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**FILED**  
**Superior Court Of California,**  
**Sacramento**  
**Dennis Jones, Executive**  
**Officer**  
**11/13/2008**  
**pcrescenti**  
**By \_\_\_\_\_, Deputy**  
**Case Number:**  
**34-2008-80000096-CU-WM-GDS**

10 **SUPERIOR COURT OF CALIFORNIA**  
11 **COUNTY OF SACRAMENTO**

12 Ambassador Dr. Alan Keyes; Dr. Wiley S. Drake, Sr.; and )  
13 Markham Robinson, )  
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15 )  
16 )  
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21 )  
22 )  
23 )  
24 )  
25 )  
Respondents.)

**BY FAX**  
) Case No.:  
)  
)  
) Petitioners,  
)  
) v. )  
) **PETITION FOR WRIT OF**  
) **MANDATE**

California Secretary of State Debra Bowen; Senator Barack )  
Hussein Obama; Senator Joe Biden; California Democratic )  
Party Electors: Aleita Huguenin, Lou Paulson, Ian Blue, )  
Mark Cibula, Richard Hundrieser, Lawrence DuBois, Mark )  
Friedman, Mary Hubert, Fred Jackson, LeRoy King, Roberta )  
Brooks, Audrey Gordon, Michael McNerney, Nancy Parrish, )  
James Farley, John Freidenrich, Jeremy Nishihara, Jaime )  
Alvarado, Vinz Koller, Gregory Olzack, David Sanchez, Larry )  
Sheingold, Stephen Smith, Mark Macarro, Nathan Brostrom, )  
Robert "Bob" Handy, Robert Conaway, Greg Warner, Lane )  
Sherman, Ilene Huber, Kenneth Sulzer, Sanford Weiner, Ana )  
Delgado Mascarenas, Joe Perez, Gwen Moore, Anthony )  
Rendon, Karen Waters, Kelley Willis, Silissa Uriarte-Smith, )  
Norma Torres, Alma Marquez, Ray Cordova, Patrick Kahler, )  
Aaruni Thakur, Joe Baca, Jr., Juadina Stallings, Betty )  
McMillion, William Ayer, Gregory Willenborg, James Yedor, )  
Bobby Glaser, Mary Keadle, Frank Salazar, Christine Young, )  
Sid Voorakkara, and DOES 1-100, )

)  
) **Date:**  
) **Time:**  
) **Dept.:**  
) **Judge:**  
) **Filed:**  
) **Trial:**

1           AMBASSADOR DR. ALAN KEYES, a resident of the State of Maryland, and DR. WILEY S.  
2 DRAKE, SR., and MARKHAM ROBINSON, each a resident of the State of California, all Petitioners  
3 herein, bring this litigation.

4           PETITIONERS allege:

5                                   **I**

6                                   **INTRODUCTION**

7                                   **Parties**

8           1.        Ambassador Dr. Alan Keyes, Petitioner herein, is the Presidential candidate of the  
9 American Independent Party, in the 2008 election, on the California State Ballot;

10           2.        Dr. Wiley S. Drake, Sr., Petitioner herein, is a Certified California Elector of the  
11 American Independent Party and is the Vice Presidential candidate of the American Independent Party, in  
12 the 2008 election, on the California State Ballot;

13           3.        Markham Robinson, Petitioner herein, is a Certified California Elector of the American  
14 Independent Party, Vice Chairman of America’s Independent Party, and Chairman of the American  
15 Independent Party;

16           4.        Debra Bowen, Respondent herein, is the Secretary of State of the State of California  
17 (hereafter referred to as “SOS”);

18           5.        Senator Barack Hussein Obama, Respondent herein, is the Presidential Candidate of the  
19 Democratic Party on the California State Ballot;

20           6.        Senator Joe Biden, Respondent herein, is the Vice-Presidential Candidate of the  
21 Democratic Party on the California State Ballot;

22           7.        Aleita Huguenin, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
23 Presidential Election, in the State of California;

24           8.        Lou Paulson, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
25 Presidential Election, in the State of California;

1           9.       Ian Blue, Respondent herein, is a Certified Elector for the 2008 Presidential and Vice-  
2 Presidential Election, designated by the Democratic Party nominee in the 1st Congressional District;

3           10.       Mark Cibula, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
4 Presidential Election, designated by the Democratic Party nominee in the 2nd Congressional District;

5           11.       Richard Hundrieser, Respondent herein, is an Elector for the 2008 Presidential and  
6 Vice-Presidential Election, designated by the Democratic Party nominee in the 3rd Congressional  
7 District;

8           12.       Lawrence DuBois, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
9 Presidential Election, designated by the Democratic Party nominee in the 4th Congressional District;

10          13.       Mark Friedman, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
11 Presidential Election, designated by the Democratic Party nominee in the 5th Congressional District;

12          14.       Mary Hubert, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
13 Presidential Election, designated by the Democratic Party nominee in the 6th Congressional District;

14          15.       Fred Jackson, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
15 Presidential Election, designated by the Democratic Party nominee in the 7th Congressional District;

16          16.       LeRoy King, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
17 Presidential Election, designated by the Democratic Party nominee in the 8th Congressional District;

18          17.       Roberta Brooks, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
19 Presidential Election, designated by the Democratic Party nominee in the 9th Congressional District;

20          18.       Audrey Gordon, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
21 Presidential Election, designated by the Democratic Party nominee in the 10th Congressional District;

22          19.       Michael McNerney, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
23 Presidential Election, designated by the Democratic Party nominee in the 11th Congressional District;

24          20.       Nancy Parrish, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
25 Presidential Election, designated by the Democratic Party nominee in the 12th Congressional District;

1           21.     James Farley, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
2 Presidential Election, designated by the Democratic Party nominee in the 13th Congressional District;

3           22.     John Freidenrich, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
4 Presidential Election, designated by the Democratic Party nominee in the 14th Congressional District;

5           23.     Jeremy Nishihara, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
6 Presidential Election, designated by the Democratic Party nominee in the 15th Congressional District;

7           24.     Jaime Alvarado, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
8 Presidential Election, designated by the Democratic Party nominee in the 16th Congressional District;

9           25.     Vinz Koller, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
10 Presidential Election, designated by the Democratic Party nominee in the 17th Congressional District;

11          26.     Gregory Olzack, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
12 Presidential Election, designated by the Democratic Party nominee in the 18th Congressional District;

13          27.     David Sanchez, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
14 Presidential Election, designated by the Democratic Party nominee in the 19th Congressional District;

15          28.     Larry Sheingold, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
16 Presidential Election, designated by the Democratic Party nominee in the 20th Congressional District;

17          29.     Stephen Smith, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
18 Presidential Election, designated by the Democratic Party nominee in the 21st Congressional District;

19          30.     Mark Macarro, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
20 Presidential Election, designated by the Democratic Party nominee in the 22nd Congressional District;

21          31.     Nathan Brostrom, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
22 Presidential Election, designated by the Democratic Party nominee in the 23rd Congressional District;

23          32.     Robert "Bob" Handy, Respondent herein, is an Elector for the 2008 Presidential and  
24 Vice-Presidential Election, designated by the Democratic Party nominee in the 24th Congressional  
25 District;

1           33.     Robert Conway, Respondent herein, is an Elector for the 2008 Presidential and Vice  
2 Presidential Election, designated by the Democratic Party nominee in the 25th Congressional District;

3           34.     Greg Warner, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
4 Presidential Election, designated by the Democratic Party nominee in the 26th Congressional District;

5           35.     Lane Sherman, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
6 Presidential Election, designated by the Democratic Party nominee in the 27th Congressional District;

7           36.     Ilene Huber, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
8 Presidential Election, designated by the Democratic Party nominee in the 28th Congressional District;

9           37.     Kenneth Sulzer, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
10 Presidential Election, designated by the Democratic Party nominee in the 29th Congressional District;

11          38.     Sanford Weiner, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
12 Presidential Election, designated by the Democratic Party nominee in the 30th Congressional District;

13          39.     Ana Delgado Mascarenas, Respondent herein, is an Elector for the 2008 Presidential and  
14 Vice-Presidential Election, designated by the Democratic Party nominee in the 31st Congressional  
15 District;

16          40.     Joe Perez, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
17 Presidential Election, designated by the Democratic Party nominee in the 32nd Congressional District;

18          41.     Gwen Moore, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
19 Presidential Election, designated by the Democratic Party nominee in the 33rd Congressional District;

20          42.     Anthony Rendon, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
21 Presidential Election, designated by the Democratic Party nominee in the 34th Congressional District;

22          43.     Karen Waters, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
23 Presidential Election, designated by the Democratic Party nominee in the 35th Congressional District;

24          44.     Kelley Willis, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
25 Presidential Election, designated by the Democratic Party nominee in the 36th Congressional District;

1           45.     Silissa Uriarte-Smith, Respondent herein, is an Elector for the 2008 Presidential and  
2 Vice-Presidential Election, designated by the Democratic Party nominee in the 37th Congressional  
3 District;

4           46.     Norma Torres, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
5 Presidential Election, designated by the Democratic Party nominee in the 38th Congressional District;

6           47.     Alma Marquez, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
7 Presidential Election, designated by the Democratic Party nominee in the 39th Congressional District;

8           48.     Ray Cordova, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
9 Presidential Election, designated by the Democratic Party nominee in the 40th Congressional District;

10          49.     Patrick Kahler, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
11 Presidential Election, designated by the Democratic Party nominee in the 41st Congressional District;

12          50.     Aaruni Thakur, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
13 Presidential Election, designated by the Democratic Party nominee in the 42nd Congressional District;

14          51.     Joe Baca, Jr., Respondent herein, is an Elector for the 2008 Presidential and Vice-  
15 Presidential Election, designated by the Democratic Party nominee in the 43rd Congressional District;

16          52.     Jiadina Stallings, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
17 Presidential Election, designated by the Democratic Party nominee in the 44th Congressional District;

18          53.     Betty McMillion, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
19 Presidential Election, designated by the Democratic Party nominee in the 45th Congressional District;

20          54.     William Ayer, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
21 Presidential Election, designated by the Democratic Party nominee in the 46th Congressional District;

22          55.     Gregory Willenborg, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
23 Presidential Election, designated by the Democratic Party nominee in the 47th Congressional District;

24          56.     James Yedor, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
25 Presidential Election, designated by the Democratic Party nominee in the 48th Congressional District;

1           57.     Bobby Glaser, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
2 Presidential Election, designated by the Democratic Party nominee in the 49th Congressional District;

3           58.     Mary Keadle, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
4 Presidential Election, designated by the Democratic Party nominee in the 50th Congressional District;

5           59.     Frank Salazar, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
6 Presidential Election, designated by the Democratic Party nominee in the 51st Congressional District;

7           60.     Christine Young, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
8 Presidential Election, designated by the Democratic Party nominee in the 52nd Congressional District;

9           61.     Sid Voorakkara, Respondent herein, is an Elector for the 2008 Presidential and Vice-  
10 Presidential Election, designated by the Democratic Party nominee in the 53rd Congressional District.

11                                   **Legal Basis**

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

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

15           63.     Senator Barack H. Obama is a candidate for the Office of the President of the United  
16 States. However, to assume such office, Senator Obama must meet the qualifications specified for the  
17 Office of the President of the United States, which includes that he must be a "natural born" citizen.  
18 Senator Obama has failed to demonstrate that he is a "natural born" citizen. There are other legal  
19 challenges before various state and federal courts regarding aspects of lost or dual citizenship concerning  
20 Senator Obama. Those challenges, in and of themselves, demonstrate Petitioners' argument that  
21 reasonable doubt exists as to the eligibility of the Democratic Party's nominee for President.

22           64.     SOS is responsible for ensuring the validity of the State election process by, among other  
23 things, verifying the qualifications of the voters, approving the ballots and the candidates, supervising the  
24 counting of the ballots, and certifying the results. This certification of the vote by SOS, based upon  
25 which Electors received the highest number of votes in the state, is the method provided for in California

1 law for ascertaining which Electors are appointed to vote for president (California Elections Code §  
2 15505, 3 U.S.C. § 6). On December 1, or as soon as soon as the election results have been received from  
3 all counties in the state, SOS shall certify the names of the ascertained Electors to the Governor, and then  
4 transmit to each presidential Elector a certificate of election (California Elections Code § 15505). The  
5 Governor then issues and seals a Certificate of Ascertainment which is delivered to the Electors by  
6 December 15 (3 U.S.C. § 6), who then meet to sign the Certificate of Vote (Federal Election Code §  
7 192.006). The office of SOS is intended to be non-biased and to provide the critical sense of fairness and  
8 impartiality necessary for the people to have faith in the fundamental underpinnings of the democratic  
9 basis for our elections.

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

24 66. In the case of individuals seeking the Office of President of the United States, the United  
25 States Constitution provides for a system of Electors, wherein citizens of the respective states have a state



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

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

13 68. At this point, Senator Obama has not allowed independent or official access to his vault  
14 (original hospital) birth records and supporting hospital records. Senator Obama's citizenship status has  
15 been, and is being, challenged in 17 different legal actions in various federal and state courts, which  
16 challenges cast doubt on the validity of the electoral process, regardless of outcome, if not resolved prior  
17 to the certification of the election by the Electors. SOS is specifically charged with certifying and  
18 guaranteeing the validity of official documents and overseeing the elections in California, such that the  
19 people's confidence in the fundamental aspect of democracy is maintained. To date, in this regard, SOS  
20 has not carried out that fundamental duty.

21 69. This writ requests a court order barring the SOS from both certifying to the Governor the  
22 names of the California Electors, and from transmitting to each presidential Elector a Certificate of  
23 Election, until such documentary proof is produced and verified showing that is a "natural born" citizen  
24 of the United States and does not hold citizenship in Indonesia, Kenya or Great Britain. In addition, this  
25 writ requests a court order barring the California Electors from signing the Certificate of Vote until such

1 documentary proof is produced and verified showing that Senator Obama is a "natural born" citizen of  
2 the United States and does not hold citizenship in Indonesia, Kenya or Great Britain.

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

7 71. 3 United States Code (U.S.C.) Section 8 provides, "The electors shall vote for President  
8 and Vice President, respectively, in the manner directed by the Constitution." This federal statute confers  
9 upon each elector an affirmative duty to discover whether the candidate for President for which the  
10 elector is seeking election is a "natural born" citizen. Otherwise, the elector would not know if his vote  
11 was being cast in the "manner directed by the Constitution."

12 72. Given this constitutionally mandated duty, PETITIONERS have standing to bring this  
13 Writ before this Court.

14 73. A growing number of questions have arisen in litigation in at least 10 states contesting  
15 whether Senator John McCain or Senator Barack Obama are "natural born" citizens and, therefore,  
16 constitutionally eligible to be entrusted with the Office of President of the United States. In the litigation  
17 against Senator Obama, allegations have been made that his admitted dual citizenship in Indonesia, and  
18 lack of evidence that he renounced the same, caused a loss of his United States Citizenship as a matter of  
19 law. Moreover, evidence released by the Obama campaign purporting to be a "Certification of Live  
20 Birth" on its face appears to be of questionable authenticity. One of the many problems with this  
21 evidence is that the border design differs from the border designs of other Certifications of Live Birth  
22 printed during the same time period. All these questions about both of the candidates are still unresolved.  
23 In the course of those lawsuits, some of which have been dismissed, it has been determined that there  
24 exists no designated official in the federal government, or the government of the states, directly charged  
25 with the responsibility of determining whether any Presidential candidate meets the qualifications of

1 Article II of the Constitution of the United States. In most states, that responsibility is vested with the  
2 political parties, all of which have a conflict of interest in making any such determination, and none of  
3 which have been forthcoming with information or evidence verifying any candidate's compliance with  
4 the eligibility requirements.

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

11 75. Further, the report does not say whether the birth certificate in the "record" is a  
12 Certificate of Live Birth or a Certificate of Hawaiian Birth. In Hawaii, a Certificate of Live Birth  
13 resulting from hospital documentation, including a signature of an attending physician, is different from a  
14 Certificate of Hawaiian Birth. For births prior to 1972, a Certificate of Hawaiian Birth was the result of  
15 the uncorroborated testimony of one witness and was not generated by a hospital. Such a Certificate  
16 could be obtained up to one year from the date of the child's birth. For that reason, its value as prima  
17 facie evidence is limited and could be overcome if any of the allegations of substantial evidence of birth  
18 outside Hawaii can be obtained. The vault (long Version) birth certificate, per Hawaiian Statute 883.176  
19 allows the birth in another State or another country to be registered in Hawaii. Box 7C of the vault  
20 Certificate of Live Birth contains a question, whether the birth was in Hawaii or another State or Country.  
21 Therefore, the only way to verify the exact location of birth is to review a certified copy or the original  
22 vault Certificate of Live Birth and compare the name of the hospital and the name and the signature of the  
23 doctor against the birthing records on file at the hospital noted on the Certificate of the Live Birth.

24 76. An unprecedented and looming constitutional crisis awaits if a President elected by the  
25 popular vote and the electoral vote does not constitutionally qualify to serve in that capacity. In addition,

1 if Senator Obama is not a "natural born" citizen and not eligible for presidency, Senator Obama will be  
2 subject to the criminal Provisions of the California Elections Code, stating, "Any person who files or  
3 submit for filing a nomination paper or declaration of candidacy knowing that it, or any part of it, has  
4 been made falsely is punishable by a fine not exceeding one thousand dollars (\$1,000) or by  
5 imprisonment in the state prison for 16 months or two or three years or by both the fine and  
6 imprisonment" (California Elections Code § 18203). Further, Senator Obama, SOS, the Governor of the  
7 State of California, and all of the California Electors may be subject to the penal provisions of the  
8 California Elections Code which states, "Any person who commits fraud and any person who aids or  
9 abets fraud or attempts to aid or abet fraud, in connection with any vote cast, to be cast, or attempted to be  
10 cast, is guilty of felony, punishable by imprisonment for 16 months or two or three years" (California  
11 Elections Code § 18500 ).

12 77. The Twentieth Amendment to the United States Constitution provides, "if the President  
13 elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall  
14 have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a  
15 Vice President elect shall have qualified, declaring who shall then act as President, or in the manner in  
16 which one who is to act shall be elected, and such person shall act accordingly until a President or Vice  
17 President shall have qualified." Thus, if Senator Obama cannot take office due to his citizenship,  
18 succession to the Presidency is set.

## 19 II

### 20 BACKGROUND OF THE CASE

21 78. The Office of the Secretary of State of California is the California agency responsible for  
22 certifying candidates for inclusion on the ballot. Historically, California Secretaries of State have  
23 exercised their due diligence by reviewing necessary background documents, verifying that the candidates  
24 that were submitted by the respective political parties as eligible for the ballot were indeed eligible. In  
25 1968, the Peace and Freedom Party submitted the name of Eldridge Cleaver as a qualified candidate for

1 President of the United States. The then SOS, Mr. Frank Jordan, found that, according to Mr. Cleaver's  
2 birth certificate, he was only 34 years old, one year shy of the 35 years of age needed to be on the ballot  
3 as a candidate for President. Using his administrative powers, Mr. Jordan removed Mr. Cleaver from the  
4 ballot. Mr. Cleaver unsuccessfully challenged this decision to the Supreme Court of the State of  
5 California, and, later, to the Supreme Court of the United States. Similarly, in 1984, the Peace and  
6 Freedom Party listed Mr. Larry Holmes as an eligible candidate in the Presidential primary. When the  
7 then SOS checked his eligibility, it was found that Mr. Holmes was similarly not eligible, and Mr.  
8 Holmes was removed from the ballot. Currently, we have a similar situation in that the Democratic Party  
9 has submitted the name of Senator Barack Obama as candidate for President.

10 79. However, there are a number of separate reasons that would make Senator Obama  
11 ineligible to serve as President of the United States. On August 21, 2008, Mr. Phillip J. Berg, former  
12 Deputy Attorney General of the State of Pennsylvania, filed a legal action against Senator Obama and the  
13 Democratic National Committee. With his action, and in the subsequent appeal to the Supreme Court of  
14 the United States, Mr. Berg provided documents to the effect that Senator Obama was born in what is  
15 now Kenya (the British East African Protectorate of Zanzibar at the time) and that his paternal  
16 grandmother was present at his birth. Senator Obama claims that he was born in Hawaii. According to  
17 statements made by his half-sister, Maya Soetoro Ng, he was born in Kapiolani Hospital in Hawaii.  
18 According to his biography posted on Wikipedia, Senator Obama was born in Queens Hospital in Hawaii.  
19 However, he has never provided the original hospital birth certificate from 1961, with the name of the  
20 hospital and the name and the signature of the doctor in attendance. All that Senator Obama has posted  
21 on his website is a Registry of Live Birth (short version), obtained in 2007, that does not provide the  
22 name of the hospital or the doctor. Clearly, one human being cannot be born in three different places.  
23 Hawaii Revised Statute 338-178 allows registration of birth in Hawaii for a child that was born outside of  
24 Hawaii to parents who, for a year preceding the child's birth, claimed Hawaii as their place of residence.  
25 The only way to know where Senator Obama was actually born is to view Senator Obama's original

1 birth certificate from 1961 that shows the name of the hospital and the name and signature of the doctor  
2 that delivered him. From August 21, 2008, for over two months, Senator Obama has refused to provide  
3 his original birth certificate, even though, in his book, *Dreams of My Father*, page 26, he states, "... I  
4 found the article folded between my birth certificate and old immunization records..." which shows that  
5 he clearly has his birth certificate, or that he lied in his book. Particularly telling is the fact that not one  
6 single person has come forward, not a doctor, not a nurse, not a hospital administrator, nor anyone else, to  
7 state that he or she was present during this birth, except for Obama's paternal grandmother, who affirmed  
8 that she "was in the delivery room in Kenya when he was born Aug. 4, 1961." Additionally, when Mr.  
9 Berg served subpoenas on the hospitals mentioned above, Senator Obama refused to sign a consent form  
10 that would allow the hospitals to release any of his information. Instead, Senator Obama has hired three  
11 law firms to defend himself, and has challenged the action by Mr. Berg on a technicality, claiming that an  
12 ordinary citizen does not have standing to bring the suit. This matter is currently being reviewed by the  
13 U.S. Supreme Court. The parties in this case have standing to bring this litigation, due to the fact that Dr.  
14 Keyes and Dr. Drake, Sr., are candidates on the California ballot for President and Vice President of the  
15 United States, and Mr. Robinson is an Elector for the Keyes-Drake ticket, and Vice Chairman of  
16 America's Independent Party, of Fenton, Michigan, which nominated Dr. Keyes for President. He is also  
17 a Chairman of the American Independent Party (California), which nominated Dr. Keyes and Dr. Drake  
18 for President and Vice President, respectively. Based on the foregoing, it is imperative for SOS to be  
19 provided proof that Senator Obama is a "natural born" citizen.

20 80. If he was born in Hawaii, there are four (4) other obstacles to Senator Obama's  
21 eligibility. In and about 1967, Senator Obama moved to Indonesia, took the last name of his stepfather,  
22 Soetoro, and went by the name Barry Soetoro. In original legal action filed by Mr. Berg, he presented  
23 Senator Obama's school registration, showing him registered as Barry Soetoro, Citizenship-Indonesian,  
24 Religion Islam, signed by L. Soetoro. From 1945, Indonesia has not allowed dual citizenship and,  
25 therefore, Ms. Dunham-Obama-Soetoro, Senator Obama's mother, had to relinquish her son's U.S.

1 citizenship in order to obtain Indonesian citizenship for him, which would make him ineligible to become  
2 a United States President. Additionally, the United States could not allow dual citizenship with Indonesia  
3 at that time, as Indonesia did not allow dual citizenship, and it was prohibited by the Hague Convention  
4 of 1930, as interfering with the internal affairs of another sovereign Country.

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

9 82. Additionally, assuming Senator Obama was born in what is now Kenya, at the time of  
10 Senator Obama's birth in 1961, (now) Kenya was the British Protectorate of Zanzibar and Senator Obama  
11 was automatically accorded a form of British citizenship under Section 32(1) of the British Nationality  
12 Act of 1948, effective date January 28, 1949, based on his father's citizenship.

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

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

18 85. On October 25, 2008, SOS was contacted, via e-mail, by Orly Taitz, Esq., discussing the  
19 issues mentioned above. SOS has acknowledged receipt of said e-mail and sent a response. As of that  
20 time, SOS was on notice and had a duty to act. Ms. Taitz had a subsequent conversation with the election  
21 analyst of SOS Office, Ms. Philly Crosby. Ms. Taitz requested an administrative hearing on the matter in  
22 question. Ms. Crosby stated that she would discuss the matter with Ms. Bowen and SOS' General  
23 Counsel, Ms. Pam Giarizzo, and that Ms. Giarizzo would telephone Ms. Taitz to discuss the issue. Ms.  
24 Taitz followed this conversation with a second e-mail, confirming all the details of the conversation. As  
25 yet, SOS has taken no steps to request the necessary documents from Senator Obama. It appears that Ms.



1 Bowen is intending to certify Senator Obama, and to certify his Electors, and not protect the people of the  
2 State of California by enforcing its laws. As a result of SOS declining to act pursuant to the above  
3 described legal obligations, the only remedy is to request relief from the Superior Court of California, and  
4 seek injunctive relief available to bar SOS from certifying the California Electoral votes until such  
5 documentary proof that Senator Obama's United States citizenship is produced.

### 6 III

#### 7 EFFECT OR FAILURE TO GRANT INJUNCTIVE RELIEF

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

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



1 presidency and resolve this issue prior to the certification of the election results by the electors.

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

8 89. Petitioners Keyes and Drake will be irreparably harmed by being unable to compete in a  
9 fair and unbiased election. Petitioner Robinson will be harmed in that he will not be able to perform his  
10 duties as an Elector in voting for the candidate that is eligible to become the President of the United States  
11 under the law. It is incumbent on SOS to enforce the eligibility requirements.

12 **PRAYER**

13 WHEREFORE, Petitioners respectfully prays:

14 90. That the court issue a peremptory writ in the first instance barring Respondent Secretary  
15 of State of California, Ms. Bowen, from both certifying to the Governor the names of the California  
16 Electors, and from transmitting to each presidential Elector a Certificate of Election, until such  
17 documentary proof is produced and verified showing that Senator Obama is a "natural born" citizen of the  
18 United States and does not hold citizenship of Indonesia, Kenya or Great Britain. In addition, this writ  
19 requests that the court issue a peremptory writ barring Respondent California Electors from signing the  
20 Certificate of Vote until such documentary proof is produced and verified showing that Senator Obama is  
21 a "natural born" citizen of the United States and does not hold citizenship of Indonesia, Kenya or Great  
22 Britain.

23 91. For Petitioners' attorney's fees.

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92. For such costs of this proceeding and fees as are applicable by law; and such further relief as the Court deems just and proper.

Respectfully submitted on November 12, 2008

SIGNATURE VIA FAX

Gary G. Kreep, Esq.  
Attorney for Petitioners

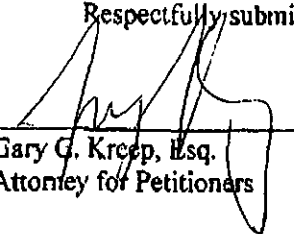
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Respectfully submitted on November 12, 2008

  
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Gary G. Kreep, Esq.  
Attorney for Petitioners