

Byron L. Trackwell, The Resisting GI,
www.facebook.com/album.php?aid=2004095&l=0984e&id=1058171632

Feb. 08, 2009

www.facebook.com/group.php?gid=49363588033&ref=mf, Cliff Cornell & Anti-War Activists,

The Legal Chain is Oath to Constitution, FM 27-10, Article VI Supreme Law, U.N. Treaty, Geneva, Nuremberg, Article III, Federal Question, United States District Court "Original Jurisdiction"! **Procedurally to stop illegal Courts-Martial: ONE** CM "Motion to Dismiss" due to lack of subject-matter jurisdiction if denied **TWO** CM "Motion for a Continuance" to federally file **THREE** "Motion for a Stay" for time to file **FOUR** "Habeas Corpus".

There are only two conditions in which war is legal under international law: when force is authorized by the U.N. Security Council, or when the use of force is an act of national self-defense and survival. Apart from these conditions, war is an act of aggression. There is a common tendency among lawyers and military commanders to sneer at international law. But the Constitution is unambiguous. Article VI states, "All treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby."

The U.S. Army's Field Manual 27-10 states by Chapter 1, Section I(7)(b), "under the Constitution of the United States, treaties constitute part of the supreme Law of the Land by U.S. Const. art. VI. In consequence, treaties relating to the law of war have a force equal to that of laws enacted by the Congress. Their provisions must be observed by both military and civilian personnel with the same strict regard for both the letter and spirit of the law which is required with respect to the Constitution and statutes enacted in pursuance thereof."

The major issues of imperial occupation - the fraudulent basis for the war, the absence of a formal declaration of war from Congress, the systematic nature of war crimes in Iraq, the flagrant violation of the U.N. Charter are all shouldered on Resisting Soldiers as they are picked off one at a time by this military dictatorship attack.

The subject-matter defense against this attack arises under the Constitution of the United States of America as all Resisting Soldiers have a reasonable doubt "Federal Question" defense that only a federal impartial jury has jurisdiction to hear in the first instance! Thus, all court-martialed Resisting Soldiers have been convicted illegally, which is a big Class Action FUCK UP! So naturally, to keep these illegal courts-martial going the United States will offer illegal enticements for a guilty plea, if you do not deal, we will put you into jail for many years! Robbin Long and Tony Anderson have been there and have done that and for any defense attorney to participate in such a crime is; well I just have to put a censor hold on what that feels like!

The Bill of Rights of our Resisting Soldiers is being stomped on due to these ongoing violations of Article III jurisdiction. Justice Douglas in *Parisi v. Davidson*, 405 U.S. 34, 46 (1972) stated, "I agree with the Court's view that habeas corpus is an overriding remedy to test the jurisdiction of the military to try or to detain a person."

It is a sad day in American jurisprudence when a soldier of conscience is convicted in a kangaroo non-jurisdictional court-martial; convicted for upholding the United States Constitution! In a Federal Court with jurisdiction to hear the reasonable doubt "Federal Question" defense, the accused Resisting Soldier is able to subpoena 74 concerned law professors as witnesses in defense, see *Doe v. Bush*, 323 F.3d 133 (1st Cir. 2003) and that discussion within the Resisting GI's website, www.ResistingGI.com.

s/ Byron L. Trackwell