)	
CRONIN in his official capacity as the Chief)	
Election Officer for the State of Hawaii; JOHN)	
DOES 1-50; JANE DOES 1-50; DOE)	
PARTNERSHIPS 1-50; DOE)	
CORPORATIONS 1-50; AND DOE)	
ENTITIES 1-50)	
)	
Defendants.)	

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DECLARATION OF XXXXXXXXXXXXXXXX

I, XXXXXXXXXXXXXXXX, declare as follows:

1. I am Dr. XXXXXXXXXXXXXXXX, and I hold a PhD in Instructional Systems with 25+ years of post-doctoral work experience, and a Masters Degree in Educational Research, Design, and Testing. I have worked with computers and computer printers, plotters, and optical/digital scanners, typesetting, offset printing, and automatic typewriters, for over thirty (30) years. I am submitting this opinion anonymously because I work for a government contractor and need to remain anonymous in order to keep my employer free from any ramifications due to presenting this opinion. In addition, my family needs the opinion to be anonymous due to the nature of my work.
2. In my professional career I have held positions as a Computer Programmer, Web Designer, Media Consultant, Research Director and Statistician. I have testified as a Statistical Expert in Governmental hearings over the last twenty (20) years.

3. I began working with computers on or about 1969 and with graphic arts since 1965. I have worked with document image scanners since 1982 and with digital images and digital editing software since 1987. I have received professional training in the use of Adobe Photoshop and Image Ready software with a particular focus on creating web graphics. I have also worked with laser printers since 1986.

4. My father was a professional photographer who taught me how to use high-end cameras, such as a Hasselblad he gave me when I was eight (8) years old, and have been using them ever since. In addition to using DLR and SLR cameras, and running a film developing studio, I started using digital cameras in my work field on or about 1998.

5. With my combined work experiences and education, I am more than capable of detecting anomalies on digital images and photographs, whether naturally caused or man-made, as well as determining how they were created, and if they were subsequently modified.

6. During the Barack Hussein Obama's [hereinafter "Obama"] Presidential campaign, there have been numerous rumors circulating about Obama's citizenship status.

7. Jim Geraghty, a Writer for National Review magazine and the National Review Online, posted a story to his blog, the Campaign Spot that appeared in the National Review Online, raising issues that Obama was born in Kenya, his middle name was really Muhammad and Obama's first name was really Barry. Mr. Geraghty stated that several Reporters had asked for a copy of Obama's birth certificate, but, all requests were subsequently denied. Mr. Geraghty further stated Obama could answer the questions regarding the time and place of his birth, citizenship status, full legal name, and the names of his biological parents, if he would simply release for inspection, a copy of his original, long-form birth certificate.

8. The Daily Kos blog, a pro-Obama website, posted an image, measuring 2427 x 2369 pixels, at 300 DPI that they claimed was a scanned copy of Obama's "original birth certificate," sent to them by a spokesperson for the Obama Campaign. Before cropping, this document image measured 2550 x 3300 pixels. By the end of the same day, the Obama Campaign posted a duplicate copy of the same cropped image on their website, My.BarackObama.com, but this image copy had been proportionately reduced in size by approximately 42% and saved at a lower resolution. The size of this particular image was 1024 x 1000 pixels at 100 DPI. With this image, Obama's Campaign placed the following statement on their website:

"You may have recently heard right-wing smears questioning Barack Obama's birth certificate and citizenship. These assertions are completely false and designed to play into the worst kind of stereotypes. You can see Barack Obama's birth certificate for yourself and help push back with the truth..."

9. The very next day, the Obama's Campaign removed the document image from their Campaign website, and posted a resized copy of the same document image to a new website, "Fight The Smears" (fightthesmears.com), but only after further reducing the copy size to 585 x 575 pixels, which was almost half the size of the original posted image, and one-third of its quality.

10. Also, Politifact.org, a pro-Obama fact checking website, published a copy of the same image as posted on the Daily Kos, but also disproportionately reduced it to 811 x 786 pixels, or 1/3 of its size and 1/6 of its image quality.

11. Factcheck.org, a pro-Obama fact checking website posted a full-sized image copy of same document image that appeared on the Daily Kos and Obama's "Fight The Smears" websites. Factcheck's image copy was identical to the Daily Kos image copy, but was not cropped to the

borders. Factcheck.org is run by Obama supporters and is funded by the Annenberg foundation through the Annenberg Public Policy Center of the University of Pennsylvania.

12. Factcheck.org made the following statement to explain how they received their image copy:

"Bloggers raised questions based on the absence of evidence, specifically the lack of a publicly available copy of a birth certificate and the supposed secrecy surrounding it". According to FactCheck, Tommy Vietor at the Obama campaign sent a message to them and "other reporters" saying, "I know there have been some rumors spreading about Obama's citizenship, so I wanted to make sure you all had a copy of his birth certificate."

13. Three months later, no other "reporters" have ever received a copy of this "birth certificate" image, or any other birth certificate image, from Tommy Vietor or from anyone else connected with the Obama Campaign. As noted above, the only parties outside of the Obama Campaign to have ever received a copy of this "birth certificate" image are (a) The Daily Kos, a pro-Obama blog, (b) FactCheck.org, a pro-Obama political research group, and (c) Politifact.org, another pro-Obama political research group. It is also worth mentioning that no copy of the reverse side of this "birth certificate" document was ever scanned, a side that contains all of the official certification instruments, such as the official Hawaiian Seal, State Registrar's signature, and date stamp of when the document was printed.

14. I noticed that the images posted on the Internet purporting to be the "original birth certificate" of Barack Hussein Obama, did not look like a regular birth certificate: On the top of the image border was the phrase, "Certification of Live Birth". Unlike traditional birth certificates, this image did not show the hospital name where Obama was born, did not have an attending physician's

signature, did not have any signatures by the parents, or any of the other identifying information which "original" birth certificates have.

15. After reviewing the images purporting to be Obama's "original birth certificate," I contacted the Hawaii Department of Health and asked numerous questions of the Office of Vital Records and of the State Registrar, whose signature appears on all certified birth documents. I subsequently learned that this document, called, a "Certification of Live Birth," (COLB), is only a transcript of a birth record on file. This "Certification of Live Birth," (COLB), is a computer-generated graphic that contains only a limited amount of information retrieved from a person's birth record on file, and is not the same thing as an original birth certificate: It cannot be used to obtain a passport or to prove that its owner is a natural-born US citizen. I also learned that, after this paper document is printed, it has to be certified or validated by imprinting on it a special, embossed seal, a rubber date stamp showing when the COLB was printed, and lastly, a rubber stamp containing the signature of Hawaii's State Registrar. I also noted that the embossed Seal and Registrar's Signature stamp were not visible to the naked eye. The date stamp, however, was partially visible, in reverse, as the ink had apparently bled through from the back to the front side of the COLB paper.

16. Although there are four differently-sized images placed on four different websites, they were all copied from the same document image. In addition to posting a copy on their Fight The Smears website, the Obama Campaign emailed copies to the pro-Obama, Daily Kos website, Annenberg's Factcheck website, and lastly, the St. Petersburg Times, Politifact website. Found on all four images is a small, telltale object (actually, a piece of dirt left on the scanner glass) confirming that all four of these images were copied from a single document image. As I inspected the highest-quality image

copy available (found on the Daily Kos), I saw anomalies in the text that would never exist in a genuine scan of a real document.

17. After enlarging the image four times its size, I noticed that the text in the image bore the signs of being graphically altered after the image had been created. Specifically, given that the text in a COLB is printed on a green background, there should be green dots, or pixels, visible in between the black letters that comprise the text. What I found was almost the total absence of any green pixels. In their place, I found gray and white pixels. These pixel patterns are significant because they would never be found in a genuine document scan. To validate my findings that the text in this COLB document image was intentionally altered, and that the pixel patterns were not naturally-occurring printer or scanner artifacts, I made over 700 test scans and images using an actual paper COLB and different scanners. By trying different combinations of scanning and image parameters. I was finally able to replicate the Kos image so closely that other image experts thought it was the same Kos image, and not my "clone." From this date forward, when I first discovered the evidence of image tampering, and regardless of the unfamiliar format of the COLB and the questionable information it contained, I collected a great deal of additional evidence, that the scanned image alleged to be a true copy of Obama's original COLB was forged, and that this altered image of an official state-issued document is nothing less than a false identification document as defined by Chapter 18, Section 1028 of the United States Code.

18. All of my findings pertain to a single source image from which the Obama Campaign made four (4) copies. These copies were posted to four different websites: FightTheSmears.com, DailyKos.com, FactCheck.org, and Politifact.com, as referred to and described above. These images

are still posted on these websites, and are described in my Final Report, which is attached hereto and incorporated in by reference as Exhibit "A"

19. Slightly more than two months after the publication of the COLB image on the Daily Kos and Obama's Campaign website, Factcheck published a story, Born in the U.S.A., in which they presented nine digital photographs that they allegedly made of Obama's "real, paper COLB" at his campaign headquarters - the same COLB used to make the document image they posted on June 16. Without a doubt, the COLB image that Factcheck posted is a forgery, and that Obama's real COLB, as proffered by Factcheck, is a nonexistent document. Factcheck had created a conundrum: if the image Factcheck posted is a forgery of a nonexistent document, then how can any genuine photos be made of it? The answer had to be that both the document image and the photographs were all forgeries.

20. I have thoroughly examined the photographs that FactCheck published, and have subsequently found clear and irrefutable evidence of tampering in both the alleged COLB object they photographed and in the photos themselves. One of those COLB objects was, in fact, a printout of a forged document image with a Seal superimposed onto it. FactCheck's photos reveal both the absence of known, relevant features found on a genuine 2007 COLB and the presence of illogical and impossible features that would never be found on a genuine 2007 COLB. Specifically, on the COLB objects photographed, the security border closely resembles the border found on a real 2007 COLB. However, both the embossed Seal and the State Registrar's Signature stamp do not match the same elements found on a real 2007 COLB, but perfectly match those found on a real 2008 COLB; or, in other words, something that would never happen in real life. Hawaii made three important changes to their COLBs from 2007 to 2008, including the use of a larger certificate layout, a new

security border, and, much to the chagrin of Factcheck and the Obama Campaign, a new Seal and Signature stamp.

21. With my experience and specialization in document imaging, my findings are conclusive and irrefutable, as outlined in EXHIBIT "A," that the COLB images posted by Obama to his campaign website, fightthesmears.com, to the dailykos.com, a pro-Obama blog, to FactCheck.org, a pro-Obama political research group, and to Politifact.org, are, in fact, image forgeries, created with the intent to defraud the American People into believing that these images were digitally scanned from Barack Obama's genuine, "original" birth certificate, and that Obama had satisfied the requirement of being a natural-born US citizen.

22. With my experience and specialization in photography and digital imaging, my findings are conclusive, as outlined in Exhibit "A," that the COLB photographs posted by FactCheck.org, a pro-Obama political research group, and to Politifact.org, are, in fact, photographic forgeries, created with the intent to defraud the American People into believing that these digital photographs were taken of Obama's genuine, "original" birth certificate, and that Obama was really a natural-born US citizen qualified to be President of the United States.

23. Attached hereto as Exhibit "A", is a true and correct copy of my opinions concerning the Obama certification of live birth, which I previously published and incorporate herein as if fully set forth.

I declare under the penalty of perjury of the laws of the United States, that the foregoing is true and correct.


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