

OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA

DAVID FARRAR	:	
LEAH LAX	:	
CODY JUDY	:	
THOMAS MALAREN	:	
LAURIE ROTH	:	
	:	
	:	
	:	
	:	DOCKET NO.
v.	:	OSAH-SECSTATE-CE-
	:	1215136-60-Malihi
	:	
BARACK OBAMA	:	
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230 Peachtree Street, Suite 850
Atlanta, Georgia
Thursday, January 26, 2012

The above-entitled matter came on for hearing
pursuant to Notice, at 10:15 a.m.

BEFORE:

MICHAEL M. MALIHI, Deputy Chief Administrative Law
Judge

APPEARANCES:

FOR THE PLAINTIFF:

ORLY TAITZ, Attorney
29839 S. Margarita, Suite 100
Rancho Santa Margarita, California 92688

FOR THE DEFENDANT:

(No appearance.)

I N D E X

WITNESSES:	DIRECT	CROSS	REDIRECT	RECROSS
David Farrar	5	--	--	--
Christopher Strunk	8	--	--	--
Susan Daniels	10	--	--	--
Felicito Papa	15	--	--	--
Linda Jordan	19	--	--	--
Douglas Vogt	22	--	--	--
John Sampson	30	--	--	--
Orly Taitz	40	--	--	--

EXHIBITS: FOR IDENTIFICATION IN EVIDENCE

Plaintiff:

1 - Strunk FOIA Request	10	--
2 - Daniels Affidavit	14	--
3 - Papa Affidavit	19	--
4 - Jordan Affidavit	21	--
5 - Vogt Affidavit	30	--
6 - Sampson Affidavit	39	--
7 - (Unidentified on the record)	45	--

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P R O C E E D I N G S

JUDGE MALIHI: Counsel, would you introduce yourself and your client, please?

MS. TAITZ: Yes. Orly Taitz and I'm representing five clients -- Mr. David Farrar, who is in the courtroom.

MR. FARRAR: Good morning, sir.

MS. TAITZ: Ms. Leah Lax, Ms. Laurie Roth, Mr. Thomas Malaren and Mr. Cody Robert Judy.

JUDGE MALIHI: Counsel, before you start, I'm going to give you two hours maximum, we will conclude at 12:15.

MS. TAITZ: Thank you, Your Honor.

JUDGE MALIHI: And if you can do it a little bit faster, I would appreciate it.

MS. TAITZ: I'll do my best.

JUDGE MALIHI: Thank you.

MS. TAITZ: Mr. Farrar, please.

Just a quick introduction. Please provide for the Court your name and spell your last name.

MR. FARRAR: David Farrar, F-a-r-r-a-r.

MS. TAITZ: Mr. Farrar, you can even stand --

THE REPORTER: Wait. Got to swear the witness.

Whereupon,

DAVID FARRAR

appeared as a witness herein and, having been first duly

1 sworn, was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MS. TAITZ:

4 Q Are you a registered voter in the State of
5 Georgia?

6 A Yes, ma'am.

7 MS. TAITZ: That's it, you're excused.

8 JUDGE MALIHI: Thank you very much.

9 Counsel, hold on, hold on. What is this
10 (indicating)?

11 (Witness excused.)

12 MS. TAITZ: This is a clip from the news, just
13 showing that when Mr. Obama resided in Indonesia, it shows a
14 book of records from Indonesia showing his last name in the
15 school book of records listed as Soetoro and nationality
16 Indonesian, not U.S. citizen.

17 JUDGE MALIHI: I don't need to see the video.

18 MS. TAITZ: That's it.

19 JUDGE MALIHI: Okay.

20 MS. TAITZ: Can we go back a little bit?

21 JUDGE MALIHI: Counsel, I don't see how that's
22 relevant to the issue before me.

23 MS. TAITZ: Well, in order for one -- first of
24 all, in order for one to be on the ballot in the State of
25 Georgia, he needs to be under a name that is legally his.

1 JUDGE MALIHI: You can argue that to me, but I
2 don't need to see the video.

3 MS. TAITZ: Okay, go to the next one.

4 JUDGE MALIHI: What's the next one?

5 MS. TAITZ: Okay, so -- okay, so, it states that
6 he was registered in the book of records in the school in
7 Indonesia where she's staying, which was Basuki school in
8 Jakarta, Indonesia under last name Soetoro. Next.

9 I will not go into detail -- okay, let's stop here
10 -- I will not go into detail into the issue of what natural-
11 born citizen is because we have limited time, a prior
12 counsel already stated this.

13 JUDGE MALIHI: Counsel, please address the Court,
14 not the audience.

15 MS. TAITZ: And I will be using the same precedent
16 of *Minor v. Happersett* and I would also state that since the
17 Constitution was adopted, the legal treatise that was
18 commonly used by the framers of the Constitution was Emerich
19 de Vattel, a well-known --

20 JUDGE MALIHI: Counsel, are you arguing or are you
21 testifying?

22 MS. TAITZ: That's my opening statement.

23 JUDGE MALIHI: Okay, please step up to the podium.

24 MS. TAITZ: Emerich de Vattel, who was a well-
25 known scholar and constitutionalist and diplomat stating

1 that natural-born citizen -- and it was a legal treatise
2 that existed at the time the Constitution was adopted --
3 stating "natural-born citizen is one born in the country to
4 parents who are citizens of the country."

5 The first Justice of the Supreme Court of the
6 United States, John Jay, a well-known letter that was
7 included in Federalist Letters, stated to George Washington
8 -- permit me to hint that it is important for the commander
9 in chief to be a natural born-citizen, not to have a
10 foreigner.

11 Lastly, there was a question in regards to the
12 14th Amendment. And John Bingham, who was the framer of the
13 14th Amendment, in the discussions in Congress relating to
14 the adoption of the 14th Amendment, specifically stated
15 natural-born citizen is one who is born in the country to
16 parents who don't owe allegiance to other sovereignties.

17 As we know, when Mr. Obama was born, his father
18 was a citizen -- actually a British citizen because in 1961,
19 Kenya was part of --

20 JUDGE MALIHI: Counsel, let me stop you.

21 Would you save your argument for the closing and
22 let me hear from your witnesses. Your second witness,
23 please.

24 MS. TAITZ: Okay, Mr. Strunk.

25 JUDGE MALIHI: Good morning, sir.

1 MR. STRUNK: Good morning, Your Honor.

2 Whereupon,

3 CHRISTOPHER STRUNK

4 appeared as a witness herein and, having been first duly

5 sworn, was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MS. TAITZ:

8 Q Mr. Strunk, do you recognize this document?

9 A My name is Christopher Earl Strunk and I'm from
10 New York. I'd like to vote in Georgia, but it's not
11 possible this year.

12 Q I'm just asking, do you recognize this document?

13 A Yes, that is a portion of a letter which I
14 received from the attorney for the Department of State, U.S.
15 Department of State.

16 MS. TAITZ: Keep going, keep going, keep going,
17 further, more, more, more -- stop.

18 BY MS. TAITZ:

19 Q Okay, so now what is this document? Is that the
20 passport record of Stanley Ann Dunham, Mr. Obama's mother,
21 yes?

22 A This is a renewal form.

23 Q Okay.

24 A Taking him off of her passport.

25 Q Yes. What is the last name that is listed there?

1 Can you please read the full last name for Mr. Obama on his
2 mother's passport record?

3 A Soebarkah, S-o-e-b-a-r-k-a-h.

4 Q So in his mother's passport records, Mr. Obama is
5 listed under last name Soebarkah, according to the records
6 that you personally received from the State Department,
7 right?

8 A I can't draw a conclusion on that.

9 Q Okay, but that's what is written there, Soebarkah,
10 right?

11 A Yes. She wanted that expunged from her record --

12 Q Passport.

13 A -- which we never got. It was delegated (ph.)

14 MS. TAITZ: Okay, thank you, Mr. Strunk.

15 JUDGE MALIHI: You may step down, sir; thank you.

16 (Witness excused.)

17 MS. TAITZ: Next is going to be -- and we're going
18 to submit into evidence the records -- Freedom of
19 Information request and response that was received by Mr.
20 Strunk from the State Department showing that in his
21 mother's record, Mr. Obama was listed --

22 JUDGE MALIHI: Counsel, you don't need to tell me
23 --

24 MS. TAITZ: Okay. Next will be Ms. Susan Daniels.

25 THE REPORTER: Are we marking this P-1?

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JUDGE MALIHI: Yes.

(The document referred to was
marked for identification as
Plaintiff's Exhibit Number 1.)

(Witness excused.)

Whereupon,

SUSAN DANIELS

appeared as a witness herein and, having been first duly
sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. TAITZ:

Q Ms. Daniels, would you like to state to the Court,
what is your occupation?

A I'm a state licensed private investigator in Ohio.

Q How many years have you been a licensed
investigator?

A Since March of 1995.

Q Did you testify in court?

A Yes.

Q Did you also testify before grand juries as an
investigator?

A Yes.

Q What -- did you investigate the identification
records for Mr. Obama?

A I was hired to look into his background, and the

1 first thing I found was a Social Security Number for him
2 that was issued in the State of Connecticut between the
3 years of 1977 and '79. And --

4 Q During that time, Mr. Obama would have been 15-16
5 years old. Where did he reside -- did he reside in the
6 state of Connecticut at the age of 15 or 16?

7 A No.

8 Q Where did he reside?

9 A Hawaii.

10 Q Now --

11 A And Social Security Numbers are issued in the
12 state that you live in when you apply for them.

13 Q Okay. So what was your suspicion? What was your
14 professional understanding -- what was your understanding as
15 a professional investigator, what did this mean?

16 A I've looked at thousands of Social Security
17 Numbers and I immediately knew it was fraudulent.

18 Q Thank you. Let's continue, let's go higher and I
19 would like you to look at the next page -- one second.
20 More, more, more, keep going, keep going. Down, little bit
21 down.

22 Okay, so this is the -- what was the number, the
23 Social Security Number actually that was used?

24 A 042-68-4425.

25 Q Now do the first three digits of Social Security

1 Number signify the state?

2 A Yes.

3 Q So 042 is what state?

4 A Is Connecticut, 040 to 049 is Connecticut.

5 Q Ms. Daniels, I would like to point to those
6 numbers at the bottom.

7 A Right.

8 Q Dates of birth associated with Social Security
9 Number, and we see the first date of birth is 1890 and --
10 for Mr. Barack Obama, which means that if Mr. Barack Obama,
11 Mr. Barack Hussein Obama, was born in 1890, he would have
12 been a hundred and --

13 JUDGE MALIHI: Counsel, are you testifying or are
14 you asking a question?

15 MS. TAITZ: Sure.

16 BY MS. TAITZ:

17 Q What would be his age?

18 A I can't figure -- I don't have enough fingers.
19 But I have never -- in all the years I've worked, I've never
20 seen anything like this. I've seen where like the bottom
21 two numbers were the American style and the foreign style
22 appear, but never a number like 1890. And I believe that
23 the person that originally got the Social Security Number
24 was born in 1890.

25 Q So what you're saying that it was a stolen Social

1 Security Number.

2 JUDGE MALIHI: Counselor, don't lead the witness.

3 THE WITNESS: I believe that --

4 JUDGE MALIHI: You can't answer that.

5 THE WITNESS: Pardon me?

6 JUDGE MALIHI: You cannot answer that.

7 BY MS. TAITZ:

8 Q What is your understanding, what does it mean?

9 A I believed from the beginning it was fraudulent.

10 Q Yes. So -- and then we see 8/4/61 and 4/8/61.

11 What does that mean?

12 A That's just two different styles of showing his
13 birth cert -- his birth date. He was actually born on
14 August 4, 1961.

15 Q Now did you also check Mr. Obama's phone records?

16 A First I ran the Social Security Number to check
17 addresses and the same Social Security Number came up with
18 addresses for him in Massachusetts, in Illinois, and in
19 Washington, D.C. And along with those records were a phone
20 number, and it was always the same phone number and
21 occasionally the year where it showed his date of birth, it
22 said 1890.

23 I subsequently then checked the phone records for
24 this phone number and found the same thing. It would show
25 intermittently the birth date, instead of August 4, 1961,

1 said 1890.

2 Q Did you check -- did you double-check the Social
3 Security Numbers before and after this one? From what state
4 were those social security numbers?

5 A I got copies from the Social Security
6 Administration for the Social Security Number ending in 24,
7 which is the number immediately before his, and 29, and I
8 got the actual records, including the handwritten
9 application for the number, because both those people are
10 deceased. And it showed that those were both issued in
11 March of 1977, when he would have been 15.

12 Q So it is your testimony that the Social Security
13 Number that Mr. Barack Obama is using is a number that was
14 issued to somebody who resided in the state of Connecticut--

15 A That's what I believe.

16 Q -- in 1977.

17 A That's what I believe.

18 Q Anything else you'd like to add?

19 A No.

20 MS. TAITZ: Thank you. Thank you, Ms. Daniels.

21 At this point, I would like to introduce into
22 evidence Plaintiff's Exhibit Number 2, Affidavit of Ms.
23 Susan Daniels with the attached documents.

24 (The document referred to was
25 marked for identification as

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Plaintiff's Exhibit Number 2.)

(Witness excused.)

MS. TAITZ: Next, my third --

JUDGE MILLER: Is it fourth or third?

MS. TAITZ: Fourth witness is going to be Mr.
Felicito Papa.

Whereupon,

FELICITO PAPA

appeared as a witness herein and, having been first duly
sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. TAITZ:

Q Mr. Papa, can you please explain to the Court what
is your education?

A Okay, first I'm originally from the Philippines
and then I'm a naturalized born citizen of the United
States.

And then I studied information technology having
graduated from ITT Technical Institute in Indianapolis,
Indiana. And from there, we studied various software like
Adobe software.

JUDGE MALIHI: Sir, would you just listen to the
question and only answer the question?

THE WITNESS: Okay.

JUDGE MALIHI: Next question.

1 BY MS. TAITZ:

2 Q What -- so your education is in information
3 technology?

4 A That's correct.

5 Q From ITT. Mr. Papa, what kind of software do you
6 usually use in your work?

7 A With web designing and development, it's a popular
8 software to use Adobe Photoshop and Adobe Illustrator.

9 Q Thank you. I'm going to point to this document.
10 Is that the affidavit that you provided me?

11 A That's true, yes.

12 Q Now was that the birth certificate -- or alleged
13 copy of a birth certificate that Mr. Obama posted online?

14 A That's correct.

15 Q Now what -- okay, let's go to the next page.
16 Okay, stop.

17 Now when Mr. Obama originally posted this birth
18 certificate, it was in a .pdf file, was it?

19 A That's correct, yes.

20 Q Was the file flattened, were all the layers of
21 preparation of the file flattened together, or not?

22 A No, it was not flattened, it was open.

23 Q So when you opened this document in Adobe
24 Illustrator, did you see one layer or did you see multiple
25 layers?

1 A I saw multiple layers, at least six layers.

2 Q Okay. So is this one of the layers?

3 A It is one of the bottom layer.

4 Q Mr. Papa, I would like to point to the number at
5 the top. We're seeing just one digit there, so where are
6 the other digits? Were they added in another layer?

7 A Yes, they were added from other graphics and added
8 to this number.

9 Q So there was one document, and then from another
10 document they added another part of the document?

11 A That's correct.

12 Q I would like to point to the signature, Stanley
13 Ann -- and there is only "D." There is no "unham Obama,"
14 it's missing. Was that brought from another document?

15 A That's correct.

16 Q Now it was on the internet when the original of
17 the document was posted that there were layers and shortly
18 thereafter when people opened in Adobe Illustrator, there
19 were no layers. What happened? Did somebody remove it and
20 flatten the file and put it back, or what happened?

21 A Nobody -- up to now, nobody has flattened the
22 file. Anybody who uses Adobe Illustrator can open the file
23 and then they will see multiple layers.

24 Q Okay. Now I'm going to point to the next
25 document, the next affidavit for Mr. Papa.

1 Now did you also study the tax returns that Mr.
2 Obama posted online in April of -- stop -- in 2010?

3 A Yes, I did.

4 Q Was there the same problem of the file, .pdf file,
5 not being flattened?

6 A No, it wasn't. Originally it wasn't flattened and
7 anybody can open it and they would see at least two layers.

8 Q When you looked at the layers, I point to the
9 number here at the bottom that says 042-68-4425. That was
10 in one of the layers, right?

11 A That's correct.

12 Q Is it the same number that Ms. Daniels testified
13 to?

14 A That's correct, yes.

15 Q Let's go to the next page. Okay. And here we see
16 it was -- it's another page in tax return, says 042-68-4425,
17 the same Social Security Number that Ms. Daniels testified
18 to?

19 A That's correct.

20 Q After a few days was the file flattened?

21 A Actually after a day, then it was flattened, so
22 nobody could see the Social Security Numbers any more.

23 MS. TAITZ: Thank you very much, Mr. Papa, that
24 would be all.

25 I would like to introduce into evidence affidavits

1 from -- submitted by Mr. Papa in regards to the birth
2 certificate and Social Security Number of Mr. Obama.

3 (The document referred to was
4 marked for identification as
5 Plaintiff's Exhibit Number 3.)

6 (Witness excused.)

7 JUDGE MALIHI: Counsel, who is your next witness?

8 MS. TAITZ: Yes, Your Honor, I'm calling Ms. Linda
9 Jordan.

10 JUDGE MALIHI: Good morning, Ms. Jordan.

11 MS. JORDAN: Morning.

12 Whereupon,

13 LINDA JORDAN

14 appeared as a witness herein and, having been first duly
15 sworn, was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MS. TAITZ:

18 Q Ms. Jordan, do you recognize this affidavit? Is
19 this an affidavit that you provided for me?

20 A Yes, it is.

21 Q Let's go further -- you know what, go to my set,
22 Orly's set. If you don't have it here, go to Orly's set
23 page. Keep going quickly, move, down, down, down, down.
24 Keep going, keep going, keep going. More, more, more. Yes,
25 stop.

1 Okay, is that the document that was attached to
2 your affidavit?

3 A Yes, one of them.

4 Q Is that E-Verify for Mr. Obama?

5 A Yes.

6 Q And is that the Social Security Number that was on
7 Mr. Obama's tax return, 042-68-4425?

8 A Yes.

9 Q Keep going, keep going -- higher -- no, down, down
10 little bit. No, up, up, go up. Stop, down, down -- I
11 apologize. Up -- go down. Just one second, please. More,
12 more, more, more, more. Stop, stop.

13 Okay, little bit lower, little bit lower, little
14 bit lower. Little bit lower so we can see what's on the
15 bottom tier of this.

16 So, okay, what does it say here, "SSA record does
17 not verify"? Is that what it says?

18 A "SSA record does not verify. Other reason: SSA
19 found a discrepancy in the record."

20 Q So the Social Security Number that Mr. Obama is
21 using from early years, according to Ms. Daniels, and that's
22 listed on his tax return, does not verify under E-Verify?

23 A When I ran it on August 17th, 2011, it did not
24 verify, it came back with this mark.

25 MS. TAITZ: Thank you very much, Ms. Jordan.

1 BY MS. TAITZ:

2 Q Mr. Vogt, would you like to state for the Court,
3 please, your occupation?

4 A I own a company called Archive Index Systems,
5 where we sell document imaging scanners as well as document
6 imaging systems. I also owned a typesetting company for 13
7 years too.

8 Q So, for 13 years you dealt with typesetting and
9 scanners.

10 A Yeah.

11 MS. TAITZ: Testimony from Mr. Vogt.

12 VOICE: I don't have it.

13 THE WITNESS: I've been in the current business
14 for 18 years now selling scanners and maintaining them.

15 MS. TAITZ: Go to the Orly documents and just show
16 the birth certificate. Just go to my documents.

17 BY MS. TAITZ:

18 Q Did you examine the alleged copy of a birth
19 certificate which was -- go down -- which was posted online
20 by Mr. Obama?

21 A Yes, I did.

22 MS. TAITZ: One second. I would like to know if
23 there was -- keep going, lower -- here it is. Stop.

24 BY MS. TAITZ:

25 Q -- that you found to be suspicious -- was there

1 anything that you found to be suspicious. And I would like
2 first to ask you whether there was haloing on this document.

3 A Yes, the haloing we're referring to is around all
4 the type and lines, there's a white line. At first, we
5 didn't quite know what it was until we finally actually
6 replicated the form and actually redid the thing and figured
7 out how the forger did it.

8 The haloing is caused by what -- it's a subroutine
9 in Photoshop called unsharp mask. Now you have to
10 understand, if a document like this has any evidence of
11 computer manipulation, it's a fraud. Since my experience is
12 selling document imaging and actually writing that kind of -
13 - those kind of programs, this is what the Department of
14 Health should have done or what they supposedly have done.

15 They had these original forms. There was a
16 federal law that was passed in 2005 that required them to
17 scan all the documents --

18 JUDGE MALIHI: Counsel, what was your question --
19 hold on a second. What was your question?

20 BY MS. TAITZ:

21 Q Mr. Vogt, so -- because we have very limited time
22 -- Judge already stated we have limited time -- so was there
23 haloing?

24 A Yes.

25 Q Now normally, if you just take a document, put it

1 in a scanner, would you see haloing?

2 A No, none whatsoever.

3 Q If you use multiple documents and multiple layers
4 and masking, will you see haloing then?

5 A Yeah, if they used unsharp masks, you did.

6 Q Okay, next point. When we're looking on the left
7 side of the document, we see sloping. Now if the document--

8 A Curve of the page.

9 Q -- if their document was just scanned, was put in
10 the scanner, would you see all of the lines sloping or would
11 you see some of the lines going straight?

12 A I'll explain. They said in their own testimony
13 that these documents were in books, the originals. So this
14 was actually scanned on a flatbed scanner, 11 by 17. We've
15 actually replicated the same thing. And so the parallax or
16 that curvature would appear. You'll notice that the lines
17 on the bottom are not bent, but the ones on top are.

18 Q That's not what I'm asking.

19 A That's why. But it would be normal if it was
20 scanned from a book.

21 Q No, Mr. Vogt, I'm asking, when there is sloping --
22 we understand that you take a book, you take a picture, you
23 see sloping. But when you have sloping of the line, would
24 you also see each typed line to be sloping similarly --
25 would you see that?

1 A From the scanner? Yes, we replicated it, we know
2 that.

3 Q Was that something that you saw on Mr. Obama's
4 birth certificate, or not?

5 A Yes, on how they --

6 Q Wait --

7 A -- copied it, yes.

8 Q But were there lines that went straight?

9 A Because -- I have to explain how a scanner works.

10 Q No, no, we don't have time for that.

11 A But basically that's normal, we replicated the
12 same thing that --

13 Q Mr. Vogt, you're not listening. I'm asking you if
14 you have sloping, if you just go in the scanner and the
15 lines are sloping, would you see all the lines sloping
16 similarly?

17 A No, if it was on a flatbed and it was just a piece
18 of paper by itself, no.

19 Q Okay. Let's look at the next point. Go a little
20 bit higher -- no, down. Okay. No, no, down, down, down.
21 No. Stop, stop, stop.

22 We're looking at the stamp that's on the document,
23 the date stamp. If somebody -- if it is something that was
24 just scanned -- Mr. Vogt, something that was scanned and
25 wants to put a stamp here like this -- stamp, stamp, stamp -

1 - would it be in the same spot in all three copies or it
2 would be different at different points?

3 A They would be different, to the extent that the
4 other ones are separate. And they're actually embossed
5 stamps actually.

6 Q Okay, now another question. If -- and in Mr.
7 Obama's records, all three of them, it was exactly in the
8 same spot --

9 A Yes.

10 Q Another question. When a person is stamping the
11 date, he goes stamp, stamp, stamp, would it be a line, pixel
12 by pixel, in straight line, or would you expect it to be a
13 little bit sideways, a little bit crooked?

14 A No, they are too independent, they're done by hand
15 even though it's done by an embossing machine for both. We
16 learned that.

17 Q Mr. Vogt, you're not listening.

18 A I am.

19 Q My question is, if a person is doing it by hand --

20 A There won't be in exactly the same place.

21 Q Okay. Would it be on the line, would it be just
22 on line, pixel by pixel, or would it be slanted a little
23 bit?

24 A It would be slanted.

25 Q Was it slanted here?

1 A No, they're perfectly straight.

2 Q So it looks different from what you would expect
3 with something coming from the machine, right?

4 A Right.

5 Q Next, in regards to that stamp, would you expect -
6 - is it something -- Mr. Obama stated it was just prepared
7 and sent to him, his attorney brought it right away -- so if
8 it's something that came straight from the machine and they
9 put embossed seal, would you expect to see a very clear
10 embossed seal on that document?

11 A Yes, you would.

12 Q Do you see it here?

13 A No, it's a latent latent image, if you highlight
14 over by -- I can show you on here.

15 Q Okay.

16 A Right about here (indicating).

17 Q But it's hard to see.

18 A Oh, yeah.

19 Q Next, would you -- now, this is supposed to be a
20 copy of a document created in 1961, which was created on a
21 typewriter. On a typewriter, when you type letter by letter
22 by letter, you don't see letters encroaching on the space --

23 JUDGE MALIHI: Counsel, is that a question or --

24 MS. TAITZ: A question, which is -- I'm just
25 explaining --

1 THE WITNESS: What's the aberrations of the
2 typewriter --

3 BY MS. TAITZ:

4 Q The question is would you expect kerning or
5 encroachment of one letter going into space of the other
6 letter on a typewritten document?

7 A No. Typewriters basically are either 12
8 characters to an inch and they all fit in a specific box six
9 points wide.

10 Q Okay. What about this document, did you see
11 kerning here?

12 A Yes, we did. I have examples of it here, but we
13 can't show it.

14 Q Okay, okay. Yeah. So you would not expect
15 kerning.

16 A Yes, There was a "t" and a "y" that were kerned
17 and a couple of other letters also.

18 Q Okay, doesn't matter which letters. So you saw
19 kerning here.

20 A Yes.

21 Q Next --

22 A The letter spacing was off too and the line
23 spacing too.

24 Q What about, did you check -- can we go a little
25 bit higher -- in terms of their number. The number ends with

1 641. Did you check the numbers, was that sequential?

2 A No, it was hard finding the law, but both the --
3 there was a Model States Vital Statistics Act and in the
4 U.S. Department of Health and Education as well as the
5 Social Security system that both say in the federal regs
6 that all birth certificate numbers have to be sequential and
7 they start from zero or one, January 1 at 12:01 a.m.

8 Q Okay.

9 A And they have to be sequential.

10 Q Okay, Mr. Vogt --

11 A Hang on. In fact, in the Social Security system--

12 JUDGE MALIHI: Sir. Just wait for the next
13 question.

14 BY MS. TAITZ:

15 Q Okay, so I just asked if it was sequential.

16 A Yes.

17 MS. TAITZ: That would be it. Thank you very
18 much, Mr. Vogt. And at this point --

19 (A document was marked for
20 identification as Plaintiff's
21 Exhibit Number 5.)

22 (Witness excused.)

23 JUDGE MALIHI: Your last witness.

24 MS. TAITZ: Is Mr. Sampson.

25 JUDGE MALIHI: Good morning, sir.

1 MR. SAMPSON: Good morning, Your Honor. How are
2 you, sir?

3 JUDGE MALIHI: Very good, thank you for coming.
4 Whereupon,

5 JOHN SAMPSON
6 appeared as a witness herein and, having been first duly
7 sworn, was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MS. TAITZ:

10 Q Okay, Mr. Sampson, can you please state to the
11 Court, what is your education -- what is your professional
12 experience?

13 A Okay. First, my full name is John, middle initial
14 N., last name is Sampson, S-a-m-p as in Paul-s-o-n.

15 Educationally, I received a Bachelor of Arts *cum*
16 *laude* from Long Island University with a major in criminal
17 justice and minor in psychology. I attended Thomas M.
18 Cooley Law School in Lansing, Michigan for a period of two
19 years, I did not graduate.

20 Q And where did you work?

21 A Subsequent to that, I was a police officer in the
22 State of New York for 18 months.

23 Subsequent to that, I was hired by the U.S.
24 Immigration and Naturalization Service. Began my career at
25 John F. Kennedy Airport in 1981 in June as an immigration

1 inspector. I received on-the-job training and classroom
2 instruction at Kennedy Airport. My instructor was the
3 intelligence officer for the airport, who specialized in
4 fraudulent documents and immigration fraud.

5 I subsequently went into the enforcement branch
6 with Immigration two and a half years later and ultimately
7 became a senior deportation officer where I remained in New
8 York, then to New Jersey, back to New York and in 1985 --

9 Q So you have many --

10 A -- I moved to Colorado and I retired from U.S.
11 Immigrations and Customs Enforcement, Department of Homeland
12 Security, which was the successor agency to INS, in August
13 of 2008.

14 Q Mr. Sampson, did you testify in court as an expert
15 on immigration and deportation?

16 A I testified before federal grand juries and
17 administrative law judges --

18 Q Thank you.

19 A -- in deportation.

20 Q Thank you, Your Honor -- oh, I'm sorry. Thank
21 you, Mr. Sampson.

22 Because we have so little time, I just want to
23 move on.

24 So you have extensive experience as a senior
25 deportation officer.

1 When is the first time we discussed Mr. Obama's
2 records?

3 A November of 2009, after I retired, I formed my own
4 consulting firm, and have been employed -- self-employed
5 since January of 2009 to this date.

6 Q Is that the affidavit that you provided me?

7 A Yes, it is.

8 Q And is that an affidavit in regards to the Social
9 Security Number of Mr. Obama?

10 A It's an affidavit of the number that he is using.

11 Q What did you find -- in your professional
12 experience and knowledge, what did you find in regards to
13 his Social Security Number?

14 A When I ran the Social Security Number through
15 Locate Plus, which is a commercial database that's used by
16 private investigators and law enforcement personnel and
17 attorneys, the only person who was associated and affiliated
18 with 042-68-4425 was Mr. Barack Hussein Obama. It gave me a
19 list of his addresses, driver's license information, other
20 background information, possible relatives, et cetera. It
21 also indicated that the Social Security Number was issued in
22 1977 to a person residing in the state of Connecticut at the
23 time that that number was assigned.

24 Q Was Mr. Obama -- did Mr. Obama ever reside in the
25 state of Connecticut?

1 A Not to my knowledge, no. All the information and
2 data that I have is, specifically in that period of time, he
3 was residing with his maternal grandparents Stanley Armour
4 Dunham and Madelyn Payne Dunham in Hawaii.

5 Q Did you also review the birth certificate -- the
6 alleged copy of a birth certificate that Mr. Obama posted
7 online?

8 A I've seen it and I have a copy of it, yes.

9 Q Was there anything suspicious about this birth
10 certificate?

11 A There are three issues of concern as far as I can
12 tell.

13 Number one, the serial number that's in the upper
14 right hand corner is out of sequence and -- when compared to
15 two other birth certificates issued to two twins that were
16 born the day after Mr. Obama was born and whose certificates
17 were issued three days after his was supposedly issued,
18 their serial numbers are lower, although you would expect
19 them to be higher, given the fact that they were subsequent
20 to his.

21 The second thing is that the certification
22 paragraph that's contained in their birth certificates is
23 somewhat different than the certification paragraph that is
24 contained in the Obama birth certificate.

25 And last, but not least, the name of the local

1 registrar for the Obama birth certificate is different than
2 the one on the Nordyke twins, and you would think that given
3 the fact that they were born within 24 hours of each other,
4 the local registrar would have been the same given the fact
5 that they were born in the same medical facility at the same
6 location.

7 Q Mr. Sampson, so what was your suspicion when you
8 studied the Social Security Number and the birth certificate
9 of Mr. Obama, in your professional opinion?

10 A In my opinion, I believe that there's credible
11 evidence to warrant further investigation and the issuance
12 of court orders requesting the unsealing of records in
13 Hawaii as well as the release of records from the Social
14 Security Administration as to who the owner of 042-68-4425
15 is.

16 Q Mr. Sampson, Mr. Ken Allen testified to the fact
17 that he received immigration records of Mr. Lolo Soetoro,
18 Mr. Obama's stepfather. Those were made public. Did you
19 study those immigration records?

20 A I have a copy of them and I have looked at them,
21 yes.

22 Q Was there any redacting in those records?

23 A My understanding, reading the letter, the
24 transmittal letter, that was accompanying the documents, the
25 A file, what's called the alien file or the A file, that was

1 sent to Mr. Allen, was that they redacted a portion of some
2 of the documents. I believe six of them were redacted, and
3 then there were seven pages that were withheld in their
4 entirety due to Privacy Act concerns.

5 Q Mr. Sampson, are there usually redactions in the
6 records of deceased individuals?

7 A No.

8 Q So let's see, who could have been on the
9 immigration records of Lolo Soetoro, who is not deceased
10 today? Is Mr. Soetoro deceased?

11 A Mr. Soetoro is deceased, Ms. Dunham is deceased,
12 the grandparents are deceased, Mr. Barack Obama, Sr. is
13 deceased. Maya Soetoro-Ng was not born at the time, and
14 therefore was not part of this at the time that Stanley Ann
15 Dunham petitioned to have her spouse, Mr. Soetoro,
16 classified as an immediate relative so he could receive an
17 immigrant visa.

18 Q So what would be your conclusion, who could have
19 been listed on Mr. Soetoro's immigration records which was
20 the reason for redaction?

21 A The only person that can come to mind would be
22 Barack Hussein Obama, II, also known as Barry Soetoro.

23 Q Next question, Mr. Sampson. In your opinion as a
24 deportation officer, if Mr. Barack Obama was a natural-born
25 U.S. citizen, he had a valid U.S. citizenship, and he never

1 lost the citizenship while living in Indonesia, would he
2 need immigration records, would he need to immigrate?

3 A No, there would be no need for him to be issued an
4 immigrant visa, he'd be considered a U.S. citizen, be able
5 to travel to the United States as a citizen.

6 Q Knowing all the information that you have in
7 regards to Mr. Obama, what would be your conclusion and what
8 do you believe that needs to be done -- or what would you do
9 in cases similar to this with these kind of records?

10 A It would warrant further investigation. What I
11 would do if I was still working with Immigration, is I would
12 be getting the originals of the documents I just mentioned.
13 I would go to the Social Security Administration and request
14 a copy of the SS-5 which is the actual handwritten
15 application for a Social Security Number. I would also
16 request the State of Hawaii submit a certified copy of any
17 birth records, so this way we could rule in or rule out
18 whether or not he was born in Hawaii.

19 Q How about immigration and passport records?

20 A I would be going to the State Department Office of
21 Passport Services to see if there are any U.S. passports
22 issued.

23 Q And if those are not provided or the U.S. Attorney
24 is not willing to proceed with those steps, what would you
25 do?

1 A Well first, let me clarify -- in the event we
2 would be conducting an investigation, it would primarily be
3 a criminal investigation to determine whether any charges
4 should be filed. And the way the procedure works in federal
5 system is that you would do a report, submit it to the
6 United States Attorney's Criminal Division, so that they
7 could review it and determine whether or not they would
8 accept it for prosecution.

9 Assuming that they declined it, the alternative
10 would be, if there was evidence to suggest that the
11 individual in question was not a citizen of the United
12 States and in fact had falsely claimed to be a U.S. citizen,
13 that person could be placed in deportation proceedings
14 because falsely claiming to be a U.S. citizen is a separate
15 and entirely standalone charge for deportation purposes.

16 Q Would it be sufficient for warrant for this
17 person's arrest?

18 A Well, that would be how you would commence a
19 removal proceeding. You would request an administrative
20 arrest warrant signed by the field office director, notice
21 to appear in removal proceedings and a custody determination
22 to determine whether or not the individual would be held in
23 custody, released on their recognizance or some other
24 alternative to detention such as electronic ankle monitoring
25 or something like that.

1 Q I understand. So just to clarify for the Court,
2 if the U.S. Attorney refuses to proceed -- to act -- as a
3 deportation officer, you would have been seeking a warrant
4 for arrest of this individual and deportation?

5 A I would be seeking a warrant of arrest and then
6 issuance of a notice to appear on any individual who made a
7 false claim to United States citizenship, and who was not
8 clearly a citizen or was clearly admitted for permanent
9 residence.

10 MS. TAITZ: Thank you, thank you, Mr. Sampson.

11 At this point, I would like to admit into evidence
12 the affidavit of Mr. Sampson and the attached documents.

13 JUDGE MALIHI: Thank you, sir, you may step down.

14 THE WITNESS: Thank you, Your Honor.

15 (Witness excused.)

16 JUDGE MALIHI: Counsel, I'm ready to hear your
17 closing argument.

18 MS. TAITZ: Yes, Your Honor. I'm just going to
19 give Mr. Sampson's affidavit.

20 I apologize.

21 (Pause.)

22 (The document referred to was
23 marked for identification as
24 Plaintiff's Exhibit Number 6.)

25 MS. TAITZ: So what do we have in this case?

1 We have records from Mr. Obama from Indonesia
2 where he went to school and went under the last name
3 Soetoro; nationality, Indonesian.

4 Keep going, keep going. Now -- stop.

5 Now what's interesting about those records from
6 Indonesia that we just saw a minute ago, it stated that Mr.
7 Obama went to school in Indonesia from 19 -- I'm sorry, from
8 January 1st, 1968 and here is another picture. And this is
9 a well-known picture, it was published in multiple papers,
10 of smiling Mr. Obama with his friend and it states "1969,
11 third grade." And that's a picture from Hawaii.

12 So we have two records. We have a record from
13 Indonesia where there is a boy who goes by name Barry
14 Soetoro, who at least for a period of two years, 1968 and
15 '69, resides in Indonesia and goes by name Barry Soetoro.

16 We have another boy, who during this same time,
17 1968 and '69 resides in Hawaii and goes by name Barry Obama.

18 And we have no idea which boy came back to this
19 country.

20 Keep going. Next document -- this is Mr. Obama's
21 application to become --

22 JUDGE MALIHI: Counsel, are you testifying?

23 MS. TAITZ: I can actually testify.

24 JUDGE MALIHI: You don't have to. I asked you to
25 do closing argument.

1 MS. TAITZ: I would like to, yes.

2 JUDGE MALIHI: No, no, no.

3 MS. TAITZ: Actually, since I was the one --

4 JUDGE MALIHI: What personal knowledge do you
5 have?

6 MS. TAITZ: I personally obtained those documents.

7 JUDGE MALIHI: And -- no, no, no. That's not
8 personal knowledge.

9 MS. TAITZ: I have -- this is the official law
10 registration that was -- that is available online. I
11 personally downloaded it from online records of the Illinois
12 Bar. And that's Mr. Obama's registration as an attorney in
13 the State of Illinois.

14 And I would like to testify under oath. Actually
15 not only this, but other records since I was the one who did
16 most of the research, I will testify.

17 THE REPORTER: Raise your right hand, please.
18 Whereupon,

19 ORLY TAITZ
20 appeared as a witness herein and, having been first duly
21 sworn, was examined and testified as follows:

22 DIRECT TESTIMONY

23 THE WITNESS: So, here, what is important about
24 this record? It says full license name: Barack Hussein
25 Obama. Full former names: None.

1 We've already seen that in his mother's records,
2 passport records, Mr. Obama is listed by last name
3 Soebarkah. We've seen that in his records in Indonesia, he
4 is listed under name Soetoro.

5 So, clearly, Mr. Obama was committing perjury when
6 he applied for this record.

7 I actually personally contacted the Illinois Bar
8 and inquired about it. I was told that since Mr. Obama is
9 inactive, it's not a problem.

10 I contacted the Bar again and I demanded
11 investigation, at which time, Mr. Obama's record as an
12 attorney was changed from "inactive" to "not allowed to
13 practice law." Mr. Obama has resigned from the Bar, he gave
14 up his law license and I believe it was --

15 JUDGE MALIHI: How is that relevant, counsel, to
16 the legal issues before me?

17 MS. TAITZ: It's relevant to the fact that he is
18 hiding his identity under his prior names -- Soetoro and
19 Soebarkah. And we have a whole record of Mr. Obama going
20 through life hiding records.

21 Next --

22 JUDGE MALIHI: Counsel, I'm going to ask you to
23 submit your testimony in writing.

24 MS. TAITZ: Sure, okay.

25 JUDGE MALIHI: Let's make a closing argument.

1 MS. TAITZ: Okay.

2 Your Honor, U.S. citizens have cherished
3 Constitutional rights, their First Amendment right to -- for
4 free speech. Voting is a political speech that is extremely
5 important. Our democracy rests on this. Women fought for
6 years in suffrage movements for this right to be able to
7 vote. Minorities right here in the south fought for their
8 right.

9 My clients are fighting for their right to vote
10 for a person who is legitimate. They're fighting for their
11 right to participate in lawful elections that are free from
12 fraud and forgery. The Plaintiffs have shown, and the
13 witnesses that testified here have shown, that not only
14 there is a Constitutional problem with Mr. Obama's
15 eligibility that his father was not a U.S. citizen, but we
16 have clear evidence of fraud and forgery in Mr. Obama's
17 birth certificate, his Social Security Number, and since
18 those are primary documents, all the other documents that
19 were issued based on those two.

20 We also presented evidence showing that Mr. Obama
21 used other last names -- Soetoro and Soebarkah -- and we do
22 not have any evidence of him legally changing his name from
23 Soetoro to Obama; and the fact that he was a citizen of
24 Indonesia. There is no evidence to show that this was
25 changed.

1 Based on all the above, the Plaintiffs submit that
2 they have proven -- they've met their burden of proof and
3 Mr. Obama should be found ineligible.

4 Moreover, I have issued a subpoena, Your Honor has
5 stated to Mr. Obama that this subpoena needs to be honored,
6 he should have been here with certified documents with
7 embossed seal to show that indeed he has anything. So far,
8 the only thing that Mr. Obama has shown is a computerized
9 image that could have been created yesterday, that he is
10 posting on mugs and tee shirts. Mugs and tee shirts are not
11 a prima facie evidence.

12 Not one single judge in the country has found that
13 Mr. Obama is legitimate for presidency. All the cases --
14 you know, we've heard in the media fraudulent statements
15 that came from Mr. Obama's attorney, Mr. Jablonski, that the
16 issue was litigated, it was proven he is eligible. That's
17 fraud. It was never litigated on the merits. Not one judge
18 stated that Mr. Obama has a valid birth certificate. Not
19 one judge stated that he has a valid Social Security Number.
20 Not one judge found that Obama is legally his name or that
21 the person sitting in the White House is indeed Barack
22 Obama. It was never heard on the merits, it was never heard
23 in a court of law on the merits. And, therefore, the
24 Plaintiffs are asking to rule on the merits.

25 Also, because our reports are due by February 5, I

1 would ask Your Honor for Letters of Interrogatory. I worked
2 for three years trying to get additional documents. I was
3 threatened, defamed. And without Letter of Interrogatory
4 from Your Honor to the First Circuit Court in Hawaii to
5 issue a local subpoena to the Department of Health, and
6 Letter of Interrogatory to the D.C. Court to get Mr. Obama's
7 passport, immigration and social security records, we would
8 not be able to get any original records. So I would ask not
9 only to find that Mr. Obama is not eligible based on the
10 documents that we have, but also Letter of Interrogatory so
11 we can disclose all of the original records, if they exist,
12 forward to the other states, so there will be consistency
13 between all 50 states.

14 And as Mr. Sampson has stated, if it would have
15 been anybody else, it would have gone to a warrant for
16 arrest and deportation. We are all equal under the law in
17 this country. A person -- a poor person in the poor house
18 or a president in the White House are all equal under the
19 law and I'm asking Your Honor to hold Mr. Obama in contempt
20 of court due to the fact that subpoena was issued and he
21 intentionally disrespected and disregarded the subpoena.

22 Thank you, Your Honor.

23 JUDGE MALIHI: Thank you very much, counsel. May
24 I have your exhibits before we close?

25 MS. TAITZ: Yes, Your Honor.

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(A document was proffered to the reporter.)

THE REPORTER: I don't know what this is.

MS. TAITZ: Put the next number on it.

(The document referred to was
marked for identification as
Plaintiff's Exhibit Number 7.)

JUDGE MALIHI: Ms. Taitz, may I have your
exhibits?

(Documents were proffered to the Court.)

JUDGE MALIHI: This concludes the hearing for
today. Have a good day.

MS. TAITZ: Thank you, Your Honor.

(Whereupon, the hearing was concluded at
11:12 a.m.)

C E R T I F I C A T E

I, Peggy J. Warren, do hereby certify that the foregoing pages represent a true and accurate transcription of the events which transpired at the time and place set out in the caption, to the best of my ability.

Peggy J. Warren, CVR-CM, CCR A-171