

**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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**ORDER**

**ON PLAINTIFF’S MOTION FOR LEAVE TO FILE A FIRST AMENDED COMPLAINT**

**THIS CAUSE** came before the United States District Court Judge, Honorable R. Barclay Surrick on Plaintiff, Philip J. Berg, Esquire’s Motion for Leave to File a First Amended Complaint. Having reviewed the Motion and any response to said Motion and for good cause shown, it is hereby

**ORDERED** that Plaintiff’s Motion for Leave to File a First Amended Complaint is **GRANTED**.

The Clerk of the Court is **ORDERED** to File Plaintiff’s First Amended Complaint attached hereto as **Exhibit “A”** and deem the date filed October 6, 2008.

The Clerk of the Court is **ORDERED** to prepare Summons for the newly added Defendants as follows:

1. Secretary of the Commonwealth, Pennsylvania Department of State,  
Bureau of Commissions, Elections and Legislation, 210 N. Office Building,  
Harrisburg, PA 17120;
2. Pedro A. Cortés, Secretary of the Commonwealth, for the Pennsylvania  
Department of State, located at 210 N. Office Building, Harrisburg, PA 17120;

3. The U.S. Senate, Commission on Rules and Administration, 305 Russell Building, United States Senate, Washington D.C. 20510;

4. Diane Feinstein, Chairman, U.S. Senate, Commission on Rules and Administration, 305 Russell Building, United States Senate, Washington D.C. 20510; and

5. The Federal Election Commission, 999 E Street, NW, Washington, DC 20463.

**IT IS SO ORDERED**

Dated: October \_\_\_\_\_, 2008

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Hon. R. Barclay Surrick  
United States District Court Judge  
For the Eastern District of PA

**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-4083
	:	
BARACK HUSSEIN OBAMA, a/k/a	:	
BARRY SOETORO, a/k/a	:	
BARRY OBAMA, a/k/a	:	JURY TRIAL DEMANDED
BARACK DUNHAM, a/k/a	:	
BARRY DUNHAM; THE	:	
DEMOCRATIC NATIONAL	:	
COMMITTEE; THE FEDERAL	:	
ELECTION COMMISSION;	:	
and DOES 1-50 INCLUSIVE,	:	
	:	
<i>Defendants</i>	:	

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**PLAINTIFF’S MOTION FOR LEAVE TO FILE A FIRST AMENDED  
COMPLAINT**

**NOW COMES** the Plaintiff, Philip J. Berg, Esquire and respectfully requests this Honorable Court to grant leave, thereby permitting Plaintiff to file his First Amended Complaint, and state as follows:

1. Plaintiff filed his Complaint in this Court on August 21, 2008. All Defendants’ were served.
2. On or about August 22, 2008, Plaintiff sought an emergency TRO. The Court denied Plaintiff’s request.
3. The U.S. Attorney’s Office accepted service on behalf of the Federal Election Commission [hereinafter “FEC”], who’s answer is due on or before October 21, 2008. Defendants’ Barack Hussein Obama [hereinafter “Obama”] and Democratic

National Committee's [hereinafter "DNC"] answers were due on or before September 24, 2008.

4. On or about September 8, 2008, Plaintiff filed a Motion for Expedited Discovery, Extensive Discovery, Deposition's of Obama and Howard Dean, Chairman of the DNC and the Appointment of a Special Master to be present during the depositions. This Motion is still pending before the Court.
5. On September 24, 2008 Defendants' Obama and the DNC filed Motions to Dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) in lieu of filing an Answer to Plaintiff's Complaint.
6. On or about September 25, 2008, Plaintiff received a call from this Honorable Court's Secretary requesting Plaintiff file his Response to the Defendants Motion to Dismiss on or before Monday, September 29, 2008. Plaintiff complied with the Court's request.
7. When Plaintiff originally filed his complaint he was seeking Declaratory and Injunctive relief prohibiting Defendant Obama from being nominated as the Democratic Presidential Nominee.
8. In addition, Plaintiff has learned very important information and facts which are crucial to his case and must be added to the Complaint.
9. Defendants will not be prejudiced by the filing of an Amended Complaint. Therefore, Plaintiff seeks leave of this Court to file his First Amended Complaint.
10. For the aforementioned reasons, Plaintiff files this Motion for Leave to file his First Amended Complaint and has attached the First Amended Complaint hereto as **Exhibit "A"**.

11. Plaintiff respectfully requests this Court to grant his Motion for Leave to File his First Amended Complaint and Order the Clerk of the Court to file Plaintiff's First Amended Complaint attached hereto as **Exhibit "A"**.

Respectfully Submitted,

Date: October 6, 2008

s/ Philip J. Berg  
Philip J. Berg, Esquire  
Attorney in *Pro Se*  
555 Andorra Glen Court, Suite 12  
Lafayette Hill, PA 19444-2531  
Identification No. 09867  
(610) 825-3134

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

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PHILIP J. BERG, ESQUIRE,	:	
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<i>Plaintiff</i>	:	
vs.	:	CIVIL ACTION NO. 08-CV-4083
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BARACK HUSSEIN OBAMA, a/k/a	:	
BARRY SOETORO, a/k/a	:	
BARRY OBAMA, a/k/a	:	JURY TRIAL DEMANDED
BARACK DUNHAM, a/k/a	:	
BARRY DUNHAM; THE	:	
DEMOCRATIC NATIONAL	:	
COMMITTEE; THE FEDERAL	:	
ELECTION COMMISSION;	:	
and DOES 1-50 INCLUSIVE,	:	
	:	
<i>Defendants</i>	:	

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**BRIEF IN SUPPORT OF PLAINTIFF’S MOTION FOR LEAVE TO FILE A  
FIRST AMENDED COMPLAINT**

Federal Rule of Civil Procedure 15(a) provides that a party may amend its pleadings by leave of Court or by written consent of the adverse party. “[L]eave shall be freely given when justice so requires.”

In *Foman v. Davis*, 371 U.S. 178 (1962), the Court noted that Rule 15(a) declares that leave to amend shall be “freely given” when justice so requires and that “this mandate is to be heeded.” *Id.* at 230. The Court noted that a Plaintiff ought to be afforded the opportunity to amend a complaint so long as there is no apparent undue delay, bad faith or dilatory motive on the part of the movant, or repeated failure to cure deficiencies by amendments previously allowed. The amendment will not cause any undue prejudice. Although the District Court has discretion to grant an amendment,

“outright refusal to grant the leave without any justifying reason appearing for the denial is not an exercise of discretion.” *Id.*

"Among the grounds that could justify a denial of leave to amend are undue delay, bad faith, dilatory motive, prejudice, and futility." *In re Burlington Coat Factory Secs. Litig.*, 114 F.3d 1410, 1434 (3d Cir. 1997) (citations omitted); see also *Lorenz v. CSX Corp.*, 1 F.3d 1406, 1413 (3d Cir. 1993).

The Third Circuit has found that "prejudice to the non-moving party is the touchstone for denial of an amendment." *Lorenz*, 1 F.3d at 1414. In this case, there is absolutely no issue of repeated failure to cure deficiencies. Second, Defendants cannot claim any prejudice by virtue of this Amended Complaint.

Allowing Plaintiff to file his First Amended Complaint will not prejudice any of the Defendants. Plaintiff has diligently prosecuted this case and there have been no failures to cure any alleged deficiencies. In short, there is no reason to deny Plaintiff's Request for Leave to file his First Amended Complaint.

### CONCLUSION

For all the forgoing reasons, Plaintiff respectfully requests that this Honorable Court enter an Order Granting Plaintiff's Motion for Leave to file his First Amended Complaint, attached hereto as **Exhibit "A"**, Ordering the Clerk to file Plaintiff's First Amended Complaint and deeming it filed as of the date of the Order and granting any additional relief as this Court deems just and proper.

Respectfully submitted,

Dated: October 6, 2008

s/ Philip J. Berg  
Philip J. Berg, Esquire  
*Attorney in Pro Se*

**CERTIFICATE OF SERVICE**

I, Philip J. Berg, Esquire, hereby certify that Plaintiff's Motion for Leave to file a First Amended Complaint, Brief in Support thereof and Plaintiff's First Amended Complaint attached as Exhibit "A" were served via electronic filing on the ECF System, this 6<sup>th</sup> day of October 2008 upon the following:

John P. Lavelle, Jr., Esquire  
Attorney I.D. PA 54279  
**BALLARD SPAHR ANDREWS &  
INGERSOLL, LLP**  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103  
(215) 864-8603  
(215) 864-9125 (Fax)  
[lavellej@ballardspahr.com](mailto:lavellej@ballardspahr.com)

Joseph E. Sandler, Esquire  
**SANDLER REIFF & YOUNG PC**  
300 M Street, S.E. Suite 1102  
Washington, D.C. 20003  
Telephone: (202) 479-1111  
Fax: (202) 479-1115  
[sandler@sandlerreiff.com](mailto:sandler@sandlerreiff.com)

Robert F. Bauer, Esquire  
General Counsel, Obama for America  
**PERKINS COIE**  
607 Fourteenth Street N.W.  
Washington, D.C. 20005-2003  
Telephone: (202) 628-6600  
Facsimile: (202) 434-1690  
[RBauer@perkinscoie.com](mailto:RBauer@perkinscoie.com)

The Federal Election Commission (FEC)  
999 E. Street, NW  
Washington, D.C. 20463  
Served Personal Service

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

In pro se

s/ Philip J. Berg  
Philip J. Berg, Esquire  
*Attorney in Pro Se*

**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-4083
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BARACK HUSSEIN OBAMA, a/k/a	:	
BARRY SOETORO, a/k/a	:	
BARRY OBAMA, a/k/a	:	JURY TRIAL DEMANDED
BARACK DUNHAM, a/k/a	:	
BARRY DUNHAM; THE	:	
DEMOCRATIC NATIONAL	:	
COMMITTEE; THE FEDERAL	:	
ELECTION COMMISSION; THE	:	
SECRETARY OF THE	:	
COMMONWEALTH,	:	
PENNSYLVANIA DEPARTMENT OF	:	
STATE; PEDRO A, CORTÉS,	:	
Secretary of the Commonwealth in his	:	
Official Capacity; DIANE FEINSTEIN,	:	
Chairman of the U.S. Senate,	:	
Commission on Rules and	:	
Administration in her Official capacity;	:	
U.S. SENATE, COMMISSION ON	:	
RULES AND ADMINISTRATION; and:	:	
DOES 1-50 INCLUSIVE	:	
	:	
<i>Defendants.</i>	:	

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**FIRST AMENDED COMPLAINT  
FOR DECLARTORY AND INJUNCTIVE RELIEF**

**PRELIMINARY STATEMENT**

1. Article II, Section I of the United States Constitution, states in particular 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; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been Fourteen Years a Resident within the United States.”

2. “The general doctrine of our Constitution is, that the executive power of the nation is vested in the President; subject only to the exceptions and qualifications, which are expressed in the instrument.” 7 Works of Alexander Hamilton, J. C. Hamilton ed. (New York: 1851), 76, 80–81 (emphasis in original), U.S. Constitution, Article II (Hamilton and Madison.)
3. Plaintiff is a life long Democrat who had always been proud of his Party. Plaintiff is a licensed attorney in good standing and has taken an oath to uphold the United States Constitution. Plaintiff has donated money and billable hours to Democratic Presidential candidates as well as to the Democratic National Committee. Plaintiff has relied on the Democratic National Committee’s [hereinafter “DNC”] promises to uphold our Constitution, which includes properly vetting our Presidential Nominee and ensuring our Party’s Nominee is eligible to serve as President of the United States pursuant to Article II, Section 1 of our United States Constitution.
4. Plaintiff has trusted the Federal Election Commission [hereinafter “FEC”] that they would ensure our Presidential and Congressional candidates are eligible for the positions which they were seeking and running a fair and legitimate campaign process. Plaintiff has relied on the FEC, DNC and all our Elected Office Holders to uphold our Constitution and to ensure an illegal alien and/or a naturalized citizen would not be able to secure the position of President of the United States.
5. The Democratic National Party is supposed to represent Democratic Americans in seeking Honest Leadership, Open Government, Real Security, Energy Independence, Economic Prosperity, Educational Excellence, a Healthcare System that works for Everyone and Retirement Security. The Democratic Party is supposed to represent

and protect the interests of working Americans and guaranteeing personal liberties for all. This includes securing a Democratic Nominee on the Presidential Election ballot who represents the Democratic vision and who is qualified and eligible to run for Office of the President pursuant to the qualifications of the United States Constitution.

6. The actions of Barack Hussein Obama [hereinafter “Obama”], a U.S. Senator, in running for President of the United States, knowing he is not eligible, have been taken entirely without authorization under the United States Constitution, completely ignoring the qualification and procedures created by the United States Constitution he is purporting to enforce.
7. Should Obama be elected into the Office of the Presidency based on a fraudulent scheme by way of malfeasance and negligence on his part failing to reveal material information and evidence proving his ineligibility as a result of his non-citizenship or non “natural born” status his election into Office of the President will be declared void. Plaintiff as well as other Democratic Americans will suffer Irreparable Harm as they will have been deprived of their right to cast their vote for an eligible Democratic Presidential Nominee who can secure the Office of the President of the United States.
8. Moreover, Obama and his campaign brought in donations in excess of \$450 Million Dollars by fraudulent means.
9. The DNC, FEC, Pennsylvania Secretary of the Commonwealth, Department of State and the U.S. Senate, Commission on Rules and Administration have allowed Obama’s fraudulent scheme and failed to take any action to protect Plaintiff and/or

other American citizens. The DNC, FEC, Pennsylvania Secretary of the Commonwealth, Department of State and U.S. Senate on Rules and Administration refused to investigate Obama's eligibility to hold the Office of the Presidency and refused to comply with the Freedom of Information Act [hereinafter "FOIA"] and turn over documents, which were demanded to prove Obama's eligibility to hold the Office of the Presidency to Plaintiff and the American Citizens.

10. Furthermore, the Secretary of the Commonwealth, Pennsylvania Department of State, should have never allowed Obama on the ballot without the proper verification that Obama was eligible to serve as the President of the United States. The Pennsylvania Secretary of the Commonwealth, Department of State, has refused to supply documents pertinent to satisfy Plaintiff and other voter's doubts regarding Obama's eligibility.
11. There are unanswered questions as to where Obama was actually born, in the United States or abroad, registering his birth in Hawaii. There are further unanswered questions regarding Obama's United States Citizenship, if he ever held such, being expatriated and his failure to regain his citizenship by taking the oath of allegiance once he turned eighteen (18) years of age. There are additional unanswered questions regarding Obama's "natural" citizenship status in Indonesia and if in fact Obama ever took the steps necessary and filed the appropriate immigration paperwork to become a "naturalized" citizen of the United States. Furthermore, there are unanswered questions into Obama's multi citizenships with foreign countries, which he still maintains. To date, Obama has refused to prove he is qualified under the U.S. Constitution and his eligibility to run as President of the United States.

## **JURISDICTION AND VENUE**

12. This case arises under the Constitution and laws of the United States and presents a federal question within this Court's jurisdiction under Article III of the Constitution and 28 U.S.C. § 1331.
13. This Court has jurisdiction pursuant to 28 U.S.C. § 1343. Civil rights and elective franchise.
14. This court has further jurisdiction pursuant to 5 U.S.C. § 702
15. This Court has authority to grant declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S. C. § 2201.
16. Venue is proper in this Court under 28 U.S.C. § 1391(b).

## **PARTIES**

17. Plaintiff, Philip J. Berg, Esquire [hereinafter "Plaintiff"], is an adult individual with a business address of 555 Andorra Glen Court, Suite 12, Lafayette Hill, PA 19444-2531.
18. Defendant, Barack Hussein Obama, a/k/a Barry Soetoro, a/k/a Barry Obama, a/k/a Barack Dunham, a/k/a Barry Dunham [hereinafter "Obama"] is an adult individual with an office address of 713 Hatch, Senate Office Building, Washington D.C.
19. Defendant, The Democratic National Committee [hereinafter "DNC"] is a corporation with a principal address of 430 S. Capitol Street SE, Washington, DC 20003.

20. Defendant, The Federal Election Commission [hereinafter “FEC”] was created in 1975 by Congress to administer and enforce the Federal Election Campaign Act [hereinafter “FECA”]. The FEC is a Governmental Agency with a principal address of 999 E Street, NW, Washington, DC 20463.
21. Defendant, Secretary of the Commonwealth, Pennsylvania Department of State, Bureau of Commissions, Elections and Legislation, is a State Governmental Agency over the Pennsylvania Commonwealth’s electoral process as well as Campaign Finance, Commissions and Legislation with a principal address of 210 N. Office Building, Harrisburg, PA 17120.
22. Defendant, Pedro A. Cortés, [hereinafter “Cortés”] sued here in his official capacity, serves as Secretary of the Commonwealth, for the Pennsylvania Department of State, located at 210 N. Office Building, Harrisburg, PA 17120, and has primary authority over the Pennsylvania Commonwealth’s electoral process as well as Campaign Finance, Commissions and Legislation.
23. Defendant, The U.S. Senate, Commission on Rules and Administration is a Governmental Agency responsible for investigations into the qualifications of the President and Vice President candidates Federal elections. The U.S. Senate, Commission on Rules and Regulations is a Governmental Agency with a principal address of 305 Russell Building, United States Senate, Washington D.C. 20510.
24. Defendant, Diane Feinstein, [hereinafter “Feinstein”] sued here in her official capacity as Chairman of the U.S. Senate, Commission on Rules and Administration located at 305 Russell Building, United States Senate, Washington D.C. 20510 and has primary authority overseeing the ethics, campaign and election reform.

## STANDING

25. Plaintiff has standing to bring suit against Defendants pursuant to the following:
- (1) Plaintiff has Standing pursuant to 5 United States Code. §702;
  - (2) Plaintiff has Standing pursuant to *FEC v. Akins*, 524 U.S. 11 (1998);
  - (3) Plaintiff has Standing Pursuant to 8 U.S.C. §1481(b);
  - (4) Plaintiff has Standing under 5 U.S.C. §552, et seq. (FOIA);
  - (5) Plaintiff has Standing pursuant to 28 U.S.C. §1343, Civil Rights and Elective Franchise;
  - (6) Plaintiff has Standing under the Promissory Estoppel Doctrine; and
  - (7) Plaintiff has Standing pursuant to Federal Question Jurisdiction.

## FACTUAL ALLEGATIONS

26. Since the beginning of the U.S. Constitution, in order to run for Office of the President, you must be a “natural born citizen” U.S. Constitution, Article II, Section 1.
27. The DNC has pledged and promised Plaintiff and all Democratic individuals they believe that our Constitution, our courts, our institutions and our traditions are proper and work.
28. The DNC pledged and promised Plaintiff and all Democratic individuals they will ensure our Constitution is not a nuisance and have assured Plaintiff and democratic individuals the United States Constitution is the foundation of our democracy. It makes freedom and self-governance possible and helps to protect our security. The Democratic Party has pledged and promised Plaintiff and other Democratic individuals they will maintain and restore our Constitution to its proper place in our

government and return our Nation to the best traditions, including their commitment to government by law.

29. Based on the DNC's promises and assurances, Plaintiff and other democratic individuals have donated money in good faith to the DNC and other Democratic Presidential Nominees. Money donated to the DNC is used to plan the Party's quadrennial presidential nominating convention; promote the election of eligible Party candidates, pursuant to the United States Constitution, Article II, Section I, with both technical and financial support; and works with national, state and local party organizations, elected officials, candidates and constituencies to respond to the needs and views of the Democratic electorate and the nation.
30. The Democratic National Party is supposed to represent Democratic Americans in seeking Honest Leadership, Open Government, Real Security, Energy Independence, Economic Prosperity, Educational Excellence, a Healthcare System that works for Everyone and Retirement Security. The Democratic Party is supposed to represent and protect the interests of working Americans and guaranteeing personal liberties for all. This includes securing a Democratic Nominee on the Presidential Election ballot who represents the Democratic vision and who is qualified and eligible to run for Office of the President pursuant to the qualifications of the United States Constitution.
31. The FEC is the independent regulatory agency charged with administering and enforcing the federal campaign finance law. The FEC has jurisdiction over the financing of campaigns for the U.S. House, the U.S. Senate, the Presidency and the Vice Presidency. The FEC is also responsible for the Administration, enforcement,

and formulation of policy; exclusive jurisdiction of civil enforcement; Congressional authorities or functions with respect to elections for Federal office.

32. The PA Department of State is under the leadership of the Secretary of the Commonwealth, Pedro A. Cortés, and the mission of the Department of State is to promote the integrity of the electoral process.
33. Secretary of the Commonwealth, Pennsylvania Department of State, Bureau of Commissions, Elections and Legislation oversees the Commonwealth's electoral process as well as Campaign Finance, Voter Registration, Office of Notary Public, Commissions and Legislation. The U.S. Senate, Commission on Rules and Administration also carries the responsibility of investigating any corrupt practices of our politicians. They are responsible for verifying the credentials and qualifications of Members of the Senate, contested elections and acceptance of incompatible offices. Moreover, in addition to the verification of a candidates qualifications, eligibility and credentials, they are responsible for Federal elections generally, including the election of the President, Vice President and Members of the Congress.
34. The U.S. Senate, Commission on Rules and Regulations has failed to perform their duties in verifying and investigating Obama's citizenship status and his eligibility.
35. In vetting the Presidential candidate, among other things, the PA Department of State, Bureau of Commissions, Elections and Legislation, the DNC and FEC are required to ensure the eligibility requirements pursuant to our Constitution are met and the Presidential nominee, if elected, is qualified and eligible to serve pursuant to our United States Constitution.

36. Obama is a representative of the Democratic People. However, Obama must meet the Qualifications specified for the United States Office of the President, which he must be a “natural born” citizen. Additionally, Obama must be at least a “naturalized” citizen to hold his Office of U.S. Senator for Illinois. Unfortunately, Obama is not a “natural born” citizen, nor is he a “naturalized” citizen. Just to name one of the problems, Obama lost his U.S. citizenship when his mother married an Indonesian citizen, Lolo Soetoro who legally “acknowledged” Obama as his son in Indonesia and/or “adopted” Obama, which caused Obama to become a “natural” Indonesian citizen. Stanley Ann Dunham Soetoro relocated herself and Obama to Indonesia wherein Obama’s mother naturalized in Indonesia. This is proven by Obama’s school record with the student’s name as “Barry Soetoro”, Father’s name: Lolo Soetoro, M.A., and Citizenship: Indonesia.
37. There appears to be no question that Defendant Obama’s mother, Stanley Ann Dunham, was a U.S. citizen. It is also undisputed, however, that his father, Barack Obama, Sr., was a citizen of Kenya. Obama’s parents, according to divorce records, were married on or about February 2, 1961.
38. Defendant Obama claims he was born in Honolulu, Hawaii on August 4, 1961 and it is uncertain in which hospital he claims to have been born. Obama’s grandmother on his father’s side, his half-brother and half-sister all claim Obama was born not in Hawaii but in Kenya. Reports reflect that Obama’s mother traveled to Kenya during her pregnancy; however, she was prevented from boarding a flight from Kenya to Hawaii at her late stage of pregnancy (which, apparently, was a normal restriction, to avoid births during a flight). By these reports, Stanley Ann Dunham Obama gave

birth to Obama in Kenya, after which she flew home and registered Obama's birth. There are records of a "registry of birth" for Obama, on or about August 8, 1961 in the public records office in Hawaii.

39. 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 did a several page article of an interview with Obama and his half-sister, Maya. The Rainbow Edition News Letter reports Obama was born August 4, 1961 at Queens Medical Center in Honolulu, Hawaii. More interesting in February 2008, Obama's half-sister, Maya, was again interviewed in the Star Bulletin, and this time, Maya states Obama was born August 4, 1961 in Kapi'olani Medical Center for Women & Children.
40. Plaintiff is informed, believes and thereon alleges a research team went to Mombassa, Kenya, and located a Certificate Registering the birth of Barack Obama, Jr. to his father, a Kenyan citizen and his mother, a U.S. citizen.
41. Even if Obama was, in fact, born in Hawaii, he lost his U.S. citizenship when his mother re-married and moved to Indonesia with her Indonesian husband. In or about 1965, when Obama was approximately four (4) years old, his mother, Stanley Ann Dunham, married Lolo Soetoro, a citizen of Indonesia, whom she had met at the Hawaii University, and moved to Indonesia with Obama. Obama lost his U.S. citizenship, when his mother married Lolo Soetoro, and took up citizenship of and residency in Indonesia. Loss of citizenship, in these circumstances, under U.S. law (as in effect in 1965) required that foreign citizenship be achieved through

“application.” Such type of naturalization occurred, for example, when a person acquired a foreign nationality by marriage to a national of that country. Nationality Act of 1940, Section 317(b). A minor child follows the naturalization and citizenship status of their custodial parent. A further issue is presented that Obama’s Indonesian stepfather, Lolo Soetoro, either signed an acknowledgement acknowledging Obama as his son or Lolo Soetoro adopted Obama, giving Obama natural Indonesia citizenship which explains the name Barry Soetoro and his citizenship listed as Indonesian.

42. Obama admits in his book, “*Dreams from my father*” Obama’s memoir (autobiography), that after his mother and Lolo Soetoro were married, Lolo Soetoro left Hawaii rather suddenly and Obama and his mother spent months in preparation for their move to Indonesia. Obama admits when he arrived in Indonesia he had already been enrolled in an Indonesia school and his relatives were waiting to meet him and his mother. Lolo Soetoro, an Indonesian State citizen, could not have enrolled Obama in school unless Lolo Soetoro signed an acknowledgement acknowledging Obama as his son, which had to be filed with the Government. 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) states in pertinent part, *State citizens of Indonesia include: (viii) children who are born outside of legal*

*marriage from foreign State citizen mother who are acknowledged by father who is Indonesian State citizen as his children and that acknowledgment is made prior to children reaching 18 years of age or prior to marriage;* Republic of Indonesia Constitution 1945, As amended by the First Amendment of 1999, the Second Amendment of 2000, the Third Amendment of 2001 and the Fourth Amendment of 2002, Chapter X, Citizens and Residents, Article 26 states, “(1) Citizens shall consist of indigenous Indonesian peoples and persons of foreign origin who have been legalized [sic] as citizens in accordance with law. (2) Residents shall consist of Indonesian citizens and foreign nationals living in Indonesia.”

43. 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. Thus, where Obama was actually born and what his mother’s citizenship status at the time of this birth is irrelevant.*
44. The laws in Indonesia at the time of Obama’s arrival did not allow dual citizenship. If an Indonesian citizen married a foreigner, as in this case, Obama’s mother was required to renounce her U.S. citizenship and was sponsored by her Indonesian spouse. During this time, Indonesia was a Police State. The public schools did not allow foreign students, only citizens were allowed to attend as Indonesia was under strict rule and decreed a number of restrictions; therefore, in order for Obama to have attended school in Jakarta, which he did, he had to be a citizen of Indonesia, as the citizenship status of enrolled students was verified with Government records.

45. Obama was enrolled by his parents in a public school, Fransiskus Assisi School, a public school, in Jakarta, Indonesia. Plaintiff has received copies of the school registration in which it clearly states Obama's name as "Barry Soetoro," and lists his citizenship as Indonesian. Obama's father is listed as Lolo Soetoro, Obama's date of birth and place of birth are listed as August 4, 1961 in Hawaii, and Obama's Religion is listed as Islam. This document was verified by *Inside Edition*, whose reporter, Matt Meagher, took the actual footage of the school record. At the time Obama was registered the public schools obtained and verified the citizenship status and name of the student through the Indonesian Government. All Indonesian students were required to carry government identity cards, or ***Karty Tanda Pendudaks***, as well as family card identification called a ***Kartu Keluarga***. *The Kartu Keluarga is a family card which bears the legal names and citizenship status of all family members.*
46. Since Obama's birth was legally acknowledged by Lolo Soetoro, an Indonesian citizen, and/or Obama was adopted by Lolo Soetoro, which the evidence supports, Obama became an Indonesian citizen *and bears the status as an Indonesia natural child (natural-born). For this reason, Obama would have been required to file applications with the U. S. State Department and follow the legal procedures to become a naturalized citizen in the United States, when he returned from Indonesia. If Obama and/or his family failed to follow these procedures, then Obama is an illegal alien.*
47. Regardless of whether Obama was officially adopted, (which required a Court process), by his Indonesian stepfather, Lolo Soetoro, or his birth was acknowledged (which only required the signing of a governmental birth acknowledgement form),

by Lolo Soetoro, one of which had to occur in order for Obama to have the name Barry Soetoro and his citizenship status listed as “Indonesian”, in either and/or both cases Obama’s name was required to be changed to the Indonesian father’s name, and Obama became a natural citizen of Indonesia. This is proven by the school records in Jakarta, Indonesia showing Obama’s name as Barry Soetoro and his citizenship as Indonesian. *Again*, the registration of a child in the public schools in Jakarta, Indonesia was verified with the Government Records on file with the Governmental Agencies.

48. *The Indonesian citizenship law was designed to prevent apartheid (stateless) or bипatriде (dual citizenship). Indonesian regulations recognize neither apartheid nor bипatriде citizenship.*
49. *In addition, since Indonesia did not allow dual citizenship neither did the United States, Hague Convention of 1930.*
50. In or about 1971, Obama’s mother sent Obama back to Hawaii. Obama was ten (10) years of age upon his return to Hawaii.
51. As a result of Obama’s Indonesia “natural” citizenship status, there is absolutely **no** way Obama could have ever regained U.S. “natural born” status, if he in fact ever held such. Obama could have **only** become naturalized if the proper paperwork was filed with the U.S. State Department, in which case, Obama would have received a Certification of Citizenship.
52. Plaintiff is informed, believes and thereon alleges Obama was never naturalized in the United States after his return. Obama was ten (10) years old when he returned to Hawaii to live with his grandparents. Obama’s mother did not return with him, and

therefore, unable to apply for citizenship of Obama in the United States. If citizenship of Obama had ever been applied for, Obama would have a Certification of Citizenship.

53. Furthermore, Obama traveled to Indonesia, Pakistan and Southern India in 1981. The relations between Pakistan and India were extremely tense and Pakistan was in turmoil and under martial law. The country was filled with Afghan refugees; and Pakistan's Islamist-leaning Interservices Intelligence Agency (ISI) had begun to provide arms to the Afghan mujahideen and to assist the process of recruiting radicalized Muslim men--jihadists--from around the world to fight against the Soviet Union. Pakistan was so dangerous that it was on the State Department's travel ban list for US Citizens. Non-Muslim visitors were not welcome unless sponsored by their embassy for official business. A Muslim citizen of Indonesia traveling on an Indonesian passport would have success entering Indonesia, Pakistan and India. Therefore, it is believed Obama traveled on his Indonesian passport entering the Countries. Indonesian passports require renewal every five (5) years. At the time of Obama's travels to Indonesia, Pakistan and India, Obama was twenty (20) years old. If Obama would have been a U.S. citizen, which he was not, 8 USC §1481(a)(2) provides loss of nationality by native born citizens upon "taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state...after having attained the age of eighteen years", in violation of 8 U.S.C. §1401(a)(1). Since Lolo Soetoro legally acknowledged Obama as his son and/or adopted Obama, Obama was a "natural" citizen of Indonesia, as proven by Obama's school record.

54. Plaintiff is informed, believes and thereon alleges Obama stated his citizenship as a “Kenya Citizen” when he applied for and was accepted at Columbia University. Obama has refused to release any records from Occidental College, Columbia University, Harvard Law School and any of his medical records.
55. Plaintiffs as well as many other democratic American citizens have requested proof of Obama’s citizenship status, however to no avail. Obama has promised to be an open and honest candidate, however, refuses to remove any doubts from Plaintiff’s and all the other democratic minds and prove his eligibility to serve as President of the United States.
56. Plaintiff’s civil rights under the due process rights and equal protection of the laws secured by the U.S. Constitution, Fourteenth (14<sup>th</sup>) Amendment have been violated by Obama’s illegal campaign and will continue to be violated if Obama is allowed to continue his campaign and if elected, assume the position of President of the United States. The DNC and FEC have allowed Obama to continue his campaigning, knowing these issues have arisen and have failed to take and/or instigate the proper investigation into said matters to protect Plaintiff and other registered voters. Therefore, the only option Plaintiff had to secure and protect his civil rights was to bring action before this Honorable Court. Moreover, our laws which protect Plaintiff, a legal registered voter, and other registered voters from fraudulent campaign schemes have been violated by the Defendants, 2 U.S.C. §437c, 2 U.S.C §437(g). Plaintiff has standing to bring suit pursuant to 5 U.S. C §702, as well as 8 U.S. C §1481(b).

57. Plaintiff's rights guaranteed under the Liberty clause of the Fourteenth (14<sup>th</sup>) Amendment of the United States Constitution have already been violated. It has been announced in the main stream media that Obama's "briefing" has already begun into our National Secrets, our Nations Top Secrets, which Obama is not privy too and in violation of our National Security, as Obama is not a legal citizen of the United States. This has placed Plaintiff and other citizens of the United States in grave danger. Plaintiff's Liberty as guaranteed will further be violated if Obama is allowed to be voted into and assume the position of President of the United States; Plaintiff will be further damaged and is in serious jeopardy.
58. Plaintiff filed the within action on or about August 21, 2008 against Defendants seeking Declaratory and Injunctive Relief, declaring Obama an illegal alien and/or only a "naturalized" citizen ineligible to serve as President of the United States and enjoining the PA Department of State, Bureau of Commissions, Elections and Legislation, the DNC and FEC from placing Obama's name on the ballot and prohibiting Obama from further campaigning to be elected as President of the United States, a position he is ineligible to hold.
59. Plaintiff faxed a copy of the original complaint to Obama, the DNC and FEC on August 22, 2008 prior to the hearing on the TRO before this Honorable Court. Defendants were further served by personal service on September 4, 2008. Neither the DNC nor Obama have supplied any type of proof of Obama's citizenship status and/or eligibility to serve as President of the United States.
60. Plaintiff has asked for a simple resolution. Plaintiff has asked that Obama supply a genuine certified copy of his original long version "vault" Birth Certificate, A

Certification of Citizenship and a certified copy of his Oath of Allegiance. If in fact Obama can prove his “natural born” citizenship status, which he **cannot**, then he has not been prejudiced in anyway, but instead Plaintiff has been protected and his civil rights secured. However, if Obama is unable to supply said documentation, then he needs to withdraw his candidacy, again which will eliminate Plaintiff’s deprivations and instill Plaintiff’s constitutionally protected safeguards and rights.

61. There is absolutely **no** other way for Plaintiff to ensure his constitutionally protected rights. The only option Plaintiff had was to bring this action. This is the first time in American History a “naturalized” citizen and/or illegal alien have been allowed to campaign for the Office of President of the United States. There are not any other ways to establish or determine the legal status of our Presidential Candidates, whether Republican and/or Democratic. The FEC and DNC have refused to verify and furnish Plaintiff with Obama’s eligibility or lack thereof. Plaintiff has standing to challenge any person(s) citizenship and/or nationality status pursuant to statute, 8 U.S. C. §1481(b).
62. The Federal Bureau of Investigation (FBI) does not perform background checks and/or verify their eligibility on our Candidates to hold Office. According to the FBI, once a candidate is voted into Office of Congress, they are members of Congress and therefore they are given a Secret Clearance, again, without any type of background check and/or verification processes performed.
63. Plaintiff, as well as other Democratic voters have and are suffering the total loss of confidence in the DNC primary process because of the massive cheating and skewering of rules to make an illegitimate ineligible candidate the nominee in

violation of DNC rules and the U.S. Constitution, robbing voters of their voices and votes. Plaintiff and millions of other Democratic voters have lost all trust in the integrity of the PA Department of State, Bureau of Commissions, Elections and Legislation, the FEC and Democratic Party leaders by the total failure of the DNC to perform the most basic of functions by insisting any candidates produce basic documents in vetting their eligibility, especially after there were repeated requests demanding Obama's eligibility be proven with certified legitimate documents which had not been forged. This failure to perform even the most basic of due diligence has shattered Plaintiff's faith, along with millions of Democratic voters, in the Democratic system.

64. Plaintiff has been damaged financially for all monies donated, billable hours spent supporting the Democratic candidates, taxes paid by Plaintiff which went to the Secret Service for their protection of Obama for the past twenty (20) months and for the financial costs and time expended of this litigation, when Defendants could have very easily investigated, verified and obtained proof of Obama's eligibility to serve as President of the United States, if in fact he is eligible.
65. Plaintiff has suffered damage to his reputation and discrimination as a result of attempting to protect his rights and verify the eligibility of Obama to serve as President of the United States. Plaintiff has been repeatedly called a racist and verbally assaulted for bringing forward this lawsuit against Obama. Plaintiff is not a racist and is a paid Life Member of the NAACP. Obama himself stated to a crowd of his supporters, ***"I need you to go out and talk to your friends and talk to your neighbors. I want you to talk to them whether they are independent or whether they***

*are Republican. I want you to argue with them and get in their face"*, as quoted in a newspaper article published in the San Francisco Gate, by Kathleen Hennessey, Associated Press Writer, on September 17, 2008. Obama is promoting attacks on non-supporters, which is creating racial tension and violence in our communities, of which Plaintiff has been victim too.

66. Plaintiff has attempted to obtain the verification and proof requested herein by way of requests, filing this action, Admissions and Request for Production of Documents served upon Defendants September 15, 2008 and by Subpoenas served upon agencies who could supply the documentation to prove Obama's citizenship status. To date, Plaintiff has not received anything. Plaintiff has received five (5) letters from agencies that were served with subpoenas claiming they need Obama's signatures to comply and/or the confidentiality of the documents were protected from disclosure to third parties under 5 U.S. C. § 552. The Freedom of Information Act (FOIA), 5 U.S.C. § 552(a) allows for the disclosure of documents. If the documents contain confidential information, the Agency is required to redact the confidential part, e.g. social security number.
67. Further damages to Plaintiff, if Obama is voted into the Office of the President and allowed to assume said position, in violation of Article II, Section of our Constitution as he is not a "natural born" citizen, it would be Unconstitutional. Plaintiff would suffer further damages as any act or action that Obama executes is Unconstitutional. This would create massive litigation and a complete disarray of our government and a Constitutional crisis.

68. Furthermore, the DNC has made specific promises to uphold our Constitution and to protect the Democratic people; however, they have failed, which constitute damages under “Promissory Estoppel”.
69. Plaintiff does not have any other means of redress. The issues presented are critical in order to protect the rights of Plaintiff. Furthermore, there are not any specific administrative remedies outlined in our laws pertaining to the challenge of a Presidential candidate who in fact is not a qualified citizen to serve as our President of the United States pursuant to our United States Constitution.
70. If Obama is allowed to continue his campaign and is elected as our President of the United States it will be unconstitutional to allow him to serve. Further, if the issues of Obama’s citizenship status are ignored and he is allowed to assume the position of President of the United States, anything Obama enters into and/or signs while in Office will be void, as Obama is not constitutionally eligible to hold the Office of United States President.
71. Due to the urgency of these issues, Plaintiff is requesting waiver of the Government Claim requirement.
72. Plaintiff is requesting through this lawsuit an Order for Obama, the DNC, the FEC, the U.S. Senate, Commission on Rules and Administration and the Pennsylvania Department of State, Bureau of Commissions, Elections and Legislation to immediately turn over to Plaintiff the following documents:
  - (a) A certified copy of Obama’s “vault” (original long version) birth certificate;
  - (b) All reissued and sealed birth certificates of Obama;
  - (c) A certified copy of Obama’s Certification of Citizenship;

- (d) A certified copy of Obama's Oath of Allegiance taken upon age of majority; and
- (e) Certified copies of Obama's Admission forms for Occidental College, Columbia University and Harvard Law School.

**COUNT ONE**  
**(Against All Defendants)**  
**Violation of the United States**  
**Constitution, Article II, Section I**

- 73. Plaintiff hereby incorporates Paragraphs 1 through 72 as if fully set forth herein.
- 74. The United States Constitution, Article II, Section I, Clause 4, Qualifications, Office of President, states:

“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; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.”

- 75. Obama does not and has not been eligible to be constituted a United States “natural born” citizen and has failed to obtain and/or maintain “naturalized” citizenship status.
- 76. Obama, if born in Kenya would have made him a citizen of Kenya. Furthermore, because of the 1940 Naturalization Act, June 1952, Obama's mother would have had to be nineteen (19) in order for Obama to be a “natural born” United States citizen. Obama's mother was only eighteen (18) when she had Obama and therefore was not old enough to meet the residency requirements under our laws at the time of Obama's birth and be able to register her son's birth as a “natural born” citizen.

77. Even if Obama would have been able to be registered as a U.S. “natural born” citizen in Hawaii, which was not legally permissible, he lost his citizenship in the United States when his mother married Lolo Soetoro, a citizen of Indonesia, and became a naturalized citizen in Indonesia and set up residency in Indonesia with her new husband. Minor’s follow their custodial parent’s citizenship status.
78. Moreover, Obama’s Indonesian step father, Lolo Soetoro, signed a Government acknowledgement form acknowledging Obama as his son and/or legally adopted Obama, either of which changed Obama’s citizenship status to a “natural” citizen of Indonesia. Thus, Obama could have only obtained Naturalized citizenship status in the United States, if in fact he and/or his family filed the proper immigration paperwork after his return to the United States from Indonesia.
79. Obama’s Indonesian citizenship status is proven on his school record with a public school in Jakarta Indonesia, which he attended. Obama’s school record clearly states his name Barry Soetoro, his citizenship, Indonesian, his religion Islam. This information was verified by the public schools in Jakarta upon registration of the student with the Indonesian Government. Indonesia did **not** allow foreign students to attend their schools and Indonesia Immigration Officials and the Police frequently visited the schools to ensure the students attending were all Indonesian citizens pursuant to the laws.
80. Students attending the public school system in Jakarta Indonesia at the time Obama attended had to wear and/or carry with them identification cards, again which were verified with the Governments records in Indonesia. The student’s identification

cards displayed their citizenship number, their legal name, their parents names, etc. The identification cards had to match the student's school enrollment information.

81. Plaintiff is informed, believes and thereon alleges Obama stated his citizenship as Kenyan on his College Admission forms to Occidental College, Columbia University and Harvard Law School.
82. The Democratic National Committee (DNC) is supposed to represent and protect the interests of working Americans, which includes securing a Democratic Nominee on the Presidential Election ballot who represents the Democratic vision and who is qualified and eligible to run for Office of the President pursuant to the qualifications of the United States Constitution. The DNC has also promised all democratic citizens, including Plaintiff that they will in fact uphold the Constitution and require those in office to do the same. The DNC has failed to inquire into Obama's eligibility status.
83. The FEC has the responsibility to ensure the Presidential candidate is in fact eligible to serve as President of the United States and is responsible for the administration, enforcement and formulation of policy, exclusive jurisdiction of civil enforcement, congressional authorities or functions with respect to elections for Federal Office, 2 U.S.C. § 437c (b).
84. The FEC is also responsible for ensuring the compliance with the Federal Election Campaign Fund Act, which includes eligible candidates, candidates of a political party for President and/or Vice President of the United States who have met all applicable conditions for eligibility for the position being sought in order to receive payments. 26 U.S.C. § 9002, et seq.

85. The U.S. Senate, Commission on Rules and Administration and Feinstein also carry the responsibility to ensure the Presidential candidate is in fact a U.S. “natural born” citizen and eligible to serve the position they so seek. U.S. Senate, Commission on Rules and Administration and Feinstein has the responsibility to ensure corrupt practices are not taking place or corrupt actions of any member of the Senate. The U.S. Senate Commission on Rules and Administration and Feinstein have the responsibility of verifying the credentials, qualifications and eligibility status of all Members of the Senate, contested elections, Federal elections generally, including the election of the President, Vice President and Members of the Congress, Standing Rules of the Senate, Rule 25.
86. The DNC, FEC, Feinstein and the U.S. Senate Commission on Rules and Administration have failed Plaintiff as they have not performed their duties so delegated to them pursuant to the Laws of our Country and their promises. Defendants have allowed an ineligible candidate to be nominated as United States President without performing due diligence in verifying Obama’s eligibility and/or investigating the fraudulent acts of Obama, for which Plaintiff has been damaged. Defendants have further allowed the illegal and fraudulent campaigning efforts of Obama to continue in an attempt to allow an ineligible candidate to serve as United States President in violation of our United States Constitution.
87. The PA Department of State and Pedro A. Cortés, Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation has the responsibility of placing eligible candidates on the official ballot for the Commonwealth of Pennsylvania. The Department of State, Bureau of Commissions,

Elections and Legislation has failed to verify Obama's citizenship status prior to placing his name on the ballot in Pennsylvania.

88. The DNC, FEC, Feinstein, U.S. Senate, Commission on Rules and Administration and the PA Department of State and Pedro A. Cortés, PA Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation have allowed Obama's illegal and fraudulent campaign, which Obama has received in excess of \$450 Million in donations, to continue knowing Obama is **not** a "natural born" citizen and knowing Obama is not eligible to take and/or serve the position of President of the United States, for which he was receiving donations.
89. Plaintiff has been severely damaged as a result of Defendants actions. Plaintiff has been deprived liberty, property, due process of law and equal protections of the laws all guaranteed under the United States Constitution.
90. For the above aforementioned reasons, Defendants need to immediately supply a certified copy of Obama's "vault" (original long version) birth certificate; certified copies of all reissued and sealed birth certificates for Obama; a certified copy of Obama's Certification of Citizenship; a Certified copy of Obama's Oath of Allegiance taken upon the age of Majority; and certified copies of Obama's Admission forms for Occidental College, Columbia University and Harvard law School. If Defendants are unable to supply said documents, Obama needs to immediately step down and withdraw his candidacy for United States President.

**WHEREFORE**, Plaintiff, Philip J. Berg, Esquire, respectfully prays that  
this Court:

- A. Order Defendants to immediately turn over the following documents:

1. A certified copy of Obama's "vault" (original long version) birth certificate;
2. Certified copies of all reissued and sealed birth certificates of Obama in the names referred to in the caption of this lawsuit;
3. A certified copy of Obama's Certification of Citizenship;
4. A certified copy of Obama's Oath of Allegiance taken upon age of majority;
5. Certified copies of Obama's Admission forms for Occidental College, Columbia University and Harvard Law School; and
6. Certified copies of any Court Orders or legal documents changing Obama's name from Barry Soetoro to Barack Hussein Obama.

B. Declare that Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham is not a "natural born" or "naturalized" citizen of the United States;

C. Declare that Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham ineligible to run for United States Office of the President under the United States Constitution, Article II, Section I;

D. Preliminary and permanently enjoin Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham from any further campaigning and from running for United States Office of the President;

E. Preliminary and permanently enjoin Defendants, The Democratic National Committee (DNC), the PA Department of State and Pedro A. Cortés, Secretary of

the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation from placing Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham's name on the ballot for election of United States President;

F. Order the FEC, Feinstein and the U.S. Senate Commission on Rules and Administration to immediately open and conduct an investigation into the fraudulent tactics of Obama and immediately open and conduct an investigation into the citizenship status of Obama;

G. Waive the Governmental Claim requirement due to the urgency of this matter;

H. Award Plaintiff such costs and fees pursuant to 42 U.S.C. § 1988 and other applicable law; and

I. Grant Plaintiff such other and further relief as the Court deems just and proper.

**COUNT TWO**  
**(Against All Defendants)**  
**Civil Rights, Civil Action for Deprivation of Rights**  
**In violation of 42 U.S.C. §1983**

91. Plaintiff hereby incorporates Paragraphs 1 through 90 as if fully set forth herein.
92. Defendants, acting under the color of law and in concert with one another, engaged in intentional due process and equal protection of the law violations. In so doing, Defendants have caused the Plaintiff to suffer deprivation of his fundamental rights to

due process and equal protection of the laws secured by the United States Constitution under the Fourteenth Amendment and the Laws of the United States.

93. Plaintiff has been deprived of money and billable hours by fraudulent means as a result of donating money and billable hours to secure, as promised, an eligible Democratic candidate for Office of the Presidency, in which to cast his vote. The DNC named Obama as the Democratic Nominee, who is ineligible to serve as the United States President as he is not a “natural born” citizen, a qualification and eligibility requirement pursuant to Article II, Section I of the United States Constitution. Moreover, Plaintiff has been deprived of his right to vote for an eligible Democratic Nominee for the U.S. Office of the President.
94. On September 2, 2008, an avid Obama supporter, Fatimah Ali, an Opinion writer for The Philadelphia Daily News reported Ms. Ali’s opinion, ***“If McCain wins, look for a full-fledged race and class war, fueled by a deflated and depressed country, soaring crime, homelessness – hopelessness!”***
95. Fox News followed this story publishing, ***“A fanatical Obama supporter in Philadelphia is threatening a race war if John McCain wins”***
96. Obama stated to a crowd of his supporters, ***“I need you to go out and talk to your friends and talk to your neighbors. I want you to talk to them whether they are independent or whether they are Republican. I want you to argue with them and get in their face...You are my Ambassadors”***, as quoted in a newspaper article published in the San Francisco Gate, by Kathleen Hennessey, Associated Press Writer, on September 17, 2008. Obama is furthering racial tension and promoting

attacks on non-supporters, which is creating racial tension and violence in our communities, of which Plaintiff has been victim too.

97. Obama and his campaign have abused their position and the law for intimidation purposes to stop people from free speech when the speech includes criticism or questioning of Obama in violation of Plaintiff's and other American's civil Rights.
98. Missouri Governor Matt Blunt issued a Press Release stating in pertinent part, "*What Senator Obama and his helpers are doing is scandalous beyond words..... abusing the justice system and offices of public trust to silence political criticism with threats of prosecution and criminal punishment. This abuse of the law for intimidation insults the most sacred principles and ideals of Jefferson. I can think of nothing more offensive to Jefferson's thinking than using the power of the state to deprive Americans of their civil rights. The only conceivable purpose of Messrs. McCulloch, Obama and the others is to frighten people away from expressing themselves, to chill free and open debate, to suppress support and donations to conservative organizations targeted by this anti-civil rights, to strangle criticism of Mr. Obama, to suppress ads about his support of higher taxes, and to choke out criticism on television, radio, the Internet, blogs, e-mail and daily conversation about the election. "Barack Obama needs to grow up.....Enlisting Missouri law enforcement to intimidate people and kill free debate is reminiscent of the Sedition Acts - not a free society."*
99. As a result of Obama's message to the People of America, Plaintiff has suffered damage to his reputation and discrimination and fears for his safety as a result of attempting to protect his rights and verify the eligibility of Obama to serve as

President of the United States. Plaintiff has been repeatedly called a racist and verbally assaulted for bringing forward this lawsuit against Obama. Plaintiff is not a racist and is a paid Life Member of the NAACP. Plaintiff has received numerous nasty emails accusing him of being a racist as a result of filing this action against Obama. Moreover, Plaintiff has been verbally assaulted by black individuals at a local store he frequents as well as in public for bringing suit against Obama questioning his citizenship status. All of which is in violation of Plaintiff's right's to due process of the law, equal protection of the laws and the Liberty Clause secured by the Fourteenth Amendment of the U.S. Constitution.

100. Defendants are attempting to change our United States Constitution without proper due process of law by allowing Obama to continue his campaign and continue seeking election as the President of the United States, knowing he is not a "natural born" citizen and the fact he may not even be a "naturalized" citizen.
101. It has been announced in the main stream media that Obama's "briefing" has already begun into our National Secrets, our Nations Top Secrets, which Obama is not privy too and in violation of our National Security, as Obama is not a legal citizen of the United States. This has placed Plaintiff and other citizens of the United States in grave danger. Plaintiff's Life, Liberty and Property rights guaranteed by the Fourteenth Amendment of the U.S. Constitution will further be violated if Obama is allowed to be voted into and assume the position of President of the United States; Plaintiff will be further damaged and is in serious jeopardy.
102. Obama was born in Mombosa, Kenya, and his mother was not old enough to pass on U.S. "natural born" citizenship status to Obama, United States of America v.

*Cervantes-Nava*, 281 F.3d 501 (2002), *Drozdz v. I.N.S.*, 155 F.3d 81, 85-88 (2d Cir.1998).

103. Additionally, Obama lost any “naturalized” citizenship status when he b e c a m e a “natural” citizen of Indonesia. Obama’s mother married Lolo Soetoro an Indonesian Citizen in or about 1964/1965. Lolo Soetoro acknowledged Obama as his son and/or adopted Obama thus changing his citizenship status to a “natural” citizen of Indonesia. 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). Republic of Indonesia Constitution 1945, as amended by the First Amendment of 1999, the Second Amendment of 2000, the Third Amendment of 2001 and the Fourth Amendment of 2002, Chapter X, Citizens and Residents, Article 26 states “(1) Citizens shall consist of indigenous Indonesian peoples and persons of foreign origin who have been legalized as citizens in accordance with law. (2) Residents shall consist of Indonesian citizens and foreign nationals living in Indonesia.” Obama was a “natural” citizen of Indonesia and not a foreign national, as proven by his Indonesian school registration
104. The DNC, FEC, Feinstein and the U.S. Senate Commission on Rules and Administration have failed Plaintiff as they have not performed their duties so delegated to them pursuant to the Laws of our Country and their promises.

Defendants have allowed an ineligible candidate to be nominated as President of the United States without performing due diligence in verifying Obama's eligibility and/or investigating the fraudulent acts of Obama, for which Plaintiff has been damaged. Defendants have further allowed the illegal and fraudulent campaigning efforts of Obama to continue in an attempt to allow an ineligible candidate to serve as President of the United States in violation of our United States Constitution.

105. The PA Department of State and Pedro A. Cortés, Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation has the responsibility of placing eligible candidates on the official ballot for the State of Pennsylvania. The PA Department of State, Bureau of Commissions, Elections and Legislation has failed to verify Obama's citizenship status prior to placing his name on the ballot in Pennsylvania.
106. The DNC, FEC, Feinstein, U.S. Senate, Commission on Rules and Administration, the PA Department of State and Pedro A. Cortés, Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation have allowed Obama's illegal and fraudulent campaign, which Obama has received in excess of \$450 Million in donations, to continue knowing Obama is **not** a "natural born" citizen and knowing Obama is not eligible to take and/or s e r v e t h e position of President of the United States, for which he was receiving donations.
107. Plaintiff has been severely damaged as a result of Defendants actions. Plaintiff has been deprived liberty, property, due process of law and equal protections of the laws all guaranteed under the United States Constitution.

108. For the above aforementioned reasons, Defendants need to immediately supply a certified copy of Obama's "vault" (original long version) birth certificate; certified copies of all reissued and sealed birth certificates for Obama; a certified copy of Obama's Certification of Citizenship; a Certified copy of Obama's Oath of Allegiance taken upon the age of Majority; and certified copies of Obama's Admission forms for Occidental College, Columbia University and Harvard law School. If Defendants are unable to supply said documents, Obama needs to immediately step down and withdraw his candidacy for President of the United States.

*WHEREFORE*, Plaintiff, Philip J. Berg, Esquire, respectfully prays that this Court:

- A. Order Defendants to immediately turn over the following documents:
1. A certified copy of Obama's "vault" (original long version) birth certificate;
  2. Certified copies of all reissued and sealed birth certificates of Obama in the names referred to in the caption of this lawsuit;
  3. A certified copy of Obama's Certification of Citizenship;
  4. A certified copy of Obama's Oath of Allegiance taken upon age of majority;
  5. Certified copies of Obama's Admission forms for Occidental College, Columbia University and Harvard Law School; and
  6. Certified copies of any Court Orders or legal documents changing Obama's name from Barry Soetoro to Barack Hussein Obama.
- B. Declare that Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham is not a "natural born" or "naturalized" citizen of the United States;

C. Declare that Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham ineligible to run for United States Office of the President under the United States Constitution, Article II, Section I;

D. Preliminary and permanently enjoin Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham from any further campaigning and from running for United States Office of the President;

E. Preliminary and permanently enjoin Defendants, The Democratic National Committee (DNC), the PA Department of State and Pedro A. Cortés, PA Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation from placing Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham's name on the ballot for election of President of the United States;

F. Order the FEC, Feinstein and the U.S. Senate Commission on Rules and Administration to immediately open and conduct an investigation into the fraudulent tactics of Obama and immediately open and conduct an investigation into the citizenship status of Obama;

G. Waive the Governmental Claim requirement due to the urgency of this matter;

H. Award Plaintiff such costs and fees pursuant to 42 U.S.C. § 1988 and other applicable law; and

I. Grant Plaintiff such other and further relief as the Court deems just and proper.

**COUNT THREE**  
**(Against All Defendants)**  
**Civil Rights, Conspiracy to Interfere with Civil rights**  
**In violation of 42 U.S.C. § 1985**

109. Plaintiff hereby incorporates Paragraphs 1 through 108 as if fully set forth herein.
110. Defendants, acting under the color of law and in concert with one another, engaged in intentional due process and equal protection of the law violations. In so doing, Defendants have caused the Plaintiff to suffer deprivation of his fundamental rights to due process and equal protection of the laws secured by the United States Constitution under the Fourteenth Amendment and the Laws of the United States.
111. Defendants and each of them conspired with each other to deprive Plaintiff of his right to due process, right to equal protection of the laws, and protection of the laws of the Commonwealth of Pennsylvania, as well as Plaintiff's Constitutional Rights secured by the Fourteenth Amendment of the United States Constitution.
112. Obama knowing he is not a "natural born" United States Citizen and knowing he is a citizen of Indonesia fraudulently sought and accomplished having his name placed on the ballot for the Democratic Nominee for President of the United States, which he accomplished.
113. Obama encouraged his supporters to act as his Ambassadors; to knock on doors, get mad and get in peoples faces in efforts to seek their votes for Obama, which has created violence and racial tension. Unfortunately, Obama's supporters have complied with Obama's request.

114. Obama has further fraudulently campaigned to be elected as President of the United States and has obtained in excess of \$450 Million dollars in donations based on his fraudulent campaigning, again, knowing he is not eligible to serve as President of the United States as he is not a “natural born” U.S. citizen, as required by the United States Constitution, Article II, Section I. Obama is well aware he is in fact a citizen of Indonesia.
115. Obama and his campaign have abused their position and the law for intimidation purposes to stop people from free speech when the speech includes criticism or questioning of Obama in violation of Plaintiff’s and other American’s civil Rights.
116. The DNC, FEC, Feinstein and the U.S. Senate Commission on Rules and Administration have failed Plaintiff as they have not performed their duties so delegated to them pursuant to the Laws of our Country and their promises. Defendants have allowed an ineligible candidate to be nominated as President of the United States without performing due diligence in verifying Obama’s eligibility and/or investigating the fraudulent acts of Obama, for which Plaintiff has been damaged. Defendants have further allowed the illegal and fraudulent campaigning efforts of Obama to continue in an attempt to allow an ineligible candidate to serve as President of the United States in violation of our United States Constitution.
117. The PA Department of State and Pedro A. Cortés, Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation has the responsibility of placing eligible candidates on the official ballot for the Commonwealth of Pennsylvania. The PA Department of State, Bureau of

Commissions, Elections and Legislation has failed to verify Obama's citizenship status prior to placing his name on the ballot in Pennsylvania.

118. The DNC, FEC, Feinstein, U.S. Senate, Commission on Rules and Administration, the PA Department of State and Pedro A. Cortés, Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation have allowed Obama's illegal and fraudulent campaign, which Obama has received in excess of \$450 Million in donations, to continue knowing Obama is **not** a "natural born" citizen and knowing Obama is not eligible to take and/or serve the position of President of the United States, for which he was receiving donations.
119. As a result, Plaintiff has been deprived of money and billable hours by fraudulent means as a result of donating money and billable hours to secure, as promised, an eligible Democratic candidate for Office of the Presidency, in which to cast his vote. The DNC named Obama as the Democratic Nominee, who is ineligible to serve as the President of the United States as he is not a "natural born" citizen, a qualification and eligibility requirement pursuant to Article II, Section I of the United States Constitution. Moreover, Plaintiff has been deprived of his right to vote for an eligible Democratic Nominee for the U.S. Office of the Presidency.
120. Plaintiff has been severely damaged as a result of Defendants actions. Plaintiff has been deprived liberty, property, due process of law and equal protections of the laws all guaranteed under the United States Constitution.
121. As a result of Obama's message to the People of America, Plaintiff has suffered damage to his reputation and discrimination and fears for his safety as a result of attempting to protect his rights and verify the eligibility of Obama to serve as

President of the United States. Plaintiff has been repeatedly called a racist and verbally assaulted for bringing forward this lawsuit against Obama. Plaintiff is not a racist and is a paid Life Member of the NAACP. Plaintiff has received numerous nasty emails accusing him of being a racist as a result of filing this action against Obama. Moreover, Plaintiff was verbally assaulted by a black female in public for bringing suit against Obama questioning his citizenship status. All of which is in violation of Plaintiff's right's to due process of the law, equal protection of the laws and the Liberty Clause secured by the Fourteenth Amendment of the U.S. Constitution

122. For the above aforementioned reasons, Defendants need to immediately supply a certified copy of Obama's "vault" (original long version) birth certificate; certified copies of all reissued and sealed birth certificates for Obama; a certified copy of Obama's Certification of Citizenship; a Certified copy of Obama's Oath of Allegiance taken upon the age of Majority; and certified copies of Obama's Admission forms for Occidental College, Columbia University and Harvard law School. If Defendants are unable to supply said documents, Obama needs to immediately step down and withdraw his candidacy for President of the United States.

**WHEREFORE**, Plaintiff, Philip J. Berg, Esquire, respectfully prays that  
this Court:

- A. Order Defendants to immediately turn over the following documents:
1. A certified copy of Obama's "vault" (original long version) birth certificate;

2. Certified copies of all reissued and sealed birth certificates of Obama in the names referred to in the caption of this lawsuit;
3. A certified copy of Obama's Certification of Citizenship;
4. A certified copy of Obama's Oath of Allegiance taken upon age of majority;
5. Certified copies of Obama's Admission forms for Occidental College, Columbia University and Harvard Law School; and
6. Certified copies of any Court Orders or legal documents changing Obama's name from Barry Soetoro to Barack Hussein Obama.

B. Declare that Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham is not a "natural born" or "naturalized" citizen of the United States;

C. Declare that Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham ineligible to run for United States Office of the President under the United States Constitution, Article II, Section I;

D. Preliminary and permanently enjoin Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham from any further campaigning and from running for United States Office of the President;

E. Preliminary and permanently enjoin Defendants, The Democratic National Committee (DNC), the PA Department of State and Pedro A. Cortés, Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation from placing Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham,

a/k/a Barack Dunham's name on the ballot for election of President of the United States;

F. Order the FEC, Feinstein and the U.S. Senate Commission on Rules and Administration to immediately open and conduct an investigation into the fraudulent tactics of Obama and immediately open and conduct an investigation into the citizenship status of Obama;

G. Waive the Governmental Claim requirement due to the urgency of this matter;

H. Award Plaintiff such costs and fees pursuant to 42 U.S.C. § 1988 and other applicable law; and

I. Grant Plaintiff such other and further relief as the Court deems just and proper.

**COUNT FOUR**  
**(Against All Defendants)**  
**Civil Rights, Action for Neglect to Prevent**  
**In violation of 42 U.S.C. § 1986**

123. Plaintiff hereby incorporates Paragraphs 1 through 122 as if fully set forth herein.
124. Defendants, acting under the color of law and in concert with one another, engaged in intentional due process and equal protection of the law violations. In so doing, Defendants have caused the Plaintiff to suffer deprivation of his fundamental rights to due process and equal protection of the laws secured by the United States Constitution under the Fourteenth Amendment and the Laws of the United States.
125. The DNC, FEC, Feinstein and the U.S. Senate Commission on Rules and Administration were and are well aware of Obama's illegal activities, encouraging

racial tension, encouraging violence, his fraudulent campaigning, fraudulently attempting to secure the position of President of the United States. Defendants have failed Plaintiff as they have not performed their duties so delegated to them pursuant to the Laws of our Country and their promises. Defendants have allowed an ineligible candidate to be nominated as President of the United States without performing due diligence in verifying Obama's eligibility and/or investigating the fraudulent acts of Obama, for which Plaintiff has been damaged. Defendants have further allowed the illegal and fraudulent campaigning efforts of Obama to continue in an attempt to allow an ineligible candidate to serve as President of the United States in violation of our United States Constitution.

126. The PA Department of State and Pedro A. Cortés, Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation has the responsibility of placing eligible candidates on the official ballot for the Commonwealth of Pennsylvania. The PA Department of State, Bureau of Commissions, Elections and Legislation has failed to verify Obama's citizenship status prior to placing his name on the ballot in Pennsylvania.
127. The DNC, FEC, Feinstein, U.S. Senate, Commission on Rules and Administration, the PA Department of State and Pedro A. Cortés, Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation have allowed Obama's illegal and fraudulent campaign, which Obama has received in excess of \$450 Million in donations, to continue knowing Obama is **not** a "natural born" citizen and knowing Obama is not eligible to take and/or serve the position of President of the United States, for which he was receiving donations.

128. As a result, Plaintiff has been deprived of money and billable hours by fraudulent means as a result of donating money and billable hours to secure, as promised, an eligible Democratic candidate for Office of the Presidency, in which to cast his vote. The DNC named Obama as the Democratic Nominee, who is ineligible to serve as the President of the United States as he is not a “natural born” citizen, a qualification and eligibility requirement pursuant to Article II, Section I of the United States Constitution. Moreover, Plaintiff has been deprived of his right to vote for an eligible Democratic Nominee for the U.S. Office of the Presidency.
129. Plaintiff has been severely damaged as a result of Defendants actions. Plaintiff has been deprived of liberty, property, due process of law and equal protections of the laws all guaranteed under the United States Constitution.
130. As a result of Obama’s message to the People of America, Plaintiff has suffered damage to his reputation and discrimination and fears for his safety as a result of attempting to protect his rights and verify the eligibility of Obama to serve as President of the United States. Plaintiff has been repeatedly called a racist and verbally assaulted for bringing forward this lawsuit against Obama. Plaintiff is not a racist and is a paid Life Member of the NAACP. Plaintiff has received numerous nasty emails accusing him of being a racist as a result of filing this action against Obama. Moreover, Plaintiff was verbally assaulted by a black female in public for bringing suit against Obama questioning his citizenship status. All of which is in violation of Plaintiff’s right’s to due process of the law, equal protection of the laws and the Liberty Clause secured by the Fourteenth Amendment of the U.S. Constitution.

131. For the above aforementioned reasons, Defendants need to immediately supply a certified copy of Obama's "vault" (original long version) birth certificate; certified copies of all reissued and sealed birth certificates for Obama; a certified copy of Obama's Certification of Citizenship; a Certified copy of Obama's Oath of Allegiance taken upon the age of Majority; and certified copies of Obama's Admission forms for Occidental College, Columbia University and Harvard law School. If Defendants are unable to supply said documents, Obama needs to immediately step down and withdraw his candidacy for President of the United States.

*WHEREFORE*, Plaintiff, Philip J. Berg, Esquire, respectfully prays that this Court:

A. Order Defendants to immediately turn over the following documents:

1. A certified copy of Obama's "vault" (original long version) birth certificate;
2. Certified copies of all reissued and sealed birth certificates of Obama in the names referred to in the caption of this lawsuit;
3. A certified copy of Obama's Certification of Citizenship;
4. A certified copy of Obama's Oath of Allegiance taken upon age of majority;
5. Certified copies of Obama's Admission forms for Occidental College, Columbia University and Harvard Law School; and
6. Certified copies of any Court Orders or legal documents changing Obama's name from Barry Soetoro to Barack Hussein Obama.

B. Declare that Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham is not a "natural born" or "naturalized" citizen of the United States;

C. Declare that Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham ineligible to run for United States Office of the President under the United States Constitution, Article II, Section I;

D. Preliminary and permanently enjoin Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham from any further campaigning and from running for United States Office of the President;

E. Preliminary and permanently enjoin Defendants, The Democratic National Committee (DNC), the PA Department of State and Pedro A. Cortés, Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation from placing Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham's name on the ballot for election of President of the United States;

F. Order the FEC, Feinstein and the U.S. Senate Commission on Rules and Administration to immediately open and conduct an investigation into the fraudulent tactics of Obama and immediately open and conduct an investigation into the citizenship status of Obama;

G. Waive the Governmental Claim requirement due to the urgency of this matter;

H. Award Plaintiff such costs and fees pursuant to 42 U.S.C. § 1988 and other applicable law; and

I. Grant Plaintiff such other and further relief as the Court deems just and proper.

**COUNT FIVE**  
**(Against all Defendants)**  
**Campaign Fraud,**  
**In violation of the Federal Election Campaign Act**  
**2 U.S.C. § 437, et seq. and 26 U.S.C. § 9002, et seq.**

132. Plaintiff hereby incorporates Paragraphs 1 through 131 as if fully set forth herein.
133. Obama committed Fraud upon Plaintiff and the American Citizens by running for President claiming to be eligible, knowing he was not eligible, knowing he was born in Mombasa, Kenya and his mother not being old enough to pass U.S. “natural born” citizenship status to him. Obama is well aware his citizenship status changed from a U.S. Naturalized citizen, if he ever held such, to a “natural” citizen of Indonesia when his step father, Lolo Soetoro, an Indonesian citizen, legally acknowledged Obama as his son and/or adopted Obama.
134. Obama further committed Fraud upon Plaintiff and the American people by falsifying information on his Illinois State Bar Registration and Public Disciplinary Record. Obama stated on his Application to the State Bar of Illinois, as proven by the Illinois State Bar Registration and Disciplinary Record, stating he never used any other names. Obama signed his application/registration for the Illinois State Bar under the penalty of perjury knowing the information to be false. The fact of the matter is Obama used the name Barry Soetoro in Indonesia and was registered as a citizen of Indonesia on his school records. Obama further used the name Barry Obama and it is further believed Obama used the name Barack and/or Barry Dunham.

135. Obama attempted to defraud Plaintiff and the American people by allowing an altered and forged Hawaii Certification of Live Birth (COLB) to be placed on his campaign website. Obama was well aware the Government issued COLB was altered and forged as the original document was in the name of Maya Kasandra Soetoro born in 1970. Maya Kassandra Soetoro's Obama's half sister who was born in Indonesia and her birth was later registered in Hawaii. The altered and forged COLB is still on Obama's campaign website located at <http://my.barackobama.com/page/invite/birthcert>
136. Furthermore, Obama traveled to Indonesia, Pakistan and Southern India in 1981. The relations between Pakistan and India were extremely tense and Pakistan was in turmoil and under martial law. The country was filled with Afghan refugees; and Pakistan's Islamist-leaning Interservices Intelligence Agency (ISI) had begun to provide arms to the Afghan mujahideen and to assist the process of recruiting radicalized Muslim men--jihadists--from around the world to fight against the Soviet Union. Pakistan was so dangerous that it was on the State Department's travel ban list for US Citizens. Non-Muslim visitors were not welcome unless sponsored by their embassy for official business. A Muslim citizen of Indonesia traveling on an Indonesian passport would have success entering Indonesia, Pakistan and India. Therefore, it is believed Obama traveled on his Indonesian passport entering the Countries. Indonesian passports require renewal every five (5) years. At the time of Obama's travels to Indonesia, Pakistan and India, Obama was twenty (20) years old. If Obama would have been a U.S. citizen, which he was not, 8 USC §1481(a)(2) provides loss of nationality by native born citizens upon "taking an oath or making an

affirmation or other formal declaration of allegiance to a foreign state...after having attained the age of eighteen years”, in violation of 8 U.S.C. §1401(a)(1). More importantly, in order to obtain an Indonesian Passport, you had to be an Indonesian citizen. Since Lolo Soetoro legally acknowledged Obama as his son and/or adopted Obama, Obama was a “natural” citizen of Indonesia, as proven by Obama’s school record.

137. Moreover, as stated above, Obama was registered in School in Jakarta, Indonesia as Barry Soetoro, a citizen of Indonesia, born in 1961 in Hawaii and his religion was registered as Islam.
138. Obama fraudulently began campaigning to secure the United States Office of the Presidency and fraudulently accepted in excess of \$450 Million dollars knowing he could never serve as President of the United States.
139. The DNC, FEC, Feinstein and the U.S. Senate Commission on Rules and Administration were and are well aware of Obama’s illegal activities, encouraging racial tension, encouraging violence, his fraudulent campaigning, fraudulently attempting to secure the position of President of the United States. Defendants have failed Plaintiff as they have not performed their duties so delegated to them pursuant to the Laws of our Country and their promises. Defendants have allowed an ineligible candidate to be nominated as President of the United States without performing due diligence in verifying Obama’s eligibility and/or investigating the fraudulent acts of Obama, for which Plaintiff has been damaged. Defendants have further allowed the illegal and fraudulent campaigning efforts of Obama to continue

in an attempt to allow an ineligible candidate to serve as President of the United States in violation of our United States Constitution.

140. The PA Department of State and Pedro A. Cortés, Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation has the responsibility of placing eligible candidates on the official ballot for the Commonwealth of Pennsylvania. The PA Department of State, Bureau of Commissions, Elections and Legislation has failed to verify Obama's citizenship status prior to placing his name on the ballot in Pennsylvania.
141. The DNC, FEC, Feinstein, U.S. Senate, Commission on Rules and Administration, the PA Department of State and Pedro A. Cortés, Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation have allowed Obama's illegal and fraudulent campaign, which Obama has received in excess of \$450 Million in donations, to continue knowing Obama is **not** a "natural born" citizen and knowing Obama is not eligible to take and/or serve the position of President of the United States, for which he was receiving donations.
142. As a result, Plaintiff has been deprived of money and billable hours by fraudulent means as a result of donating money and billable hours to secure, as promised, an eligible Democratic candidate for Office of the Presidency, in which to cast his vote. The DNC named Obama as the Democratic Nominee, who is ineligible to serve as President of the United States as he is not a "natural born" citizen, a qualification and eligibility requirement pursuant to Article II, Section I of the United States Constitution. Moreover, Plaintiff has been deprived of his right to vote for an eligible Democratic Nominee for the U.S. Office of the Presidency.

143. Plaintiff has been severely damaged as a result of Defendants actions. Plaintiff has been deprived of liberty, property, due process of law and equal protections of the laws all guaranteed under the United States Constitution.
144. For the above aforementioned reasons, Defendants need to immediately supply a certified copy of Obama's "vault" (original long version) birth certificate; certified copies of all reissued and sealed birth certificates for Obama; a certified copy of Obama's Certification of Citizenship; a Certified copy of Obama's Oath of Allegiance taken upon the age of Majority; and certified copies of Obama's Admission forms for Occidental College, Columbia University and Harvard law School. If Defendants are unable to supply said documents, Obama needs to immediately step down and withdraw his candidacy for President of the United States.

*WHEREFORE*, Plaintiff, Philip J. Berg, Esquire, respectfully prays that  
this Court:

- A. Order Defendants to immediately turn over the following documents:
1. A certified copy of Obama's "vault" (original long version) birth certificate;
  2. Certified copies of all reissued and sealed birth certificates of Obama in the names referred to in the caption of this lawsuit;
  3. A certified copy of Obama's Certification of Citizenship;
  4. A certified copy of Obama's Oath of Allegiance taken upon age of majority;
  5. Certified copies of Obama's Admission forms for Occidental College, Columbia University and Harvard Law School; and
  6. Certified copies of any Court Orders or legal documents changing Obama's name from Barry Soetoro to Barack Hussein Obama.

B. Declare that Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a [Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham is not a “natural born” or “naturalized” citizen of the United States;

C. Declare that Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham ineligible to run for United States Office of the President under the United States Constitution, Article II, Section I;

D. Preliminary and permanently enjoin Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham from any further campaigning and from running for United States Office of the President;

E. Preliminary and permanently enjoin Defendants, The Democratic National Committee (DNC), the PA Department of State and Pedro A. Cortés, Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation from placing Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham’s name on the ballot for election of President of the United States;

F. Order the FEC, Feinstein and the U.S. Senate Commission on Rules and Administration to immediately open and conduct an investigation into the fraudulent tactics of Obama and immediately open and conduct an investigation into the citizenship status of Obama;

G. Waive the Governmental Claim requirement due to the urgency of this matter;

H. Award Plaintiff such costs and fees pursuant to 42 U.S.C. § 1988 and other applicable law; and

I. Grant Plaintiff such other and further relief as the Court deems just and proper.

**COUNT SIX**  
**(Against all Defendants)**  
**Violation of the Freedom of Information Act (FOIA)**  
**5 U.S.C. § 552, et seq.**

145. Plaintiff hereby incorporates Paragraphs 1 through 144 as if fully set forth herein.
146. Plaintiff attempted to secure documents proving the citizenship status of Obama from Obama the FEC, DNC, Feinstein, U.S. Senate, Commission on Rules and Administration, however has been refused.
147. In attempt to resolve the issues regarding Obama's citizenship status, Plaintiff served subpoenas on the U.S. Embassy, Jakarta Indonesia, U.S. Embassy, Nairobi, Kenya, the U.S. State Department, the Federal Bureau of Information (FBI), the Central Intelligence Agency (CIA), The Hawaii Department of Health, Kapi'olani Medical Center for Women and Children, Queens Medical Center, and the U.S. Senate, Commission on Rules and Administration. Unfortunately, to date, Plaintiff has been refused all documents.

148. Plaintiff has attempted to obtain the appropriate documents to prove Obama's citizenship status, or lack thereof and has requested investigation into the eligibility status of Obama. Defendants have completely ignored the complaints and requests.
149. Plaintiff has a right, which is secured to him by our laws and the United States Constitution, for verification of our Presidential Nominee's eligibility to serve as President of the United States prior to the elections.
150. Plaintiff has suffered an informational injury as a voter and member of the public; the lack of information on Mr. Obama's citizenship, caused by the FEC, Feinstein, the U.S. Senate, Commission on Rules and Administration's actions, Obama, Cortés, PA Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation limited the information available to Plaintiff as a voter and impaired his ability to make proper decisions and ensure he is voting for a legally eligible Presidential candidate.
151. If a party is denied information that will help it in making a voting decision that party is obviously injured in fact. *FEC v. Akins*, 524 U.S. 11 (1998).
152. For the above aforementioned reasons, Defendants need to immediately supply a certified copy of Obama's "vault" (original long version) birth certificate; certified copies of all reissued and sealed birth certificates for Obama; a certified copy of Obama's Certification of Citizenship; a Certified copy of Obama's Oath of Allegiance taken upon the age of Majority; and certified copies of Obama's Admission forms for Occidental College, Columbia University and Harvard law School. If Defendants are unable to supply said documents, Obama needs to

immediately step down and withdraw his candidacy for President of the United States.

*WHEREFORE*, Plaintiff, Philip J. Berg, Esquire, respectfully prays that this Court:

A. Order Defendants to immediately turn over the following documents:

1. A certified copy of Obama's "vault" (original long version) birth certificate;
2. Certified copies of all reissued and sealed birth certificates of Obama in the names referred to in the caption of this lawsuit;
3. A certified copy of Obama's Certification of Citizenship;
4. A certified copy of Obama's Oath of Allegiance taken upon age of majority;
5. Certified copies of Obama's Admission forms for Occidental College, Columbia University and Harvard Law School; and
6. Certified copies of any Court Orders or legal documents changing Obama's name from Barry Soetoro to Barack Hussein Obama.

B. Declare that Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham is not a "natural born" or "naturalized" citizen of the United States;

C. Declare that Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham ineligible to run for United States Office of the President under the United States Constitution, Article II, Section I;

D. Preliminary and permanently enjoin Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry

Dunham, a/k/a Barack Dunham from any further campaigning and from running for United States Office of the President;

E. Preliminary and permanently enjoin Defendants, The Democratic National Committee (DNC), the PA Department of State and Pedro A. Cortés, Secretary of the Commonwealth, PA Department of State, Bureau of Commissions, Elections and Legislation from placing Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham's name on the ballot for election of President of the United States;

F. Order the FEC, Feinstein and the U.S. Senate Commission on Rules and Administration to immediately open and conduct an investigation into the fraudulent tactics of Obama and immediately open and conduct an investigation into the citizenship status of Obama;

G. Waive the Governmental Claim requirement due to the urgency of this matter;

H. Award Plaintiff such costs and fees pursuant to 42 U.S.C. § 1988 and other applicable law; and

I. Grant Plaintiff such other and further relief as the Court deems just and proper.

**COUNT SEVEN**  
**(Against Defendants Obama and the DNC)**  
**Promissory Estoppel**

153. Plaintiff hereby incorporates Paragraphs 1 through 152 as if fully set forth herein.

154. Plaintiff is a life long Democrat who had always been proud of his Party. Plaintiff is a licensed attorney in good standing and has taken an oath to uphold the United States Constitution. Plaintiff has donated money and billable hours to Democratic Presidential candidates as well as to the Democratic National Committee. Plaintiff has relied on the DNC's promises to uphold our Constitution, which includes properly vetting our Presidential Nominee and ensuring our Party's Nominee is eligible to serve as President of the United States pursuant to Article II, Section 1 of our United States Constitution.
155. In addition, Plaintiff has trusted the Federal Election Committee ("FEC") that they would ensure our Presidential and Congress candidates were eligible for the positions which they were seeking and running a fair and legitimate campaign process. Plaintiff has relied on the FEC, DNC and all our Elected Office Holders to uphold our Constitution and to ensure an illegal alien and/or a naturalized citizen would not be able to secure the position of President of the United States.
156. In order to be eligible and qualified to run for the Office of the President of the United States you must be a "natural born" citizen. United States Constitution, Article II, Section I.
157. The DNC published on their website at <http://www.democrats.org> their 2008 Democratic National Platform "***Renewing America's Promise***". The DNC's platform of promise contain many promises to the American people.
158. The DNC promises on page iii Section IV, Renewing American Democracy further promising "***Open, Accountable and Ethical government; Reclaiming our***

***Constitution and our Liberties; and Voting Rights.***” The DNC has failed to uphold and follow through with their promises.

159. The DNC promises in their promotion of Obama, Page 53, *“In Barack Obama’s Administration, we will open up the doors of democracy. We will use technology to make government more transparent, accountable, and inclusive. Rather than obstruct people’s use of the Freedom of Information Act, we will require that agencies conduct significant business in public and release all relevant information unless an agency reasonably foresees harm to a protected interest.”*
160. The DNC has pledged and promised Plaintiff and all Democratic individuals they believe that our Constitution, our courts, our institutions and our traditions are proper and work.
161. The DNC pledged and promised Plaintiff and all Democratic individuals they will ensure our Constitution is not a nuisance and have assured Plaintiff and democratic individuals the United States Constitution is the foundation of our democracy. It makes freedom and self-governance possible, and helps to protect our security. The Democratic Party has pledged and promised Plaintiff and other Democratic individuals they will maintain and restore our Constitution to its proper place in our government and return our Nation to the best traditions, including their commitment to government by law.
162. Unfortunately, the DNC has not upheld our Constitution and/or our Laws. The DNC is promoting an illegal candidate who is ineligible to serve as the President of the United States. The DNC has failed to investigate into Obama’s citizenship. Obama is not a “natural born” U.S. citizen, he is still an Indonesian citizen and ineligible to

serve as President of the United States, United States Constitution, Article II, Section I.

163. The DNC has promised on page 56 *“Voting rights are fundamental rights because they are protective of all other rights. We will work to fully protect and enforce the fundamental Constitutional right of every American vote—to ensure that the Constitution’s promise is fully realized.” “Finally, we will enact legislation that establishes harsh penalties for those who engage in voter intimidation and creates a process for providing accurate information to misinformed voters so they can cast their votes in time.”*
164. The DNC has promised on page 56 *“Voting rights are fundamental rights because they are protective of all other rights. We will work to fully protect and enforce the fundamental Constitutional right of every American vote—to ensure that the Constitution’s promise is fully realized.” “Finally, we will enact legislation that establishes harsh penalties for those who engage in voter intimidation and creates a process for providing accurate information to misinformed voters so they can cast their votes in time.”*
165. The DNC has not protected Plaintiff or other Democratic voter’s rights, they have failed to provide accurate information, they have not investigated Obama’s eligibility and/or citizenship status and they have allowed Obama’s tactics in promoting racial tension and threatening to have people arrested and prosecuted if they talk negatively or debate against Obama.
166. Based on the DNC’s promises and assurances, Plaintiff and other democratic individuals have donated money in good faith to the DNC and other Democratic

Presidential Nominees. Money donated to the DNC is used to plan the Party's quadrennial presidential nominating convention; promote the election of eligible Party candidates, pursuant to the United States Constitution, Article II, Section I, with both technical and financial support; and works with national, state and local party organizations, elected officials, candidates and constituencies to respond to the needs and views of the Democratic electorate and the nation.

167. Obama has promised to uphold the United States Constitution and to be open and honest with all questions presented. However, Obama has not been open and honest; he has refused to provide proof of his citizenship status and has refused to answer questions pertaining to his citizenship status. Furthermore, Obama is not upholding the Constitution as he is aware he is ineligible to serve as the President of the United States. Obama has further violated the U.S. Constitution by fraudulently collecting in excess of \$450 Million dollars.
168. Obama promises on his website to ***End Deceptive Voting Practices***. *“Obama states he will sign into law his legislation that establishes harsh penalties for those who have engaged in voter fraud and provide voters who have been misinformed with accurate and full information so they can vote.”* Obama has made the promises however, has been dishonest regarding his citizenship status and has refused to prove his citizenship status so Plaintiff and other voter’s can be well educated into our Presidential candidate.
169. Obama states on his webpage at <http://factcheck.barackobama.com> *“I want to campaign the same way I govern, which is to respond directly and forcefully with the truth”* ~ Barack Obama, [11/08/07](#). Unfortunately, this is not true, Obama has not

been honest about his citizenship and he has refused to provide proof of his citizenship status. Instead, Obama and his campaign placed an image on Obama's website purporting to be an original Certification of Live Birth (COLB) of Obama's from Hawaii. It was later determined the COLB on [www.fightthesmears.com](http://www.fightthesmears.com) turned out to be an altered and forged COLB.

170. The DNC and FEC bear the responsibility of vetting the Democratic Presidential candidate, among other things, to ensure the eligibility requirements pursuant to our Constitution are met and the Presidential nominee, if elected, is qualified and eligible to serve pursuant to our United States Constitution. The DNC has promised the people to uphold this obligation which is part of upholding the United States Constitution.
171. To date, the DNC has never verified the eligibility of Obama, despite knowing Obama was not an eligible candidate, as promised, and instead nominated Obama as the Democratic Presidential Nominee. The DNC is well aware Obama cannot hold the United States Office of the Presidency and therefore failed to follow through on their promises.
172. Additionally, the DNC has not upheld the U.S. Constitution, their protections of Plaintiff and/or the Democratic citizens of the United States, nor have they done the job they have promised Plaintiff and other Democratic citizens.
173. As a result, there is significant disenfranchisement of the Democratic Party, which has harmed Plaintiff. The disenfranchisement is a result of the DNC allowing a non-citizen; in fact a citizen of Indonesia, to be the Democratic Nominee, knowing Obama cannot serve as the President of the United States, if elected. The DNC has

allowed Obama's fraudulent campaigning to continue and Plaintiff has been deprived money which he donated to support an eligible Democratic Nominee to run, and if elected, to serve as the President of the United States.

174. Plaintiff has been deprived of money and billable hours by fraudulent means as a result of donating money and billable hours to secure, as promised, an eligible Democratic candidate for Office of the Presidency, in which to cast his vote. The DNC named Obama as the Democratic Nominee, who is ineligible to serve as the President of the United States as he is not a "natural born" citizen, a qualification and eligibility requirement pursuant to Article II, Section I of the United States Constitution. Moreover, Plaintiff has been deprived of his right to vote for an eligible Democratic Nominee for the U.S. Office of the Presidency.
175. Plaintiff has been severely damaged as a result of Defendants actions. Plaintiff has been deprived of liberty, property, due process of law and equal protections of the laws all guaranteed under the United States Constitution.
176. As a result of Obama's message to the People of America, Plaintiff has suffered damage to his reputation and discrimination and fears for his safety as a result of attempting to protect his rights and verify the eligibility of Obama to serve as President of the United States. Plaintiff has been repeatedly called a racist and verbally assaulted for bringing forward this lawsuit against Obama. Plaintiff is not a racist and is a paid Life Member of the NAACP. Plaintiff has received numerous nasty emails accusing him of being a racist as a result of filing this action against Obama. Moreover, Plaintiff was verbally assaulted by a black female in public for bringing suit against Obama questioning his citizenship status. All of which is in

violation of Plaintiff's right's to due process of the law, equal protection of the laws and the Liberty Clause secured by the Fourteenth Amendment of the U.S. Constitution.

177. All elements required to invoke Promissory Estoppel have been met by Plaintiff. The DNC and Obama made a promise to Plaintiff, which Plaintiff relied upon and expected. Not only has Plaintiff suffered economic losses; he has lost his constitutional right to vote for an eligible Democratic candidate who can serve as the President of the United States, if elected.
178. The only way justice can be served is by the Court enforcing the promise of the DNC and Obama.
179. For the above aforementioned reasons, Defendants need to immediately uphold their promises, uphold the United States Constitution and immediately supply a certified copy of Obama's "vault" (original long version) birth certificate; certified copies of all reissued and sealed birth certificates for Obama; a certified copy of Obama's Certification of Citizenship; a Certified copy of Obama's Oath of Allegiance taken upon the age of Majority; and certified copies of Obama's Admission forms for Occidental College, Columbia University and Harvard law School. If Defendants are unable to supply said documents, Obama needs to immediately step down and withdraw his candidacy for President of the United States.

***WHEREFORE***, Plaintiff, Philip J. Berg, Esquire, respectfully prays that  
this Court:

- A. Order Defendants to immediately turn over the following documents:
  1. A certified copy of Obama's "vault" (original long version) birth certificate;

2. Certified copies of all reissued and sealed birth certificates of Obama in the names referred to in the caption of this lawsuit;
3. A certified copy of Obama's Certification of Citizenship;
4. A certified copy of Obama's Oath of Allegiance taken upon age of majority;
5. Certified copies of Obama's Admission forms for Occidental College, Columbia University and Harvard Law School; and
6. Certified copies of any Court Orders or legal documents changing Obama's name from Barry Soetoro to Barack Hussein Obama.

B. Order Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham removed from the Presidential Ballot until his citizenship status can in fact be verified ensuring he is eligible to serve as the President of the United States;

C. Preliminary and permanently enjoin Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham from any further campaigning and from running for United States Office of the President until he is able to prove his citizenship status and eligibility to hold the United States Office of the Presidency;

D. Preliminary and permanently enjoin Defendants, The Democratic National Committee (DNC), from placing Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham's name on the ballot for election of the President of the United States until Obama's citizenship status and eligibility to serve as the United States Presidency have been verified;

E. Award Plaintiff such costs and fees pursuant to 42 U.S.C. § 1988 and other applicable law; and

F. Grant Plaintiff such other and further relief as the Court deems just and proper.

**COUNT EIGHT**  
**(Against Defendant Obama)**  
**Loss of nationality by native-born or naturalized citizen**  
**8 U.S.C. § 1481(b)**

180. Plaintiff hereby incorporates Paragraphs 1 through 179 as if fully set forth herein.
181. Obama was born in Mombosa, Kenya in or about August 4, 1961. At the time of his birth, Obama's father was a citizen of Kenya and his mother was a U.S. citizen, eighteen (18) years of age. The Nationality Act of 1940, revised June 1952 required the citizen parent of a child born abroad must reside in the United States for ten (10) years, five (5) of which were after the age of fourteen (14) in order to register the child born abroad as a United States "natural born" citizen. Obama's mother was not old enough to pass on U.S. "natural born" citizenship to Obama and therefore could only register his birth as "naturalized".
182. Even if Obama would have been able to be registered as a U.S. "natural born" citizen in Hawaii, which was not available, he lost his citizenship in the United States when his mother married Lolo Soetoro, a citizen of Indonesia, and became a naturalized citizen in Indonesia and set up residency in Indonesia with her new husband. Minor's follow their custodial parent's citizenship status.

183. Moreover, Obama's Indonesian step father, Lolo Soetoro, signed a Government acknowledgement form acknowledging Obama as his son and/or legally adopted Obama, either of which changed Obama's citizenship status to a "natural" citizen of Indonesia. Thus, Obama could have only obtained Naturalized citizenship status in the United States, if in fact he and/or his family filed the proper immigration paperwork.
184. 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) states in pertinent part, *State citizens of Indonesia include: (viii) children who are born outside of legal marriage from foreign State citizen mother who are acknowledged by father who is Indonesian State citizen as his children and that acknowledgment is made prior to children reaching 18 years of age or prior to marriage;* Republic of Indonesia Constitution 1945, As amended by the First Amendment of 1999, the Second Amendment of 2000, the Third Amendment of 2001 and the Fourth Amendment of 2002, Chapter X, Citizens and Residents, Article 26 states, "(1) Citizens shall consist of indigenous Indonesian peoples and persons of foreign origin who have been legalized [sic] as citizens in accordance with law. (2) Residents shall consist of Indonesian citizens and foreign nationals living in Indonesia."

185. 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.*
186. The Indonesian citizenship law was designed to prevent apatride (stateless) or bipatride (dual citizenship). Indonesian regulations recognize neither apatride nor bipatride citizenship. Obama's mother was required to renounce her U.S. citizenship and was sponsored by her Indonesian spouse. Minor children followed their custodial parent's citizenship status.
187. Obama was enrolled by his parents in a public school, Fransiskus Assisi School, a public school, in Jakarta, Indonesia. Plaintiff has received copies of the school registration in which it clearly states Obama's name as "Barry Soetoro," and lists his citizenship as Indonesian, his citizenship number as 203. Obama's father is listed as Lolo Soetoro, Obama's date of birth and place of birth are listed as August 4, 1961 in Hawaii, and Obama's Religion is listed as Islam. This document was verified by television show *Inside Edition*, whose reporter, Matt Meagher, took the actual footage of the school record. At the time Obama was registered, the public schools obtained and verified the citizenship status and name of the student through the Indonesian Government. All Indonesian students were required to carry government identity cards, or *Karty Tanda Pendudaks*, as well as family card identification called a ***Kartu Keluarga***. *The Kartu Keluarga is a family card which bears the legal names of all family members.* Indonesia did **not** allow foreign students to attend their schools and Indonesia Immigration Officials and the Police frequently visited the schools to

ensure the students attending were all Indonesian citizens pursuant to the laws. At the time Obama attended school in Jakarta Indonesia, Indonesia did not allow foreign students to attend their public schools.

188. Plaintiff is informed, believes and thereon alleges Obama stated his citizenship as Kenyan on his College Admission forms to Occidental College, Columbia University and Harvard Law School.
189. Furthermore, Obama traveled to Indonesia, Pakistan and Southern India in 1981. The relations between Pakistan and India were extremely tense and Pakistan was in turmoil and under martial law. The country was filled with Afghan refugees; and Pakistan's Islamist-leaning Interservices Intelligence Agency (ISI) had begun to provide arms to the Afghan mujahideen and to assist the process of recruiting radicalized Muslim men--jihadists--from around the world to fight against the Soviet Union. Pakistan was so dangerous that it was on the State Department's travel ban list for US Citizens. Non-Muslim visitors were not welcome unless sponsored by their embassy for official business. A Muslim citizen of Indonesia traveling on an Indonesian passport would have success entering Indonesia, Pakistan and India. Therefore, it is believed Obama traveled on his Indonesian passport entering the Countries. Indonesian passports require renewal every five (5) years. At the time of Obama's travels to Indonesia, Pakistan and India, Obama was twenty (20) years old. If Obama would have been a U.S. citizen, which he was not, 8 USC §1481(a)(2) provides loss of nationality by native born citizens upon "taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state...after having attained the age of eighteen years", in violation of 8 U.S.C. §1401(a)(1).

190. If in fact Obama ever had citizenship, he lost his citizenship by becoming a “natural” citizen of Indonesia. Obama could have gained United States “naturalized” citizenship status, however, he and/or his family would have been required to file the appropriate Immigration paperwork and obtain a Certification of Citizenship, which Obama and his family failed to do.
191. For the reason’s stated herein Obama is still a citizen of Indonesia and is not a United States “natural born” citizen, he is not a “naturalized” citizen of the United States and is here in the United States as an “illegal alien”.

**WHEREFORE**, Plaintiff, Philip J. Berg, Esquire, respectfully prays that this Court:

- A. Order Defendant to prove his citizenship status and immediately turn over the following documents:
1. A certified copy of Obama’s “vault” (original long version) birth certificate;
  2. Certified copies of all reissued and sealed birth certificates of Obama in the names referred to in the caption of this lawsuit;
  3. A certified copy of Obama’s Certification of Citizenship;
  4. A certified copy of Obama’s Oath of Allegiance taken upon age of majority;
  5. Certified copies of Obama’s Admission forms for Occidental College, Columbia University and Harvard Law School; and
  6. Certified copies of any Court Orders or legal documents changing Obama’s name from Barry Soetoro to Barack Hussein Obama.
- B. Issue a Declaratory Judgment against Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry

Dunham, a/k/a Barack Dunham declaring he is not a U.S. “natural born” citizen, he is not a “naturalized” citizen and he is still an Indonesian citizen.

C. Order Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham removed from the Presidential Ballot until his citizenship status can in fact be verified ensuring he is eligible to serve as the President of the United States;

D. Preliminary and permanently enjoin Defendant Barack Hussein Obama, a/k/a Barry Obama, a/k/a Barry Soetoro, a/k/a Barack Soetoro, a/k/a Barry Dunham, a/k/a Barack Dunham from any further campaigning and from running for the United States Office of the President until he is able to prove his citizenship status and eligibility to hold the United States Office of the Presidency;

E. Award Plaintiff such costs and fees pursuant to 42 U.S.C. § 1988 and other applicable law; and

F. Grant Plaintiff such other and further relief as the Court deems just and proper.

Respectfully submitted,

s/ Philip J. Berg

Dated: October 6, 2008

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Philip J. Berg, Esquire  
Attorney in *Pro Se*  
555 Andorra Glen Court, Suite 12  
Lafayette Hill, PA 19444-2531  
Identification No. 09867  
(610) 825-3134