

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA**

PHILIP J. BERG, ESQUIRE, on his own :  
BEHALF and on BEHALF of the :  
GOVERNMENT OF THE UNITED STATES :  
OF AMERICA : Case No. 08-1933 (RWR)  
555 Andorra Glen Court, Suite 12 :  
Lafayette Hill, PA 19444, : Honorable Richard W. Roberts  
Relator, :  
vs. :  
BARACK HUSSEIN OBAMA, JR. :  
Defendant. :

**COMPLAINT PURSUANT TO FEDERAL FALSE CLAIMS ACT**

**NOW COMES** Philip J. Berg, Esquire, as the Relator on his own behalf and on behalf of the Government of the United States of America, and brings this Complaint pursuant to the Federal False Claims Act, 31 U.S.C. 3729, et sequitur, against the Defendant Barack Hussein Obama, stating:

**JURISDICTION AND VENUE**

1. This cause of action arises under the Federal False Claims Act found at 31 U.S.C. Sections 3729 through 3733. Jurisdiction thus resides, pursuant to that federal statute, with the United States District Courts. This particular District Court for the District of Columbia affords the proper venue for this action in that the Defendant has submitted within the District of Columbia his false, fraudulent, and wrongful claim for

the payment of monies by the United States Government and the Department of the Treasury located also within the District of Columbia.

### **THE PARTIES**

2. Philip J. Berg, Esquire [hereinafter “Relator”], pro se in this matter, is a citizen of the United States, a resident of the Commonwealth of Pennsylvania, more than eighteen [18] years of age, and a lawyer practicing law in the Commonwealth of Pennsylvania with a business address of 555 Andorra Glen Court, Suite 12, Lafayette Hill, PA 19444. Relator uniquely possesses certain information not held by others regarding the false claim by the Defendant by virtue of his long history of activity within the Democratic Party and by virtue of his discovery of disturbing information as to the Defendant.

3. The United States Supreme Court has held in *Vermont v. United States*, 529 U.S. 765 (2000) that a private citizen such as the Relator herein has standing to bring an action under the False Claims Act as this. Thus, there can be no valid assertion whatsoever that the Relator does not have standing to bring this instant action. The United States Supreme Court has expressly held otherwise.

4. The United States Government is the party on whose behalf the Relator also brings this action, as well as on his own behalf, as required by the False Claims Act.

5. The Defendant, Barack Hussein Obama, Jr. [hereinafter “Obama”], is not a citizen of the United States but is nevertheless a United States Senator from the State of Illinois, elected to that office, improperly in November 2004, as will be seen more fully, *infra*.

## FACTS

6. Article I, Section 3 of the United States Constitution mandates that a United States Senator shall be a citizen of the United States.

7. Defendant Obama is not a citizen of the United States, as indicated by the information contained in the following Exhibits:

- a. Affidavit of Bishop Ron McRae, attached hereto as **Exhibit “A”**;
- b. Affidavit of Kweli Shuhubia, attached hereto as **Exhibit “B”**;
- c. Transcript of taped interview of Sarah Obama, Senator Obama’s Kenyan Paternal Grandmother, attached hereto as **Exhibit “C”**; and
- d. Obama’s Indonesian School Record attached hereto as **Exhibit “D”**.

all Exhibits are attached hereto and made a part hereof.

8. Defendant Obama, knowing he was and is not a United States citizen, nevertheless fraudulently filed papers for the purpose of running for the federal office of United States Senator. As a result, Obama was elected to that office, despite his inability to qualify for that office as required by the United States Constitution.

9. Upon his wrongful election, Defendant has received payment from the United States Government, specifically from the United States Department of the Treasury, of a salary as a United States Senator. This payment of a salary to Defendant Obama results from his submission of a false claim, within the full meaning of the False Claims Act, that he is a United States citizen entitled to a salary as a United States Senator. He is not, as he cannot legally hold this federal office by virtue of his not being a United States citizen.

10. This ruse by Defendant Obama that he is a United States citizen and thus entitled to the payment of a salary for the performance of duties while in the Office of United States Senator constitutes a clear violation of the 31 U.S.C. 3729, et sequitur, for which there is a certain mandatory remedy.

### **REMEDY**

11. Relator Berg, on his own behalf and on behalf of the United States Government, seeks all remedies available to him pursuant to the remedies set forth in the False Claims Act, including a refund of all salary monies paid to the Defendant and other certain fiscal penalties set forth in the False Claims Act.

12. Further, Relator prays that the United States Attorney General avail himself of all investigative tools on an expedited basis as provided under 31 U.S.C. 3733 in order that this matter might be resolved expeditiously. More specifically, the Attorney General can and should, as quickly as possible, secure the following:

- a. Original certified “vault” birth certificate of the Defendant Obama purportedly held by the State of Hawaii;
- b. Original certified “vault” birth certificate of the Defendant from Kenya;
- c. Certified copies of all change of name Court documents;
- d. Certified copy of Adoption record from Indonesia;
- e. Certified copy of the Governmental Acknowledgement form signed by Lolo Soetoro, M.A., an Indonesian citizen “acknowledging” Obama as his son; and
- f. Certified copy of United States Immigration form of Certificate of Citizenship issued upon the return to United States from Indonesia.

all of which Defendant Obama refuses to provide to the public.

**WHEREFORE**, pursuant to the procedures and remedies set forth in the Federal False Claims Act, Relator, Philip J. Berg, Esquire on his own behalf and on behalf of the Government of the United States of America demands that the Act be enforced fully, fairly, and expeditiously.

Dated: November 5, 2008

Respectfully submitted,

s/ Philip J. Berg

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Philip J. Berg, Esquire, Relator

*Pro Se*

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## **Exhibit “A”**

## **Exhibit “B”**

## **Exhibit “C”**

## **Exhibit “D”**