

1 ORLY TAITZ, Esq. (SBN 223433)
26302 La Paz
2 Mission Viejo Ca 92691
Telephone: (949) 683-5411
3 Facsimile: (949) 586-2082

4 Attorney for Petitioners
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7 SUPREME COURT OF CALIFORNIA

8 Gail Lightfoot, Neil B. Turner, Kathleen Flanagan, James M.) Case No.:
Obenschain, Camden W. McConnell, Pamela Barnett, Evelyn)
9 Brady)

10) Petitioners,) **PETITION FOR EXTRAORDINARY**
v.) **EMERGENCY WRIT OF**
11) **MANDAMUS FOR STAY OF**
California Secretary of State Debra Bowen, and DOES 1-100,) **CERTIFICATION OF 2008**
12) **PRESIDENTIAL ELECTION**

13 Respondents.)
14)
15)

16) **Date:**
17) **Time:**
18) **Dept.:**
19) **Judge:**
20) **Filed:**
21) **Trial:**
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CLERK SUPREME COURT

22 Gail Lightfoot , Neil B. Turner, Kathleen Flanagan, Camden W. Mc Connell, James M.
23 Obenschain, Pamela Barnett, Evelyn Brady are residents of the State of California, all Petitioners herein,
24 bring this litigation.

25 PETITIONERS allege:

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22 v.
23 California Secretary of State Debra Bowen, and DOES 1-100,

24 Respondents.)

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PETITIONERS allege:

1 **INTRODUCTION**

2 **Parties**

3 1. GAIL LIGHTFOOT, Petitioner herein, is a Vice-Presidential Candidate for Ron Paul in
4 2008 election, SLO County Central Committee Chair- Libertarian Party.

5 2. KATHLEEN FLANAGAN, Petitioner herein, is a Certified 2008 California Elector for
6 Chuck Baldwin (Constitutional Party).

7 3. NEIL B. TURNER, Petitioner herein, is a Certified 2008 California Elector for Chuck
8 Baldwin (Constitutional Party), former US Army- Aviation officer.

9 4. JAMES M. OBENSCHAIN, Petitioner herein, a Certified 2008 California Elector for
10 Chuck Baldwin (Constitutional Party), retired US Air Force serviceman, Korean War Veteran, Retired
11 Engineer from Central Atomic and General Dynamics Corporation.

12 5. CAMDEN W. MCCONNELL, Petitioner herein, is an Elector for Ron Paul in 2008
13 Presidential election, Chairman of the Libertarian Party of Contra Costa County, retired Lieutenant
14 Colonel of the US Army, graduate from the United States Military Academy at West Point, a Veteran of
15 two tours of duty in Vietnam and a Senior Structural Engineer with TranSystems.

16 6. PAMELA BARNETT, Petitioner herein, is a Registered voter in the State of California,
17 Captain in the US Army, temporary retired and a licensed real estate agent.

18 7. EVELYN BRADY, Petitioner herein, is a registered voter in the State of California and a
19 retired school Principal and teacher.

20 8. DEBRA BOWEN, Respondent herein, is the Secretary of State of the State of California
21 (hereafter referred to as "SOS");

22
23
24 **Legal Basis**

25 9. The Supreme Court of California has original jurisdiction in mandamus pursuant to article 6,
section 10 of the California Constitution, and will exercise that jurisdiction in appropriate cases when "the

1 issues presented are of great public importance and must be resolved promptly.” (County of Sacramento
2 v. Hickman(1967) 66 Cal 2d 841, 845(59 Cal Rptr. 609. 428 P. 2d 593), Mooney v Pickett (1971) 4 Cal
3 3d 669 675 (94 Cal Rptr. 279. 483 P 2d 1231) If these criteria is satisfied, the existence of alternative
4 appellate remedy will not preclude this court’s original jurisdiction. (Cal civil writs (cont Ed. Bar 1970)
5 5.39.p91; see Action v Henderson 91957) 150 Cal App.2d1 7 (309 P 2d m4811)). The issue of eligibility
6 for Presidency is an issue of great public importance and the issue of national security. Secretary of State
7 of California is about to certify Mr. Barack Obama as the winner of the California 2008 presidential
8 election, eligible based on the Constitution of the United States, even though there is no proof of Mr.
9 Obama’s eligibility and the available law and precedents described in this Petition show him not to be
10 eligible.

11 10. California Supreme Court Internal Practices and Operatic Procedures, Chapter 16 state:
12 “whenever exceptional or emergency conditions require speedy action, or whenever there is other cause
13 for special action regarding any matter, the operation of these procedures may be temporarily suspended
14 by affirmative voice of four justices.”

15 11. Code of Civil procedure section 1085 will allow the courts to rely on mandamus to
16 review validity of the quasi-legislative action. (Cal. Civil Writs (Cont. Ed. Bar1970) 5.37.p89). If an
17 administrative agency has exceeded it’s authority in the exercise of its quasi –legislative powers, a court
18 may issue a writ of mandate (See Griffin v. Board of Supervisors 91963) 60 Cal 2d 318 (33 Cal Rptr.
19 101.384 P 2d 421; Manjares v Newton (1966) 64 Cal.2d 365 (49 Cal Rptr.805. 411 P 2d 901).)

20 12. Article II, Section I of the United States Constitution, states, in pertinent part, as follows:

21 "No Person except a natural born citizen, or a citizen of the United States at the time of the
22 adoption of this constitution, shall be eligible to the Office of President;"

23 13. California Elections Code 8148 states: “Not less then 68 days before the general election,
24 the Secretary of State shall deliver to the appropriate county elections official a certificate
25 showing:

(a) The name of every person **entitled** to receive votes within that county at the general election
who has received the nomination as a candidate for public office pursuant to this chapter”
(Emphasis added)

1 14. Senator Barack H. Obama is a candidate for the Office of the President of the United
2 States, Mr. Obama has the highest number of votes in the California 2008 Presidential election and is
3 supposed to be certified by the Secretary of State. The plaintiffs do not address the eligibility of any other
4 candidates, since their eligibility is moot at this time. In order to be certified Mr. Obama must meet the
5 qualifications specified for the Office of the President of the United States, which includes that he must be
6 a "natural born" citizen. Mr. Obama has failed to demonstrate that he is a "natural born" citizen. Mr.
7 Obama is unable to prove his "natural born" status, since at the time of Mr. Obama's birth, Mr. Obama's
8 father was a foreign subject, a citizen of British Protective Territory of East Africa (currently Kenya) and
9 therefore, having been born with split and competing loyalties, candidate Obama is not a "natural born
10 citizen" as is required by Article 2, Section 1, of the United States Constitution. There are other legal
11 challenges before various state and federal courts regarding aspects of lost or dual citizenship concerning
12 Senator Obama. Those challenges, in and of themselves, demonstrate Petitioners' argument that
13 reasonable doubt exists as to the eligibility of the Democratic Party's nominee for President.

14 15. SOS is responsible for ensuring the validity of the State election process by, among other
15 things, verifying the qualifications of the voters, approving the ballots and the candidates, supervising the
16 counting of the ballots, and certifying the results. In each year of the general election at which electors of
17 President and Vice President of the United States are to be chosen, each congressional nominee shall
18 designate one presidential elector and shall file his or her name, residence and business address with the
19 Secretary of State by October 1 of the presidential year. Each United States Senatorial Nominee,
20 determined by the last two United States senatorial elections, shall designate one presidential elector and
21 shall file his or her name, residence and business address with the Secretary of state by October 1 of the
22 presidential election year. (California Elections Code Section 7100). Certification of the vote by SOS,
23 based upon which Electors received the highest number of votes in the state, is the method provided for in
24 California law for ascertaining which Electors are appointed to vote for president (California Elections
25 Code § 15505, 3 U.S.C. § 6). On December 1, or as soon as soon as the election results have been
received from all counties in the state, SOS shall certify the names of the ascertained Electors to the

1 Governor, and then transmit to each presidential Elector a certificate of election (California Elections
2 Code § 15505). The Governor then issues and seals a Certificate of Ascertainment which is delivered to
3 the Electors by December 15 (3 U.S.C. § 6), who then meet to sign the Certificate of Vote (Federal
4 Election Code § 192.006).

5 16. The office of SOS is intended to be non-biased and to provide the critical sense of
6 fairness and impartiality necessary for the people to have faith in the fundamental underpinnings of the
7 democratic basis for our elections.

8 17. There is a reasonable and common expectation by the voters that to qualify for the ballot,
9 the individuals running for office must meet minimum qualifications as outlined in the federal and state
10 Constitutions and statutes, and that compliance with those minimum qualifications has been confirmed by
11 the officials overseeing the election process. Heretofore, only a signed statement from the candidate
12 attesting to his or her meeting those qualifications was requested and received by SOS, with no
13 verification demanded. This practice represents a much lower standard than that demanded of one when
14 requesting a California driver's license or signing up a child for a little league. Since SOS has, as its core,
15 the mission of certifying and establishing the validity of the election process, this writ seeks a Court
16 Order barring SOS from certifying the California Electors until documentary proof that Senator Obama is
17 a "natural born" citizen of the United States of America is received by her. This proof could include
18 items such as his original birth certificate, showing the name of the hospital and the name and the
19 signature of the doctor, all of his passports with immigration stamps, and verification from the
20 governments where the candidate has resided, verifying that he did not, and does not, hold citizenship of
21 these countries, and any other documents that certify an individual's citizenship and/or qualification for
22 office.

23 18. In the case of individuals seeking the Office of President of the United States, the United
24 States Constitution provides for a system of Electors, wherein citizens of the respective states have a state
25 controlled election in which Electors representing the interests of the respective candidates for President

1 on the state ballot are elected to represent the interests of the respective state in the Electoral College.

2 Thus, there is no federal ballot controlled by the federal government. There is a California State ballot
3 where voters elect Electors who in turn represent the named candidate for office on the ballot. That is one
4 more reason why SOS has responsibility for the certification of not just the counts of the ballots cast, but,
5 also, the propriety of the contents of the ballot. In case Senator Obama cannot present proper
6 documentation verifying his citizenship, he cannot be elected President of the United States, and SOS has
7 a duty to bar the casting of votes by California Electors in support of his candidacy.

8 19. To avert a constitutional crisis which would certainly accrue after the election through
9 laborious legal challenges, this writ seeks to resolve such complaints. It was incumbent on the candidates
10 to present the necessary documentation confirming his citizenship, but, to date, Senator Obama has failed
11 to do so.

12 20. At this point, Senator Obama has not allowed independent or official access to his vault
13 (original hospital) birth records and supporting hospital records. Senator Obama's citizenship status has
14 been, and is being, challenged in 17 different legal actions in various federal and state courts, 4 of them
15 currently in front of the Supreme Court of the United States, one of them, Donofrio v Wells is already
16 scheduled for the conference by the full court on December the 5th, which challenges cast doubt on the
17 validity of the electoral process, regardless of outcome, if not resolved prior to the certification of the
18 election by the Electors. SOS is specifically charged with certifying and guaranteeing the validity of
19 official documents and overseeing the elections in California, such that the people's confidence in the
20 fundamental aspect of democracy is maintained. To date, in this regard, SOS has not carried out that
21 fundamental duty.

22 21. Moreover, the plaintiffs don't have a legal right to object to political party's choice of
23 candidate as such party is not a public official or agency, and has no Constitutional or statutory mandate.

24 22. Similarly, plaintiffs, as ordinary voters and citizens of this state and this country have no
25 ability to verify the eligibility of the Presidential candidate, when the candidate like Mr. Obama **chooses**
to hide behind the privacy laws and **chooses** not to provide any measure of transparency or accountability

1 that prevent the ordinary citizens any access to the candidate's information., such as his original birth
2 certificate, his passports with immigration stamps, immigration records and other essential documents.

3 23. While privacy laws exist to protect private individuals, when one steps in the lime light of
4 the public life and becomes a public figure, he gives up some of his privacy rights. Due to the fact that the
5 President of the United States has to be a natural born citizen, it is upon the candidates for this highest
6 office in the land, to waive their privacy rights and submit necessary documents, that would prove their
7 eligibility, such as original birth certificate, immigration records and passports, it is upon the candidates to
8 **consent** to the release of such records in order to be certified.

9 24. Until the candidate is certified, he is just a candidate. The word candidate means, one
10 seeking a position. The plaintiffs collectively are the employers, that are hiring him. The burden of
11 production and the burden of submission is upon the candidate.

12 25. The word certify means to attest to, to vouch for. The SOS and the electors have to
13 certify the candidate as a natural born citizen. The SOS and the electors have to attest to, to vouch for the
14 fact that the candidate is a natural born citizen. If the candidate does not produce necessary proof, he
15 cannot be certified.

16 26. A question has risen, what did the framers of the constitution Constitution mean by the
17 term "Natural born citizen". It is thought that the explanation to this term can be found in the letter to the
18 father of our Nation, George Washington, written on July 25, 1787 by the first Chief Justice of the
19 Supreme Court, Justice John Jay. It states: "Permit me to hint, whether it would be wise and seasonable to
20 provide a strong check to the admission of Foreigners into the administration of our national Government;
21 and to declare expressly that the commander in chief of the American army shall not be given to, nor
22 devolve on any but a natural born citizen." This letter shows that the meaning of natural born citizen, is
23 one without allegiance to any foreign powers, not subject to any foreign jurisdiction at birth. Today, when
24 the United States is at war on a number of fronts, after 3,000 Americans were slaughtered in 9/11
25 terrorist attack, when the commander in chief is in charge of the largest military in the world with the vast
nuclear arsenal, it is paramount that the Constitutional provisions are adhered to. Ms. Obama is a son of a

1 citizen of Kenya, that in 1961 was a British protectorate, whereby regardless of whether he was born in
2 Kenya or US, he was a foreign citizen based on his fathers citizenship, he was a subject of a foreign
3 power and foreign jurisdiction and does not qualify as a natural born citizen.

4 27. In adherence to the natural born citizen provision, the first presidents of this country, such
5 as George Washington and John Adams, that were born on this soil, in Virginia and Massachussets
6 respectively, had to include an additional constitutional provision in addition to the natural born citizen,
7 "...or a citizen of the United States, at the time of the adoption of this Constitution...", in order to allow
8 themselves, as British subjects at the time of their birth to be sworn as Presidents. Since Mr. Obama is not
9 221 years old and was not a US citizen at the time of adoption of the Constitution, he, as a British citizen
10 at birth does not fall under this provision and does not qualify as a natural born citizen and is not eligible
11 to become the President regardless of whether he was born in Kenya or Hawaii.

12 28. John A. Bingham, the framer of the 14th amendment, defined natural born citizen as
13 follows: "every human being born within the jurisdiction of the United States of parents not owing
14 allegiance to any foreign sovereignty". Yet again it illustrates that Mr. Obama, who was a British Citizen
15 based on his fathers British citizenship and British immigration act of 1948, does not qualify as a natural
16 born citizen and is not eligible to be the President of the US.

17 29. Perkins v Elg , 307 U.S. 325, 328 (1939) is a precedent on point, explaining the
18 difference between a US citizen and a natural born citizen. Ms. Elg, that was born in Brooklyn, NY to an
19 American mother and a foreigner (Swedish) father was considered a US citizen, but not a natural born
20 citizen. Similarly Mr. Obama, being a child of an American mother and a foreigner father would be
21 considered a US citizen, but not a natural born citizen, even if he was born in Hi. This illustrates, that it is
22 not a political question, not a racial issue, but rather a Federal Law, Constitutional issue.

23 30. The plaintiffs have relied on the SOS, as a non-partisan State agency to fulfill her duty, to
24 uphold her **oath of office to protect the constitution of the United States** in making sure that the
25 candidates submitted by the parties, indeed are **entitled to take office** based on Article 2, Section 1 of the
Constitution of the United States of America. If the SOS did not do any such verification, the only avenue

1 left for the citizens of this country, absent total revolt and uprising, is to seek justice via Petition for
2 Extraordinary Writ of Mandamus from the court, to provide such verification and to make sure that
3 somebody who is not a natural born citizen, who was the citizen of a foreign power at birth and later a
4 citizen of three foreign powers does not become the president of the United States and the commander in
5 chief of the US military.

6 31. This writ requests a court order barring the SOS from both certifying to the Governor the
7 names of the California Electors, and from transmitting to each presidential Elector a Certificate of
8 Election, until such documentary proof is produced and verified showing that is a "natural born" citizen
9 of the United States and does not hold citizenship in Indonesia, Kenya or Great Britain. In addition, this
10 writ requests a court order barring the California Electors from signing the Certificate of Vote until such
11 documentary proof is produced and verified showing that Senator Obama is a "natural born" citizen of
12 the United States and does not hold citizenship in Indonesia, Kenya or Great Britain.

13 32. Should Mr. Obama be discovered, after he takes office, to be ineligible for the Office of
14 President of the United States of America and, thereby, his election declared void, Petitioners, as well as
15 other Americans, will suffer irreparable harm in that an usurper will be sitting as the President of the
16 United States, and none of the treaties, laws, or executive orders signed by him will be valid or legal.

17 33. 3 United States Code (U.S.C.) Section 8 provides, "The electors shall vote for President
18 and Vice President, respectively, in the manner directed by the Constitution." This federal statute confers
19 upon each elector an affirmative duty to discover whether the candidate for President for which the
20 elector is seeking election is a "natural born" citizen. Otherwise, the elector would not know if his vote
21 was being cast in the "manner directed by the Constitution."

22 34. Given this constitutionally mandated duty, PETITIONERS have standing to bring this
23 Writ before this Court.

24 35. A growing number of questions have arisen in litigation in at least 10 states contesting
25 whether Senator John McCain or 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

1 against Senator Obama, allegations have been made that his admitted dual citizenship in Indonesia, and
2 lack of evidence that he renounced the same, caused a loss of his United States Citizenship as a matter of
3 law. Moreover, evidence released by the Obama campaign purporting to be a "Certification of Live
4 Birth" on its face appears to be of questionable authenticity. One of the many problems with this
5 evidence is that the border design differs from the border designs of other Certifications of Live Birth
6 printed during the same time period. All these questions about both of the candidates are still unresolved.
7 In the course of those lawsuits, some of which have been dismissed, it has been determined that there
8 exists no designated official in the federal government, or the government of the states, directly charged
9 with the responsibility of determining whether any Presidential candidate meets the qualifications of
10 Article II of the Constitution of the United States. In most states, that responsibility is vested with the
11 political parties, all of which have a conflict of interest in making any such determination, and none of
12 which have been forthcoming with information or evidence verifying any candidate's compliance with
13 the eligibility requirements.

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

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

1 outside Hawaii can be obtained. The vault (long Version) birth certificate, per Hawaiian Statute 338.176
2 allows the birth in another State or another country to be registered in Hawaii. Box 7C of the vault
3 Certificate of Live Birth contains a question, whether the birth was in Hawaii or another State or Country.
4 Therefore, the only way to verify the exact location of birth is to review a certified copy or the original
5 vault Certificate of Live Birth and compare the name of the hospital and the name and the signature of the
6 doctor against the birthing records on file at the hospital noted on the Certificate of the Live Birth.

7 38. An unprecedented and looming constitutional crisis awaits if a President elected by the
8 popular vote and the electoral vote does not constitutionally qualify to serve in that capacity. In addition,
9 if Senator Obama is not a “natural born” citizen and not eligible for presidency, Senator Obama will be
10 subject to the criminal Provisions of the California Elections Code, stating, “Any person who files or
11 submit for filing a nomination paper or declaration of candidacy knowing that it, or any part of it, has
12 been made falsely is punishable by a fine not exceeding one thousand dollars (\$1,000) or by
13 imprisonment in the state prison for 16 months or two or three years or by both the fine and
14 imprisonment” (California Elections Code § 18203). Further, Senator Obama, SOS, the Governor of the
15 State of California, and all of the California Electors may be subject to the penal provisions of the
16 California Elections Code which states, “Any person who commits fraud and any person who aids or
17 abets fraud or attempts to aid or abet fraud, in connection with any vote cast, to be cast, or attempted to be
18 cast, is guilty of felony, punishable by imprisonment for 16 months or two or three years” (California
19 Elections Code § 18500).

20 39. The Twentieth Amendment to the United States Constitution provides, “if the President
21 elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall
22 have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a
23 Vice President elect shall have qualified, declaring who shall then act as President, or in the manner in
24 which one who is to act shall be elected, and such person shall act accordingly until a President or Vice
25 President shall have qualified.” Thus, if Senator Obama cannot take office due to his citizenship,
succession to the Presidency is set.

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II

BACKGROUND OF THE CASE

40. The Office of the Secretary of State of California is the California agency responsible for certifying candidates for inclusion on the ballot. Historically, California Secretaries of State have exercised their due diligence by reviewing necessary background documents, verifying that the candidates that were submitted by the respective political parties as eligible for the ballot were indeed eligible. In 1968, the Peace and Freedom Party submitted the name of Eldridge Cleaver as a qualified candidate for President of the United States. The then SOS, Mr. Frank Jordan, found that, according to Mr. Cleaver's birth certificate, he was only 34 years old, one year shy of the 35 years of age needed to be on the ballot as a candidate for President. Using his administrative powers, Mr. Jordan removed Mr. Cleaver from the ballot. Mr. Cleaver unsuccessfully challenged this decision to the Supreme Court of the State of California, and, later, to the Supreme Court of the United States. Similarly, in 1984, the Peace and Freedom Party listed Mr. Larry Holmes as an eligible candidate in the Presidential primary. When the then SOS checked his eligibility, it was found that Mr. Holmes was similarly not eligible, and Mr. Holmes was removed from the ballot. Currently, we have a similar situation in that the Democratic Party has submitted the name of Senator Barack Obama as candidate for President.

41. However, there are a number of separate reasons that would make Senator Obama ineligible to serve as President of the United States. On August 21, 2008, Mr. Phillip J. Berg, former Deputy Attorney General of the State of Pennsylvania, filed a legal action against Senator Obama and the Democratic National Committee. With his action, and in the subsequent appeal to the Supreme Court of the United States, Mr. Berg provided documents to the effect that Senator Obama was born in what is now Kenya (the British East African Protectorate of Zanzibar at the time) and that his paternal grandmother was present at his birth. Recently His Excellency Ambassador of Kenya Mr. Peter Ogenza has given an interview to the Detroit radio station WRIF, where Mr.

1 Ogenga stated that there are plans to build a memorial at the place in Kenya
2 where President –Elect Obama was born. On the other hand, Mr. Obama claims
3 that he was born in Hawaii. Mr. Obama’s half-sister, Maya Soetoro Ng, provided
4 statements that he was born in Kapiolani Hospital in Hawaii. “A New place in
5 politics” article in The Rainbow Edition November 2004, show him being born
6 in Queens medical hospital. However, he has never provided the original
7 hospital birth certificate from 1961, with the name of the hospital and the name
8 and the signature of the doctor in attendance. All that Senator Obama has posted
9 on his website is a Registry of Live Birth (short version), obtained in 2007, that
10 does not provide the name of the hospital or the doctor. Clearly, one human
11 being cannot be born in three different places. Hawaii Revised Statute 338-176,
12 338-178 allows registration of birth in Hawaii for a child that was born outside of
13 Hawaii to parents who, for a year preceding the child’s birth, claimed Hawaii as
14 their place of residence.

15 42. The only way to know where Senator Obama was actually born is to view Senator
16 Obama’s original birth certificate from 1961 that shows the name of the hospital and the name and
17 signature of the doctor that delivered him. From August 21, 2008, for over two months, Senator Obama
18 has refused to provide his original birth certificate, even though, in his book, Dreams of My Father, page
19 26, he states, “... I found the article folded between my birth certificate and old immunization records...”
20 which shows that he clearly has his birth certificate, or that he lied in his book. Particularly telling is the
21 fact that not one single person has come forward, not a doctor, not a nurse, not a hospital administrator,
22 nor anyone else, to state that he or she was present during this birth, except for Obama's paternal
23 grandmother, who affirmed that she "was in the delivery room in Kenya when he was born Aug. 4, 1961.”
24 Additionally, when Mr. Berg served subpoenas on the hospitals mentioned above, Senator Obama refused
25 to sign a consent form that would allow the hospitals to release any of his information. Instead, Senator
Obama has hired three law firms to defend himself, and has challenged the action by Mr. Berg on a

1 technicality, claiming that an ordinary citizen does not have standing to bring the suit. This matter is
2 currently being reviewed by the U.S. Supreme Court. The parties in this case have standing to bring this
3 litigation, due to the fact that the plaintiffs are registered California voters and under the Equal Protection
4 doctrine are entitled to vote for the electors that are eligible and the Presidential candidates that are
5 eligible according to the Constitution and based on the foregoing, it is imperative for SOS to provide
6 proof that the candidate that is declared a winner in the election and is about to be certified as such is a
7 “natural born” citizen. “When the State Legislature vests the right to vote for President in its people, the
8 right to vote as the legislature has prescribed is fundamental; and one source of its fundamental nature lies
9 in the equal weight accorded to each vote and the equal dignity owed to each voter”. Bush v. Gore, 531
10 US 5,6 (2000)

11 43. If he was born in Hawaii, there are four (4) other obstacles to Senator Obama’s
12 eligibility. In and about 1967, Senator Obama moved to Indonesia, took the last name of his stepfather,
13 Soetoro, and went by the name Barry Soetoro. In original legal action filed by Mr. Berg, he presented
14 Senator Obama’s school registration, showing him registered as Barry Soetoro, Citizenship-Indonesian,
15 Religion Islam, signed by L. Soetoro. From 1945, Indonesia has not allowed dual citizenship and,
16 therefore, Ms. Dunham-Obama-Soetoro, Senator Obama’s mother, had to relinquish her son’s U.S.
17 citizenship in order to obtain Indonesian citizenship for him, which would make him ineligible to become
18 a United States President. Additionally, the United States could not allow dual citizenship with Indonesia
19 at that time, as Indonesia did not allow dual citizenship, and it was prohibited by the Hague Convention
20 of 1930, as interfering with the internal affairs of another sovereign Country.

21 44. In addition, upon return to the United States in and around 1971-1972, Senator Obama
22 would have been required to go to the then current immigration procedures to regain his U.S. citizenship.
23 There is no record of him ever doing that. Even if he had done so, he would be considered a naturalized
24 citizen and not a “natural born” citizen.

25 45. Additionally, assuming Senator Obama was born in what is now Kenya, at the time of
Senator Obama’s birth in 1961, (now) Kenya was the British Protectorate of Zanzibar and Senator Obama

1 was automatically accorded a form of British citizenship under Section 32(1) of the British Nationality
2 Act of 1948, effective date January 28, 1949, based on his father's citizenship.

3 46. Finally, in 1981, Senator Obama traveled to Pakistan, when there was a ban for U.S.
4 citizens to travel to Pakistan. The only logical possibility for him to do so was by using one of his other
5 passports: Indonesian, Kenyan, or British.

6 47. Based on all of the above, it is the duty of the SOS to obtain proper documentation of
7 Senator Obama's citizenship to confirm his eligibility for the office of the President of the United States.

8 48. On October 25, 2008, SOS was contacted, via e-mail, by Orly Taitz, Esq., discussing the
9 issues mentioned above. SOS has acknowledged receipt of said e-mail and sent a response. As of that
10 time, SOS was on notice and had a duty to act. Ms. Taitz had a subsequent conversation with the election
11 analyst of SOS Office, Ms. Philly Crosby. Ms. Taitz requested an administrative hearing on the matter in
12 question. Ms. Crosby stated that she would discuss the matter with Ms. Bowen and SOS' General
13 Counsel, Ms. Pam Giarizzo, and that Ms. Giarizzo would telephone Ms. Taitz to discuss the issue. Ms.
14 Taitz followed this conversation with a second e-mail, confirming all the details of the conversation.
15 On November 13, 2008, Orly Taitz, Esq, Plaintiff in the current action, has filed a Petition for Writ of
16 Mandate, acting as an attorney together with Gary Kreep Esq, representing Ambassador Alan Keyes, Dr.
17 Drake and Markham Robinson against SOS, Ms. Bowen in Keyes v Bowen et all. All 55 2008 California
18 Democratic Electors were additional defendants in that action. The Plaintiffs in Keyes v Bowen had a
19 number of difficulties, locating and serving the electors. One of the electors, that the plaintiffs had hard
20 time serving, was Ms. Eileen Huber. She was an elector, supposedly representing Congressman Berman,
21 living in the Los Angeles area, in Southern California. Due to the fact that in the State of California the
22 electors have to be registered voters, Mr. Mark Seidenberg, the Vice-Chair of the America's Independent
23 Party personally visited the office of the Registrar of voters of the Los Angeles County, searching for the
24 address of Ms. Ilene Huber. There was no Ilene Huber registered to vote. Only one Ilene Huber could be
25 located in the state of California and last known address was available for year 2000 in a retirement home
in Eureka, in Northern California. Ms. Huber could not be located there either. Finally a response was

1 received from the Humboldt county court house, showing a Death Certificate, Ms Huber being deceased
2 eight years ago in year 2000. Puzzled by the fact that Ms. Debora Bowen, SOS of California has certified
3 as a Democratic Party elector, a deceased person, Mr. Markham Robinson, one of the Plaintiffs has
4 requested certified copies of the Certificates of Electors, that were supposed to be filed by each and every
5 Congressional Candidate and each and every Senatorial Candidate by October the 1st. None of such
6 certificates could be located. Above findings were reported to the National Archives and to the office of
7 the SOS. On and around November 21 the Plaintiffs in the Keyes v Bowen action were contacted by Mr.
8 Robby Andersen, one of the attorneys for SOS, he stated that indeed none of the congressional or
9 senatorial candidates filed such certificates, but rather somebody from the DNC has sent an e-mail with
10 names and those were copied, but the e-mail contained numerous mistakes; and Mr. Chris Mayers from
11 the DNC will fax a new list. Mr. Anderson was told that no new list can be accepted, since changing the
12 list of electors and accepting a changed list after the fact, after the elections, would constitute aiding and
13 abetting fraud in voting. Moreover, a letter was sent to all the registrars of voters in the State of California
14 advising them that a changed list cannot be accepted. This turn of events has put a serious cloud of a
15 doubt on the certification process of both the candidates and electors, implemented by Ms Bowen.
16 As yet, SOS has taken no steps to request the necessary documents from Senator Obama. It appears that
17 Ms. Bowen is intending to certify Mr. Obama, and to certify his Electors, and not protect the people of the
18 State of California by enforcing its laws. As a result of SOS declining to act pursuant to the above
19 described legal obligations, the only remedy is to request relief from the Supreme Court of California, and
20 seek a stay in lieu of Writ of Mandamus available to bar SOS from certifying the California Electoral
21 votes until such documentary proof that Senator Obama's Natural born status is verified per McCarthy v
22 Briscoe 429 US 1317; 97 S Ct. 10; 50 L. Ed. 2d 49; 1976 U.S. Lexis 4129, whereby a stay can be granted
23 by a single Justice to either add or remove a candidate.

III

EFFECT OR FAILURE TO GRANT INJUNCTIVE RELIEF

1 49. Failing to officially and publically validate the status of the citizenship claims of Mr.
2 Obama will cast a pall of doubt on the election process and taint the election results themselves. A proper
3 inquiry into Senator Obama's eligibility will not constitute a hardship on Senator Obama, and it will not
4 deny his voters the right to vote for him, since this very right is dependent on his eligibility for the office
5 as a "natural born" citizen. If Senator Obama is not a "natural born" citizen, and, therefore, not eligible to
6 serve as President, no hardship on him or any other Respondent can be shown. On the contrary, lack of
7 the relief that is prayed for will constitute an insurmountable hardship on the voters of the State of
8 California.

9 50. Failure to grant the relief sought would allow a potentially corrupted, fraudulent,
10 nomination and election process to continue. If indeed, Senator Obama knew that he is not eligible for
11 the presidency, he would be subject to California Election Code Section 18203, which states, "Any person
12 who files or submits for filing a nomination paper or declaration of candidacy that it or any part of it has
13 been made falsely is punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by
14 imprisonment in the state prison for 16 months or two or three years or by both fine and imprisonment".
15 Additionally, he would be subject to California Elections Code Section 18500 that states, "Any person
16 who commits fraud and any person who aids or abets fraud or attempts to aid or abet fraud, in connection
17 with any vote cast, to be cast, or attempted to be cast, is guilty of a felony, punishable by imprisonment
18 for 16 months or two or three years". Clearly it is imperative to vet Senator Obama's eligibility for
19 presidency and resolve this issue prior to the certification of the election results by the electors.

20 51. Failure to grant the relief sought, demanding that SOS be ordered to verify the
21 constitutionally required qualifications of Senator Obama not only allows, but promotes, an
22 overwhelming degree of disrespect for our Constitution and for our electoral process, and creates such a
23 lack of confidence of voters in the primary and electoral process itself, that it would confirm a common
24 belief that no politician has to obey the laws of this Country, respect our election process, or follow the
25 United States Constitution.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ORLY TAITZ, ESQ SBN 223433 ORLY TAITZ ESQ 26302 LA PAZ, STE 211 MISSION VIEJO CA 92691 TELEPHONE NO.: _____ FAX NO. (Optional): 949-586-2082 E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): DR TAITZ@YAHOO.COM	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 300 SPRING STR, LOS ANGELES CA MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES BRANCH NAME: LOS ANGELES	
PETITIONER/PLAINTIFF: GAIL LIGHTFOOT, ET ALL RESPONDENT/DEFENDANT: DEBRA BOWEN, CALIFORNIA SECRETARY OF STATE	
PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL	CASE NUMBER: _____

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is: 26302 LA PAZ, STE 211
MISSION VIEJO CA 92691
3. On (date): 12.02.08. I mailed from (city and state): MISSION VIEJO the following **documents (specify)**: PETITION FOR EXTRAORDINARY EMERGENCY WRIT OF MANDAMUS FOR STAY OF CERTIFICATION OF 2008 PRESIDENTIAL ELECTION

The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).

4. I served the documents by enclosing them in an envelope and (check one):
 - a. **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
 - a. **Name** of person served: DEBRA BOWEN
 - b. **Address** of person served: 1500 11STR SACRAMENTO, CA 95814

The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 12.02.08.

ORLY TAITZ
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)


(SIGNATURE OF PERSON COMPLETING THIS FORM)

INFORMATION SHEET FOR PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL

(This information sheet is not part of the Proof of Service and does not need to be copied, served, or filed.)

NOTE: This form should **not** be used for proof of service of a summons and complaint. For that purpose, use *Proof of Service of Summons* (form POS-010).

Use these instructions to complete the *Proof of Service by First-Class Mail—Civil* (form POS-030).

A person over 18 years of age must serve the documents. There are two main ways to serve documents:

(1) by personal delivery and (2) by mail. Certain documents must be personally served. You must determine whether personal service is required for a document. Use the *Proof of Personal Service—Civil* (form POS-020) if the documents were personally served.

The person who served the documents by mail must complete a proof of service form for the documents served. **You cannot serve documents if you are a party to the action.**

INSTRUCTIONS FOR THE PERSON WHO SERVED THE DOCUMENTS

The proof of service should be printed or typed. If you have Internet access, a fillable version of the Proof of Service form is available at www.courtinfo.ca.gov/forms.

Complete the top section of the proof of service form as follows:

First box, left side: In this box print the name, address, and telephone number of the person for whom you served the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. The address for the court should be the same as on the documents that you served.

Third box, left side: Print the names of the Petitioner/Plaintiff and Respondent/Defendant in this box. Use the same names as are on the documents that you served.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. The case number should be the same as the case number on the documents that you served.

Complete items 1–5 as follows:

1. You are stating that you are over the age of 18 and that you are not a party to this action. You are also stating that you either live in or are employed in the county where the mailing took place.
2. Print your home or business address.
3. Provide the date and place of the mailing and list the name of each document that you mailed. If you need more space to list the documents, check the box in item 3, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)), and attach it to form POS-030.
4. For item 4:
Check box a if you personally put the documents in the regular U.S. mail.
Check box b if you put the documents in the mail at your place of business.
5. Provide the name and address of each person to whom you mailed the documents. If you mailed the documents to more than one person, check the box in item 5, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (form POS-030(P)), and attach it to form POS-030.

At the bottom, fill in the date on which you signed the form, print your name, and sign the form. By signing, you are stating under penalty of perjury that all the information you have provided on form POS-030 is true and correct.