

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

MICHAEL C. VOELTZ,  
Plaintiff,

Case No.: 2012 CA 003857

vs.

BARACK HUSSEIN OBAMA, et. al.  
Defendants.

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**PLAINTIFF'S RESPONSE IN OPPOSITION TO DEFENDANT OBAMA DEFENDANT  
SECRETARY OF STATE, AND DEFENDANT FLORIDA CANVASSING  
COMMISSION, MOTIONS TO DISMISS**

Plaintiff Michael Voeltz, by and through his undersigned counsel, hereby submits the following memorandum of law in opposition to Defendants' Motions to Dismiss for Failure to State a Cause of Action.

**INTRODUCTION**

On November 6, 2012 the state of Florida held its 2012 General Election. On November 10, 2012 Defendant Barack Hussein Obama was declared the official winner of the Florida General Election. Yet Defendant Obama has never established his eligibility for the presidency of the United States. Indeed, neither Defendant Obama, nor the Democratic Party of Florida has even stated that Defendant Obama is a "natural born citizen." The only evidence of Defendant Obama's alleged birth within the United States has come in the form of an electronic version posted on the internet. However, there has been evidence to show that this "birth certificate" has either been altered or is entirely fraudulent. No physical, paper copy has ever been presented to firmly establish that Defendant Obama was indeed born within the United States.

Yet even if his purported "birth certificate" is to be believed, Defendant Obama was born to a mother who was a citizen of the United States, and a father who was a Kenyan citizen. The U.S. Constitution requires that all who serve as President of the United States must be "natural born citizen[s]." The Supreme Court has defined this term to mean a child born to two citizen parents. Since Defendant Obama was not born to both parents who were citizens of the United States, he is not a "natural born citizen" as required by the U.S. Constitution.

Under either scenario, it is clear that Defendant Obama has not established eligibility for the Office of the President of the United States, and it is evident that he may not, under any circumstance, establish his eligibility.

#### STATEMENT OF FACTS

On or about April 2011, only after years into his presidency, and under media and political pressure, Defendant Obama published on the internet an electronic version of a purported birth certificate alleging his birth in Honolulu, Hawaii on August 4, 1961 to American citizen mother, Stanley Ann Dunham, and Kenyan British subject father, Barack Obama, Sr.

No physical, paper copy of the actual long form birth certificate has been produced in order to definitively establish Defendant Obama's birth within the United States. Instead, there is credible evidence that the "birth certificate" published on the internet was altered or otherwise fraudulent. Exhibit 1.

Even if this birth certificate is authentic, it would only establish that Defendant Obama was born to a U.S. citizen mother, Stanley Ann Dunham, and a father who was a British subject. In fact, Barack Hussein Obama Sr, Defendant Obama's father, was never a citizen of the United

States, was only in the United States on a student visa, and was later deported from the United States.

### ARGUMENT

The judiciary has the power to determine eligibility. See *State ex rel. Cherry v. Stone*, 265 So. 2d 56, 58 (Fla. Dist. Ct. App. 1st Dist. 1972); *Shevin v. Stone* 279 So. 2d. 17, 22 (1972). The Contest of Election statute specifically created a cause of action to enable Plaintiff, a registered elector and taxpayer, to bring this lawsuit in order for this Court to determine the eligibility of Defendant Obama.

Under Florida Election Code section 102.168(1), "the certification of election or nomination of any person to office... may be contested in the circuit court... by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively." Under Section 97.021(14), Florida Statutes (2011), "Elector" is defined as "synonymous with the word 'voter' or 'qualified elector or voter". Plaintiff is a registered voter in the State of Florida, having met the qualifications of Section 97.041(1)(a), Florida Statutes (2011); a member of the Democratic Party; and a taxpayer. Compl. ¶3. Thus, Plaintiff has standing under Section 102.168(1) to contest the certification of a nomination of a person to office.

Under Section 102.168(3), the Plaintiff "must set forth the grounds" on which the contest challenge is based upon. Section 102.168(3), Florida Statutes (2011). The statute goes on provide the grounds on which a challenge may occur: a) misconduct, fraud, or corruption; b) ineligibility of the successful candidate for the nomination or office in dispute; c) receipt of a number of illegal votes; or d) proof that any elector, official, etc. was given or offered a bribe.

Section 102.168(3)(a)-(d), Florida Statutes (2011). Plaintiff's complaint alleged that Defendant Obama is ineligible for the office of the presidency of the United States. Compl. ¶ 27.

Judge Terry Lewis' decision in *Voeltz v. Obama, et. al*, No. 2012-CA-00467 (June 29, 2012), currently on appeal, was simply that there was no cause of action prior to the 2012 Florida General Election. No other issues were resolved as a result of his decision, and none of the issues to be decided in this case were resolved previously. Judge Lewis even stated in his decision that he was not deciding whether Plaintiff would have a lawsuit after the 2012 Florida General Election.<sup>1</sup>

There Is Credible Evidence That Defendant Barack Obama is Not Eligible For the Office of President of the United States.

Plaintiff has pled that Defendant Barack Obama is not eligible for the Office of President of the United States. Plaintiff's allegations are substantiated by the sworn affidavits of Sheriff Joseph Arpaio of Maricopa County, Arizona, and his investigative team, the Cold Case Posse. Exhibit 1. Sheriff Arpaio was first asked to undertake an investigation into Defendant Obama's long-form birth certificate in August of 2011 upon petition by 250 residents of Maricopa County. Arpaio Affidavit ¶ 2. The Cold Case Posse was commissioned by Sheriff Arpaio in October 2011 and is comprised of former law enforcement investigators and practicing attorneys. *Id.* at ¶ 5. Mr. Michael Zullo was the lead investigator for the Cold Case Posse and was charged with the task of determining whether the electronic document released by the White House as Defendant Obama's birth certificate was, in fact, authentic. Zullo Affidavit ¶ 6. In February 2012, the Cold Case Posse informed Sheriff Arpaio that there was likely forgery involved with

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<sup>1</sup> The second lawsuit, *Voeltz v. Obama, et. al*. No. 2012-CA-02063(Sept. 6, 2012) simply followed Judge Lewis' decision and with little to no deliberation. The Honorable John C. Cooper just signed his name to an order written by Defendant's counsel.

the documents. *Id.* at ¶ 7. Mr. Zullo concluded that "the document published on the White House website is, at minimum, misleading to the public as it has no legal import and cannot be relied on as a legal document verifying the date, place and circumstance of Barack Obama's birth." *Id.* at ¶11.

Mr. Zullo's conclusions "were based upon, but not limited to, input from numerous experts in the areas of typesetting, computer generated documents, forensic document analysis and Adobe computer programs, as well as, review of Hawaii state law, Hawaii Department of Health policies and procedures, and comparisons with numerous other birth records." Zullo Affidavit ¶ 7. In the course of their investigation, "The investigators also chronicled a series of inconsistent and misleading representations that various Hawaii government officials have made over the past five years regarding what, if any, original birth records are held by the Hawaii Department of Health." Zullo Affidavit ¶ 12.

Mr. Zullo's conclusions were also supported by the sworn affidavit of Jerome Corsi, Ph.D., a journalist and author currently employed as a Senior Staff Reporter by WND.com. Dr. Corsi holds a Ph.D. from Harvard University and has extensively researched Defendant Obama and his past. Dr. Corsi utilized his extensive research to publish his book "Where's the Birth Certificate: The Case That Barack Obama is Not Eligible to Be President." Corsi Affidavit ¶ 9. Dr. Corsi aided the Cold Case Posse's investigation by turning over all the research he conducted to write his book, as well as any subsequent research. Corsi Affidavit ¶ 6. At Mr. Zullo's request, Dr. Corsi flew to Phoenix, Arizona to meet with the Cold Case Posse and present the evidence he had produced for the book and relevant research he conducted subsequently. *Id.* at ¶7. Dr. Corsi's research, published and/or private, "reveals and shows a likelihood that key identity papers for President Obama have been forged, including his long-form birth certificate released by the

White House on April 27, 2011, and his Social Security Number." *Id* at ¶ 8. Dr. Corsi similarly concluded that "there are significant issues of fact that are in dispute as to where he was born, Hawaii as he claims, or outside of the United States and its territories" Corsi Affidavit ¶ 9.

Having been presented the evidence by investigator Mr. Zullo and Dr. Corsi, Sheriff Arpaio concluded that "forgery and fraud was likely committed in key identity documents including President Obama's long-form birth certificate, his Selective Service Card, and his Social Security Number." Arpaio Affidavit ¶ 7. Sheriff Arpaio based his conclusions on indications that "President Obama's long-form birth certificate is a computer-generated document, was manufactured electronically, and it did not originate in a paper format, as claimed by The White House." *Id*. In sum, Sheriff Arpaio unequivocally stated that "there is probable cause that the document is a forgery, and therefore it cannot be used as a verification, legal or otherwise, of the date, place or circumstance of Barack Obama's birth." *Id*. at ¶ 8.

A Natural Born Citizen Must Be Born In The United States Or Its Territories To Two U.S. Citizen Parents.

Even if Defendant Obama's electronic birth certificate is authentic, despite the evidence to the contrary, Defendant Obama cannot be eligible because he is not a "natural born citizen" which requires that a person be born in the United States or its territories to two U.S. citizen parents.

Any discussion of eligibility must begin with the original text. Article II, Sec. 1, Cl. 5 of the U.S. Constitution 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."

The founders of the U.S. Constitution were very concerned about the danger of foreign influence undermining American society, so much so, that John Jay wrote five Federalist Papers on the dangers of foreign influence (#2-6), and George Washington warned direly about it in his “Farewell Speech” in 1796:

“Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government”.

In order to protect and safeguard against this foreign influence, the founding fathers placed within the U.S. Constitution the unique requirement that the President of the United States, the highest office in the land, be a "natural born citizen." The term "natural born citizen" was well established at the time the Constitution was drafted and enacted, coming from the law of nations as compiled and set forth in the historic treatise the “Law of Nations,” a treatise crafted by the renowned Emmerich de Vattel, and which the framers consulted and relied upon in crafting and enacting the Constitution.

In a section titled "Of the Citizens and Natives" the "Law of Nations" confirmed of the difference between citizens and natural born citizens as follows.

“The citizens are the members of the civil society; bound to this society by certain duties, and subject to its authority, they equally participate in its advantages. The natives, or **natural-born citizens, are those born in the country, of parents who are citizens.**”

"Law of Nations," Book 1, Chapter 19, § 212 (emphasis added). Vattel went on to clarify and confirm, the “**country of the father is the country of the son.**” *Id.*

Not coincidentally, the U.S. Supreme Court in *The Venus*, 12 U.S. 253 (1814), Justice John Marshall, in a case entirely decided by the legal concepts of the law of nations, directly quotes the above definition by Vattel almost verbatim. Justice Marshall wrote:

“Vattel, who, though not very full to this point, is more explicit and more satisfactory on it than any other whose work has fallen into my hands, says 'The citizens are the members of the civil society; bound to this society by certain duties, and subject to its authority, they equally participate in its advantages. The natives or indigenes are those born in the country of parents who are citizens. Society not being able to subsist and to perpetuate itself but by the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights.'”

*The Venus*, 12 US 253, 289 (1814). Justice Marshall went on to explain:

“The writers upon the law of nations distinguish between a temporary residence in a foreign country for a special purpose and a residence accompanied with an intention to make it a permanent place of abode. The latter is styled by Vattel "domicile," which he defines to be, "a habitation fixed in any place, with an intention of always staying there." Such a person, says this author, becomes a member of the new society, at least as a permanent inhabitant, and is a kind of citizen of an inferior order from the native citizens, but is nevertheless united and subject to the society without participating in all its advantages”.

*Id.* at 278. Thus, *The Venus* stands for the proposition that allegiance to one's country cannot be established by domicile because it is easily disintegrated when a person moves back to his native country. The framers wanted a solid bond to one's country. Citizenship through this temporary allegiance cannot be what the framers were intending when requiring the future president to be a "natural born citizen," for the purpose of the prevention of foreign influence. The framers desired and mandated that a deep abiding allegiance to the United States for the future president must be had, as this person would be the Commander In Chief of the U.S. Armed Forces. They were looking for allegiance derived from at least naturalized U.S. citizen parents, on the standing of a



"Native," who had legally thrown off native allegiances and pledged sole allegiance to their new nation, not the temporary allegiance of inhabitants, simply changed by moving domicile.

The definition that a natural born citizen was one born in the country with two citizen parents, was the prevalent view of the time. In his landmark treatise "A Treatise on Citizenship," following the law of nations codified in Vattel's "Law Of Nations," Alexander Peter Morse definitively set forth and reiterated the accepted law on "natural born citizen," **"A citizen, in the largest sense, is any native or naturalized person who is entitled to full protection in the exercise and enjoyment of the so-called private rights. The natural born, or native is one who is born in the country, of citizen parents."** Morse, Alexander Peter, *A Treatise on Citizenship* pp. xi (1881). **"Under the view of the law of nations, natives, or natural born citizens, are those born in the country, of parents who are citizens."** *Id.* at §7 (Emphasis added).

Even more, there is clear evidence the founding fathers studied, utilized, and incorporated the law of nations codified in Vattel's "Law of Nations" in the crafting and enacting of the U.S. Constitution, and frequently consulted Vattel's "Law of Nations" thereoften for guidance.

In a letter from Benjamin Franklin to Charles Dumas, editor of the 1775 edition of the Law of Nations, Franklin specifically thanks Dumas for providing him with copies of the "Law of Nations." This founding father and framer wrote:

"I am much obliged by the kind present you have made us of your edition of Vattel. It came to us in good season, when the circumstances of a rising state make it necessary frequently to consult the law of nations. Accordingly that copy, which I kept, (after depositing one in our own public library here, and sending the other to the College of Massachusetts Bay, as you directed,) **has been continually in the hands of the members of our Congress, now sitting, who are much**

**pleased with your notes and preface, and have entertained a high and just esteem for their author."**

Benjamin Franklin Letter, pp. 1. This letter of Benjamin Franklin is a certified copy from the Library of Congress. Franklin, who was instrumental in the drafting and enacting of the U.S. Constitution, provides confirmation that those drafting the U.S. Constitution were "frequently consulting" the law of nations codified in "Law of Nations." The framers then knew of and incorporated the definition of "natural born citizen" which was provided twice within the "Law of Nations."

Not surprisingly, a direct reference to legal incorporation of the law of nations as codified in Vattel's "Law of Nations" also appeared in the U.S. Constitution itself. In Article 1, Section 8, the U.S. Constitution granted enumerated powers for the legislative branch. One of these enumerated powers was "To define and punish Piracies and Felonies committed on the high seas, and **Offenses against the Law of Nations;**" U.S. Constitution, Art. I, s. 8, c. 10 (emphasis added). The framers took care in incorporating and recognizing the law of nations, and providing Congress with a means of legislating crimes committed against it.

Even after the Constitution was written, Vattel's "Law of Nations" continued to be consulted and utilized by the leaders of the United States. On October 5, 1789, President George Washington borrowed from the New York Society Library a copy of Vattel's "Law of Nations," as evidenced by his entry in the ledger. An article with the picture of the ledger has been attached as Exhibit 2 with a confirmation by the head Librarian of the New York Society Library that the article is accurate.

This abundance of evidence, from historical treatises, Supreme Court decisions, and other authorities, proves that the definition of natural born citizen is one who is born in the United States to two U.S. citizen parents.

In short, a prima facie case has been presented that Defendant Obama was neither born in the United States nor is he a natural born citizen generally.

Plaintiff Has Properly Pled a Cause of Action for Declaratory Relief.

Under Florida Statutes Section 86.011:

The court may render declaratory judgments on the existence, or nonexistence:

(1) Of any immunity, power, privilege, or right; or

(2) Of any fact upon which the existence or nonexistence of such immunity, power, privilege, or right does or may depend, whether such immunity, power, privilege, or right now exists or will arise in the future. Any person seeking a declaratory judgment may also demand additional, alternative, coercive, subsequent, or supplemental relief in the same action.

Florida Statutes Section 86.011(2012).

In *May v. Holly* the Florida Supreme Court established that a claim for declaratory relief should have "[1] a bona fide, actual, present practical need for the declaration; [2] that the declaration should deal with a present, ascertained or ascertainable state of facts or present controversy as to a state of facts; [3] that some immunity, power, privilege or right of the complaining party is dependent upon the facts or the law applicable to the facts; [4] that there is some person or persons who have, or reasonably may have an actual, present, adverse and antagonistic interest in the subject matter, either in fact or law; [5] that the antagonistic and adverse interest are all before the court by proper process or class representation and [6] that the relief sought is not merely the giving of legal advice by the courts or the answer to questions

propounded from curiosity. As Defendant concedes, the statute is to be liberally construed. Indeed, the same Court in *May* noted that "[w]ith these requirements met there is almost no limit to the number and type of cases that may be heard under this statute." *May v. Holley*, 59 So. 2d 636, 639 (Fla. 1952). Accord *Martinez v. Scanlan*, 582 So. 2d 1167 (Fla. 1991)

Bona Fide, Actual, Present Practical Need for the Declaration.

There is a present need for the declaration, because the election results depend on whether Defendant Obama is eligible for the Office of President of the United States. Defendant Obama has "won" the 2012 Florida General Election, and the Presidential Electors are set to cast their votes for him in early January. If it is found that Defendant is ineligible

Declaration Deals With A Present, Ascertained Or Ascertainable State Of Facts Or Present Controversy As To A State Of Facts.

The declaratory relief sought requires the ascertainable fact of the location of Defendant Obama's birth, as well as whether his parents were U.S. citizens at the time of Defendant Obama's birth. Both items required are easily ascertainable through the use of discovery and can lead to a quick resolution. Examination of Defendant Obama's birth records, as well as the immigration records of his father, Barack Hussein Obama, Sr., will finally bring resolution to whether Defendant Obama is eligible for the Office of President of the United States.

Moreover, millions of dollars have been spent and will continue to be spent on advertising by the Democratic Party for the election of Defendant Obama. All these monies will go to waste on a candidate who may not be eligible for the office that he seeks. It is critical for this present controversy to final be resolved.

Plaintiff's Right To Vote Is Dependent Upon The Facts Or The Law Applicable To The Facts.

Plaintiff's right to vote is at stake. Plaintiff is properly registered within the county of his residence, and is therefore a proper elector. Inherent with the right to vote, Plaintiff has a right to have his vote counted, and not diluted, by the inclusion of a candidate who is ineligible for the office. If Defendant Obama is found at any time to be ineligible for the Office of the President of the United States, it will effectively nullify any vote cast by Plaintiff Voeltz, or any other resident of Florida, for Defendant Obama.

Plaintiff Has An Actual, Present, Adverse And Antagonistic Interest In The Subject Matter, Either In Fact Or Law.

Plaintiff has an actual adverse interest in the subject matter. If Defendant Obama is declared ineligible for the Office of President of the United States, Plaintiff will be deprived of the candidate for his political party. If Defendant Obama is declared ineligible, Plaintiff will have his vote for President of the United States nullified.

The Antagonistic And Adverse Interest Are All Before The Court By Proper Process Or Class Representation.

The antagonist interests in this case would be the Defendant whose eligibility is at stake, and those parties that would represent the electoral process within the state of Florida. In the case at hand, Defendant Ken Detzner, the Secretary of State for Florida, is designated the chief election officer for the state of Florida. Defendant Detzner thus oversees the entire election process and is responsible for the elections. Defendant Florida Elections Canvassing Commission is the party that certifies the election results and is also a named defendant in these proceedings.

The Relief Sought Is Not Merely The Giving Of Legal Advice By The Courts Or The Answer To Questions Propounded From Curiosity.

The President of the United States is the leader of the country. His decisions have a wide array of effects on Plaintiff and every other citizen and resident of the United States and the rest of the world. In the case at hand Plaintiff is not simply curious about the origins of Defendant Obama, but Plaintiff knows that the entire presidential election is dependent on whether Defendant Obama was born within the United States.

Thus, Plaintiff has properly pled a cause of action for declaratory relief under Florida Statutes Section 86.011.

Florida Law Works in Tandem with the Federal Law.

The judiciary has the power to determine eligibility. See *State ex rel. Cherry v. Stone*, 265 So. 2d 56, 58 (Fla. Dist. Ct. App. 1st Dist. 1972); *Shevin v. Stone* 279 So. 2d. 17, 22 (1972). Defendants disingenuously allege that for Florida to determine eligibility would be contrary to the Constitution, specifically the Twelfth, Twentieth Amendment, and 3 USC §15. This argument is non-meritorious. The Twentieth Amendment simply states the procedure "*if* the President elect shall have failed to qualify." There is no mention about the method of qualification, only that the electors shall meet and vote by ballot. Defendant Obama claims federal statute 3 USC § 15, "describe[s], in detail, the process for raising and resolving challenges to the qualifications." Yet this statute simply states the procedure for counting the electoral votes, and objections if improper votes are cast. *Nothing* is stated about challenging the *qualification* of a candidate.

Nor is Florida law interfering with presidential electors. The Florida law allows challenges to those who are nominated or elected. These actions occur *before* the electors cast

their votes, and are simply in place to ensure that the presidential elector votes for an eligible candidate. It would surely be possible for a disqualified candidate to be declared ineligible, leaving the electors with the duty to vote for the remaining candidates. This is precisely the outcome Plaintiff, a registered member of the Democratic Party, and Florida law seek to avoid. Plaintiff wishes to ensure that if Defendant Obama is the Democratic Party nominee then his vote, and the vote of the presidential elector, will not end up going to the other candidates and/or for naught.

A presidential election is not, ipso facto, an exclusively federal process. In fact, electors, those chosen to ultimately select the President, were to be designated exclusively by the *state* legislatures. Article II, section 1, clause 2. Presidential elections are thus a cooperative and complementary effort of both the state and federal government. The state of Florida, through its legislative branch, is simply ensuring that eligible candidates, for *all* elected offices, are chosen. Thus, there is thus no preclusion under any law which Defendants Obama has argued.

#### Plaintiff is Entitled to An Immediate Hearing.

Section 102.168(7), Florida Statutes, provides that “[a]ny candidate, qualified elector, or taxpayer presenting such a contest to a circuit judge is entitled to an immediate hearing.” Plaintiff Michael Voeltz specifically requested an expedited hearing in his Prayer for Relief. Compl. ¶ II. Complaints are to be read liberally in favor of Plaintiffs. Yet even if he had not specifically requested such relief, which he did, the Florida Statutes still mandate that Plaintiff is entitled to an immediate hearing by law simply through the act of filing the lawsuit in front of a circuit judge. Thus, by filing this lawsuit, Plaintiff has met the requirements for an immediate hearing and was and remains entitled to one.

CONCLUSION

For all these reasons, Plaintiff respectfully requests that this Court deny Defendants' Motions to Dismiss.

Dated: December 13, 2012

Respectfully submitted,

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*Counsel for Plaintiff*



**CERTIFICATION**

I HEREBY CERTIFY that a true copy of the foregoing Response in Opposition to Defendants' Motions to Dismiss has been filed electronically and served by U.S. mail this 13th day of December, 2012 upon the following:

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Respectfully submitted,

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# Exhibit 1

State of Arizona )  
 ) ss.  
County of Maricopa )

### AFFIDAVIT

I, the undersigned, being first duly sworn, do hereby state under oath and under penalty of perjury that the facts are true:


1. I am over the age of 18 and am a resident of Arizona. The information contained in this affidavit is based upon my own personal knowledge and, if called as a witness, could testify competently thereto. I am an investigator with Maricopa County Sheriff's Cold Case Posse.
2. In August 2011, approximately 250 members of the Surprise, Arizona, Tea Party, who are residents of Maricopa County, presented a signed petition asking Sheriff Joe Arpaio to undertake an investigation to address concerns regarding President Barack Obama's long-form birth certificate released by the White House on April 27, 2011.
3. Residents of Maricopa County were concerned that document released was suspected to be a computer-generated forgery, not a scan of an original 1961 paper document, as represented by the White House when the long-form birth certificate was made public.
4. The Tea Party members petitioned under the premise that if a forged birth certificate was utilized to obtain a position for Barack Obama on the 2012 Arizona presidential ballot, their rights as Maricopa County voters could be compromised.
5. In October 2011, Sheriff Arpaio commissioned the Maricopa County Sheriff's Office Cold Case Posse, which is comprised of former law enforcement investigators and practicing attorneys, to investigate President Barack Obama's long-form birth certificate released by the White House on April 27, 2011. The purpose of this investigation was to determine if the document was, in fact, authentic.
6. As lead investigator for the Cold Case Posse, I agreed to Sheriff Arpaio's request to undertake the investigation into President Obama's birth certificate and his eligibility to be president.

7. In February, 2012, Cold Case Posse investigators advised Sheriff Joe Arpaio that the forgers most likely committed two crimes: first, in fraudulently creating a forgery that the White House characterized, knowingly or unknowingly, as an officially produced governmental birth record; and second, in fraudulently presenting to the residents of Maricopa County and to the American public at large, a forgery the White House represented as “proof positive” of President Obama’s authentic 1961 Hawaii long-form birth certificate. These conclusions were based upon, but not limited to, input from numerous experts in the areas of typesetting, computer generated documents, forensic document analysis and Adobe computer programs, as well as, review of Hawaii state law, Hawaii Department of Health policies and procedures, and comparisons with numerous other birth records.
8. The Cold Case investigators further determined that the Hawaii Department of Health has engaged in what Sheriff’s investigators believe is a systematic effort to hide from public inspection whatever original 1961 birth records the Hawaii Department of Health may have in their possession, including changing policies and procedures and denying valid Freedom of Information Act (FOIA) requests for information related to the 1961 birth records (said requests were not for any birth records).
9. Among the evidence released at the March 1, 2012, press conference were five videos the Cold Case Posse produced to demonstrate why the Obama long-form birth certificate is suspected to be a computer-generated forgery.
10. The videos provide a true and correct point-by-point illustration of the investigators’ conclusion that the features and anomalies observed on the Obama long-form birth certificate were inconsistent with features produced when a paper document is scanned, even if the scan of the paper document had been enhanced by Optical Character Recognition (OCR) and optimized.
11. Additionally, the videos demonstrated that the Hawaii Department of Health Registrar’s name stamp and the Registrar’s date stamp were computer-generated images imported into an electronic document, as opposed to actual rubber stamp imprints inked by hand or machine onto a paper document. Based upon this, the document published on the White House website, is, at a minimum, misleading to the public as it has no legal import and cannot be relied on as a legal document verifying the date, place and circumstance of Barack Obama’s birth.

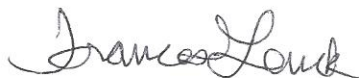
12. The investigators also chronicled a series of inconsistent and misleading representations that various Hawaii government officials have made over the past five years regarding what, if any, original birth records are held by the Hawaii Department of Health.

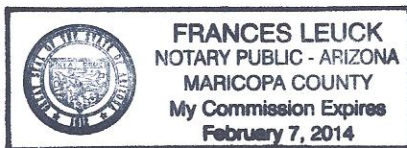
13. The Cold Case Posse's law enforcement investigation into Barack Obama's birth certificate and his eligibility to be president is continuing, as additional information has been obtained and developed supporting the current findings of the Cold Case Posse. As soon as that information is properly sourced and verified, that additional information will be released to the public at the direction of Maricopa County Sheriff Joe Arpaio.

Executed this 11 day of June, 2012, in  
Maricopa County, Arizona.

  
\_\_\_\_\_  
Michael Zullo

Sworn to and subscribed before me this  
11<sup>th</sup> day of June, 2012.





State of Arizona                    )  
  ) ss.  
County of Maricopa                )

**AFFIDAVIT**

I, the undersigned, being first duly sworn, do hereby state under oath and under penalty of perjury that the facts are true:

1. I am over the age of 18 and am a resident of Arizona. The information contained in this affidavit is based upon my own personal knowledge and, if called as a witness, could testify competently thereto. I am the duly elected Sheriff of Maricopa County, Arizona, and I have been a law enforcement officer and official, in both state and federal government, for 51 years.
2. In August of last year, a group of citizens from the Surprise Arizona Tea Party organization met with me in my office and presented a petition signed by approximately 250 residents of Maricopa County, asking if I would investigate the controversy surrounding President Barrack Obama’s birth certificate authenticity and his eligibility to serve as the President of the United States.
3. This group expressed its concern that, up until that point, no law enforcement agency in the country had ever gone on record indicating that they had either looked into this or that they were willing to do so, citing lack of resources and jurisdictional challenges.
4. The Maricopa County Sheriff’s Office is in a rather unique position. Under the Arizona Constitution and Arizona Revised Statutes, as the elected Sheriff of Maricopa County, I have the authority to request the aid of the volunteer posse, located in the county, to assist me in the execution of my duties. Having organized a volunteer posse of approximately 3,000 members, I, as the Sheriff of the Maricopa County Sheriff’s Office, can authorize an investigation go forward to answer these questions at virtually no expense to the tax payer.
5. The Cold Case posse agreed to undertake the investigation requested by the 250 citizens of Maricopa County. This posse consists of former police officers and attorneys who have worked investigating the controversy surrounding Barack Obama. The investigation mainly focused on the electronic document that was

presented as President Obama's long form birth certificate to the American people and to citizens of Maricopa County by the White House on April 27, 2011.

6. The investigation led to a closer examination of the procedures regarding the registration of births at the Hawaii Department of Health and various statements made by Hawaii government officials regarding the Obama birth controversy over the last five years.
7. Upon close examination of the evidence, it is my belief that forgery and fraud was likely committed in key identity documents including President Obama's long-form birth certificate, his Selective Service Registration card, and his Social Security number.
8. My investigators and I believe that President Obama's long-form birth certificate is a computer-generated document, was manufactured electronically, and that it did not originate in a paper format, as claimed by the White House. Most importantly, the "registrar's stamp" in the computer generated document released by the White House and posted on the White House website, may have been imported from another unknown source document. The effect of the stamp not being placed on the document pursuant to state and federal laws means that there is probable cause that the document is a forgery, and therefore, it cannot be used as a verification, legal or otherwise, of the date, place or circumstances of Barack Obama's birth.
9. The Cold Case Posse law enforcement investigation into Barack Obama's birth certificate and his eligibility to be president is on-going. The on-going nature of the investigation is due to additional information that has come to light since we held the press conference in March, 2012. As soon as that information has been properly verified by the Cold Case Posse, I will release that information to the public.

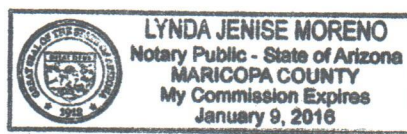
Executed this 12 day of June, 2012, in  
Maricopa County, Arizona.



Joseph M. Arpaio, Maricopa County Sheriff

Sworn to and subscribed before me this  
12<sup>th</sup> day of June, 2012.

*Lynda Jenise Moreno*



## AFFIDAVIT

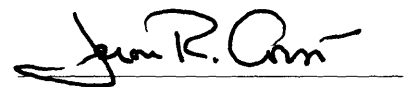
1. I am currently employed as a Senior Staff Reporter at WND.com.
2. On August 17, 2011, I spoke at a meeting of the Surprise, Arizona, Tea Party, where approximately 250 residents of Maricopa County, signed a petition asking Sheriff Arpaio to undertake an investigation to address concerns regarding President Barack Obama's long-form birth certificate released by the White House on April 27, 2011.
3. The following day, August 18, 2011, I met with members of the Surprise, Arizona, Tea Party with Sheriff Arpaio and his staff in Sheriff Arpaio's Maricopa County Sheriff's Office in downtown Phoenix. The Tea Party group presented the Sheriff with the petition and asked that he undertake the investigation. Sheriff Arpaio suggested he would take the request under consideration, with the possibility he might assign the investigation to the Cold Case Posse.
4. I reported the speech and the meeting with Sheriff Arpaio in an article I published in WND.com, on April 22, 2011, at <http://www.wnd.com/2011/08/336473/>.
5. In September 2011, Sheriff Arpaio agreed to assign the Obama investigation to his Cold Case Posse, headed by lead investigator Mike Zullo. I reported this in WND.com, on September 16, 2011, at <http://www.wnd.com/2011/09/345685/>.
6. At Sheriff Arpaio's request, I agreed to turn over to the Cold Case Posse all the research I conducted to write my book "Where's the Birth Certificate: The Case that Barack Obama is Not Eligible To Be President," published May 17, 2011, as well as all relevant research I conducted subsequently.
7. At Mike Zullo's request, I flew to Phoenix and met with the Cold Case Posse on Friday, October 14, 2011, and Saturday, October 15, 2011, for approximately 8 hours each day, to present the research requested.
8. My research, published and/or provided to date, reveals and shows a likelihood that key identity papers for President Obama have been forged,



including his long-form birth certificate released by the White House on April 27, 2011, and his Social Security Number.

9. Based as well on extensive research and investigation, I have written and published a book on the subject of Barack Obama's eligibility to be president of the United States and found that, at a minimum, there are significant issues of fact that are in dispute as to where he was born, Hawaii as he claims, or outside of the United States and its territories. I am incorporating into this affidavit the contents of my book: "Where's the Birth Certificate?: The Case that Barack Obama is Not Eligible to be President" which sets forth my findings, as Exhibit 1. I attest to the accuracy of my book.

Sworn to and executed under oath this 12th day of June, 2012 in Morris Plains, NJ



Jerome Corsi, Ph.D.

Sworn to and subscribed before me this  
12 day of JUNE, 2012

