

U.S. District Court
for the District of Columbia Case No. 1:08-cv-02254 JR

Court of Appeals Case No. 09-5080
Consolidating No. 09-5161

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

_____ O _____

GREGORY S. HOLLISTER,

Plaintiff – Appellant,

v.

BARRY SOETORO, et al,

Respondents – Appellee.

_____ O _____

DECLARATION OF PHILIP J. BERG, ESQUIRE

Lawrence J. Joyce, Esquire
1517 N. Wilmot Road,
Suite 215
Tucson, AZ 85712
D.C. Circuit Bar No. 52501
(520) 584-0236

*As In Pro Se Amicus for himself
and as Attorney for Amicus,
Philip J. Berg, Esquire*

I, Philip J. Berg, Esquire, am over the age of eighteen (18), and I am not a Party to the within Action. I have personal knowledge of the facts herein and if called to do so, I could and would competently testify under oath.

I, Philip J. Berg, declare as follows:

1. I am a licensed Attorney in the State of Pennsylvania in good standing.
2. I have read the Opposition of Appellants, Gregory S. Hollister and John D. Hemenway (document number 1218512, prepared by and filed by John D. Hemenway, Esquire) which was filed on December 2, 2009, in response to the Motion of Lawrence J. Joyce, Esquire and myself for Leave to file an *Amicus Curiae* Brief in support of Appellants.
3. I have worked many hours of public service. From 1972 to 1980 I was a Deputy Attorney General in Pennsylvania in the Civil Litigation division. After leaving the Attorney General's Office I opened my own practice where I dedicated many hours to pro bono work.
4. I have always been a believer and a fighter for individual rights for many years and am proud that I give time as a "**pro bono**" attorney on many occasions. I am a lawyer in Lafayette Hill, Montgomery County, Pennsylvania, a community between Philadelphia, the birthplace of our

nation, and Valley Forge, where the most arduous test of the Patriots' devotion to Liberty took place.

5. I began my pro bono work when I was a junior at Germantown High School in Philadelphia, Pennsylvania, when our football team ended up in a 3-way tie for first place and was eliminated by rules that did not seem fair. I led a group of students to sign petitions and travel downtown to the Board of Education to demand a fairer resolution. The Board agreed, although not for that year, and changed the rules for the future.
6. Politics is basically a pro bono situation, as evidenced by my years of involvement in many levels, from grass roots to being a campaign manager, advance person, and a candidate for public office, including Governor and U.S. Senate. I was a candidate for the U.S. Senate in 2000, for Governor of Pennsylvania in 1990 and 1998 (including being the Pro-choice candidate for Governor in 1990), and for Lt. Governor in 1994. I was a State Committeeperson for 8 years, a Committeeperson for 31 years, and Chair of the Montgomery County Democratic Committee for 2 years.
7. I take cases of interest to my personal desire to protect Constitutional Rights and individual rights. I do a lot of pro bono work, which causes me to take time from my very busy schedule.

8. I fought successfully (pro bono) on appeal for the rights of a woman who was found guilty of Disorderly Conduct by “flipping the bird” and fined \$171 by arguing that she had a Constitutionally protected right of **Freedom of Speech**, a case that received world-wide attention.
9. Also, I entered the campaign for Governor of PA in 1990 and spent my own money to run for office, as I believe we must have campaign finance reform.
10. I take special pride in having represented my son, now 33, who, at age 16, filed as a candidate for District Justice in Pennsylvania. A Court challenge was filed claiming he was violating child labor laws and he was precluded from being on the ballot. I took the case to the Supreme Court of Pennsylvania, which granted my son the right to be on the ballot.
11. I represented **PAWS** (Performing Animal Welfare Society) located in Galt, California, from 1994 to 1997 (**pro bono**) in a fight to protect the rights of animals. I filed suit on 8/1/95 against the Federal Government, United States Department of Agriculture (USDA), to protect circus elephants because of the constant abuse that occurs to elephants. This case was highlighted on **20/20** and **Inside America's Courts**.
12. In March of 1997 I was successful in my "**pro bono**" effort for 19-year-old Adrienne Buckwalter, the youngest member of the Spring-Ford

School Board, whose nominating petitions for election as School Director were challenged.

13. In 2000, I was the first, and only attorney to date, in the United States to defeat “Cell Phone” legislation when I successfully challenged the law “**pro bono**” in Hilltown Township, Bucks County, Pennsylvania; said law banned the use of hand held cell phones while driving. I argued that it is the concentration and/or distraction that occur that matters, no matter what type of cell phone, hands free or blue tooth, is used.
14. I was highly involved in challenging the 2000 presidential election in Florida by helping investigating voting irregularities.
15. I spent over ten Thousand [10,000] Hours in my pro bono efforts regarding other cause work, so many hours that my devotion to such work placed me in Bankruptcy.
16. Now, to the Obama issue, what I personally believe may be the greatest HOAX in American history, which was put forth by Obama and his cohorts, that includes deceiving the citizens of the United States, as Obama, I believe, is “**not**” Constitutionally eligible to be President, since Obama apparently was born in Mombasa, Kenya; was adopted/acknowledged in Indonesia, where Obama’s “legal” name became and is “Barry Soetoro”, as

there is **no** evidence that Obama ever “legally” changed his name from his adopted name of “Barry Soetoro.”

17. I have spent over three Thousand [3,000] Hours fighting for the citizens of the United States to ensure that “our” U.S. Constitution is followed and upheld.
18. I was handling Mr. Hollister’s case against Soetoro pro bono. I paid for all the filing fees for the U.S. District Court for the District of Columbia as well as the U.S. Court of Appeals for the District of Columbia. I have paid for the filing fees, printing costs, runner fees, service fees, just to name a few.
19. In addition to my legal pro bono work, I have also done a lot of pro bono service including, but not limited to, **Charitable** work, being a Founding Board Member and President of the Wellness Community – Philadelphia (Cancer patients fighting for their own recovery, with all services provided free). I am also a current Honorary Board Member, and former Board Member, of the Terri Lynn Lokoff Day Care Foundation, and a member of the Lions Club.
20. In **Community** work, I am presently a member, and formerly a Sergeant and Lieutenant, of the Fire Police, Barren Hill Volunteer Fire Company, and a volunteer member for past 28 years. I am a former

Secretary to the Board and Board Member of the Valley Forge Convention & Visitors Bureau for 4 years. I am an Alumni Representative for the Philadelphia area for the College of Law, University of Toledo, for 35 years; I am an NAACP-Life member. I am also an ACLU member and an NRA-Life member.

I declare under the penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Signed this 16th day of December, 2009.

Respectfully submitted,

s/ Philip J. Berg

PHILIP J. BERG, Amici