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FILED
Superior Court Of California,
Sacramento
Dennis Jones, Executive
Officer
11/13/2008
presenti
By _____, Deputy
Case Number:
34-2008-80000096-CU-WM-GDS

10 SUPERIOR COURT OF CALIFORNIA

11 COUNTY OF SACRAMENTO

BY FAX

12 Ambassador Dr. Alan Keyes; Dr. Wiley S. Drake, Sr.; and
13 Markham Robinson,
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Petitioners,)

) Case No.:
) *34-2008-8000 0096-CU-WM-GDS*

v.

) DECLARATION OF MARKHAM
) ROBINSON

California Secretary of State Debra Bowen; Senator Barack
Hussein Obama; Senator Joe Biden; California Democratic
Party Electors: Aleita Huguenin, Lou Paulson, Ian Blue,
Mark Cibula, Richard Hundrieser, Lawrence DuBois, Mark
Friedman, Mary Hubert, Fred Jackson, LeRoy King, Roberta
Brooks, Audrey Gordon, Michael Mc Nerney, Nancy Parrish,
James Farley, John Freidenrich, Jeremy Nishihara, Jaime
Alvarado, Vinz Koller, Gregory Olzack, David Sanchez, Larry
Sheingold, Stephen Smith, Mark Macarro, Nathan Brostrom,
Robert "Bob" Handy, Robert Conaway, Greg Warner, Lane
Sherman, Ilene Huber, Kenneth Sulzer, Sanford Weiner, Ana
Delgado Mascarenas, Joe Perez, Gwen Moore, Anthony
Rendon, Karen Waters, Kelley Willis, Silissa Uriarte-Smith,
Norma Torres, Alma Marquez, Ray Cordova, Patrick Kahler,
Aaruni Thakur, Joe Baca, Jr., Juadina Stallings, Betty
McMillion, William Ayer, Gregory Willenborg, James Yedor,
Bobby Glaser, Mary Keadle, Frank Salazar, Christine Young,
Sid Voorakkara, and DOES 1-100,

) Date:
) Time:
) Dept.: *31*
) Judge: *HON. MICHAEL P. KENNY*
) Filed: *11/13/2008*
) Trial:

Respondents.)

1 I, Markham Robinson, hereby declare as follows:

2 1. That I am a Certified California Elector of the American Independent Party, Vice
3 Chairman of America's Independent Party, and Chairman of the American Independent Party, and that, if
4 called upon to do so, I could, and would, competently testify as follows:

5 2. That Senator Barack H. Obama is a candidate for the Office of the President of the
6 United States. That, to assume such office, Senator Obama must meet the qualifications specified for the
7 Office of the President of the United States, which includes that he must be a "natural born" citizen.
8 Senator Obama has failed to demonstrate that he is a "natural born" citizen. That there are other legal
9 challenges before various state and federal courts regarding aspects of lost or dual citizenship concerning
10 Senator Obama. That those challenges, in and of themselves, demonstrate Petitioners' argument that
11 reasonable doubt exists as to the eligibility of the Democratic Party's nominee for President;

12 3. That Debra Bowen, the Secretary of State of the State of California (hereafter referred to
13 as "SOS"), is responsible for ensuring the validity of the State election process by, among other things,
14 verifying the qualifications of the voters, approving the ballots and the candidates, supervising the
15 counting of the ballots, and certifying the results. That this certification of the vote by SOS, based upon
16 which Electors received the highest number of votes in the state, is the method provided for in California
17 law for ascertaining which Electors are appointed to vote for president (California Elections Code §
18 15505, 3 U.S.C. § 6). That on December 1, 2008, or as soon as soon as the election results have been
19 received from all counties in the state, SOS shall certify the names of the ascertained Electors to the
20 Governor of the State of California, and then transmit to each presidential Elector a certificate of election
21 (California Elections Code § 15505). That the Governor then issues and seals a Certificate of
22 Ascertainment which is delivered to the Electors by December 15 (3 U.S.C. § 6), who then meet to sign
23 the Certificate of Vote (Federal Election Code § 192.006). That the office of SOS is intended to be non-
24 biased and to provide the critical sense of fairness and impartiality necessary for the people to have faith
25 in the fundamental underpinnings of the democratic basis for our elections;

1 4. That there is a reasonable and common expectation by the voters that to qualify for the
2 ballot, the individuals running for office must meet minimum qualifications as outlined in the federal and
3 state Constitutions and statutes, and that compliance with those minimum qualifications has been
4 confirmed by the officials overseeing the election process. That, heretofore, only a signed statement from
5 the candidate attesting to his or her meeting those qualifications was requested and received by SOS, with
6 no verification demanded. That this practice represents a much lower standard than that demanded of one
7 when requesting a California driver's license. That, since SOS has, as its core, the mission of certifying
8 and establishing the validity of the election process, this writ seeks a Court Order barring SOS from
9 certifying the California Electors until documentary proof that Senator Obama is a "natural born" citizen
10 of the United States of America is received by her. That this proof could include items such as his
11 original birth certificate, showing the name of the hospital and the name and the signature of the doctor,
12 all of his passports with immigration stamps, and verification from the governments where the candidate
13 has resided, verifying that he did not, and does not, hold citizenship of these countries, and any other
14 documents that certify an individual's citizenship and/or qualification for office;

15 5. That in the case of individuals seeking the Office of President of the United States, the
16 United States Constitution provides for a system of Electors, wherein citizens of the respective states have
17 a state controlled election in which Electors representing the interests of the respective candidates for
18 President on the state ballot are elected to represent the interests of the respective state in the Electoral
19 College. That there is no federal ballot controlled by the federal government. That there is a California
20 State ballot where voters elect Electors who in turn represent the named candidate for office on the ballot.
21 That is one more reason why SOS has responsibility for the certification of not just the counts of the
22 ballots cast, but, also, the propriety of the contents of the ballot. That in case Senator Obama cannot
23 present proper documentation verifying his citizenship, he cannot be elected President of the United
24 States, and SOS has a duty to bar the casting of votes by California Electors in support of his candidacy;

25 6. That to avert a constitutional crisis which would certainly accrue after the election

1 through laborious legal challenges, this writ seeks to resolve such complaints. That it was incumbent
2 upon Senator Obama to present the necessary documentation confirming his citizenship, but, to date,
3 Senator Obama has failed to do so;

4 7. That, I am informed and believe and therein allege as follows: that at this point, Senator
5 Obama has not allowed independent or official access to his vault (original hospital) birth records and
6 supporting hospital records; and that Senator Obama's citizenship status has been, and is being,
7 challenged in 17 different legal actions in various federal and state courts, which challenges cast doubt on
8 the validity of the electoral process, regardless of outcome, if not resolved prior to the certification of the
9 election by the Electors. That SOS is specifically charged with certifying and guaranteeing the validity of
10 official documents and overseeing the elections in California, such that the people's confidence in the
11 fundamental aspect of democracy is maintained. That to date, in this regard, SOS has not carried out that
12 fundamental duty;

13 8. That this writ requests a court order barring the SOS from both certifying to the Governor
14 the names of the California Electors, and from transmitting to each presidential Elector a Certificate of
15 Election, until such documentary proof is produced and verified showing that Senator Obama is a "natural
16 born" citizen of the United States and does not hold citizenship in Indonesia, Kenya or Great Britain.
17 That, in addition, this writ requests a court order barring the California Electors from signing the
18 Certificate of Vote until such documentary proof is produced and verified showing that Senator Obama is
19 a "natural born" citizen of the United States and does not hold citizenship in Indonesia, Kenya or Great
20 Britain;

21 9. That should Senator Obama be discovered, after he takes office, to be ineligible for the
22 Office of President of the United States of America and, thereby, his election declared void, Petitioners,
23 as well as other Americans, will suffer irreparable harm in that an usurper will be sitting as the President
24 of the United States, and none of the treaties, laws, or executive orders signed by him will be valid or
25 legal;

1 10. That 3 United States Code (U.S.C.) Section 8 provides, “The electors shall vote for
2 President and Vice President, respectively, in the manner directed by the Constitution.” That this federal
3 statute confers upon each elector an affirmative duty to discover whether the candidate for President for
4 which the elector is seeking election is a “natural born” citizen. That otherwise, the elector would not
5 know if his vote was being cast in the “manner directed by the Constitution”;

6 11. That given this constitutionally mandated duty, PETITIONERS have standing to bring
7 this Writ before this Court;

8 12. That a growing number of questions have arisen in litigation in at least 10 states
9 contesting whether Senator John McCain or Senator Barack Obama are “natural born” citizens and,
10 therefore, constitutionally eligible to be entrusted with the Office of President of the United States. That
11 in the litigation against Senator Obama, allegations have been made that his admitted dual citizenship in
12 Indonesia, and lack of evidence that he renounced the same, caused a loss of his United States Citizenship
13 as a matter of law. That evidence released by the Obama campaign purporting to be a “Certification of
14 Live Birth” on its face appears to be of questionable authenticity. That one of the many problems with
15 this evidence is that the border design differs from the border designs of other Certifications of Live Birth
16 printed during the same time period. That all these questions about both of the candidates are still
17 unresolved. That in the course of those lawsuits, some of which have been dismissed, it has been
18 determined that there exists no designated official in the federal government, or the government of the
19 states, directly charged with the responsibility of determining whether any Presidential candidate meets
20 the qualifications of Article II of the Constitution of the United States. That in most states, that
21 responsibility is vested with the political parties, all of which have a conflict of interest in making any
22 such determination, and none of which have been forthcoming with information or evidence verifying any
23 candidate’s compliance with the eligibility requirements;

24 13. That a press release was issued on October 31, 2008, by the Hawaii Department of Health
25 by its Director, Dr. Chiyoame Fukino. That Dr. Fukino said that she had “personally seen and verified that

1 the Hawaii State Department of Health has Senator Obama's original birth certificate on record in
2 accordance with state policies and procedures." That statement failed to resolve any of the questions
3 being raised by litigation and press accounts. That being "on record" could mean either that its contents
4 are in the computer database of the department or there is an actual "vault" original;

5 14. That further, the report does not say whether the birth certificate in the "record" is a
6 Certificate of Live Birth or a Certificate of Hawaiian Birth. In Hawaii, a Certificate of Live Birth
7 resulting from hospital documentation, including a signature of an attending physician, is different from a
8 Certificate of Hawaiian Birth. That for births prior to 1972, a Certificate of Hawaiian Birth was the result
9 of the uncorroborated testimony of one witness and was not generated by a hospital. That such a
10 Certificate could be obtained up to one year from the date of the child's birth. That for that reason, its
11 value as prima facie evidence is limited and could be overcome if any of the allegations of substantial
12 evidence of birth outside Hawaii can be obtained. That the vault (long Version) birth certificate, per
13 Hawaiian Statute 883.176 allows the birth in another State or another country to be registered in Hawaii.
14 Box 7C of the vault Certificate of Live Birth contains a question, whether the birth was in Hawaii or
15 another State or Country. That, therefore, the only way to verify the exact location of birth is to review a
16 certified copy or the original vault Certificate of Live Birth and compare the name of the hospital and the
17 name and the signature of the doctor against the birthing records on file at the hospital noted on the
18 Certificate of the Live Birth;

19 15. That an unprecedented and looming constitutional crisis awaits if a President elected by
20 the popular vote and the electoral vote does not constitutionally qualify to serve in that capacity. That in
21 addition, if Senator Obama is not a "natural born" citizen and not eligible for presidency, Senator Obama
22 will be subject to the criminal Provisions of the California Elections Code, stating, "Any person who files
23 or submit for filing a nomination paper or declaration of candidacy knowing that it, or any part of it, has
24 been made falsely is punishable by a fine not exceeding one thousand dollars (\$1,000) or by
25 imprisonment in the state prison for 16 months or two or three years or by both the fine and

1 imprisonment” (California Elections Code § 18203). That, further, Senator Obama, SOS, the Governor of
2 the State of California, and all of the California Electors may be subject to the penal provisions of the
3 California Elections Code which states, “Any person who commits fraud and any person who aids or
4 abets fraud or attempts to aid or abet fraud, in connection with any vote cast, to be cast, or attempted to be
5 cast, is guilty of felony, punishable by imprisonment for 16 months or two or three years” (California
6 Elections Code § 18500);

7 16. That the Twentieth Amendment to the United States Constitution provides, “if the
8 President elect shall have failed to qualify, then the Vice President elect shall act as President until a
9 President shall have qualified; and the Congress may by law provide for the case wherein neither a
10 President elect nor a Vice President elect shall have qualified, declaring who shall then act as President,
11 or in the manner in which one who is to act shall be elected, and such person shall act accordingly until a
12 President or Vice President shall have qualified.” That if Senator Obama cannot take office due to his
13 citizenship, succession to the Presidency is set;

14 17. That the Office of the Secretary of State of California is the California agency responsible
15 for certifying candidates for inclusion on the ballot. That, historically, California Secretaries of State
16 have exercised their due diligence by reviewing necessary background documents, verifying that the
17 candidates that were submitted by the respective political parties as eligible for the ballot were indeed
18 eligible. That in 1968, the Peace and Freedom Party submitted the name of Eldridge Cleaver as a
19 qualified candidate for President of the United States. That the then SOS, Mr. Frank Jordan, found that,
20 according to Mr. Cleaver’s birth certificate, he was only 34 years old, one year shy of the 35 years of age
21 needed to be on the ballot as a candidate for President. That using his administrative powers, Mr. Jordan
22 removed Mr. Cleaver from the ballot. That Mr. Cleaver unsuccessfully challenged this decision to the
23 Supreme Court of the State of California, and, later, to the Supreme Court of the United States. That,
24 similarly, in 1984, the Peace and Freedom Party listed Mr. Larry Holmes as an eligible candidate in the
25 Presidential primary. When the then SOS checked his eligibility, it was found that Mr. Holmes was