

OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA

- - - - -  
 DAVID FARRAR :  
 LEAH LAX :  
 CODY JUDY :  
 THOMAS MALAREN :  
 LAURIE ROTH :  
 Plaintiffs :  
 :  
 :  
 : DOCKET NO.  
 v. : OSAH-SECSTATE-CE-  
 : 1215136-60-Malihi  
 BARACK OBAMA :  
 Defendant :  
 :  
 :  
 - - - - -

230 Peachtree Street, Suite 850  
Atlanta, Georgia

Thursday, January 26, 2012

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

BEFORE:

MICHAEL M. MALIHI, Deputy Chief Administrative Law  
Judge

APPEARANCES:

FOR THE PLAINTIFF:

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

FOR THE DEFENDANT:

(No appearance.)

## I N D E X

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

## EXHIBITS: FOR IDENTIFICATION IN EVIDENCE

## Plaintiff:

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

1 P R O C E E D I N G S

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

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

6 MR. FARRAR: Good morning, sir.

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

9 JUDGE MALIHI: Counsel, before you start, I'm  
10 going to give you two hours maximum, we will conclude at  
11 12:15.

12 MS. TAITZ: Thank you, Your Honor.

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

15 MS. TAITZ: I'll do my best.

16 JUDGE MALIHI: Thank you.

17 MS. TAITZ: Mr. Farrar, please.

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

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

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

22 THE REPORTER: Wait. Got to swear the witness.

23 Whereupon,

24 DAVID FARRAR

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

1 sworn, was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MS. TAITZ:

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

6 A Yes, ma'am.

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

8 JUDGE MALIHI: Thank you very much.

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

11 (Witness excused.)

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

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

18 MS. TAITZ: That's it.

19 JUDGE MALIHI: Okay.

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

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

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

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

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

4 JUDGE MALIHI: What's the next one?

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

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

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

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

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

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

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

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

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

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

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

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

20 JUDGE MALIHI: Counsel, let me stop you.

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

24 MS. TAITZ: Okay, Mr. Strunk.

25 JUDGE MALIHI: Good morning, sir.

1 MR. STRUNK: Good morning, Your Honor.

2 Whereupon,

3 CHRISTOPHER STRUNK

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

6 DIRECT EXAMINATION

7 BY MS. TAITZ:

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

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

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

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

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

18 BY MS. TAITZ:

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

22 A This is a renewal form.

23 Q Okay.

24 A Taking him off of her passport.

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

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

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

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

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

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

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

12 Q Passport.

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

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

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

16 (Witness excused.)

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

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

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

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

1 JUDGE MALIHI: Yes.

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

5 (Witness excused.)

6 Whereupon,

7 SUSAN DANIELS

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

10 DIRECT EXAMINATION

11 BY MS. TAITZ:

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

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

15 Q How many years have you been a licensed  
16 investigator?

17 A Since March of 1995.

18 Q Did you testify in court?

19 A Yes.

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

22 A Yes.

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

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

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

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

7 A No.

8 Q Where did he reside?

9 A Hawaii.

10 Q Now --

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

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

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

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

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

24 A 042-68-4425.

25 Q Now do the first three digits of Social Security

1 Number signify the state?

2 A Yes.

3 Q So 042 is what state?

4 A Is Connecticut, 040 to 049 is Connecticut.

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

7 A Right.

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

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

15 MS. TAITZ: Sure.

16 BY MS. TAITZ:

17 Q What would be his age?

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

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

1 Security Number.

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

3 THE WITNESS: I believe that --

4 JUDGE MALIHI: You can't answer that.

5 THE WITNESS: Pardon me?

6 JUDGE MALIHI: You cannot answer that.

7 BY MS. TAITZ:

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

9 A I believed from the beginning it was fraudulent.

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

11 What does that mean?

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

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

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

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

1 said 1890.

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

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

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

15 A That's what I believe.

16 Q -- in 1977.

17 A That's what I believe.

18 Q Anything else you'd like to add?

19 A No.

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

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

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

1 Plaintiff's Exhibit Number 2.)

2 (Witness excused.)

3 MS. TAITZ: Next, my third --

4 JUDGE MILLER: Is it fourth or third?

5 MS. TAITZ: Fourth witness is going to be Mr.

6 Felicito Papa.

7 Whereupon,

8 FELICITO PAPA

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

11 DIRECT EXAMINATION

12 BY MS. TAITZ:

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

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

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

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

24 THE WITNESS: Okay.

25 JUDGE MALIHI: Next question.

1 BY MS. TAITZ:

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

4 A That's correct.

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

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

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

11 A That's true, yes.

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

14 A That's correct.

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

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

19 A That's correct, yes.

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

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

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

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

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

3 A It is one of the bottom layer.

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

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

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

11 A That's correct.

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

15 A That's correct.

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

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

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

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

3 A Yes, I did.

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

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

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

11 A That's correct.

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

14 A That's correct, yes.

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

19 A That's correct.

20 Q After a few days was the file flattened?

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

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

25 I would like to introduce into evidence affidavits

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

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

6 (Witness excused.)

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

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

10 JUDGE MALIHI: Good morning, Ms. Jordan.

11 MS. JORDAN: Morning.

12 Whereupon,

13 LINDA JORDAN

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

16 DIRECT EXAMINATION

17 BY MS. TAITZ:

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

20 A Yes, it is.

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

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

3           A     Yes, one of them.

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

5           A     Yes.

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

8           A     Yes.

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

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

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

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

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

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

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

1 At this point, I would like to introduce into  
2 evidence the affidavit of Ms. Jordan and the E-Verify  
3 statement showing that the Social Security Number that Mr.  
4 Obama is using does not verify under E-Verify.

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

8 (Witness excused.)

9 JUDGE MALIHI: Who is your next witness?

10 MS. TAITZ: Next witness is going to be Mr.  
11 Douglas Vogt.

12 JUDGE MALIHI: Good morning, sir.

13 MR. VOGT: Good morning.

14 MS. TAITZ: One second, Your Honor, I'm missing my  
15 page. I apologize.

16 (Brief pause.)

17 Whereupon,

18 DOUGLAS VOGT  
19 appeared as a witness herein and, having been first duly  
20 sworn, was examined and testified as follows:

21 THE REPORTER: Tell me your name, please.

22 THE WITNESS: Douglas Vogt.

23 THE REPORTER: Last named spelled?

24 THE WITNESS: V-o-g-t.

25 DIRECT EXAMINATION

1 BY MS. TAITZ:

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

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

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

10 A Yeah.

11 MS. TAITZ: Testimony from Mr. Vogt.

12 VOICE: I don't have it.

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

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

17 BY MS. TAITZ:

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

21 A Yes, I did.

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

24 BY MS. TAITZ:

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

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

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

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

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

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

20 BY MS. TAITZ:

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

24 A Yes.

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

1 in a scanner, would you see haloing?

2 A No, none whatsoever.

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

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

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

8 A Curve of the page.

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

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

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

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

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

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

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

5 A Yes, on how they --

6 Q Wait --

7 A -- copied it, yes.

8 Q But were there lines that went straight?

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

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

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

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

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

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

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

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

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

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

9 A Yes.

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

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

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

18 A I am.

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

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

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

24 A It would be slanted.

25 Q Was it slanted here?

1 A No, they're perfectly straight.

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

4 A Right.

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

11 A Yes, you would.

12 Q Do you see it here?

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

15 Q Okay.

16 A Right about here (indicating).

17 Q But it's hard to see.

18 A Oh, yeah.

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

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

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

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

3 BY MS. TAITZ:

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

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

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

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

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

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

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

20 A Yes.

21 Q Next --

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

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

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

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

8 Q Okay.

9 A And they have to be sequential.

10 Q Okay, Mr. Vogt --

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

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

14 BY MS. TAITZ:

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

16 A Yes.

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

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

22 (Witness excused.)

23 JUDGE MALIHI: Your last witness.

24 MS. TAITZ: Is Mr. Sampson.

25 JUDGE MALIHI: Good morning, sir.

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

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

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

8 DIRECT EXAMINATION

9 BY MS. TAITZ:

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

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

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

20 Q And where did you work?

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

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

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

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

9 Q So you have many --

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

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

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

18 Q Thank you.

19 A -- in deportation.

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

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

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

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

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

6           Q     Is that the affidavit that you provided me?

7           A     Yes, it is.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Q Was there any redacting in those records?

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

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

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

7 A No.

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

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

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

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

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

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

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

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

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

19 Q How about immigration and passport records?

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

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

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

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

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

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

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

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

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

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

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

14 THE WITNESS: Thank you, Your Honor.

15 (Witness excused.)

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

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

20 I apologize.

21 (Pause.)

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

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

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

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

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

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

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

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

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

22           JUDGE MALIHI: Counsel, are you testifying?

23           MS. TAITZ: I can actually testify.

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

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

2 JUDGE MALIHI: No, no, no.

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

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

6 MS. TAITZ: I personally obtained those documents.

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

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

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

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

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

22 DIRECT TESTIMONY

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

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

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

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

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

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

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

21 Next --

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

24 MS. TAITZ: Sure, okay.

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

1 MS. TAITZ: Okay.

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

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

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

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

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

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

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

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

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

22 Thank you, Your Honor.

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

25 MS. TAITZ: Yes, Your Honor.

1 (A document was proffered to the reporter.)

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

3 MS. TAITZ: Put the next number on it.

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

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

9 (Documents were proffered to the Court.)

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

12 MS. TAITZ: Thank you, Your Honor.

13 (Whereupon, the hearing was concluded at  
14 11:12 a.m.)

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C E R T I F I C A T E

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

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