

U.S. District Court,  
Eastern District of Pennsylvania Case Number: 08-cv-4083

Court of Appeals No. 08-4340

**UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

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**PHILIP J. BERG, ESQUIRE,**

Petitioner – Appellant,

v.

**BARACK HUSSEIN OBAMA, JR., et al,**

Respondents – Appellees.

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***EMERGENCY MOTION FOR AN IMMEDIATE INJUNCTION  
PROHIBITING THE CERTIFICATION OF ELECTORS BY THE  
GOVERNORS OF EACH STATE, TO STAY THE ELECTORAL COLLEGE  
FROM CASTING ANY VOTES FOR BARACK H. OBAMA ON DECEMBER 15,  
2008 AND THE COUNTING OF ANY VOTES CAST FOR BARACK H. OBAMA  
BY VICE PRESIDENT RICHARD B. CHENEY, THE HOUSE OF  
REPRESENTATIVES AND THE SENATE ON JANUARY 6, 2009 PENDING  
RESOLUTION OF PETITIONER’S APPEAL***

**NOW COMES** the Petitioner, Philip J. Berg, Esquire, and hereby makes this Motion for an Immediate Injunction prohibiting the Certification of Electors by the Governors of each State, Staying the Casting of Electoral Votes for Barack H. Obama on December 15, 2008 and the counting of any votes cast for Barack H.

Obama by Vice President Richard B. Cheney, The House of Representatives and the Senate on January 6, 2008 pending resolution of the Petitioner's Appeal.

**I. REQUEST FOR EMERGENCY RELIEF**

1. Petitioner, Philip J. Berg, Esquire, filed an Appeal October 30, 2008 in this Court, on the Memorandum and Order of the United States District Court for the Eastern District of Pennsylvania dated October 24, 2008.

2. The United States Constitution, Article II, Section I, Clause 4 states in pertinent part, "*No person except a "natural born" Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President...*"

3. Pursuant to Article II, section I, each state shall appoint the electors.

4. It is imperative to ensure our Democratic Presidential Candidate is a "natural born" United States citizen and qualified/eligible pursuant to the United States Constitution, Article II, Section I to serve as President of the United States.

5. The electors, as agents of voters, have a Constitutional duty to make an informed, independent decision to vote for a candidate who is proven to be qualified/eligible to serve as President of the United States. This duty supersedes allegiance to a particular candidate. Therefore, before the electors cast their vote on December 15, 2008 in favor of Barack H. Obama, et al,

[hereinafter “Obama”], it must be proven that Obama is a “natural born” citizen.

6. If this Court does not grant Petitioner’s motion to enjoin and prohibit the electoral college from casting their votes for Obama, then Vice president Dick Cheney, the House of Representative and Senate must be enjoined from counting any votes for Obama in the absence of proof that Obama is a “natural born” American citizen.

7. Under the Electoral Count Act of 1887 Congress is required to accept the certified electoral votes, unless both the House and Senate agree that the votes have not been "regularly given." In other words, Congress can reject the votes if it has good reason to doubt their legality. An objection may be presented in writing from one House member and one Senator to be made against state electoral votes.

8. Pursuant to the 20<sup>th</sup> Amendment of the United States Constitution, Congress may pick someone to be acting President until Obama proves his citizenship. If Congress decides that no one has yet "qualified" for the job, it can pass a law "declaring who shall then act as President . . . until a President or Vice President shall have qualified."

9. Evidence points to the fact that Obama was born at Coast Hospital in Mombasa, Kenya located in Coast Province. Obama’s father was a Kenyan

citizen and Obama's mother a United States citizen who was not old enough to satisfy the residency requirement to register Obama's birth in Hawaii as a "natural born" United States citizen.

10. Under the laws in effect between December 24, 1952 and November 14, 1986 (Obama was born in 1961), a child born outside of the United States to one citizen parent and one foreign national, could acquire "natural born" United States citizenship if the United States citizen parent had been physically present in the United States for ten (10) years prior to the child's birth, five (5) of those years being after age fourteen (14). Nationality Act of 1940, revised June 1952; United States of America v. Cervantes-Nava, 281 F.3d 501 (2002), Drozd v. I.N.S., 155 F.3d 81, 85-88 (2d Cir.1998), United States v. Gomez-Orozco, 188 F.3d 422, 426-27 (7th Cir. 1999), Scales v. Immigration and Naturalization Service, 232 F.3d 1159 (9th Cir. 2000), Solis-Espinoza v. Gonzales, 401 F.3d 1090 (9th Cir. 2005). Obama's mother was only eighteen (18) when Obama was born in Kenya and therefore, did not meet the residency requirements for her child to have acquired "natural born" citizenship. Therefore, Obama cannot be considered a "natural born" United States citizen. The law that applies to a birth abroad is the law in effect at the time of birth, Marquez-Marquez a/k/a Moreno v. Gonzales, 455 F. 3d 548 (5th Cir. 2006), Runnett v. Shultz, 901 F.2d 782, 783 (9th Cir.1990) (holding that "the applicable law for transmitting

citizenship to a child born abroad when one parent is a U.S. citizen is the statute that was in effect at the time of the child's birth").

11. Obama's Kenyan grandmother, Sarah Obama has repeatedly stated Obama was born in Kenya and she was present during his birth. Bishop Ron McRae, who oversees the Anabaptists Churches in North America, and Reverend Kweli Shuhubia had the opportunity recently to interview Sarah Obama. Reverend Kweli Shuhubia went to the home of Sarah Obama in October 2008 located in Kogello, Kenya. Reverend Kweli Shuhubia called Bishop McRae from Ms. Obama's home and placed the call on speakerphone. Bishop McRae asked for permission to tape the conversation, which permission was granted. Because Ms. Obama only speaks Swahili, Reverend Kweli Shuhubia and another grandson of Ms. Obama's, translated the telephone interview. Bishop McRae asked Ms. Obama where Defendant Barack Obama was born: Ms. Obama answered and was very adamant that Obama was born in Kenya. Bishop McRae asked Ms. Obama if she was present during her grandson's birth and Ms. Obama answered, "Yes." Obama's mother, Stanley Ann Dunham a/k/a Ann Obama was eighteen (18) when she gave birth to Obama. A copy of Bishop McRae's Affidavit is attached hereto as **EXHIBIT "A"**.

12. Reverend Kweli Shuhubia left Kisumu City and traveled to Mombosa, Kenya. After the interview of Sarah Obama In October 2008 Reverend Kweli Shuhubia interviewed personnel at the hospital where Ms. Obama said Obama was born in Kenya. Reverend Kweli Shuhubia then immediately thereafter had meetings with the Provincial Civil Registrar. Reverend Kweli Shuhubia learned there were records of Ann Dunham giving birth to Barack Hussein Obama, Jr. in Mombosa, Kenya on August 4, 1961. Reverend Kweli Shuhubia spoke directly with an Official, the Principal Registrar, who openly confirmed that the birthing records of Senator Barack H. Obama, Jr. and his mother were present; however, the file on Barack H. Obama, Jr. was classified. The Official explained Barack Hussein Obama, Jr.'s birth in Kenya is top secret. Reverend Kweli Shuhubia was further instructed to go to the Attorney General's Office and to the Minister in Charge of Immigration if he wanted further information. See the Affidavit of Reverend Shuhubia, attached hereto as **EXHIBIT "B"**.

13. Obama continues to verbally deny he was born in Kenya and states he was born in Hawaii. Upon investigation into the alleged birth of Obama in Honolulu, Hawaii, Obama's birth is reported as occurring at two (2) separate hospitals, Kapiolani Hospital and Queens Hospital. The Rainbow Edition News Letter, November 2004 Edition, published by the Education Laboratory School, attached as **EXHIBIT "C"**, did a article of an interview with Obama and his

sister, Maya. The Rainbow Edition News Letter reports Obama was born August 4, 1961 at Queens Medical Center in Honolulu, Hawaii. In February 2008, Obama's sister, Maya, was again interviewed in the Star Bulletin, attached as **EXHIBIT "D"**. There Maya stated that Obama was born August 4, 1961 in Kapiolani Medical Center for Women & Children.

14. Obama allowed the Daily Kos, FactCheck.org and his campaign website to post a Hawaiian Certification of Live Birth, purported to be Obama's on their websites. There are several problems with this. The image posted on [dailykos.com](http://dailykos.com), [factcheck.org](http://factcheck.org) and [fightthesmears.com](http://fightthesmears.com) has been deemed an altered and forged document according to document image specialists. Moreover, even if this document purported to be Obama's Certification of Live Birth was an accurate document, it does not prove "natural born" U.S. citizenship status. Pursuant to the Hawaii Statutes, the Hawaii Department of Health issues a Certification of Live Birth to births that occurred abroad in foreign countries as well as birth's that occurred at home and not in a Hospital. Certifications of Live Birth are issued to those births as "naturalized" U.S. citizens as well as "natural born" U.S. citizens. A Certification of Live Birth is sufficient evidence to prove the party is a legal U.S. citizen for purposes of a driver's license, registration into schools, etc. A Certification of Live Birth is not sufficient evidence to prove you are in fact a "natural born" U.S. citizen.

15. Additionally, Dr. Fukino, Director of the Hawaiian Department of Health released a press release stating she saw Obama's "vault" version birth certificate in a file. Although Dr. Fukino does not claim Obama was born in Hawaii or the U.S. for that matter, she does confirm the "vault" version birth certificate exists. Once again, Obama refuses to release access to this "vault" version birth certificate, which, if Defendant Obama had been born in Hawaii, would show doctors signatures, city, state and Country of birth and of course, would solve the issue of where he was in fact born.

16. In addition, it appears that Obama became an Indonesian citizen. When Obama was approximately four (4) years old, his parents divorced and thereafter, Obama's mother, Stanley Ann Dunham, married Lolo Soetoro, a citizen of Indonesia. Evidence points to the fact that Lolo Soetoro either signed a government form legally "acknowledging" Obama as his son or "adopted" Obama, either of which changed any citizenship status Obama had to a "natural" citizen of Indonesia. Indonesia did not allow for dual citizenship and therefore, neither did the United States of America, Hague Convention of 1930.

17. Obama was registered in a public school as an Indonesian citizen by the name of Barry Soetoro and his father was listed as Lolo Soetoro, M.A. Indonesia did not allow foreign students to attend their public schools and any time a child was registered for a public school, their name and citizenship status

was verified through the Indonesian Government. The school record indicates that Obama's name is "Barry Soetoro;" his nationality is "Indonesia;" and his religion as "Islam," attached hereto as **EXHIBIT "E."** There was no other way for Obama to have attended school in Jakarta, Indonesia as Indonesia was under tight rule and was a Police State. These facts indicate that Obama is an Indonesian citizen, and therefore, he is not eligible to be President of the U.S. Under Indonesian law, when a male acknowledges a child as his son, it deems the son, in this case Obama, as an Indonesian State citizen. Constitution of Republic of Indonesia, Law No. 62 of 1958 Law No. 12 of 2006 dated 1 Aug. 2006 concerning Citizenship of Republic of Indonesia, Law No. 9 of 1992 dated 31 Mar. 1992 concerning Immigration Affairs and Indonesian Civil Code (Kitab Undang-undang Hukum Perdata) (KUHPer) (Burgerlijk Wetboek voor Indonesie).

18. Furthermore, under the Indonesian adoption law, once adopted by an Indonesian citizen, the adoption severs the child's relationship to the birth parents, and the adopted child is given the same status as a natural child, Indonesian Constitution, Article 2.

19. The Indonesian citizenship law was designed to prevent apatride (stateless) or bipatride (dual citizenship). Indonesian regulations recognized neither apatride nor bipatride citizenship.

20. In addition, since Indonesia did not allow dual citizenship; neither did the United States and since Obama was a “natural” citizen of Indonesia, the United States would not step in or interfere with the laws of Indonesia, Hague Convention of 1930.

21. In or about 1971, approximately a year after the birth of Obama’s sister, Maya, Obama’s mother sent Defendant Obama back to Hawaii. Obama was ten (10) years of age upon his return to Hawaii.

22. As a result of Obama’s Indonesia “natural” citizenship status, Obama could never have never regained U.S. “natural born” status, if he in fact ever held such, which we doubt. Obama could have only become “naturalized” if the proper paperwork were filed with the U.S. State Department, in which case, Obama would have received a Certification of Citizenship, after U.S. Immigration.

23. Plaintiff is informed, believes and thereon alleges Obama was never naturalized in the United States after his return from Indonesia. Obama was ten (10) years old when he returned to Hawaii to live with his grandparents. Obama’s mother did not return with him. Therefore, it appears that she was unable to apply for citizenship of Obama in the United States. Constitution of Republic of Indonesia, Law No. 62 of 1958 Law No. 12 of 2006 dated 1 Aug. 2006 concerning Citizenship of Republic of Indonesia, Law No. 9 of 1992

dated 31 Mar. 1992 concerning Immigration Affairs and Indonesian Civil Code (Kitab Undang-undang Hukum Perdata) (KUHPer) (Burgerlijk Wetboek voor Indonesie). If citizenship of Obama had been applied for in 1971, Obama would have a Certificate of Citizenship. If Obama returned in 1971 to Hawaii without going through U.S. Immigration, today he would be an illegal alien, unable to be President of the United States as well as having been a “fraudulent” Unites States Senator for the past three (3) years.

24. Obama’s mother, Stanley Ann Dunham, a/k/a Soetoro divorced Lolo Soetoro in 1980 in Honolulu, Hawaii. In the divorce papers, which are attached hereto as **EXHIBIT “F”**, it clearly states the couple had two (2) children. Stanley Ann Dunham a/k/a Soetoro only birthed one child from Lolo, Maya; thus the second child being Obama.

25. There is serious question into the qualification/eligibility of Obama to serve as the President of the United States. Barack Hussein Obama, Jr. may not be a “natural born” citizen or even a “naturalized” citizen for that matter. Therefore, he cannot be qualified and/or eligible to serve as the President of the United States, pursuant to the United States Constitution, Article II, Section I.

26. Plaintiff as well as all citizens of the United States are in grave danger if Obama is not a “natural born” citizen. Obama has been privy to our Country’s top-secret information and classified information.

27. On July 27, 2008, a New York Times Op-Ed Columnist wrote, in an article entitled, "How Obama Became Acting President", that Obama has been "treated as a president-in-waiting by heads of state" and noted the "raw power Mr. Obama has amassed: the power to start shaping events." One event that Obama has tried to shape, according to the New York Post, dated September 15, 2008, is the withdrawal of American troops:

"While campaigning in public for a speedy withdrawal of U.S. troops from Iraq, Sen. Barack Obama has tried in private to persuade Iraqi leaders to delay an agreement on a draw-down of the American military presence."

28. According to Iraqi Foreign Minister Hoshiyar Zebari, Obama made his demand for delay a key theme of his discussions with Iraqi leaders in Baghdad in July 2008.

29. Zebari said in an interview, "He [Obama] asked why we were not prepared to delay an agreement until after the U.S. elections and the formation of a new administration in Washington."

30. Obama insisted that Congress should be involved in negotiations on the status of U.S. troops - and that it was in the interests of both sides not to have an agreement negotiated by the Bush administration in its "state of weakness and political confusion."

31. Obama continues to receive important intelligence briefings resembling the PDB (presidential daily briefings) presented to President Bush.

32. These reports show the urgency and extreme public importance of this case. If Obama is not eligible to be President, his receipt of intelligence information and his power to negotiate with Heads of State puts the citizens of this country at great risk. Therefore, this matter requires immediate action by this Honorable Court.

33. The deprivation of the right to such a challenge would result in the infringement on a citizen's Constitutional right to vote. Although this case is pending before this very Court, and the Court has not entered any order or judgment, the Supreme Court may still rule and grant an injunction prohibiting the Electoral College from casting any votes in favor of Obama and the counting of any votes for Obama by Congress. The issues herein are of such extreme public importance as to justify deviation from normal appellate practice and to require immediate determination of this Court.

**A. This Court has Jurisdiction to Prohibit The Governors of each State from Certifying the Electors; Prohibiting the Electoral College from Casting any Votes for Obama and prohibiting the Counting of any Votes in Favor of Obama by Congress**

34. This Court has jurisdiction and the inherent power to issue a Stay and/or a Writ of Temporary Injunction Staying the Presidential Election, until

Petitioner's Appeal is resolved, 28 U.S.C. §1651(a) (the All Writs Act). Before seeking release from the United States Supreme Court, or from a single Justice, a stay must first be requested from the Court below or a Judge thereof, Rule 23.3 is mandatory. *Bush v. Gore*, 531 U.S. 1046 (2000) [granted stay while application for a stay was pending in State Court]. Just like in *Gore*, Petitioner brings this Motion for an immediate Stay or Writ of Temporary Injunction. The issuance of the requested Stay and/or Writ of Temporary Injunction to Stay the Presidential Election by prohibiting the Governors of the States from certifying the Electors; prohibiting the Electors from casting any votes for Obama; and prohibiting V.P. Cheney, the House of Representatives and the Senate from counting any votes for Obama pending resolution of Petitioner's Appeal or proof of Obama's citizenship status is imperative to protect Plaintiff and all citizens of the United States from being further harmed by allowing an ineligible Presidential candidate to take the Office of the Presidency if elected. Thus, the issue is clear and appropriate for this Court to grant Petitioner's request. *Comunist Party of Indiana v. Whitcomb*, 409 U.S. 1235 (1972), (Rehnquist, J., in chambers)."); *Ohio citizens for Responsible Energy*, 479 U.S. at 1313 (Scalia, J.) (because a Justice's grant of a writ of injunction, "unlike a §2101(f) stay; does not simply suspend judicial alternation of the status quo but grants judicial intervention that has been withheld by lower courts". *Lucas v.*

*Townsend*, 486 U.S. 1301 (1988) (Kennedy, J.) (enjoining referendum pending appeal to Supreme Court of denial of Voting Rights Act challenge. *Clark v. Roemer*, 498 U.S. 953 (1990) (granting application for injunction to prevent election being held). *Wisconsin Right to Life v. Federal Election Comm'n*, 542 U.S. 1305, 1306 (2004) (Rehnquist, C.J.) (observing that such an injunction is appropriate only “where necessary or appropriate in aid of [the Supreme Court’s] jurisdiction and where “the legal rights at issue are indisputably clear”) (citations and internal quotations omitted).

35. The standard to be applied in regards to an Application for a Stay and/or a Writ for a Temporary Injunction requires the Court to consider: (1) the threat of irreparable harm if the stay is not granted; (2) the absence of harm to opposing parties if the stay or temporary injunction is granted; (3) the likelihood of success, and (4) whether there was any prior ruling on the application by another judge of a lower court. *Rosker v. Goldberg*, 448 U.S. 1306, 1308 (1980).

36. Plaintiff brings this action to stay the certification of the electors by the Governors of the States, the casting of any electoral votes in favor of Obama and to stay the counting of any votes for Obama by V.P. Cheney, the House of Representatives and the Senate to prevent the continuing violation of the Constitution by state officials, namely, the infringement upon Petitioner’s

Fourteenth Amendment right to vote. *Reynolds v. Sims*, 377 U.S. 533, 554 (1964). The Eleventh Amendment generally does not allow suits against states in federal court unless the state expressly consents to suit or Congress unequivocally abrogates the immunity. *Pennhurst State Sch. & Hosp. v. Halderman*, 45 U.S. 189 (1984). However, there is an exception to this general rule for suits against state officers for prospective injunctive relief to prevent a continuing violation of Constitutional law. *Ex Parte Young*, 209 U.S. 123, 155-156 (1908) (the Court held that an injunction proceeding against the attorney general of Minnesota for enforcing unconstitutional state laws fixing railroad rates could be maintained in federal court). When a state official violates the Constitution he or she is stripped of their official or representative character for the purposes of the suit. *Ex Parte Young*, 209 U.S. 123, 155-156 (1908). Electors may be considered state officials. *Ray v. Blair*, 343 U.S. 214 (1952) (the Court reasserted the conception of electors as state officers with some significant consequences), *In re Green*, 134 U.S. 377 (1890) and *U.S. v. Hartwell*, 73 U.S. 385 (1868) the Justices viewed electors as agents of the state "since they merely cast the state's vote for President and Vice President." As state officials, the electors must be prevented from violating the fundamental Constitutional right to vote by casting a vote for a candidate who appears unqualified/ineligible to serve as President. Therefore, this Court should grant

Petitioner's motion for a stay and/or a writ of injunction stopping the certification of the electors, prohibiting the electors from casting their votes, and staying the counting of electoral votes.

37. This Court has jurisdiction and authority under 42 U.S.C.S. 1983 to grant Petitioner's motion for a stay and/or a writ of injunction stopping the certification of the electors, prohibiting the electors from casting their votes for Obama, and staying the counting of electoral votes in favor of Obama. It provides, in pertinent part: "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress..."

38. The Court in *Donohue v. Board of Elections of State of New York*, 435 F. Supp. 957, 966-68 (S.D.N.Y. 1976), affirmed, 559 F.2d 1202 (2d Cir. 1977), cert. denied, 434 U.S. 861 (1977), recognized its jurisdiction and authority to provide an equitable remedy for electoral irregularities under 42 U.S.C.S. § 1983, provided that the plaintiffs met their burden of proof. The *Donohue* court established a four-factor test for applying § 1983 to electoral disputes. First,

one must "plead and prove specific acts of misconduct, including time, place and circumstances of the alleged deprivation of the right to vote." Second, one must show intentional or purposeful discrimination. The court clarified that intentional or purposeful discrimination included not only traditional race or gender discrimination, but also intentional conduct designed to deprive any qualified voter of his or her right to vote. Third, one must prove that the defendant acted under color of state law. It is important to note that the court included the actions of "private persons acting jointly with state officials within the category of state actions." Finally, one must prove that the "fraud or other unlawful behavior changed the outcome of the election." *Donohue v. Board of Elections of State of New York*, 435 F. Supp. 957, 966-68 (S.D.N.Y. 1976), affirmed, 559 F.2d 1202 (2d Cir. 1977), cert. denied, 434 U.S. 861 (1977). Petitioner will show that these four factors have been met so as to justify the grant of a stay and/or a writ of injunction stopping the certification of the electors, prohibiting the electors from casting their votes, and staying the counting of electoral votes.

39. Petitioner has plead and proven specific acts of misconduct by Obama and the Democratic National Committee, namely, the failure to provide proof of Obama's citizenship and the posting on several websites of a document which is intended to mislead the public into believing that Obama is presenting

genuine proof of his natural born citizenship status. This deception is intended to deprive citizens of their right to make informed voting decisions, thereby debasing and diluting Petitioner's legitimate vote. Defendants have acted jointly with state officials to commit this deception by allowing the state elections to continue without providing proof of Obama's citizenship. Finally, Defendants' fraud or other unlawful behavior changed the outcome of the election." Millions of United States citizens voted for Obama and he won based on his deception. Therefore, the grant of a stay and/or a writ of injunction by this Court stopping the certification of the electors by the Governor's of each State, prohibiting the electors from casting their votes for Obama, and staying the counting of electoral votes by Vice President Richard B. Cheney, the House of Representatives and the Senate, pending the resolution of the petition for Writ of Certiorari, is clearly warranted.

40. Further, ordering a new Presidential election would not be beyond the equity jurisdiction of this Court. In *Donohue v. Board of Elections of State of New York*, the Court stated: "[t]he point, however, is not that ordering a new Presidential election in New York State is beyond the equity jurisdiction of the federal courts. Protecting the integrity of elections particularly Presidential contests is essential to a free and democratic society. It is difficult to imagine a more damaging blow to public confidence in the electoral process than the

election of a President whose margin of victory was provided by fraudulent registration or voting, ballot-stuffing or other illegal means. Indeed, entirely foreclosing injunctive relief in the federal courts would invite attempts to influence national elections by illegal means, particularly in those states where no statutory procedures are available for contesting general elections. Finally, federal courts in the past have not hesitated to take jurisdiction over constitutional challenges to the validity of local elections and, where necessary, order new elections. The fact that a national election might require judicial intervention, concomitantly implicating the interests of the entire nation, if anything, militates in favor of interpreting the equity jurisdiction of the federal courts to include challenges to Presidential elections.” *Donahue*, at pp. 967-968.

**B. Petitioner’s Motion for Injunctive Relief Prohibiting the Electoral College from Casting any Votes for Obama and the Counting of any Such Votes in Favor of Obama by Congress Should Be Granted Based on the Merits of the Case and the Resulting Harm to Petitioner if such Remedy is Not Granted.**

41. The Supreme Court held in *Brown v. Chote*, 411 U.S. 452 (1973), that the granting of injunctive relief depends on the appellee’s possibilities of success on the merits and the possibility that irreparable injury would result absent interlocutory relief. *Brown v. Chote*, 411 U.S. 452, 456,457 (1973). The Petitioner’s motion for the grant of a stay and/or a writ of injunction by this Court, stopping the certification of the electors, prohibiting the electors from

casting their votes, and staying the counting of electoral votes, should be granted because it is likely that Petitioner will successfully prove the facts forming the basis of this action, based on the evidence submitted to the District Court and this Court. Riverside v. Rivera, 473 U.S. 1315 (1985); Mikutaitis v. United States, 478 U.S. 1306 (1986).

42. Moreover, Petitioner's Motion should be granted because if the Court does not grant injunctive relief, irreparable injury may result, namely, the infringement on Petitioner's fundamental right to vote. If the Court allows the Electoral College votes to proceed in favor of Obama and it is later revealed that Obama is not eligible to serve, voters will feel disenfranchised because their votes will be rendered meaningless, based on fraud. See, Reynolds v. Sims, 377 U.S. 533, 555, 84 S. Ct. 1362, 12 L. Ed. 2d 506 (1964) ("Voter fraud drives honest citizens out of the democratic process and breeds distrust of our government. Voters who fear their legitimate votes will be outweighed by fraudulent ones will feel disenfranchised. '[T]he right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.'")

43. Further, sharing the United States top secrets and classified information with a person who may not be a legal citizen places Petitioner and all citizens of the United States in grave danger. Moreover, the issues presented

are of public importance and national security. Petitioners as well as all citizens of the United States are in grave danger if the issues are not resolved and will continue to suffer violations of their legally protected rights to life, liberty and property guaranteed by the Fourteenth Amendment.

44. America is facing potentially the gravest constitutional crisis in her history. Civilian and military officers must not be placed in such a situation that they must try to decide whether Obama is the Chief Executive and Commander-in-Chief on the one hand or a pretender to the Office of President on the other hand. In particular, all members of the military, we must remember, are sworn to uphold the Constitution against all enemies, both foreign and domestic, and they must never be placed in such a situation that they must choose between following Obama's orders on the one hand, or declaring that under the Constitution, Vice-President Biden is the acting President. (See U.S. Const., Amend. 20, Section 3) For if they are convinced that Obama is indeed a pretender to the Office of President, under their oath, they would be obligated to ignore Obama and follow the Orders of Biden only. This could reach nightmare proportions if the moment ever arrives when we must decide whether to use the nuclear arsenal of the United States." Petitioner as well as "We the People" of the United States will suffer irreparable harm to all the protections guaranteed by the United States Constitution.

C. **A Case the District Court Cited in Denying Standing to Petitioner Supports Granting Petitioner's Motion for Injunctive Relief Prohibiting the Electoral College from Casting any Votes for Obama and the Counting of any Such Votes in Favor of Obama by Congress**

45. In *Jones v. Bush*, 122 F. Supp.2d 713 (N.D. Tex.), aff'd w/o opinion, 244 F.3d 134 (5<sup>th</sup> Cir. 2000), Plaintiffs had requested a preliminary injunction to prevent the Texas electors from casting their votes in favor of defendant candidates because of alleged violation of the Twelfth Amendment of the United States Constitution. The Court denied the request for injunctive relief because plaintiffs failed to demonstrate a substantial likelihood of success on the merits of their claim that defendant vice-presidential candidate was an inhabitant of the State of Texas during the relevant period. *Id.*, at 715. On the basis of this case, the District Court Judge erred when he failed to consider the likelihood of success on the merits.

46. Further, in *Robinson v. Bowen*, 2008 U.S. Dist. LEXIS 82306 (N.D. Cal. Sept. 16, 2008) the plaintiff moved for an order to remove Senator McCain from the California ballot in November because he alleged that McCain was not a "natural born citizen" and was therefore ineligible to serve as president. The Court reviewed the order and stated:

"This order finds it highly probably, for the purposes of this motion for provisional relief, that Senator McCain is a natural born citizen.

Plaintiff has not demonstrated the likelihood of success on the merits necessary to warrant the drastic remedy he seeks.” *Id.*, at \*3.

47. Therefore, both the District Court and the Third Circuit Court of Appeals clearly erred in denying injunctive relief without reviewing the likelihood of success on the merits of the case. Further, based on overwhelming evidence that Obama is not a “natural born” citizen of the United States, Petitioner would likely succeed on the merits of the case and should be granted an injunction prohibiting the Electoral College from casting any votes for Obama and the Counting of such votes in favor of Obama by Congress.

**D. Petitioner Meets the Constitutional Element of Standing**

48. The petitioner meets the constitutional element of standing:

“In a sense---in a very important sense---every citizen and every taxpayer is interested in...having only qualified officers execute the law.” *United States v. Newman*, 238 U.S. 537, 547, 35 S.Ct. 881, 883, 59 L.Ed. 1446, 1450 (1915).

49. This Court has made the following statement as well,

“Where a party champions his own rights, and where the injury alleged is a concrete and particularized one which will be prevented or redressed by the relief requested, the basic practical and prudential concerns underlying the standing doctrine are generally satisfied when the constitutional requirements are met.” *Duke Power Co. v. Carolina Environmental Study Group*, 438 U.S. 59, 80-81, 98 S.Ct. 2620, 2634, 57 L.Ed.2d 595, 616 (1978) (citation omitted).

50. The very essence of civil liberty, wrote Chief Justice John Marshall in Marbury v. Madison, 5 U.S. 137 (1803), certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. Against the backdrop of historical Supreme Court precedent beginning with Marbury and extending through Sprint Communications Co. L.P. v. APCC Services Inc., \_\_\_ U.S. \_\_\_, 128 S.Ct. 2531 (2008), the better-informed “test” for the injury-in-fact prong of the standing doctrine analysis more resembles a “sliding scale” of factors and variables operating as a function of the speculative nature and/or remoteness of the allegations. Baker v. Carr, 369 U.S. 186, 204 (1962); Sierra Club v. Morton, 405 U.S. 727, 734-35 (1972); Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992); Hunt v. Washington State Apple Advertising Comm’n, 432 U.S. 333, 343 (1977); Federal Election Comm’n v. Akins, 524 U.S. 11, 21 (1998); Sprint Communications Co. L.P. v. APCC Services Inc., \_\_\_ U.S. \_\_\_, 128 S.Ct. 2531 (2008); Friends of the Earth v. Laidlaw Environmental Services Inc., 528 U.S. 167, 184 (2000).

51. In Morton, this Court held that the environmentalist Petitioners had standing, as injury to “aesthetic and environmental well-being” was enough to adequately constitute personal “stake” and injury in fact. 405 U.S. at 734. Subsequently, in Hunt, this Court held that despite a lack of personal “stake,”

an association has standing to bring suit so long as the interests in question are relevant to the organization's purpose and regardless of whether the claims asserted or relief requested involve the individual members of the organization. 432 U.S. at 343. Furthermore, in Laidlaw, a case stemming from noncompliance with the Clean Water Act, this Court noted the importance of a Petitioner's demonstration of standing but followed up by stating that, "it is wrong to maintain that citizen Petitioners facing ongoing violations never have standing to seek civil penalties." 528 U.S. at 184. More recently, in Akins, this Court rendered a decision maintaining that individual voters' inability to obtain alleged public information met the injury in fact requirement, as it helped to ensure that the Court will adjudicate "a concrete, living contest between adversaries." 524 U.S. at 21. Similarly and finally, in APCC, decided by this Court in June 2008, the conventional, "personal stake" approach promulgated in cases such as Lujan and Baker gave way to the idea that the "personal stake" requirement and the three requirements of standing — injury in fact, causation and redressibility — are "flip sides of the same coin" and are simply two different ways of ensuring that each case or controversy presents "that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination." APCC, 128 S.Ct. at 2543.

52. The case at hand may lack the specificity of injury in fact required by Lujan, but the allegations from which the action arises are no more speculative or remote than the importance of environmental aesthetics of Morton or the party disconnect evident in Hunt. The foundation of the claims presented by Mr. Berg, the will to avoid a certain constitutional crisis, certainly amount to a “personal stake,” but in the case that this Court may deem otherwise, the underlying claims absolutely present the adversarial contest under which standing was found in the recent decisions in Akins and APCC.

53. Without a doubt, the Respondents will note that the premise behind Akins was the failure to obtain information, and will attempt to distinguish APCC because it involves standing in the context of contracts, assignors and assignees. However, Mr. Berg has indeed sought information vital to the election process put forth in the U.S. Constitution, and this Court in APCC stated that, apart from historical precedent for permitting suits by assignees under assignments for collection, “[i]n any event, we find that the assignees before us satisfy the Article III standing requirements articulated in more recent decisions of this Court.” Furthermore, this Court’s treatment of the standing doctrine in APCC should be enough to show that the reasoning exhibited by the district court judge, grounded in Lujan, misperceives the three prongs of standing as enunciated just four months ago by this Court.

54. Therefore, because of the reasons stated above, because of the “sliding scale” nature of a “test” for injury in fact, because the very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws whenever he receives an injury, this Court should hold that Mr. Berg has standing to prosecute this action.

**E. Collateral Attacks on a *De Facto* Officer**

55. With respect to collateral attacks on a *de facto* officer, this Court has noted that the usual rule is that the official acts of a *de facto* officer are equally valid as those as a *de jure* officer. *Ryder v. United States*, 515 U.S. 177, 180-182, 115 S.Ct. 2031, 2034-2035, 132 L.Ed.2d 136, 142-143 (1995). More recently, however, this Court, in another case, first took note of its holding in *Ryder* and then held nonetheless that certain criminal convictions had to be vacated on the grounds that there was a constitutional defect in the authority of someone appointed to hear the appeals thereof. *Nguyen v. United States*, 539 U.S. 69, 77-81, 123 S.Ct. 2130, 2135-2137, 156 L.Ed.2d 64, 75-78 (2003).

56. Where does that leave us with respect to the validity of the official acts of a *de facto* President of the United States? No one knows. But this Court will surely see the test of that question if Respondent Obama is sworn in as President. More damage will be done if this Court waits only until then to decide the question, and the reliance of the citizenry on the valid status of

Obama as President of the United States, and the valid status of his act, will certainly be greater than they are now.

57. In that light, we ask this Court to consider another point it made in

*Duke Power*,

“The prudential considerations embodied in the ripeness doctrine also argue strongly for a prompt resolution of the claims presented... [D]elayed resolution of these issues would foreclose any relief from the present injury suffered...” *Duke Power*, 438 U.S., at 81-82, 98 S.Ct., at 2635, 57 L.Ed.2d, at 616.

**F. Denying Barack Obama a Majority Vote in the Electoral College Will Not Prejudice His Interests in a Practical Sense**

58. Furthermore, Barack Obama is a Democrat. And in the incoming Congress, the delegation of more than twenty-five states in the House of Representatives will consist of a majority of members of the Democratic Party.<sup>1</sup> Voting for President of the United States in the House of Representatives is done by individual states.<sup>2</sup> (Accordingly, there would be fifty votes total at present in the House for President.) Therefore, if, by action of this Court, Barack Obama does not receive a majority of the vote of the Electoral College, if Respondent Obama can then produce a hard copy of a valid “vault” version birth certificate from the State of Hawaii and furnish documentation legally changing his name from Barry Soetoro back to Barack H. Obama, to show to

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<sup>1</sup> <http://news.yahoo.com/election/2008/dashboard/?d=ST>

<sup>2</sup> U.S. Cons. Art. II § 1, cl. 3

the Members of the House, and if he can likewise answer other lingering questions about his citizenship, there is certainly no reason to think that the members of his own party would deny him their votes for President in the House of Representatives. But, if he cannot explain, to the satisfaction of the world, by January 20, 2009, why and how it is that he was at birth, and now remains, a natural-born citizen of the United States, then what in the world is wrong with denying him a majority vote in the Electoral College now anyway?

**WHEREFORE**, for good cause shown, Petitioner, Philip J. Berg, Esquire, respectfully requests this Honorable Court to grant his Motion for a stay and/or a writ of injunction, stopping the certification of the electors by the Governors of each State, prohibiting the electors from casting their votes for Obama, and staying the counting of electoral votes by Vice President Richard B. Cheney, the House of Representatives and the Senate, pending the resolution of Petitioner's Appeal, and for such other relief which this Honorable Court may deem it proper to grant.

Respectfully submitted,

s/ Philip J. Berg

Dated: December 4, 2008

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Philip J. Berg, Esquire  
Attorney in *Pro Se*  
555 Andorra Glen Court, Suite 12  
Lafayette Hill, PA 19444-2531  
(610) 825-3134

**UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT**

————— O —————

**PHILIP J. BERG, ESQUIRE,**

Plaintiff – Appellant,

v.

**BARACK HUSSEIN OBAMA, JR., et al.,**

Respondents – Appellees.

————— O —————

***CERTIFICATE OF SERVICE***

I, Philip J. Berg, Esquire, hereby certify that Petitioner’s Motion for a stay or temporary Injunctive Relief prohibiting the Electoral College from casting any votes for Obama and prohibiting the counting of any such votes in favor of Obama by Vice President Dick Cheney, the House of Representatives and Congress pending the resolution of Petitioner’s Appeal was served upon the following Defendants via email and fax in lieu of email, this 4<sup>th</sup> day of December 2008:

John P. Lavelle, Jr.  
Attorney I.D. PA 54279  
**BALLARD SPAHR ANDREWS &00  
INGERSOLL, LLP**  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103  
Telephone: (215) 864-8603  
[lavellej@ballardspahr.com](mailto:lavellej@ballardspahr.com)

Attorney for Defendant’s  
Barack Hussein Obama and  
The Democratic National Committee

*CERTIFICATE OF SERVICE, Continued*

Kevin Deeley, Esq. Email: [kdeeley@fec.gov](mailto:kdeeley@fec.gov)  
Thomasenia Duncan, Esq. Email: [tduncan@fec.gov](mailto:tduncan@fec.gov)  
David Kolker, Esq. Email: [dkolker@fec.gov](mailto:dkolker@fec.gov)  
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The Federal Election Commission (FEC)

999 E. Street, NW

Washington, D.C. 20463

Telephone: 202-694-1650

Attorney's for the Federal Election  
Commission

Secretary of the Commonwealth,  
Pennsylvania Department of State,  
Bureau of Commissions, Elections and Legislation  
210 N. Office Building  
Harrisburg, PA 17120  
By fax to: (717) 783-0823

*In Pro Se*

Pedro A. Cortés,  
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Pennsylvania Department of State,  
210 N. Office Building  
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*In Pro Se*

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*In Pro Se*

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By fax to: (202) 228-3954

*In Pro Se*

s/ Philip J. Berg

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PHILIP J. BERG, ESQUIRE  
*Attorney for Plaintiff*  
555 Andorra Glen Court, Suite 12  
Lafayette Hill, PA 19444-2531  
(610) 825-3134

**CERTIFICATE OF COMPLIANCE WITH WORD COUNT LIMITATIONS**

I, Philip J. Berg, Esquire, Petitioner and a member of the Bar of this Court, certify that Petitioner's Motion for a stay or temporary Injunctive Relief prohibiting the Electoral College from casting any votes for Obama and prohibiting the counting of any such votes in favor of Obama by Vice President Dick Cheney, the House of Representatives and Congress pending the resolution of Petitioner's Appeal contains 6,946 words, excluding the parts of the Application that are exempted.

Dated: December 4, 2008

s/ Philip J. Berg  
Philip J. Berg, Esquire  
Attorney in *Pro Se*  
555 Andorra Glen Court, Suite 12  
Lafayette Hill, PA 19444-2531  
(610) 825-3134

**EXHIBIT "A"**

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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PHILIP J. BERG, ESQUIRE	:	
	:	
<i>Plaintiff</i>	:	
vs.	:	CIVIL ACTION NO: 08-cv- 04083
	:	
BARACK HUSSEIN OBAMA, ET AL	:	
	:	
<i>Defendants</i>	:	

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**AFFIDAVIT OF BISHOP RON McRAE**

I, Bishop Ron McRae am over the age of eighteen (18) and not a party to the within action. If called to do so, I could and would competently testify under oath as follows;

I am the Continental Bishop who oversees the Anabaptists Churches in North America. I am also the Presiding Elder on the African Presbytery, where we have numerous churches throughout Kenya, Uganda, Tanzania, the Democratic Republic of the Congo and mission works in several other African nations. The African Presbytery is comprised of the national bishops of the various countries we minister in and support, along with our statewide bishops from New York and Pennsylvania.

We actively visit and minister throughout these African countries, and do so extensively throughout all of Kenya these last three [3] years. In overseeing the establishment of our churches and presbytery in Kenya, over the last two [2] years we have had personal dealings, continually, with many citizens of Kenya from every tribe and economic standing throughout the wonderful nation of Kenya, with whom the national interests in United States Senator Barack Hussein Obama is a very popular topic of discussion. The tribal cultures of the Kenyanese people have involved much turmoil during the national elections at the end of December 2007 and the beginning of 2008.

The much published violence that erupted over the presidential elections caught the world's attention. Myself and several American minister with our church were present during this time in Kenya, and the facts concerning this strife and the ensuing violence were well known, and of common knowledge throughout all of Kenya.

The opposition party that was responsible for all of the violence was from the minority Luo tribe, which is a Muslim tribe that supported Mr. Raila Odinga for president. Raila Odinga is a Marxists socialist who graduated from the East Germany Magdeburg University in 1970 on a scholarship from the East German government. He named his first born son after Fidel Castro. Raila Odinga spent six years in prison for his admitted involvement in the bloody coup attempt in 1982 to over take and assassinate Daniel Arap Moi, Kenya's President. Mr. Odinga has publicly admitted to being the leader of that coup in his 2006.

Mr. Odinga is the cousin of United States Senator Barack Obama; Mr. Obama is from the same Muslim tribe, the Luo Tribe, as Mr. Odinga. Senator Obama visited Kenya in August of 2006 and campaigned extensively for his cousin, Mr. Odinga, which gave Odinga a tremendous boost. During Senator Obama's campaign stops on behalf of his cousin Odinga, the Senator made numerous claims against the democratic government of Kenya and Kenya's President Mwai Kibaki, claiming they were corrupt, stating often, that Kenya was "ready for change", just as he has campaigned here in the United States during this Presidential election. It has also been common knowledge throughout Kenya that Senator Obama sent his foreign policy advisor, Mr. Mark Lippert, to Kenya at least three times to advise Mr. Odinga on his campaign strategies. See Mark Hyman's Washington Times article published October 12, 2008, attached as **Exhibit "1"**. Moreover, everyone in Kenya is well aware that Senator Obama donated over one million

American dollars (\$1,000,000.00) to his cousin's, Mr. Odinga's campaign, which is documented in the Kenyan Political Party, for Mr. Odinga, Orange Democratic Movement [hereinafter "ODM"] along with extensive funds from other Muslim supporters including but not limited to the Muslim son of Muammar Gadhafi, the dictator of Libyan's Muslim government. These issues are common knowledge throughout Kenya, and the information is publicly documented across the internet.

It is detailed in Odinga's financial reports and strategies ODM Internal Memo documents, attached as **Exhibit "2"**, which are public records, that a significant portion of Senator Obama's financial contributions (made through an organization identified as Friends of Senator Barack Obama) were used to help finance both the signed Muslim Memorandum of Understanding as well as the planned violence, murders and bloodshed that occurred in December of 2007. Within the ODM Internal Memo attached as **Exhibit "2"**, the funds donated by Mr. Obama through "Friends of Senator Barack Obama" were to be used for "Violence as a last result...to discourage voter participation in hostile areas...use ODM agents on the ground to engineer ethnic tensions in target areas...support Kapondi's forces in Mt. Eglon", and to do so during "Mid-December". Unfortunately, the exact violence described in these reports was carried out and occurred at the beginning of the second week of December 2007.

Additionally, it is common knowledge throughout both the Christian and Muslim communities in Kenya, that contrary to news media propagandas here in the United States, US Senator Barack Hussein Obama is a Muslim and not a Christian, and that he was born in Mombassa, Kenya and not in the State of Hawaii as falsely purported by the Obama campaign for presidency of the United States. Mr. Obama's cousin ran his failed campaign for the Kenyan presidency in the identical fashion of Senator Obama's

American campaign strategy, and that being to join a nominal Christian church in order to publicly profess to be a Christian, while maintaining their actual Muslim beliefs, in order to sway public opinion away from the actual fact of his strong Muslim beliefs, family and goals. It is a known fact that membership in the United Church of Christ in Chicago, where Barack Obama was a member, does not require Muslim's to renounce their Islamic faith in order to join the UCC church. Throughout Kenya it is and was well publicized in the media that a Memorandum of Understanding agreement, attached as **Exhibit "3"**, between Raila Odinga and Sheik Abdullahi Abdi, chairman of the National Muslim Leaders Forum, was signed by Odinga on August 29, 2007 in which Raila Odinga promised if elected to implement numerous drastic changes including but not limited to the following.

- Recognize "Islam as the only true religion".
- "Islamic leaders would have an oversight role to monitor activities of ALL other religions" [emphasis in the original].
- Installation of Shariah courts in every jurisdiction to implement Islamic law.
- Implement a ban on Christian preaching.

Because of the seriousness of all the above, as a Christian and a citizen of the United States, this preacher could no longer sit idly by knowing these things and continue to minister in both Kenya and the United States. As the presiding bishop over the Continental Presbytery of Africa, I authorized representatives within our church to locate and interview Ms. Sarah Hussein Obama, the actual grandmother of US Senator Barack Obama. Ms. Sarah Obama lives in the Alego-Kogello, approximately 37 miles from Kisumu, where the Anabaptists have a congregation, and where this preacher has preached several times prior to the December elections in 2007, and prior to the planned violence from the Odinga supporters, which erupted.

With Senator Obama being born in Kenya and not in the United States, he is not a “natural born” citizen and it prohibits him from being eligible to run for and/or serve as President of the United States. Since Senator Obama’s birth was reportedly in 1961, birth records may or may not be available, so I felt it very important to obtain the testimony of his grandmother as a first hand witness, since it is commonly known throughout Kenya, and especially around the Kisumu area, that Sarah Obama was present when Barack Obama, Jr. was born in Kenya.

Accordingly, on Thursday, October 16, 2008 Reverend Kweli Shuhudia (actual name temporarily withheld to protect his life), an evangelists with our ministries throughout Africa traveled to Kogello and located Ms. Sarah Obama at her home, see the attached email, attached as **Exhibit “4”**. Mr. Shuhudia is a very intelligent and educated citizen of Africa, a former teacher and respected evangelist throughout Africa. Mr. Shuhudia acts as our official translator when we are in Africa, and is fluent in both Swahili and English. Mr. Shuhudia met and interviewed Ms. Sarah Obama at length on October 16<sup>th</sup>, during which interview; he called me on my mobile number, see my phone record attached as **Exhibit “5”**. Mr. Shuhudia called me first on October 16<sup>th</sup> at 10:33a.m. and advised that he was with Sarah Hussein Obama and that she wanted to speak with me, but the connection was lost. He called me right back at 10:35a.m. and he informed me that there were several hundred people present, celebrating Obama’s success. I questioned him about the format of the phone call and conversation with Ms. Obama, and then informed him that I would call him right back, so it would not cost him international charges for the call. I called back at 10:40a.m. and public music and voices could be heard that were gathered around Kweli Shuhudia. I then spoke with him and requested that they utilize the speaker phone so everyone could hear. The speaker phone

with its open microphone was utilized with Mr. Shuhudia, Mr. Vitalis Akech Ogombe the Kogelo Community Chairman assisting in the translation work and Ms. Sarah Hussein, along with several hundred people including policeman present and listening to the open conversation between the four of us for approximately 15 minutes. Mr. Vitqalis Ogombe is also the step grandson of Ms. Obama and the cousin of Barack Obama. A third unknown party can be heard periodically interjecting both Swahili and English words in the public discussion and conversation between the four of us. At times the room noise from other peoples' voices makes some of the swahili difficult to hear, and towards the end of the converstaion several men's voices are heard that are not identified. As I talked to and questioned Ms. Obama publicly over the open microphone of Mr. Shuhudia's speaker phone, they would translate what I said to her in Swahili publicly, and then they would translate her Swahili responses to me publicly in English. Ms. Obama can fluently speak Swahili in her native dialect, but cannot read or write. In the ensuing public conversation, I asked Ms. Obama specifically, "Were you present when your grandson Barack Obama was born in Kenya?" This was asked to her in translation twice, and both times she specifically replied, "Yes! Yes she was! She was present when Obama was born". Though, some few younger relatives, including Mr. Ogombe, have obviously been versed to counter such facts with the common purported information from the American news media that Obama was born in Hawaii, Ms. Sarah Hussein Obama was very adamant that her grandson, Senator Barack Hussein Obama, was born in Kenya, and that she was present and witnessed his birth in Kenya, not the United States. When Mr. Ogombe attempted to counter Sarah Obama's clear responses to the question, verifying the birth of Senator Obama in Kenya, I asked Mr. Ogombe, how she could be present at Barack Obama's birth if the Senator was born in Hawaii, but Ogombe would not answer

the question, instead he repeatedly tried to insert that, "No, No, No. He was born in the United States!" But during the conversation, Ms. Sarah Hussein Obama never changed her reply that she was in deed present when Senator Barack Obama was born in Kenya. A transcript of this taped public interview is attached as **Exhibit "6"**. Mr. Shuhudia took photographs during the open conversation and interview with Ms. Sarah Hussein Obama, which photos will be forthcoming.

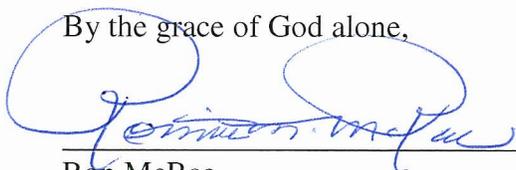
Because of the seriousness of the political situation and the impact of such on a United States Presidential election, and because of the factual reality of tremendous violence in Kenya towards Christians, especially in the immediate area of Kisumu, where both Sarah Hussein Obama and Rev. Kweli Shuhudia live, it is requested that all reasonable and legal steps be taken to secure Rev. Kweli Shuhudia's identity to the Federal Court alone, in order to protect his life and safety for being willing to provide this very important assistance in gathering this testimony and evidence to be used in any Federal litigation.

The above related facts are true and verifiable to the best of my personal knowledge before God Almighty, whose I am and whom I serve.

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

Dated: October 27, 2008

By the grace of God alone,



Ron McRae  
Residing Bishop  
Continental Presbytery of Africa  
Anabaptists Churches of N. America  
John 3:30/  
Philippians 3:19-21, 29, 30

**NOTARY PUBLIC ACKNOWLEDGEMENT**

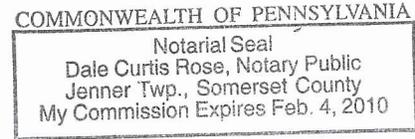
Commonwealth of Pennsylvania )

County of Cambria )SS:  
)

On October 27, 2008, before me Dale Curtis Rose, Notary  
(Insert name and title of Notary)

personally appeared Bishop Ron McRae, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same and that by his signature on the instrument the person executed the instrument..

I certify under PENALTY OF PERJURY under the laws of United States that the foregoing paragraph is true and correct.



**WITNESS my hand and official seal.**

Dale Curtis Rose  
Signature of Notary Public

Seal

My Commission Expires: February 4, 2010

**EXHIBIT “1”**

# The Washington Times

<http://www.washingtontimes.com/news/2008/oct/12/obamas-kenya-ghosts>

[US News](#) | [National Security](#) | [Just the Headlines](#) | [Front Page Image](#) |

[Home](#) > [Voices](#) > [Commentary](#)

## HYMAN: Obama's Kenya ghosts

**Mark Hyman**

**Sunday, October 12, 2008**

ASSOCIATED PRESS Kenyan Prime Minister Raila Odinga is calling President Robert Mugabe's Zimbabwe an "embarrassment" to Africa and would support the forced removal of the ruler.

### **COMMENTARY:**

About 50 parishioners were locked into the Assemblies of God church before it was set ablaze. They were mostly women and children. Those who tried to flee were hacked to death by machete-wielding members of a mob numbering 2,000. The 2008 New Year Day atrocity in the Kenyan village Eldoret, about 185 miles northwest of Nairobi, had all the markings of the Rwanda genocide of a decade earlier.

By mid-February 2008, more than 1,500 Kenyans were killed. Many were slain by machete-armed attackers. More than 500,000 were displaced by the religious strife. Villages lay in ruin. Many of the atrocities were perpetrated by Muslims against Christians.

The violence was led by supporters of [Raila Odinga](#), the opposition leader who lost the Dec. 27, 2007, presidential election by more than 230,000 votes. Odinga supporters began the genocide hours after the final election results were announced Dec. 30. Mr. Odinga was a member of Parliament representing an area in western [Kenya](#), heavily populated by the Luo tribe, and the birthplace of [Barack Obama's](#) father.

Mr. Odinga had the backing of Kenya's Muslim community heading into the election. For months he denied any ties to Muslim leaders, but fell silent when Sheik Abdullahi Abdi, chairman of the National Muslim Leaders Forum, appeared on Kenya television displaying a memorandum of understanding signed on Aug. 29, 2007, by Mr. Odinga and the Muslim leader. Mr. Odinga then denied his denials.

The details of the MOU were shocking. In return for Muslim backing, Mr. Odinga promised to impose a number of measures favored by Muslims if he were elected president. Among these were recognition of "Islam as the only true religion," Islamic leaders would have an "oversight role to monitor activities of ALL other religions [emphasis in original]," installation of Shariah courts in every jurisdiction, a ban on Christian preaching, replacement of the police

commissioner who "allowed himself to be used by heathens and Zionists," adoption of a women's dress code, and bans on alcohol and pork.

This was not Mr. Odinga's first brush with notoriety. Like his father, [Jaramogi Oginga Odinga](#), the main opposition leader in the 1960s and 1970s, Raila Odinga is a Marxist. He graduated from East Germany's Magdeburg University in 1970 on a scholarship provided by the East German government. He named his oldest son after Fidel Castro.

Raila Odinga was implicated in the bloody coup attempt in 1982 against then-President Daniel Arap Moi, a close ally of the United States. Kenya has been one of the most stable democracies in Africa since the 1960s. The ethnic cleansing earlier this year was the worst violence in Kenya since that 1982 coup attempt. Mr. Odinga spent eight years in prison. At the time, he denied guilt but later detailed he was a coup leader in his 2006 biography. Statute of limitations precluded further prosecution when the biography appeared.

Initially, Mr. Odinga was not the favored opposition candidate to stand in the 2007 election against President Mwai Kibaki, who was seeking his second term. However, he received a tremendous boost when Sen. Barack Obama arrived in Kenya in August 2006 to campaign on his behalf. Mr. Obama denies that supporting Mr. Odinga was the intention of his trip, but his actions and local media reports tell otherwise.

Mr. Odinga and Mr. Obama were nearly inseparable throughout Mr. Obama's six-day stay. The two traveled together throughout Kenya and Mr. Obama spoke on behalf of Mr. Odinga at numerous rallies. In contrast, Mr. Obama had only criticism for Kibaki. He lashed out against the Kenyan government shortly after meeting with the president on Aug. 25. "The [Kenyan] people have to suffer over corruption perpetrated by government officials," Mr. Obama announced. "Kenyans are now yearning for change," he declared. The intent of Mr. Obama's remarks and actions was transparent to Kenyans - he was firmly behind Mr. Odinga.

Mr. Odinga and Mr. Obama had met several times before the 2006 trip. Reports indicate Mr. Odinga visited Mr. Obama during trips to the U.S. in 2004, 2005 and 2006. Mr. Obama sent his foreign policy adviser Mark Lippert to Kenya in early 2006 to coordinate his summer visit. Mr. Obama's August trip coincided with strategizing by Orange Democratic Movement leaders to defeat Mr. Kibaki in the upcoming elections. Mr. Odinga represented the ODM ticket in the presidential race.

Mr. Odinga and Mr. Obama's father were both from the Luo community, the second-largest tribe in Kenya, but their ties run much deeper. Mr. Odinga told a stunned BBC Radio interviewer the reason why he and Mr. Obama were staying in near daily telephone contact was because they were cousins. In a Jan. 8, 2008, interview, Mr. Odinga said Mr. Obama had called him twice the day before while campaigning in the New Hampshire primary before adding, "Barack Obama's father is my maternal uncle."

President Kibaki requested a meeting of all opposition leaders in early January in an effort to quell the violence. All agreed to attend except Mr. Odinga. A month later, Mr. Kibaki offered Mr. Odinga the role of prime minister, the de facto No. 2 in the Kenyan government, in return for an end to the attacks. Mr. Odinga was sworn in on April 17, 2008.

Mr. Obama's judgment is seriously called into question when he backs an official with troubling ties to Muslim extremists and whose supporters practice ethnic cleansing and genocide. It was Islamic extremists in Kenya who bombed the U.S. Embassy in 1998, killing more than 200 and injuring thousands. None of this has dissuaded Mr. Obama from maintaining disturbing loyalties.

*Mark Hyman is an award-winning news commentator for Sinclair Broadcast Group Inc.*

## **EXHIBIT “2”**

[<< Previous Topic](#) | [Next Topic >>](#)

[Return to Index](#)

## ODM document

January 20 2008 at 4:26 PM

P.M.

# INTERNAL MEMO

**FROM: SHAKEEL SHABBIR** (CAMPAIGN RESOURCES ACCOUNTING SECTION)

**TO: HON. O. MAGARA** (NATIONAL TREASURER)

**SUBJECT: CONSOLIDATED STATEMENT OFF CAMPAIGN FINANCIAL ACTIVITIES**

**DATE: 9<sup>TH</sup> NOVEMBER 2007**

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### INCOMING RESOURCES (DONATION CONVERTED TO KSHS)

FROM	AMOUNT
Mr C Njonjo	25,000,000
CMC Motors Grp	20,000,000
CFC Bank	5,000,000
Landrover Group Limited (UK)	55,000,000
JIAM	25,000,000
Pastor Gilbert Deya	20,000,000
Gilbert Deya Congregation (UK)	10,500,000
Mr James Ongwae	3,500,000
Mr Bosco Gichana	12,000,000
Mr S Osamba (Dallas Tx)	6,100,000
Tata Tea	50,000,000
Tata Consultancy Service	350,000
Tata Motors	35,000,000
Dr Jane Konditi	350,000
Prof J Oduol	300,000
Mr AA Walji	7,000,000
Hon William Ole Ntimama	5,000,000
Mr Zackayo Cheruiyot	4,500,000
Mr Charles Onyancha	300,000
Brig (rtd) Alexandra Sitienei	225,000
Dick Morris Associates (pro bono services)	21,335,000
Dr S Kosgey	2,500,000
Kisumu Simba League	21,750,000
Dr P Otuoma	250,000
Mr S Murunga (Kimilili)	8,500,000
Tony Texeira	21,500,000
Mr S S Sodi	150,000
Zubedi group	20,000,000
Colourprint (posters/caps)	8,000,000
Anura Pereira	107,000,000
J Okungu	350,000
Tony Buckingham	6,000,000
Col Ted Spicer	17,000,000
Mr J kulei	39,000,000

Kamani Family	45,000,000	
GOSS	12,500,000	
Friends of Senator BO	66,000,000	
PK Pattni	13,500,000	
United Business Association	70,000,000	
Westlands Association	12,800,000	
Mr P Oriare	50,000	
Premier Club	5,250,000	
Gymkhana Group	5,150,000	
Ms Esther Passaris	1,000,000	
Adopt-a-light (Advertising Support)	20,000,000	
Seif-Al-Islam Gaddafi	53,450,000	
Visa Oshwal Group	10,200,000	
Nakumatt H	26,000,000	
Hon Andrej Hermlin	100,000	
Linkspartei (PDS)	35,000,000	
Hon Mudavadi Family	12,500,000	
Spectre International & Associates	90,000,000	
Energem resources Inc	52,500,000	
Sandline International	10,000,000	
Hon N Balala Family	8,000,000	
Hon William Ruto	10,000,000	
Mr D Berg	1,500,000	
Hon Henry Kosgey & Friends	20,000,000	
HE O Obasanjo	25,000,000	
Mr S Mwaita	1,000,000	
SA Support Group (M Otieno)	25,000,000	
DRC Support Group	22,000,000	
Hon O Kajwang	50,000	Chq RTD
Hon J Nyagah	3,500,000	
Mr J Kaikai	500,000	
SDP	1,800,000	
CHAPS	650,000	
GCP (America)	154,000,000	
Nganga Petroleum	1,500,000	
Hon Eng Nyamunga	100,000	
GM	2,000,000	
KASS FM	400,000	

**INCOMING RESOURCES  
(NOMINATION FEES)**

Parliamentary Application Fees	295,000,000
Civic Application Fees	86,000,000

**INCOMING RESOURCES  
(VARIOUS SOURCES)**

Dinner Launches Presentations	13,000,000
Merchandise sales	4,300,000

**TOTAL INCOMING RESOURCES 1,772,560,000**

**RESOURCES EXPENDED**

Fund Raising costs	25,813,050
Pre Nomination Rallies	165,355,300
Nominations (Personnel, Logistics, comm.)	160,500,000
Manifesto	76,304,100
Presidential Nominations	54,000,120
Equipment (Choppers, vehicles, etc)	320,208,000
Media Facilitation (Journalists)	29,300,000
Office Management & Overheads	98,567,450
Advertising	335,235,575
Merchandising	75,5625,700
Opinion Polls	7,300,000
Sewcurioty Operations and Personnel	22,500,000
Candidates Expenses (RO)	148,187,000
Pentagonm Allowances (Others)	89,000,000
Intelligenxce	39,775,450
General ICT	26,350,000
Propaganda	68,545,000
Trainning (Seminars & Conferences)	23,020,000

TOTAL; RESOURCES EXPENDED	1,765,886,745
BALANCE TO BE CARRIED FORWARD	6,673,255

**Notes**

I have taken into account all the subscription/donations/expenditure notes surrendered to my section by the various arms of the 2007 ODM presidential campaign system.

Obviously, the money currently available cannot cover the campaign work still pending , and there is an urgent need for the Direcorate of Resource Mobilization to do more.

**Sh 9,435,200** is owed to various media houses which are now demanding upfront payment for all our advertising

We recommend that the candidate brings forward proposed trips to DRC, Dubai/Kuwait and Venezuela to ease current pressure

Also expedite fund raising at Coast, Kisumu, UK, and Sweden.

EXECUTIVE BRIEF ON THE POSITIONING AND MARKETING OF THE ORANGE  
DEMOCRATIC MOVEMENT & "THE PEOPLE'S PRESIDENT" – Hon Raila A Odinga

---

Core Strategy Team:

Prof Peter A Nyongo, Secretary General ODM  
Prof Edward Oyugi Akongo  
Prof Patrick Wanyande  
Prof Larry Gumbe  
Mr Adams Oloo

1. Purpose

- 1.0 To ensure that the Orange Democratic Movement (hereinafter referred to as "ODM") remains united and focused through out the national presidential campaigns period.
- 2.0 TO ensure that Hon Raila Amolo Odinga is elected the fourth president of the Republic of Kenya in succession to the current President Mwai Kibaki
- 3.0 To ensure that Hon Raila Amolo Odinga secures an absolute majority of parliamentary seats in the tenth parliament to facilitate the ease of the intended constitutional reform.

2. Preamble

- 2.0 The just conclude ODM Presidential nominations have ended the speculation and competition within the ODM ranks with Hon. Raila Amolo Odinga (hereinafter referred to as the Candidate") emerging as the Party's presidential torch bearer. The enthusiasm and overacting support extended towards the Candidate have debunked the myth that
  - a As a member of the Luo community Hon Raila Odinga is not electable to the presidency in Kenya

This document is intended to provide the conceptual guidelines and roadmap for the periods leading up to the presidential elections set for December 2007. This document notes the challenges and obstacles likely to confront the Candidate. These include

Hon Kalonzo Musyoka's potential to play spoiler

The involvement role of ex-President Daniel arap Moi, his financial resources country-wide political network, experience and strong following in the Rift Valley.

Kibakis incumbency and track record

The financial muscle of the Mt Kenya elite and their potential to play rough and dirty.

The following pages outline a strategy for overcoming the odds and delivering the presidency to Hon Raila Odinga and ODM in the December elections.

#### Strengths

- ✓ Hon Raila is charismatic and ambitious
- ✓ Kenyans appreciate him as a fearless crusader for truth, justice and democracy
- ✓ Has no publicly debated allegations of corruption
- ✓ Great crowd puller/mobiliser/entertainer
- ✓ Descends from a legendary family
- ✓ 100% devoted following of the Luo community
- ✓ Recognized as the individual best credited with the incumbent election to President in 2002
- ✓ Won the 2005 Constitution Referendum
- ✓ Anchored by tribal chiefs with the potential to draw multi-regional support

#### Weaknesses

- Limited understanding on economic matters
- Has been faulted as having exhibited a knack for political party relationship nomadism
- Association with Communism
- Potential for linkage to the underdevelopment in Nyanza
- The 1982 coup
- Acrimonious parting of ways with Wamalwa Kijana (Luhya Western) Moi (Kalenjin, Rift Valley) Kibaki (Gema, Mt Kenya region) and Kalonzo (Kamba , Eastern)
- Matters surrounding corruption allegations related to the molasses plant, Kisumu and implications of corruption as alleged by the Ndungu Report

#### Opportunities

- ✓ Pin down Mwai Kibaki on his 2002 promise to be a one term president
- ✓ Capitalize on matters related to the dishonoured MoU of 2002
- ✓ Take advantage of Mwai Kibakis' Laziness and laidback attitude
- ✓ Exploit anti-Kikuyu sentiments
- ✓ Leverage the vulnerability of the Kibaki administration responses to corruption matters as the Anglo-leasing and Goldenberg scandal. Seize this opportunity to confront him with a powerful anti-corruption campaign message
- ✓ Ditto the £130b stashed away by Kanu leaders

- ✓ Artur brothers and their raid to the Standard Group

#### Threats

- The Candidates religion and perceived state of religiosity
- The public's perception of the candidate's Communism
- Kibera in his Langata constituency is the least developed and most volatile area of Nairobi
- Damage incurred from Hon Ruto's recorded statements on the Candidates unelectability
- The Candidates potential for ad-hoc and improvised statements

## DEDUCTION

Based on the above SWOT

- a the Candidate's Strengths and Opportunities significantly outweigh his weaknesses.
- b The Candidates/Party popularity is imminent should we recreate and maintain the euphoria achieved during the 2005 Constitutional Referendum and in the last General Election.

## RECOMMENDED ACTION PLAN

### I The Grand Entrance

As earlier agreed in order that our candidate campaigns commence with impact, it is necessary that he exit Kenya to lay foundation for a grand home coming similar to Matibas in 1992 and Kibakis in 2002. Whereas the party has identified areas such as Nigeria and Middle East as regions of interest, it is recommended that the Candidate focus on Europe and the United States (where Diaspora is active) for this purpose. A lengthy absence will starve the country of Hon Raila and stimulate an outpouring of adoration that will take us to victory.

### II Kikuyu Alienation

Owing to this strategy's success during the 2005 referendum, it is the party's position it should be utilized once more for the General Election. There is overwhelming feeling among the non-Gema communities that the Kikuyu are selfish bigots dedicated to a tribal hegemony who will never share the spoils of government with other communities. Underpinning this strategy is the blessing that ODM campaign has able pointmen in Mudavadi, Ruto, Balala and Ntimama who can efficiently galvanize their respective communities around the anti-kikuyu initiative. Concurrently, every effort must be made to undermine Kalonzo in order to prevent him from emerging as an alternative avenue for anti-kikuyu sentiment. In this regard, particular caution should be placed on regions such as RVP where Kalonzo has the potential of attracting some of our votes. Anti-Kikuyuism must be reinforced with promises of jobs and economic gains to key players from every community supporting this initiative.

### The Class Issue

It is possible to trigger a class war by painting the Kibaki Government as an insensitive, uncaring group of Muthaiga Golf clubbers. Available research also suggests that this strategy could also resonate with poor kikuyu youth who feel economically marginalized by their own government. As part of this strategy the party should seek to elevate the emotions within all youth constituents who may it successful, be willing to vote for us in the protest. Visible signs of class disparity will provide important fodder for this theme.

### Pro-West

It is absolutely essential that through out this campaign, Raila remain aligned to the Western Countries (such as the United States) in order to take advantage of the deteriorating relationship between them and Kibaki. ODM can expect both financial and political support particularly from the United States.

### Pull All Plugs

This being the contest of a lifetime, the party should employ all available means to ensure a victory. Subterranean campaigns will therefore form a critical component of our activities. Corruption in the Kibaki Government, the mess of Kibakis domestic situation and the soap opera of the Artur brothers provide ready material for this war.

#### The Media

Since 2005, the Orange team has maintained intimate contacts across all media. Even though a number of senior media managers are active in our campaigns, we should establish strongest Media Centre possible, manned by local and international experts. Indeed, we must approach this issue with the understanding that victory in the media war could very well mean victory at the polls.

#### Identify the Fixers.

There is no doubt that the key regional point men are invaluable to this campaign as without them the whole thing could tumble. In order to insulate the candidate from attacks on his person, not all advertising and campaign efforts should be focused on him. At the same time, all possible efforts should be used to retain discipline among the party leadership, including reminding them of their vulnerability.

#### Funding

Tap into pledged funding from external donors including Federal Republic of Nigeria, Germany, the United Arab Emirates, South Africa, Libya, The Democratic Republic of Congo as well as individual /institutional caucuses such as GTZ network, Cyril Ramaphosa, the Deya Ministries and US Republicans among others.

Below is the schedule of activities that will lead to the implementation of our strategy

#### Strategy

Rationale

How to Activate

When to Activate

Action By:

#### The Anti-Kikuyu crusade

1. This is an important wedge issue. It will help galvanise the rest of the country against a common enemy and set the overall theme of our campaign

1. Mass media (allusion to predominance of Kikuyus in public service and business)
2. Public Rallies

3 Leaflets

#### 4 Viral e-mail and SMS

Through out the campaign period, heightened activities three weeks before elections

All members R.O. to lead the execution of this strategy

#### Uhuru Kenyatta as Kibakis Choice for 2012

1.
  1. Accentuate the anti-Kikuyu sentiments.
  2. Cause unease within PNU ranks
  3. Attract Luhya vote by eliminating the belief that there will be a Luhya successor
  4. Communicate the intention to retain power within a select group of prominent political families (Kenyatta, Moi, Kibaki)
    1. Speculative newspaper articles /opeds
    2. Public pronouncements at all campaign rallies

3. Blogs/web forums

4. Leaflets, with special focus on Western Kenya and RVP

Immediately, with heightened media activities end of November

1. Kipkoech Tanui & Okech Kendo.
2. R.O

Majimbo

5. Majimbo present the promise to the electorate that they will retain their resources at the exclusion of foreigners particularly the Kikuyu, Akamba and the Indians. It is particularly important in galvanising the Coastal vote.

1. Public Rallies in RVP Western and Coast
2. Op-Ed columns in the mainstream media
3. TV/FM radio call in shows
4. Public forums such as workshops with high profile personalities such as Ghai.

5.

Immediate heightened activities sin December  
Ruto to lead campaign team.

Corruption

Branding the opponent as irredeemably corrupt will provide diversionary salvos and a campaign theme worth pursuing through out the electioneering period.

1. Press conferences, themed under specific premises such as Telkom and Safaricom sale.
2. TV, Radio, Billboard advertising.
3. Newspaper articles, radio and TV talkshows.
4. Campaign Rallies
5. Viral email, Mashada Blogs, You tube and SmS

Through out the campaign period with heightened activities in NOV/DEC  
All RO to provide core leadership.

The Githongo Dossier

Githongo has so far provided the most important ammunition in branding the opponent as irredeemably corrupt. He still is capable of killer blow

Release more incriminating recordings from his time in Government

10 days before elections

J Odindo to provide Nation forum.

R.O. to release material already in custody

The Artur Brothers

6. This Saga presents unending opportunities to embarrass the Kibaki team

Induce brothers to release their long awaited book at the right moment. Our media partners are waiting to serialize the contents.

Two weeks before the elections

R.O

The age issue

Our core supporters are essentially young people who are angry about the domination of Kibaki politics by frail septuagenarians.

Billboards and leaflets ridiculing the old people in the Kibaki team; contrast this with billboards of Hon Raila with young people- the promise of a buoyant future.

immediately

Communication team

Rigging

1. Prepare ground for rejection of

1. Press conferences

Oct/Nov/ Dec

All

Unfavourable results 2. Increase interest in monitoring activities to ensure no rigging happens  
3. Deflect attention from ourselves should opportunities be available to manipulate voter turnout in our green areas.

2. Op-Ed Columns
3. TV/FM radio call-in shows
4. Petitions to embassies and ODM- friendly NGOs'
5. Public Rallies

Ethnic Tensions/Violence as a last  
Resort

To discourage voter participation in hostile areas

1. Continue pro-Majimbo utterances
2. Use ODM agents on the ground to engineer ethnic tensions in target areas
3. Support Kapondi's forces in Mt. Elgon
4. Leaflets targeting the Kikuyus, Kisiis, etc

Mid-Dec

Bring Alexandra Sitienei

[Respond to this message](#)

Current Topic - **ODM document**

[<< Previous Topic](#) | [Next Topic >>](#)

[Return to Index](#)

## **Additional Locations & References to the ODM Internal Memo**

ODM Financial Disclosure from Internal Memo Published on API network site:  
<http://africanpress.wordpress.com/2007/12/30/organizations-and-persons-funding-odm/>

« [CHALLENGES AFTER ELECTIONS - Kenya](#)  
[The Re-birth of a Nation](#) »

## **Organizations and persons funding ODM**

Posted by [africanpress](#) on December 30, 2007

Following extreme pressure by our readers and comments doubting the authenticity of a confidential dossier on the source of funding for the Orange Democratic Movement (ODM) we publish in full the entire list and their specific contribution..we will publish the list as it is including the abbreviations - For the record we stand by every bit of our publications and challenge anyone named to face this site in court for we have to the letter evidence on more than 20 organizations / individuals named.

INTERNAL MEMO

FROM: SHAKEEL SHABBIR (CAMPAIGN RESOURCES ACCOUNTING SECTION)

TO: HON.O.MAGARA (NATIONAL TREASURER)

SUBJECT: CONSOLIDATED STATEMENT OF CAMPAIGN FINANCIAL ACTIVITIES

DATE: 9TH NOVEMBER 2007

1. Mr. C.Njonjo - 25,000,000
- 2.CMC Motors Grp- 20,000,000
- 3.CFC Bank 5,000,000
4. Land Rover Group Limited 55,000,000
5. JIAM 25,000,000
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Affidavit of Bishop Ron McRae

24. Dr. P. Otuoma 250,000
25. Mr. S. Murunga (Kimilili) 8,500,000
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63. Hon. O. Kajwang 3,500,000
64. Hon. J. Nyagah 3,500,000
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68. GOP (America) 154,000,000
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TOTAL INCOMING RESOURCES 1,772,560,000

*Posted by Garuka Njuguna - UK*

*Published by API/APN [africanpress@chello.no](mailto:africanpress@chello.no)*

To view this item online, visit <http://www.worldnetdaily.com/index.php?pageId=78035>

**WorldNetDaily**

Saturday, October 25, 2008

**WorldNetDaily Exclusive**

## Obama raised \$1 million for foreign thug's election

Democrat joined Libya's Gadhafi among top contributors to Odinga

Posted: October 14, 2008

9:27 pm Eastern

By Jerome R. Corsi

WorldNetDaily

Raila Odinga

NEW YORK – Sen. Barack Obama, with a donation of nearly \$1 million, and a son of Libyan dictator Muammar Gadhafi were among the biggest contributors to the presidential campaign of controversial Kenyan leader Raila Odinga, according to an [internal document obtained by WND](#).

The memo was prepared by the head of Odinga's campaign finance accounting section, Shakeel Shabbir, as an official report delivered to the national treasurer for Odinga's Orange Democratic Movement party, or ODM.

Among the 72 individuals and organizations that contributed money to Odinga's 2007 presidential run in Kenya, Shabbir lists "Friends of Senator B.O." as having donated 66,000,000 Kenyan schillings, about \$950,000.

Saif el-Islam Gadhafi, the Libyan strongman's second oldest son, reportedly donated 53,450,000 Kenyan schillings, about \$765,000.

According to several highly credible ex-ODM sources WND interviewed in Kenya, the \$950,000 raised for Odinga's campaign came from a series of private meetings arranged for Odinga by Mark Lippert, a foreign policy adviser in Obama's U.S. Senate office. The meetings with top-dollar Obama fundraisers and donors took place during Odinga's 2006 trip to the U.S.

*(Story continues below)*

In Kenya, WND talked to several top ex-ODM officials who played key roles in Odinga's 2007 presidential campaign.

The officials became disaffected with Odinga after confirming he signed a memorandum of understanding with Sheik Abdullahi Abdi, the chairman of the National Muslim Leaders Forum, or NAMLEF. In the Aug. 27, 2007, agreement, Odinga promised that within six months of becoming

president, he would "rewrite the Constitution of Kenya to recognize Shariah as the only true law sanctioned by the Holy Quran for Muslim declared religions."

The ex-Odinga officials also told WND that, as Christians, they were appalled to see Odinga use tribal violence as a strategy to gain power after he lost the election by some 250,000 votes to sitting President Mwai Kibaki, a member of Kenya's majority Kikuyu tribe.

Odinga called on fellow Luo tribal members to protest alleged voter fraud, resulting in a brutal wave of machete-wielding violence that killed an estimated 1,000 members of the Kikuyu tribe in January and February. Some 800 Christian churches also were destroyed or burned to the ground, without a single mosque being damaged.

[Get the book that started it all – Jerome Corsi's "The Obama Nation," personally autographed – for only \\$4.95, available today, but only from WND!](#)

In a move to end the post-election violence, Kibaki named Odinga as prime minister April 13, effectively entering into a power-sharing agreement brokered by former U.N. General Secretary Kofi Annan and U.S. Secretary of State Condoleezza Rice that established Odinga as a co-equal head of state.

WND contacted both Obama's Washington Senate office and his Chicago campaign office asking for comment on this story but received no response.

### **Odinga-Gadhafi alliance**

The ex-ODM supporters of Odinga also confirmed a long-suspected alliance between Odinga and Gadhafi that dates back to Odinga's service as Kenyan minister of energy in 2001-2002.

Shakeel Shabbir's internal campaign finance memorandum was noted in Chapter 4 of "The Obama Nation: Leftist Politics and the Cult of Personality." At the time the book was published, however, the authenticity of the memo could not be proved.

Research conducted in Kenya by WND this month confirmed Shabbir's funding memorandum had been smuggled out of ODM offices by Christian former-ODM officials who had turned on Odinga after the agreement with the Muslim leader was verified.

While several Internet sources posting the Shabbir memo have been taken down since publication of "The Obama Nation" brought it to international attention, it can still be [seen here](#).

As energy minister, Odinga was introduced to the family of Sheik Abdulkadir Al-Bakri, one of the richest oil families in Saudi Arabia. Through his firm Pan African Petroleum Limited, Odinga is believed to have made millions on a concessionary petroleum deal he negotiated as a silent partner in the local arm of Al-Bakri International.

The [Washington Times reported](#) Odinga visited Obama during three trips the Kenyan politician made to the U.S. in 2004, 2005 and 2006.

The Times also reported Obama sent his Senate office foreign policy adviser Lippert to Kenya in early 2006 to coordinate a Senate "fact-finding" visit to Kenya later that year.

[WND previously published a story](#) referencing [a copy of a private Dec. 22, 2006, e-mail](#) in which Obama personally informed Odinga that "all our correspondence [be] handled by Mr. Mark Lippert."

Obama apparently sought to establish a level of separation between himself and Odinga in their communications regarding the Kenyan election, noting further in the e-mail, using Lippert as a go-between "will be for my own security now and in future."

[WND previously reported](#) that when Obama visited Kenya in 2006, the administration of President Kibaki objected that Odinga was using Obama's visit to win votes. Obama's repeated public appearances with Odinga, and the senator's almost daily criticism of the Kibaki government added to the administration's objections.

[A report by Chicago's WBBM-TV news team](#), which covered Obama in Kenya, shows the senator making statements critical of the Kibaki government.

WBBM interviewed on camera Kenyan government spokesman Alfred Mutua, who accused Obama of meddling inappropriately in Kenyan presidential politics.

Matua said, "I think Odinga has to look at critically where he is receiving his advice from. Just because somebody wants to run for president, and he is using Senator Obama as his stooge, as his puppet, to be able to get where he wants to get."

WND met with key officials in the Kibaki administration who affirmed their continuing conviction Obama used his 2006 Senate fact-finding visit to Kenya to advance Odinga's presidential candidacy. Obama, the officials charged, allowed Odinga to join him in many public appearances in Kenya and give speeches attacking Kibaki with themes that later became key attacks in the 2007 campaign.

Obama maintained close contact with Odinga throughout the Kenyan campaign, with Lippert continuing to review and share strategy documents with Odinga from Obama's U.S. Senate office in Washington, according to the ex-ODM officials WND interviewed in Kenya.

In the final days of the New Hampshire Democratic Party primary, while the post-election violence was still raging in Kenya, [Obama told reporters from the BBC](#) he continued to maintain contact with Odinga in Kenya by cell phone.

The [Chicago Sun-Times called Lippert one of Obama's "inner circle of foreign policy experts,"](#) noting Lippert joined the Illinois Democrat's Senate office in Washington at beginning of his term in January 2004, moving over from a staff position on the Senate Foreign Relations Committee.

[Newsweek reported](#) Lippert, a lieutenant junior grade in the Naval Reserve with an intelligence background, also served a year's deployment in Iraq.

Lippert also worked for five years with the Senate Appropriations Committee Foreign Operations Subcommittee and handled foreign policy and defense issues for the Senate Democratic Policy Committee, according to the Sun-Times.

*For media wishing to interview Jerome Corsi, please [e-mail Tim Bueler](#).*

**EXHIBIT “3”**

In the name of Allah, the Most Gracious, the Most Merciful  
All praise be to Allah, the Cherisher and Sustainer of the Worlds,  
The Most Beneficent, the Most Merciful,  
Master of the Day of Judgment.  
Thee (alone) we worship; of Thee (alone) we seek help.  
Show us the straight path,  
The path of those whom Thou hast favored;  
Not (the path) of those who earn Thine anger nor of those who go astray.  
A'meen

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
HON. RAILA AMOLO ODINGA REPRESENTING THE ORANGE DEMOCRATIC  
MOVEMENT (ODM)  
AND  
NATIONAL MUSLIM LEADERS FORUM (NAMLEF)

PURPOSE: To establish a lasting relationship between Hon. Raila Amolo Odinga, hereinafter referred to as The Candidate, and the National Muslim Leaders, hereinafter referred to as The Leaders.

This MOU states as follows:

WHEREAS The Candidate — who recognizes Islam as the only true religion — is seeking to become the next President of the Republic of Kenya;

WHEREAS The Leaders recognize The Candidate as the only presidential candidate who has the interests of the Kenyan Muslim community at heart;

WHEREAS The Candidate has pledged to fully reinstate and protect the rights of the Kenyan Muslims when, InshaAllah, he becomes the 4<sup>th</sup> President of the Republic of Kenya;

WHEREAS The Leaders represent a peaceful and God-fearing Kenyan community that has been oppressed and discriminated against by the current and previous governments, and

WHEREAS The Candidate freely acknowledges that, indeed, the current and previous governments have failed to recognize and protect the rights of the Kenyan Muslim community;

The Parties agree as follows:

- (i) That The Leaders forthwith endorse The Candidate as the official 2007 Presidential candidate of the Kenyan Muslim community.
- (ii) That The Leaders will campaign vigorously for The Candidate to ensure his resounding victory in the 2007 presidential election.
- (iii) That The Leaders will work hard to ensure that all (or at least the majority) of Kenyan Muslim faithful vote overwhelmingly for The Candidate at the 2007 General

Election.

- (iv) That The Leaders will deploy all resources at their disposal to support The Candidate's campaigns throughout the country.
- (v) That The Candidate, when, InshaAllah, he becomes President of Kenya will:
  - a) Ensure that the Coast Province shall henceforth be known as JIMBO LA PWANI and shall have full autonomy in Governance in all matters apart from National Defence and International Accreditation. In addition, while freedom of worship will be upheld at the JIMBO LA PWANI, the Council of Islamic leaders shall be permitted to have an oversight role to monitor activities of ALL other religions and any applications for religious activities and institutions will require their approval. They shall have the right to deny approval to cults and other evil practices.
  - b) Within 6 months re-write the Constitution of Kenya to recognize Shariah as the only true law sanctioned by the Holy Quran for Muslim declared regions.
  - c) With immediate effect dismiss the Commissioner of Police who has allowed himself to be used by heathens and Zionists to oppress the Kenyan Muslim community.
  - d) Disband the imperialist Anti-Terror Police Unit (ATPU) that was set up for the sole purpose of terrorizing, harassing, intimidating and deporting innocent Kenyan Muslims to Guantanamo Bay.
  - e) Ensure THAT ALL MUSLIMS residing within the Republic of Kenya, and especially those who reside in the North Eastern Province shall be granted full National Identity Cards, and thereafter, North Eastern Province shall also be granted majimbo status no less favourable and on similar terms with JIMBO LA PWANI, within SIX MONTHS of Raila Amollo Odinga being sworn in as President.
  - f) No Muslim residing in Kenya whether a citizen, visitor or relative of any of the above shall be subjected to any process involving the laws of a foreign country and in particular any Muslim arrested for or suspected of Terrorism or any other International crime shall only be tried within the borders of Kenya and shall be granted a competent lawyer of his/her choice at the expense of the Government.
  - g) Within 1 year facilitate the establishment of a Shariah court in every Kenyan divisional headquarters.
  - h) Popularize Islam, the only true religion, in the Coast and North Eastern Regions by ordering every primary school in Kenya in the regions to conduct daily *Madrasa* classes.
  - i) Impose a total ban on open-air gospel crusades by worshippers of the cross in the Coast and North Eastern regions.
  - j) Outlaw gospel programs (preaching, purported faith healing, etc) on KBC, the National Broadcaster.
  - k) Impose a total ban on the public consumption of alcoholic beverages in the Coast and North Eastern Regions and their towns of Mombasa, Malindi, Lamu, Garissa, Wajir, Mandera, Kwale, Vanga, Lunga Lunga, and all other muslim populated urban centres of Kenya whose population is at least 40% (forty percent) Muslim.
  - l) Quash the recent legalization of mnazi, busaa, muratina, kaluvu, and all other *haram* beverages.
  - m) Close down Farmer's Choice in Jimbo La Pwani and Jimbo la Kaskazini Mashariki and other factories that process and package swine and other *haram* products in regions populated by Muslims including the Coast and North Eastern regions.
  - n) Impose an immediate ban on women's public dressing styles that are considered immoral and offensive to the Muslim faith in the Muslim regions of the Coastal and North Eastern

Regions. This ban will apply to Muslims and non-Muslims alike, in these regions and will include all visitors whether domestic or foreign tourists.

vi) In consideration for the above and to enable and assist ODM and The Candidate win the National Elections and the Presidency of the Republic of Kenya, NAMLEF and its affiliate organizations hereby undertake to fully support the ODM as a party and Raila Amollo Odinga as a presidential candidate in all ways, and to mobilize all Muslims for this cause.

vii) In furtherance of the above, and within a maximum of Seven (7) days hereof, NAMLEF and its affiliate organizations shall issue a joint statement declaring that all Muslims should support and vote for Raila Amollo Odinga and ODM.

viii) In addition, NAMLEF have impressed upon Najib Balala who is present herein that he should step down in favour of Raila Odinga in the Presidential nomination exercise within ODM, due to the fact that Raila Amollo Odinga has confirmed his support for all the aspirations of the JIMBO LA PWANI and the Kenyan Muslim community.

ix) THAT subsequently, NAMLEF and its affiliate organizations shall engage in active campaigns for Raila Amollo Odinga and ODM throughout the Republic and impress upon Muslims, publicly and emphatically, the requirement to vote for ODM and Raila Amollo Odinga.

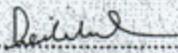
Dated this <sup>29<sup>th</sup></sup> day of August 2007, Mombasa, Kenya.

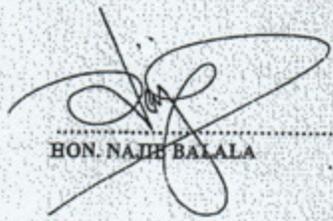
SIGNED

ON BEHALF OF THE NATIONAL MUSLIM LEADERS FORUM (NAMLEF)

  
.....  
ABDULLAHI ABDI (CHAIRMAN)

ON BEHALF OF THE ORANGE DEMOCRATIC MOVEMENT (ODM)

  
.....  
HON. ENG. RAILA AMOLLO ODINGA

  
.....  
HON. NAJIB BALALA

**EXHIBIT “4”**

## -----Original Message-----

From: Kweli Shuhubia [mailto:[kwelishuhubia@yahoo.com](mailto:kwelishuhubia@yahoo.com)] (Name temp.changed)  
Sent: Friday, October 17, 2008 9:13 AM  
To: [BishopMcRae@theanabaptistschurch.com](mailto:BishopMcRae@theanabaptistschurch.com)  
Cc: [Bishopgeorgecalvas@theanabaptistschurch.com](mailto:Bishopgeorgecalvas@theanabaptistschurch.com)  
Subject: Re: OBAMA'S GRANDMOTHER-SARAH SPEAKS AT HER HOME.

Dear Brother Ron,

From our visit to the home of Sarah Obama, the grandmother of Barack Obama, the U.S Presidential candidate yesterday [16-10-2008] the home is flooded with people who are in a celebratory mood over Obamas success story, waiting to be the first black American president.

The home is fully guarded by the Kenyan Police.

As I enter the house and engage the grandmother in deep conversation via a dholuo translator, a heavy presence of fear is on the old womans face as she labours to explain facts surrounding Obama's birth.

Her grandsons and other relatives who surround her come in quickly to help her set the contentious birth records, that Obama was born in Hawaii and not in Mombasa, Kenya. The atmosphere in the house becomes tense, I then change tact, reassured them that all is well and prayed.

It was then that I began to take photos of her, her grandsons and other relatives that I informed them that I have a great friend, a man of God who would like to greet them over the phone. I called bishop Ron MCrae, who requested that I switch on the phone's loudspeaker for all to hear;

After greeting Sarah Obama, bishop Ron frankly asked the question:

"Were you present when your grandson-Barrack Obama was born in Mombasa Kenya? She replied "YES."

This question was asked again and the same answer was given.

It was then that one of the relative, sternly corrected her and told Ron that Obama was born in HAWAII AMERICA AND NOT MOMBASA KENYA.

-----Original Message-----

From: Kweli Shuhubia [mailto:[Kweli.Shuhubia@yahoo.com](mailto:Kweli.Shuhubia@yahoo.com)]

Sent: Friday, October 17, 2008 10:08 AM

To: [Bishopmcrac@theanabaptistschurch.com](mailto:Bishopmcrac@theanabaptistschurch.com)

Subject: OBAMA SEARCH

Dear brother Ron,

The search continues.

I am still in Kisumu City compiling data and reports from my secret contacts.

The whole operation is tough, given its political nature and bearing.

The political world operates on influence and money and both are needed for this assignment.

From what his brother in Huruma-Nairobi, says verbally, he refused 2000 U.S Dollars from Dr. Jerome Corsi, a white American, who wanted to bribe him to get the same information but was immediately deported on [7-10-2008] by the Kenyan Government. According to him if we can raise ten times that amount then he is willing to help.

-----Original Message-----

From: Kweli Shuhubia [mailto:[kwelishuhubia@yahoo.com](mailto:kwelishuhubia@yahoo.com)]

Sent: Wednesday, October 22, 2008 5:16 AM

To: [BishopMcRae@theanabaptistschurch.com](mailto:BishopMcRae@theanabaptistschurch.com)

Cc: [gcalvas@theanabaptistschurch.com](mailto:gcalvas@theanabaptistschurch.com)

Subject: RE: OBAMA'S

Dear Brother Ron,

Did you get the photos I sent to you yesterday?

The search at Mombasa provincial Civil Registrar of Persons has been rather slow because it is manual and risky.

One of the Officials I had engaged to search worked tirelessly from morning to evening and confided that the file of ANN DUNHAM-The mother of Obama is missing, the files mixed up. The search continues secretly.

I have just had an interview with the highest official, the Principal Registrar in person and he told me openly that Obama's file is classified and profiled. That simply means that the issue is top secret and should I want information I should go to the Attorney General's Office and to the Minister In Charge of Immigration. He expressed his fears and told me the risks to his job and life are too high and he does not want to be another Dr. Jerome Corsi-the anti-Obama American who was deported by the Kenyan Government. E-mail me immediately, let me get the next course of action.

There are financial issues I raised yesterday that need your action. This is the third day in Mombasa City and it is damn expensive in all areas.

**EXHIBIT “5”**

**From AT&T Monthly Statement of Calls:**

110	WED 10/15/2008 8:18PM	814-629-5423	BOSWELL PA	1	RM30 DT	0.00	0.00	0.00
111	THU 10/16/2008 10:33AM	254726 [REDACTED]	INCOMING CL	1	RM30 DT	0.00	0.00	0.00
112	THU 10/16/2008 10:35AM	254726 [REDACTED]	INCOMING CL	1	RM30 DT	0.00	0.00	0.00
113	THU 10/16/2008 10:40AM	254726 [REDACTED]	KENYA **	15	RM30 DT	0.00	12.32	12.32
114	THU 10/16/2008 10:54AM	610-662-3005	BALACYNWY PA	2	ESM1 DT M2MC	0.00	0.00	0.00
115	THU 10/16/2008 10:56AM	610-825-3134	CONSHOHCK PA	10	RM30 DT	0.00	0.00	0.00
116	THU 10/16/2008 11:17AM	313-418-6959	DETROIT MI	1	RM30 DT	0.00	0.00	0.00
117	THU 10/16/2008 11:18AM	313-418-6959	DETROIT MI	16	RM30 DT	0.00	0.00	0.00
118	THU 10/16/2008 11:33AM	254726 [REDACTED]	KENYA **	2	RM30 DT	0.00	1.76	1.76
119	THU 10/16/2008 12:37PM	254726 [REDACTED]	KENYA **	2	RM30 DT	0.00	1.76	1.76
120	THU 10/16/2008 12:41PM	814-242-9409	VMAIL CL	1	RM30 DT VM	0.00	0.00	0.00
121	THU 10/16/2008 12:42PM	254726 [REDACTED]	KENYA **	10	RM30 DT	0.00	8.80	8.80

\* Last digits of Kweli Shuhubia's phone number is blanked in order to protect his identity and safety.

**EXHIBIT “6”**

Transcript of Phone Conversation  
With Kweli Shuhudia & Sarah Obama

Thursday, October 16, 2008

Time: 10:40 a.m.

NOTATION: Mr. Shuhudia called me first on October 16<sup>th</sup> at 10:33a.m. and advised that he was with Sarah Hussein Obama and that she wanted to speak with me, but the connection was lost. He called me right back at 10:35a.m. and he informed me that there were several hundred people present, celebrating Obama's success. I questioned him about the format of the phone call and conversation with Ms. Obama, and then informed him that I would call him right back, so it would not cost him international charges for the call. I called back at 10:40a.m. and public music and voices could be heard that were gathered around Kweli Shuhudia. I then spoke with him and requested that they utilize the speaker phone so everyone could hear. The speaker phone with its open microphone was utilized with Mr. Kweli Shuhudia, Mr. Vitalis Akech Ogombe assisting in the translation work and Ms. Sarah Hussein, along with several hundred people including policeman present and listening to the open conversation between the four of us for approximately 15 minutes. A third unknown party can be heard periodically interjecting both Swahili and English words in the public discussion and conversation between the four of us. At times the room noise from other peoples' voices makes some of the swahili difficult to hear, and towards the end of the converstaion several men's voices are heard that are not identified.

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113	THU 10/16/2008	10:40AM	254726 [REDACTED]	KENYA **	15	RM30 DT	0.00	12.32	12.32
114	THU 10/16/2008	10:54AM	610-662-3005	BALACYNWY PA	2	ESM1 DT M2MC	0.00	0.00	0.00
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121	THU 10/16/2008	12:42PM	254726 [REDACTED]	KENYA **	10	RM30 DT	0.00	8.80	8.80

Transcript:

Two Rings:

Kweli Shuhudia: Hello? [Back ground music]

Ron McRae: Brother Kweli? [music] Brother Kweli? This is Brother McRae.

Kweli Shuhudia: Yes.

Ron McRae: Okay. How are you today?

Kweli Shuhudia: Now. We are okay. How are you?

Ron McRae: I'm doing very well. You said you are there with, uh, Barack Obama's grandmother?

Kweli Shuhudia: Yes. I am just in the home now. She is right here. We're, we're waiting to talk in a uh long conversation. And [unitelligible] a good family and she is ready to talk.

Ron McRae: Good. She's not there at the present?

Kweli Shuhudia: Yes. She's here right now.

Ron McRae: Okay. Is it possible to speak to her?

Kweli Shuhudia: Yes. It is possible. I ah, along with her and her family, uh, you and me.

Ron McRae: Uh, is it possible for you to put her on the speaker phone and translate for me?

Kweli Shuhudia: Yes! Yes! I will do that.

Ron McRae: Okay.

Kweli Shuhudia: Yes?

Ron McRae: Okay.

Kweli Shuhudia: Yes. Go ahead [he then speaks to her in Swahili]

Sarah Obama: [Replies to him in Swahili]

Ron McRae: Ms. Obama?

Kweli Shuhudia: Yes go ahead.

Ron McRae: Mrs. Obama, my name is bishop Ron McRae.

Kweli Shuhudia: Ametaja bishop Ron McRae, Ron McRae. Go ahead.

Ron McRae: I am, I am the bishop of the Anabaptists Churches of North America.

Kweli Shuhudia: Yeye niaskofu Anabaptists makaisa.

Sarah Obama: Shikamooo! [Hello, good day].

Mr. Ogombe: Are you speaking English and , and we will tell her in Luo. Okay?

Ron McRae: Now give me that again. Explain it to me again.

Ogombe: It is welcome. She is very grateful for your interest.

Ron McRae: Okay. Thank you! Tell her I count it a great honor to speak to here since her son Barack Obama is running for President of the United States.

Ogombe: Eh makasema yuko kiuu mgomba Obama kwa mwenyekiti America. Yah, she says she is very helpful for got to you to please pray for Obama. She is asking you to pray for him. For Obama.

Ron McRae: Yes Sir. Uh...Ms. Obama, you can rest assured that I am praying for your son, for your grandson.

Ogombe: Yes. It is helpful also towards it is beginning to help.

Ron McRae: Okay.

Sarah Obama: [unintelligible from Ms. Obama because of room noise].

Ogombe: She says she is covet your prayers for he [unintelligible] her son.

Ron McRae: Okay. And tell her that I will be coming there in December and I would like to come by and meet with her and pray with her.

Ogombe: Yes. Ye atakuwa mwezi Desemba.

Kweli Shuhudia: In December. He will come in December and he wants to come and talk with you.

Sarah Obama: [unintelligible]

Ogombe: Oh she says you're so encourage her. Your coming in December so you can talk together with her.

Ron McRae: Amen. I am so thankful. Could I ask her, uh, about his, uh, his actual birthplace? I would like to see hi actual birthplace when I, when I come to Kenya in December. Uh, was she present when he was, was she present when he was born in Kenya?

Ogombe to Sarah Obama: Alikuma zalima Obama [unintelligible].

Kweli Shuhudia: He is asking her, he wants to know something was ah she present when he was born?

Ogombe: Yes. She says, "Yes she was! She was present when Obama was born."

Ron McRae: Okay.

**EXHIBIT "B"**

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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PHILIP J. BERG, ESQUIRE	:	
	:	
<i>Plaintiff</i>	:	
vs.	:	CIVIL ACTION NO: 08-cv- 04083
	:	
BARACK HUSSEIN OBAMA, ET AL	:	
	:	
<i>Defendants</i>	:	

---

**AFFIDAVIT OF REVEREND KWELI SHUHUBIA**

I, Kweli Shuhubia am over the age of eighteen (18) and not a party to the within action. If called to do so, I could and would competently testify under oath as follows

I am an ordained minister of the gospel of Jesus Christ and a native evangelist and translator for the Anabaptist churches in Kenya. I am the official Swahili translator for the annual Anabaptists Conference held each year in Africa, working with the American bishops sitting upon the Continental Presbytery of the Anabaptists Churches of Africa. I am fluent in Swahili and in English. I am a former teacher in Kenya, and travel extensively in the ministries of the Anabaptists Churches of Africa throughout Kenya, Uganda and the Sudan.

It is common knowledge throughout the Christian and Muslim communities in Kenya that Barack Hussein Obama, Jr., the United States Presidential candidate, was born in Mombosa Kenya. Senator Obama’s grandmother still resides in the village of Alego-Kogello, approximately 37 miles from Kisumu City. On October 16, 2008 I went to interview Ms. Sarah Obama at her home. Ms. Obama’s home was flooded with people who were celebrating Senator Obama’s success story. Ms. Obama’s home was heavily

guarded by Kenya Police. Prior to the interview with Ms. Obama, I took pictures of Ms. Obama, her grandson who was present and other family members.

During my interview of Sarah Obama; I called Bishop Ron McRae in the United States from my mobile number. I advised Bishop McRae that I was present with Ms. Obama in her home, and wished for him to speak with her. Bishop McRae informed me he would call me right back, to avoid the international costs on my personal mobile phone. Bishop McRae subsequently called me back; Bishop McRae requested permission to electronically record his telephone conversations with Ms. Obama, to which I agreed.

Due to bad telephone connections Bishop McRae had to call me back three [3] times, before we were able to continue our conversation. The telephone interview conducted by Bishop McRae was conducted on loud speaker (speaker phone). During the interview conversation, one of Ms. Obama's grandsons's and myself acted as Swahili translators, and as Bishop McRae talked to and questioned Ms. Obama, we would translate what Bishop McRae said to Ms. Obama in Swahili, and then we would translate her Swahili responses to Bishop McRae in English. Ms. Obama can fluently speak Swahili in her native dialect, but cannot read or write.

Bishop McRae asked Ms. Obama specifically, "Were you present when your grandson Barack Obama was born in Kenya?" This was asked to her in translation twice, and both times she specifically replied, "Yes". It appeared Ms. Obama's relatives and her grandson, handling the translating,, had obviously been versed to counter such facts with the purported information from the American news media that Obama was born in Hawaii. Despite this, Ms. Sarah Hussein Obama was very adamant that her grandson, Senator Barack Hussein Obama, was born in Kenya, and that she was present and

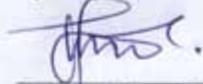
witnessed his birth in Kenya, not the United States. When Ms. Obama's grandson attempted to counter his grandmother's clear responses to the question, verifying the birth of Senator Obama in Kenya, Bishop McRae asked her grandson, how she could be present at Barack Obama's birth if the Senator was born in Hawaii, but the grandson would not answer the question, instead he repeatedly tried to insert that, "No, No, No. He was born in the United States!" But during the conversation, Ms. Sarah Hussein Obama never changed her reply that she was in deed present when Senator Barack Obama was born in Kenya. A copy of the Tape transcript is attached hereto as **EXHIBIT "1"**.

I left Kisumu City and traveled to Mombosa, Kenya. I interviewed personnel at the hospital in which Senator Obama was born in Kenya. I then had meetings with the Provincial Civil Registrar. I learned there were records of Ann Dunham giving birth to Barack Hussein Obama, III in Mombosa, Kenya on August 4, 1961. I spoke directly with an Official, the Principal Registrar, who openly confirmed the birthing records of Senator Barack H. Obama, Jr. and his mother were present, however, the file on Barack H. Obama, Jr. was classified and profiled. The Official explained Barack Hussein Obama, Jr. birth in Kenya is top secret. I was further instructed to go to the Attorney General's Office and to the Minister in Charge of Immigration if I wanted further information

The above related facts are true and verifiable to the best of my personal knowledge before God Almighty, whose I am and whom I serve.

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

Dated: October 30, 2008

By the grace of God alone,  


Kweli Shuhubia  
John 3:30/  
Philippians 3:19-21, 29, 30

**EXHIBIT “1”**

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With Kweli Shuhudia & Sarah Obama

Thursday, October 16, 2008

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Transcript:

Two Rings:

Kweli Shuhudia: Hello? [Back ground music]

Ron McRae: Brother Kweli? [music] Brother Kweli? This is Brother McRae.

Kweli Shuhudia: Yes.

Ron McRae: Okay. How are you today?

Kweli Shuhudia: Now. We are okay. How are you?

Ron McRae: I'm doing very well. You said you are there with, uh, Barack Obama's grandmother?

Kweli Shuhudia: Yes. I am just in the home now. She is right here. We're, we're waiting to talk in a uh long conversation. And [unitelligible] a good family and she is ready to talk.

Ron McRae: Good. She's not there at the present?

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Ron McRae: Okay. Is it possible to speak to her?

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Ron McRae: Uh, is it possible for you to put her on the speaker phone and translate for me?

Kweli Shuhudia: Yes! Yes! I will do that.

Ron McRae: Okay.

Kweli Shuhudia: Yes?

Ron McRae: Okay.

Kweli Shuhudia: Yes. Go ahead [he then speaks to her in Swahili]

Sarah Obama: [Replies to him in Swahili]

Ron McRae: Ms. Obama?

Kweli Shuhudia: Yes go ahead.

Ron McRae: Mrs. Obama, my name is bishop Ron McRae.

Kweli Shuhudia: Ametaja bishop Ron McRae, Ron McRae. Go ahead.

Ron McRae: I am, I am the bishop of the Anabaptists Churches of North America.

Kweli Shuhudia: Yeye niaskofu Anabaptists makaisa.

Sarah Obama: Shikamooo! [Hello, good day].

Mr. Ogombe: Are you speaking English and , and we will tell her in Luo. Okay?

Ron McRae: Now give me that again. Explain it to me again.

Ogombe: It is welcome. She is very grateful for your interest.

Ron McRae: Okay. Thank you! Tell her I count it a great honor to speak to her since her son Barack Obama is running for President of the United States.

Ogombe: Eh makasema yuko kuu mgomba Obama kwa mwenyekiti America. Yah, she says she is very helpful for got to you to please pray for Obama. She is asking you to pray for him. For Obama.

Ron McRae: Yes Sir. Uh...Ms. Obama, you can rest assured that I am praying for your son, for your grandson.

Ogombe: Yes. It is helpful also towards it is beginning to help.

Ron McRae: Okay.

Sarah Obama: [unintelligible from Ms. Obama because of room noise].

Ogombe: She says she is covet your prayers for he [unintelligible] her son.

Ron McRae: Okay. And tell her that I will be coming there in December and I would like to come by and meet with her and pray with her.

Ogombe: Yes. Ye atakuwa mwezi Desemba.

Kweli Shuhudia: In December. He will come in December and he wants to come and talk with you.

Sarah Obama: [unintelligible]

Ogombe: Oh she says you're so encourage her. Your coming in December so you can talk together with her.

Ron McRae: Amen. I am so thankful. Could I ask her, uh, about his, uh, his actual birthplace? I would like to see his actual birthplace when I, when I come to Kenya in December. Uh, was she present when he was, was she present when he was born in Kenya?

Ogombe to Sarah Obama: Alikuma zalima Obama [unintelligible].

Kweli Shuhudia: He is asking her, he wants to know something was she present when he was born?

Ogombe: Yes. She says, "Yes she was! She was present when Obama was born."

Ron McRae: Okay.

**EXHIBIT "C"**

# *The Rainbow Edition*

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November 2004

Volume 2, Issue 3

Education Laboratory School

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## **Charter Schools Top Public Schools on Statewide Exams**

By KU'ULEI BABA

Charter schools are defined as, "...public schools that have their own school boards and operate under a charter, or contract, with the state giving them more autonomy over their affairs, they are also designed to provide alternatives to the regular public schools." But as many of us know, a charter school is so much more than that. It is also about the quality of education you receive while attending a charter school. Here at the Lab School, we are often unaware of the high quality curriculum, teachers and education that we are exposed to. The Hawaii State Assessment test, however, proves to our state that the Education Lab School scores higher than regular public schools because of a different approach to education.

The test scores for the 2004 Hawaii State Assessment and the SAT-9 were made known to the Board of Education (BOE) and included data from the 3rd, 5th, 8th, and 10th graders tests from charter schools (refer to charts). These scores included all charter schools, which make up only 2% of all schools in Hawaii. On the SAT's (Stanford Achievement Test), many charter school students scored "above average" for each grade level.

The third graders of charter schools scored well compared to the public school students. 56 percent of charter school students scored remarkably well in reading compared to the 47 percent in reading for public schools. Third graders of charter schools scored 36 percent in math, compared to 27 percent for public schools.

Fifth graders of charter schools excelled as well. They scored 64 percent in reading, compared to 50 percent for public schools. But the scores for both charter and public schools were almost identical when it came to math, as there were 24 percent for charter schools and 23 percent for public schools.

Charter schools tenth graders outscored public schools tenth graders with the highest differential. 59 percent for charter schools in reading compared well to the 40 percent in regular public schools. While math was the same story, as 27 percent for charter schools and 19 percent in public schools.

At the national level, charter schools fared quite low compared to public schools. A recent comment made by U.S. Education Secretary Rod Paige suggested that the results of the national average were flawed. How the results or the research done to achieve the results were flawed, he did not specify. In large part, the No Child Left Behind Act counteracts the poor results, therefore holding teachers, administrators and faculty accountable. The Education Lab School is also bound to this law and must adhere to the strict rules and guideline concerning certain issues involving students and curriculum. Many of the teachers here feel that the positive results of the tests taken by Lab School

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**Editorial Page 16**

## A New Face in Politics

By BENNETT GUIRA

Barack Obama was born on August 4, 1961 at the Queen's Medical Center in Honolulu, Hawaii. Obama lived here with his parents Barack Obama, Sr. and Ann Dunham until they divorced when he was two. Obama moved back to Hawaii when he was ten and lived with his grandmother Madelyn Dunham and half-sister of our very own, Maya Soetoro. They both attended Punahou School together when they both lived here.

Ms. Soetoro explained, "He's my brother. We share the same mother, though our fathers are different. His father was Barack Obama Sr., a Kenyan economist who met our mother at the East West Center. My father was our mother's second husband after she divorced Obama. Soetoro was from Indonesia and in the late 1960s the family moved to the island of Java where I was born."

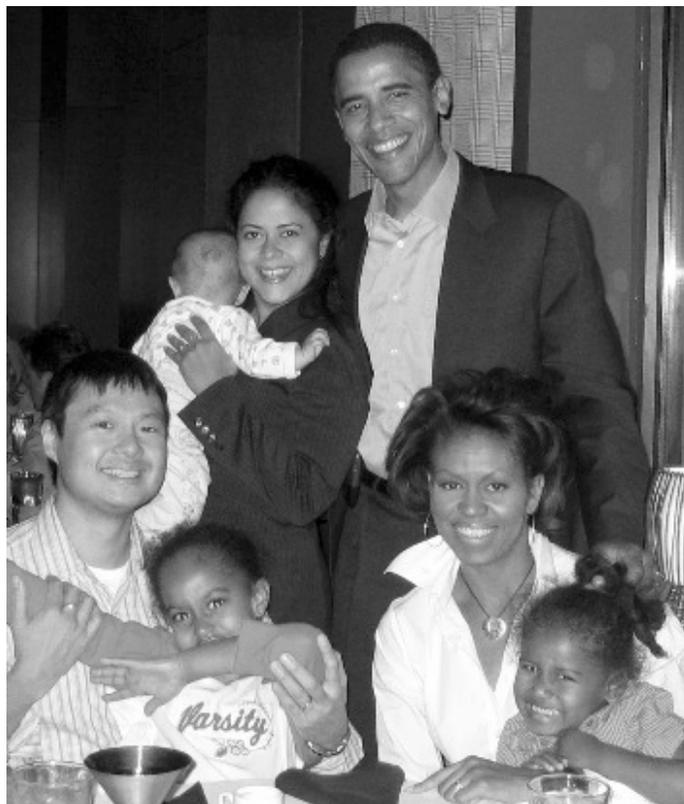
Ms. Soetoro also added, "In many ways our relationship was like that of any brother and sister. I irritated him by standing in front of the TV when he was trying to watch a basketball game. We hugged and bickered in equal measure. But since Barack is nine years older than I am and my mother and father divorced when I was nine years old, at some point he became my mentor and guide. He gave me a lot of the advice and council that a father would give. He showed me life's treasures and helped me to make fewer mistakes as I was growing up."

Obama first graduated from Columbia University with a degree in political science and

a specialty in international relations. He then attended Harvard Law School and graduated magna cum laude, and he was the first African-American to be president of the Harvard Law Review.

Besides his impressive educational background, Obama has also been a great community leader in Chicago. After graduating from Columbia, he became a community organizer in Chicago's toughest neighborhoods. He assisted church groups to form job-training programs, he helped improve school areas, and improved city services. After graduating from Harvard, he became a civil rights lawyer in federal and state courts, focusing on voting rights and employment discrimination cases.

Obama, a Democrat, is now the Senator of Illinois' 13th Senate District on Chicago's South side. During his campaign for U.S. Senator of Illinois, he defeated his Democratic rival in the primary, Blair Hull. His Republican opponent, Jack Ryan was forced to dropout of the race after Republican leaders questioned his integrity.



Photos courtesy of Ms. Soetoro

### The families of Ms. Soetoro and Senator Obama dining together after his recent election win



**"He showed me life's treasures and helped me to make fewer mistakes as I was growing up" -Ms. Soetoro**

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**continued from page 2**

Mike Ditka, former NFL Coach, was going to be the new Republican candidate but he decided not to join because of family and business reasons. Alan Keyes, from Maryland, was nominated by Illinois Republican Chairwoman, Judy Baar Topinka. It looked like Obama was guaranteed a win because of his growing popularity around the state of Chicago. In the end, Obama won almost seventy percent of the vote.

Ms. Soetoro was there when Obama gave his winning speech. She said, "It was intense. The crowd roared, leaped, shouted, sounds spiraling. Barack deals with that on a regular basis but it was strange for the rest of us to be on stage and to get a taste of what he experiences on a routine basis. Barack is quite a superstar in Chicago and I was happy to see so many young people (teens and even younger) ask for his autograph, giggling with excitement in his presence. I haven't witnessed that kind of enthusiasm about a politician (or that kind of engagement with politics) from teenagers in a long time (perhaps never)."

Obama is very well-liked and respected much throughout our nation because of all his accomplishments that he has. This past year, he became the third African-American to give the keynote address at the Democratic National Convention. After winning his race, Obama became only the fifth African-American Senator in our nation's history. Right now, Obama is also a law professor at the University of Chicago.

On her brother becoming the Senator, Ms. Soetoro commented, "I feel immensely proud, of course. He's a deeply intelligent and thoughtful man and I'm certain that he'll do a great job in the senate. As you know, I have a new daughter, and I'm grateful that he'll be among the lawmakers who are deciding matters of great weight and consequence for my daughter's future."

Obama first became involved with politics when he was voted onto the Illinois State Senate in 1996. During his time, he helped to provide the poor with benefits and passed bills for increased funding for AIDS programs. In 2000, he ran in the Democratic primary for Illinois' 1st Congressional district but he lost to the incumbent Representative Bobby Rush.

"The irony is that my decision to work in politics, and to pursue such a career in a big Mainland city, in some sense grows out of my Hawaiian upbringing, and the ideal that Hawaii still represents in my mind," said Obama.

Obama is gaining more and more support across the country and it is believed that he could run for president as soon as 2008. He is a very passionate speaker whose the people can relate to.

Ms. Soetoro said, "He and his family occupy an enormous place in my heart. Especially since our mother died, he has been a close friend and confidant. He is a constant source of unconditional love."

Remembering their childhood, Ms Soetoro told me, "He has always been both practical and romantic about life. He has always been gregarious and fun loving but at the same time introspective and thoughtful. He has always loves to read and write and has always loved sports. He has always been both generous and competitive. He has always had a bossy streak but he knows how to listen too. He is complex but his needs are simple. He has always been a part of many worlds and cultures."

As you can see by Obama's numerous accomplishments and his loving relationship with his sister, he is very qualified to be the Senator of Illinois. Since he was born in Hawaii, it shows that any of us can become anything we want to be. We can follow Obama's example of working hard and striving for what we believe in, and one day we could make a difference like he has.

"I truly believe that there is another tradition in this country that says we're all connected somehow," states Obama.

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**continued from page 10**

winning its fifth ILH title in a row, the score at 5-4. "After we lost, the feeling was the exact opposite of what we felt when we beat Punahou," spoke Kelly Noecker in an interview. We also asked how they felt after the big game and he said, "We were so close, but then we noticed we could play with Punahou, so next year we intend to practice much harder."

The heavy rain didn't help the teams' pool down at Mid-Pac, where water rose to stomach-high levels and the whole athletic department was in deep waters. The pool was muddy and thrashed by the heavy stream of waters flooding down the football field, through the pool and past the locker rooms. Even through thick and thin, the Pac-5 water polo team managed to give us one of the most exciting water polo seasons yet.

**EXHIBIT “D”**

Vol. 13, Issue 49 - Monday, February 18, 2008

StarBulletin.com

Breaking News

» [Ala Moana Park suspect in fatal shootings gives up](#)

CINDY ELLEN RUSSELL /  
[CRUSSELL@STARBULLETIN.COM](mailto:CRUSSELL@STARBULLETIN.COM)

Cayel Asselbaye, 2, held a Barack Obama poster yesterday during the Obama Ohana Potluck and Beach Canvass rally held at Kapiolani Park.

[How will the selection of Alaska Gov. Sarah Palin as his running mate affect the presidential bid of Sen. John McCain?](#)

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(1996-Present)  
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## Obama backers stress importance of caucuses

By Laurie Au  
[lau@starbulletin.com](mailto:lau@starbulletin.com)

Supporters of U.S. Sen. Barack Obama's campaign for president urged hundreds who gathered yesterday to vote in tomorrow's Democratic caucuses, saying Hawaii could make a difference in a year when the race for the party's nomination is so tight.

During a picnic at Kapiolani Park, family members, local celebrities and political allies of Hawaii-born Obama reiterated his messages of change and hope in an effort to secure more votes. In the latest national estimate, Obama leads U.S. Sen. Hillary Clinton by 62 delegates.

At stake in Hawaii's caucuses are 20 delegates whose commitment will be determined by tomorrow's vote.

"This is the first year that Hawaii is going to really count," said Kelly Hu, an actress from Hawaii who has been campaigning for Obama this weekend. "I'm glad people are getting excited about politics here in Hawaii. Sometimes we feel so isolated out in the middle of the Pacific that we don't even feel like a part of the process."

An additional nine Hawaii delegates are so-called superdelegates who can vote for whom they choose.

Obama supporters emphasized the importance in voting and told picnic-goers not to take the caucuses for granted or assume that Hawaii's votes will go automatically to Obama.

U.S. Rep. Neil Abercrombie invoked many of Obama's

messages, calling this race a "movement" instead of a campaign and chanting, "Yes, we can."

"This year, Obama and Hawaii are going to define the presidential campaign in the United States," Abercrombie said. "At the end of the night, let's have the most overwhelming vote for Barack Obama that any state has ever seen."

Obama's half sister, Maya Soetoro-Ng, who has been campaigning aggressively in Hawaii and on the mainland, shared stories of her older brother's childhood as a way to connect to local voters.

"This is a place that's been relatively unchanged for him, and so much of who he is was born here," Soetoro-Ng told a crowd of about 200 people eating "OBAMAsadas."

"He was born in Kapiolani Medical Center for Women & Children, two blocks up from where our grandmother still resides ... the place where he used to stick orange peels under his bed, where it got all dried out and ... nasty."

Many voters, some of them first-time caucus-goers, said there were inspired by the rally and optimistic because of Obama's success in recent state caucuses.

"I think it's very exciting that this is probably the first time in my life my vote will count," said Jeanne Johnston, 68, of Kailua.

Others were not as confident given that many prominent state leaders, including U.S. Sen. Daniel Inouye, had endorsed Clinton.

"I'm nervous," said Kristin Chiboucas, of Aina Haina. "It's so close. The state government here is so pro-Clinton, and they may have some sway over the state. Every vote matters."

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**EXHIBIT “E”**

REGISTRATION OF GRADEBOOK

NO. 203.

1. The name of the pupil: Barry Soetoro
2. The place and date of birth: Honolulu 4-8-1961
3. The nation
  - a. of Citizenship: Indonesia
  - b. The foreign descendants:
  - c. The ethnic group:
4. The religion: Islam
5. Address of the pupil: Menteng Dalam R001/R003
6. From which school (moved from) and what class: ???
7.
  - a. Date accepted: 1-1-1968 (January 1, 1968)
  - b. Grade: I (First grade)
8.
  - a. The name of the parents Mr./Ms.: L. Soetoro M A (Lolo Soetoro)
  - b. Occupation/Job: (???? Geography ????)  
(name of the mother will only be used if father is deceased)
  - c. Address: Menteng Dalam R001/R003
9. The name of the guardian:  
(??? was filled up, ??? parents of the pupil were not available, already ????)  
because another thing )
  - b. Occupation/Job:
  - c. The address: Menteng Dalam R001/R003
10. Left this school:
  - a. ?? was finished. Outside from the class:           The date:
  - b. ?? recieved ?? the date:           No.
  - c. ?? the school to:
11. Other information:

ANGKA NILAI

No. 203

1. Nama murid :

BARRY SOALORO L  
P

2. Tempat dan tanggal lahir : Honolulu 4-2-61

3. Bangsa: a. Warga negara : Indonesia

b. Keturunan asing :

c. Suku bangsa :

4. Agama : Islam

5. Alamat murid : Memb. Dalam R007/R003

6. Dari sekolah mana (dipindahkan) dan kelas berapa: Taman Hamid\* Alrofa Assis

7. a. Diterima disekolah ini tgl: 1-1-1964

b. Ditempatkan dikelas : I

8. a. Nama orang tua <sup>Ayah</sup> <sub>Ibu</sub>

H. Soetoro M.A.

b. Pekerjaan : Peg. Dinas Geografi Dib. Topo A.D.  
(nama ibu diisi, hanya jika ayah sudah meninggal)

c. Alamat : Memb. Dalam R1007/R003

9. a. Nama wali

(hanya diisi, jika orang tua murid tak ada, sudah meninggal atau karena hal lain)

b. Pekerjaan :

c. Alamat :

10. Meninggalkan sekolah ini :

A. Belum tamat. Keluar dari kelas \_\_\_\_\_ tanggal \_\_\_\_\_  
Sebab Pindah

Kemana \_\_\_\_\_

B. Tamat, menerima ijazah tanggal \_\_\_\_\_ No. \_\_\_\_\_

C. Melanjutkan sekolah ke \_\_\_\_\_

11. Keterangan lain: \_\_\_\_\_