

**DISTRICT OF COLUMBIA
COURT OF APPEALS**

MONTGOMERY BLAIR SIBLEY,

Case. No.: 12-AA-1906

PETITIONER,

VS.

PETITIONER’S OMNIBUS MOTION

DISTRICT OF COLUMBIA BOARD OF ELECTIONS
AND ETHICS,

RESPONDENT.

_____ /

Petitioner, Montgomery Blair Sibley (“Sibley”), respectfully requests that this Court order in this matter:

- (i) Hearing *En Banc*;
- (ii) Referral to a special master to: (i) convene an advisory jury, (ii) take evidence, (iii) hear the advisory jury’s special verdict, (iv) and then marshal the facts and law in a report and recommendation to this Court;
- (iii) Expedited discovery of the material described below; and
- (iv) Expedited briefing, oral argument and resolution.

I. RULE 27(B)(4) STATEMENT

Sibley is filing this Omnibus motion prior to service of the Petition on the Respondent and hence is unable to elicit any statement regarding Respondent’s opposition, if any, to the relief requested herein.

II. HEARING *EN BANC*

Sibley, pursuant to D.C. Code §11-1001.11(b)(1), is contemporaneously petitioning the Court to review the November 6, 2012, Presidential election and, after taking factual evidence and hearing

legal argument, determine that Barack Hussein Obama, II (“Obama”) – the candidate certified as the winner of that election – does not meet the qualifications required for the office of President of the United States.

Pursuant to Rule 35, Rules of the District of Columbia Court of Appeals, Sibley petitions the Court that this matter be heard *En Banc* as this proceeding involves one or more questions of exceptional importance, to wit: Whether Obama is: (i) a citizen of the United States and/or (ii) a “natural born Citizen” of the United States.

Moreover, D.C. Code §11-1001.11(b)(4) purports¹ to make this Court the court-of-last-resort thus arguing for an *En Banc* determination of these vitally important questions so that not just three judges of this Court determine this important matter as such concentration of judicial power is unwarranted and would undermine public confidence in the ultimate decision.

WHEREFORE, Sibley prays that his Petition for Review be heard *En Banc*.

III. REFERRAL TO A SPECIAL MASTER TO MARSHAL THE FACTS AND LAW

The allegations of the instant Petition raise numerous issues of fact and nuanced questions of law that must be determined as part of the Congressionally-ordained conflict-resolution scheme embodied in D.C. Code §11-1001.11(b)(1). Accordingly, considerations of judicial economy weigh in favor of referring this case to a special master. *See: Superior Court Civil Rules* 53 (c), (d) and e(1); *Scolaro v. District Of Columbia Board Of Elections & Ethics*, 717 A.2d 891 (DC Court of Appeals, 1998)(“We entertain this petition, and referred the case to a special master, under the special jurisdictional grant of D.C. Code [§1-1001.11(b)], which authorizes the court, upon request

¹ Sibley nonetheless maintains that 28 U.S.C. §1257(a) vests jurisdiction in the United States Supreme Court to review this Court’s decisions in this matter.

by a voter, to review an election and either set aside the certified result and declare the ‘true result,’ or void the election in whole or in part.”)

Additionally, given the significant public issues involved in this Petition for Review, this Court should exercise its anomalous authority to direct the special master to convene an advisory jury to render a special verdict on the questions of law and fact thus assisting the special master in weighing the evidence regarding Obama’s citizenship and lending public credibility to the proceedings.

Finally, this Court should take note that Sibley has an action pending before Judge John M. Mott in the District of Columbia Superior Court: *Sibley v. Alexander, et al*, Case. No.: 2012-CA-008644 B. That case involves the constitutional limitations placed upon 12th & 23rd Amendment Electors to: (i) be compelled by Congress to vote the party’s candidate and (ii) to cast a vote for an Article II ineligible candidate for President. Sibley requests that Judge Mott be appointed as the special master in this case as a matter of judicial economy.

WHEREFORE, Sibley prays this Court to referral this matter to a special master to: (i) convene an advisory jury, (ii) take evidence, (iii) hear the advisory jury’s special verdict, (iv) and then marshal the facts and law in a report and recommendation to this Court.

IV. EXPEDITED DISCOVERY

The primary factual issue of this Petition is that the two “Certificates of Live Birth” (“COLB”) putatively from the State of Hawaii released by Obama to establish that he was born in the United States are forgeries. As more fully detailed in the instant Petition for Review, Expert document examiners have examined copies of each of the COLBs and found significant indications of fraud raising the very real specter that Obama was not born in the United States.

To prove this allegation, Sibley will be seeking the following documentary evidence by this

Court's compulsory process to establish that the COLBs are forgeries:

1. The original COLBs from Obama to allow Sibley's Expert Document Examiners to evaluate and testify pursuant to Rule 702, Federal Rules of Evidence, as to the authenticity of those documents;

2. All records of Obama's birth in the possession of the State of Hawaii Department of Health and Kapi'olani Maternity Home – which is now named the Kapi'olani Maternity & Gynecological Hospital – the hospital where Obama claims he was born.

3. Authenticated copies of Obama's college applications and transcripts from Occidental College, Columbia University and Harvard Law School – documents Obama has refused to reveal. Pursuant to Rule 901(b)(8), Federal Rules of Evidence, those documents would qualify as Ancient Documents. Sibley believes they will provide relevant evidence of Obama's place of birth and citizenship as such documents regularly solicit that information.

4. Authenticated copies of Obama's U.S. Passport application. That application requires proof of U.S. citizenship as part of the application process. Significantly, in 1991 Obama's then-literary agency, Acton & Dystel, published a booklet, which was distributed to the publishing industry. The booklet includes a brief biography of Obama among the biographies of eighty-nine other authors represented by Acton & Dystel. Along with other factually accurate information about Obama, that biography lists Obama's place of birth as: Kenya. A copy of that biography is attached hereto as Exhibit "A".

5. All information regarding Obama's Social Security number in the possession of the United States Social Security Administration. In 2010, Obama posted online on "WhiteHouse.gov" his 2009 tax returns and thus his Social Security number – 042-xx-xxx – became visible to the public. Social Security numbers starting with "042" were issued only to those residing in Connecticut.² A SS-5 application for a Social Security number for a man who received a number close in sequence to Obama's number is attached hereto as Exhibit "B". It requires basic information including "Place of Birth". When Obama's Social Security number was issued, circa 1977, Obama was living in Hawaii and when he applied for his Social Security number it should have started with "575", "576", "750" or "751"³, not "042". The Social Security Administration will have on microfilm a copy of Obama's original SS-5 application attached to his particular Social Security Number.

6. All information regarding Obama's Selective Service registration information

² Retrieved from: <http://socialsecuritynumerology.com>

³ Retrieved from: <http://socialsecuritynumerology.com>

in the possession of the United States Selective Service System Data Management Center in Palatine, Illinois. A publically released copy of Obama's Selective Service registration form SS-1 is attached hereto as Exhibit "C". Noteworthy is the cancellation stamp by the Post Office which bears the anomaly of a year date "80" when contemporary cancellation stamps all show "1980" as the year as detailed in Exhibit "D". A detailed explanation of this anomaly – which might well be the year "2008" with the "20" removed and the "08" inverted to make it appear it was stamped in "1980" – can be viewed on-line.⁴ Obviously, failure to timely register with the Selective Service precludes as a matter-of-law one's employment as President. *See*: 5 USC § 3328(a)⁵.

7. A Certified copy of the "Certificate of Live Birth" attached as Exhibit "G" to the instant Petition for Review which indicates that Obama's birthplace was not Honolulu as indicated in the two COLBs released by Obama, but instead Kenya.

WHEREFORE, Sibley prays that the Court direct its Clerk to immediately issue subpoenas duces tecum and/or letters rogatory as requested by Sibley for the above-referenced documents.

IV. EXPEDITED BRIEFING, ORAL ARGUMENT AND RESOLUTION

In considering a motion to expedite, a prime consideration must be whether significant issues of public concern are involved the delay in resolution of which is likely to cause public harm. *Cf*: *Walters v. Nat'l Ass'n of Radiation*, 473 U.S. 305, 351 (1985)("This Court has not hesitated to exercise this power of swift intervention in cases of extraordinary constitutional moment and in cases demanding prompt resolution for other reasons."); *United States v. Nixon*, 418 U.S. 683, 686-687 (1974)("We granted both the United States' petition for certiorari before judgment and also the President's cross-petition for certiorari because of the public importance of the issues presented and

⁴ See:
<http://www.westernjournalism.com/sheriff-joe-arpaiio-cold-case-po-sse-video-on-obama-selective-service-fraud/>

⁵ "An individual—who was born after December 31, 1959, . . . and who is not so registered or knowingly and willfully did not so register before the requirement terminated or became inapplicable to the individual, shall be ineligible for appointment to a position in an Executive agency."

the need for their prompt resolution”).

The instant Petition for Review calls upon this Court to exercise its singular jurisdiction – expressly ordained by Congress – to wade into the post-electoral process. It is beyond cavil that: “voting is of the most fundamental significance under our constitutional structure.” *Illinois Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979). Nonetheless, this Court has a Congressionally-delegated obligation to protect the integrity of the election processes as means for electing public officials. *Bullock v. Carter*, 405 U.S. 134, 145 (1972)(“[A] State has an interest, if not a duty, to protect the integrity of its political processes from frivolous or fraudulent candidacies.”); *Norman v. Reed*, 502 U.S. 279, 290 (1992)(States have an interest in preventing “misrepresentation” in the voting process); *Rosario v. Rockefeller*, 410 U.S. 752, 761 (1973)(“It is clear that preservation of the integrity of the electoral process is a legitimate and valid state goal.”).

Alleged in the instant Petition for Review is that the winner of the D.C. Presidential Election – Barack Hussein Obama, II – is not eligible to be President. It states the obvious to say that this is a case of the utmost national importance and urgency involving the Constitution’s most fundamental rights as exercised in the Nation’s most important election. As such, it is imperative that this Court hear and resolve Sibley’s instant Petition for Review as soon as practicable in order to insure that the 2012 presidential election has an ordered finality in accordance with inviolable dictates of U.S. Constitutional law.

Time is plainly of the essence: The next President of the United States is due to be sworn into that office on January 20, 2013 – **some short fifty-one (51) days away**. The importance of a prompt resolution of the federal constitutional questions presented by this case cannot be overstated.

Additionally, Sibley respectfully requests – and believes it is his inalienable right under the

Fifth Amendment of the United States Constitution – to a “hearing” by oral argument on the Petition for Review given the complicated nature of the facts and law and the value that such an argument would provide to at least give the appearance of a fair resolution of the issues raised thereby. *See: Federal Communications Commission v. WJR, The Goodwill Station, Inc.*, 337 U.S. 265, 276 (1949)(“ . . . the right of oral argument as a matter of procedural due process varies from case to case in accordance with differing circumstances, as do other procedural regulations. . . . On the contrary, due process of law has never been a term of fixed and invariable content. This is as true with reference to oral argument as with respect to other elements of procedural due process. Without in any sense discounting the value of oral argument wherever it may be appropriate or, by virtue of the particular circumstances, constitutionally required . . .”).

WHEREFORE, Sibley respectfully requests that this Court expedite consideration of the instant Petition for Review and set an expedited schedule for briefing and oral argument.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was Hand Delivered to: Terri Stroud, Senior Staff Attorney, Office of the General Counsel, District of Columbia Board of Elections, 441 4th St. NW Suite 270N, Washington, DC 20001 this November 30, 2012.

MONTGOMERY BLAIR SIBLEY
PETITIONER
4000 Massachusetts Ave, NW, #1518
Washington, D.C. 20016
Voice/Fax: 202-478-0371

By: _____
Montgomery Blair Sibley



Barack Obama

Barack Obama, the first African-American president of the Harvard Law Review, was born in Kenya and raised in Indonesia and Hawaii. The son of an American anthropologist and a Kenyan finance minister, he attended Columbia University and worked as a financial journalist and editor for Business International Corporation. He served as project coordinator in Harlem for the New York Public Interest Research Group, and was Executive Director of the Developing Communities Project in Chicago's South Side. His commitment to social and racial issues will be evident in his first book, *Journeys in Black and White*.



SOCIAL SECURITY

CERTIFICATION

Pursuant to the provisions of Title 42, United States Code, Section 3505, and the authority vested in me by 45 F.R. 47245-46, I hereby certify that I have legal custody of certain records, documents, and other information established and maintained by the Social Security Administration, pursuant to Title 42, United States Code, Section 405, and that the annexed are true and complete copies of certain of such documents in my custody as aforesaid.

I also certify that the annexed computer printouts showing the dates the information was recorded are true and complete copies of such documents in my custody for Social Security Number 042-68-4424 in the name of Thomas Louis Wood.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Social Security Administration to be affixed this 28th day of February, 2011.



Georgiana Wilson-Johnson

Georgiana Wilson-Johnson
Deputy Director
Division of Earnings Record Operations
Office of Central Operations

ID **P** CN SUPPORTING DOCUMENT
APPLICATION FOR A SOCIAL SECURITY NUMBER

042-68-4424

See Instructions on Back.

Print in Black or Dark Blue Ink or Use Typewriter.

DO NOT WRITE IN THE ABOVE SPACE

1	Print FULL NAME YOU WILL USE IN WORK OR BUSINESS (First Name) (Middle Name or Initial - if none, draw line) (Last Name)	THOMAS LOUIS WOOD
2	Print FULL NAME GIVEN YOU AT BIRTH	THOMAS LOUIS WOOD
3	PLACE OF BIRTH (City) (County if known) (State)	New Britain - Hartford - CT
4	MOTHER'S FULL NAME AT HER BIRTH (Her maiden name)	Carole Francis Beane
5	FATHER'S FULL NAME (Regardless of whether living or dead)	Hector Louis WOOD
6	YOUR DATE OF BIRTH (Month) (Day) (Year)	7-15-62
7	YOUR PRESENT AGE (Age on last birthday)	14
8	YOUR SEX MALE <input checked="" type="checkbox"/> FEMALE <input type="checkbox"/>	
9	YOUR COLOR OR RACE WHITE <input checked="" type="checkbox"/> NEGRO <input type="checkbox"/> OTHER <input type="checkbox"/>	
10	HAVE YOU EVER BEFORE APPLIED FOR OR HAD A SOCIAL SECURITY, RAILROAD, OR TAX ACCOUNT NUMBER? NO <input checked="" type="checkbox"/> DON'T KNOW <input type="checkbox"/> YES <input type="checkbox"/>	(If "YES" Print STATE in which you applied and DATE you applied and SOCIAL SECURITY NUMBER if known)
11	YOUR MAILING ADDRESS (Number and Street, Apt. No., P.O. Box, or Rural Route) (City) (State) (Zip Code)	25 Glenview Dr. Newington CT 06111
12	TODAY'S DATE	3/21/77
13	TELEPHONE NUMBER	666-2894
14	Sign YOUR NAME HERE (Do Not Print)	Carole Wood Mother

TREASURY DEPARTMENT/Internal Revenue Service

FORM SS-5 (2-75)

RESCREEN

ASSIGN

DUP ISSUED

Return completed application to nearest SOCIAL SECURITY ADMINISTRATION OFFICE



SELECTIVE SERVICE SYSTEM
Registration Form
READ PRIVACY ACT STATEMENT ON REVERSE
PLEASE PRINT CLEARLY

0997090632

1 DATE OF BIRTH 08/04/61 SEX MALE FEMALE

4 PRINT FULL NAME
Last OBAMA First BARACK Middle HUSSEIN

5 CURRENT MAILING ADDRESS
Number and Street 1617 S. BERETANIA APT. 1008 City HONOLULU State or Foreign Country HI Zip Code 96826

6 PERMANENT RESIDENCE
Number and Street SAME AS ABOVE City _____ State or Foreign Country _____ Zip Code _____

7 CURRENT PHONE NUMBER
Area Code 808 Number 949 2317

8 Check here if we may give your name, address and telephone number to Armed Forces recruiters.

9 I AFFIRM THE FOREGOING STATEMENTS ARE TRUE
Today's Date JULY 30, 1980 Signature of Registrant Barack H. Obama

Postal Date Stamp & Clerk Initials

ID

NO ID

OTHER

Exhibit "C"



Note, the first two stamps in the above illustration are both from the same Post Office (Makaki, Sta.) in Honolulu, Hawaii. Also, please note they all include 4 digits for the date stamp

Exhibit "D"

The above five examples are the expected results from the PIKA stamp used by the U.S.P.S. *Per United State Post Office, it is policy to use a stamp that contains 4 digits for the year.*