



DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF INSPECTOR GENERAL

WASHINGTON, DC 20201



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January 18, 2012

Dr. Orly Taitz, Esq.
29839 Santa Margarita Parkway, Suite 100
Rancho Santa Margarita, California 92688

Ms. Taitz:

We have received the subpoena issued by the State of Georgia and addressed to Special Agent in Charge (SAC) Derrick Jackson, Office of Investigations, Office of Inspector General (OIG). The subpoena requests testimony and documents from SAC Jackson regarding "any and all methods of authentication of birth certificates and fraud and forgery detection in birth certificates." It does not describe the case or matter being heard by the State.

Federal regulations prohibit an employee of this agency from providing testimony or produce documents in any proceeding to which the United States is not a party concerning information acquired in the course of performing official duties, unless such testimony is authorized by the agency head based on a determination by him that compliance with the request would promote the objectives of the U.S. Department of Health and Human Services (HHS). 45 CFR § 2.3. The regulation also requires that a party seeking the testimony of an employee submit a request in writing to the agency head, which must state the nature of the requested testimony, why the information sought is unavailable by any other means, and the reasons why the testimony would be in the interest of HHS or the Federal government. 45 CFR § 2.4. In accordance with these regulations, SAC Jackson will not be given authorization to testify until such time as the required written request has been submitted and given consideration.

Please address any written request to:

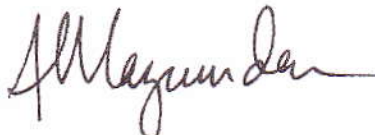
Deputy Inspector General for Investigations Gerald Roy
Office of Inspector General
U.S. Department of Health and Human Services
330 Independence Ave, SW
Washington, D.C. 20201

As a convenience, you may fax or e-mail the request directly to me at the e-mail address or fax number provider in the header above, and I will ensure that it is properly processed.

We advise that you be aware of two issues as you prepare your request. First, the Office of Investigations has no experts who could testify with respect to the authentication of birth certificates, nor does it investigate fraud with regard to birth certificates. Second, agencies of the United States, such as OIG, are not within the legal jurisdiction of State tribunals. It is well settled that, under the principle of sovereign immunity, a State court lacks the jurisdiction to enforce a subpoena against a Federal agency. See e.g., Kasi v. Angelone, 300 F.3d 487, 503 (4th Cir. 2002). As such, whether OIG complies with the demands in the subpoena will depend on the extent to which the written request persuasively addresses the required elements in section 2.4.

If you have any questions, feel free to call or write.

Sincerely,

A handwritten signature in black ink, appearing to read "Amitava Mazumdar", with a stylized flourish at the end.

Amitava "Jay" Mazumdar
Senior Counsel