

**CIVIL RIGHT HABEAS CORPUS PETITION
To All Three Branches of the United States Government
From Class Action Resisters of the Iraq War**

<http://www.resistinggi.com/UserFiles/File/Petition.pdf>

TO:



**President Obama
& First Lady
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500**



**U.S. Senate Committee on the Judiciary
Subcommittee on the Constitution
224 Dirksen Senate Office Building
Washington, DC 20510
Att: Patrick J. Leavy
The Committee Chairman**



**The House Committee on the Judiciary
Subcommittee on the Constitution, Civil
Rights, and Civil Liberties
2138 Rayburn House Office Building
Washington, DC 20515
Att: Hon. Conyers Jr.
The Committee Chairman**



**The Supreme Court of the
United States
1 First Street, N. E.
Washington, DC 20543**



***To Justice Stephen G. Breyer**

* www.resistinggi.com/UserFiles/File/Opening%20Brief.pdf

* www.resistinggi.com/UserFiles/File/Reply%20Brief.pdf

Federal & U.S. Army Related Pleadings

www.resistinggi.com/UserFiles/File/Kevin%20and%20Monica.pdf

www.resistinggi.com/UserFiles/File/Robbin%20Habeas%20Corpus.pdf

www.resistinggi.com/UserFiles/File/Tony%20Anderson%20Motion%20to%20Dismiss.pdf

On A Prayer for Redress Due To Unconstitutional Court-Martial(s)
Overseen By the Offices of the United States

PETITION

The March 17, 2003 destruction of U.S. Const. art. I, § 8, cl. 11, that only Congress may make a Declaration of War, has had an unfair, unbalanced impact on certain groups of people who take serious their oath to the United States Constitution, namely Resisting Soldiers of Conscience against the Iraq War. Ninety-four per cent of U.S. military resisting soldiers are given an administrative discharge while those who speak out¹ are the six per cent that are targeted and punished severely.

This Petition establishes that original jurisdiction of the United States case(s) against these punished Resisting Soldiers of Conscience were with the U.S. District Federal Courts before an impartial federal jury² according to U.S. Const. art. III, §2, cl. 1; U.S. Const. amend VI and 28 U.S.C. § 1331. The continuation of this action has ordered the military to prosecute Resisting Soldiers of Conscience violating class action reasonable doubts arising under our Constitution. These judicial tragedies have eliminated the Bill of Rights by violating the fundamentals of jurisdiction breaching boundaries of our Three-Branch Republic. Violations that have eliminated a soldier's right³ to "present anything he may desire in his own behalf either in defense or

¹ In the USSC case of *Texas v. Johnson*, 491 U.S. 397 (1989), the Court mentioned the importance of protecting free speech, especially speech that is unpopular or offensive to others. It said, "If there is a bedrock principle underlying the First Amendment, it is that government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

² *Duncan v. Louisiana*, 391 U.S. 145 (1968) "The guarantees of jury trial in the Federal and State Constitutions reflect a profound judgment about the way in which law should be enforced and justice administered. A right to jury trial is granted to criminal defendants in order to prevent oppression by the Government. Those who wrote our constitutions knew from history and experience that it was necessary to protect against unfounded criminal charges brought to eliminate enemies and against judges too responsive to the voice of higher authority. The Framers of the constitutions strove to create an independent judiciary, but insisted upon further protection against arbitrary action. Providing an accused with the right to be tried by a jury of his peers gave him an inestimable safeguard against the corrupt or overzealous prosecutor and against the compliant, biased, or eccentric judge." USSC Justice Byron White.

³ The legality of an order sending men to participate in an 'undeclared war' may be raised by someone, to whom such an order has been directed, see *Mottola v. Nixon*, 464 F.2d 178, 179 (9th Cir. 1972). *Holtzman v. Schlesinger*, 484 F.2d 1307, 1315 (2d Cir. 1973) (service members with "orders to fight," have STANDING to challenge legality of military activities).

mitigation...” see UCMJ art. 32(b) and a soldier’s right to present reasonable doubts pursuant to UCMJ art. 51(c)(2)⁴ and UCMJ art. 51(c)(4)⁵.

The burden to address these Reasonable Doubts arising under our Constitution clearly rests with the United States within the widely accepted Federal Question defined by 28 U.S.C. § 1331 that is not within the jurisdictional realm of the first branch’s court-martial(s). Breaching jurisdictional responsibilities is why all of this is so unfair, as these class action judicial disputes with Iraq War Resisters past, present and future definitely rises under our Constitution and should have had the judicial procedure for “jurisdictionally” and “originally” presenting their class action defense before a federal impartial jury, see U.S. Const. art. III, §2, cl. 1⁶. Article III did not delegate judicial power to the Executive Branch’s Court Martial(s) and all related disciplinary actions of any Resisting Soldier to the Iraq War has never had their defense jurisdictionally presented, a fair and impartial defense that all accused Americans are afforded by our Constitution and for Resisting Soldiers to the Iraq War that is a Class Action Defense before a Federal Impartial Jury and what a thing to deny and crush as it disrespects America’s heritage as set down by our constitutional framers!

The United States did not establish jurisdiction prior to proceeding with so many punishments to Resisting Soldiers of Conscience as the First Branch did not have subject-matter jurisdiction over their subject-matter constitutional dimensional defense. To decide a case, a court must have a combination of subject-matter plus *personam* or *locum* jurisdiction. By far the

⁴ UCMJ art. 51(c)(2) “if there is a Reasonable Doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted.”

⁵ UCMJ art. 51(c)(4) “the burden of proof to establish the guilt of the accused beyond a Reasonable Doubt is upon the United States.”

⁶ U.S. Const. art. III, §2, cl. 1, “The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority”.

most important federal subject-matter jurisdiction is the established federal question that confirms that all Court-Martial(s) of Iraq War Resisters must be dismissed., see FRCvP 12(h)(3)⁷.

The U.S. Constitution demands the duty to resist when a branch of government exceeds its delegated constitutional powers⁸ and a soldier's oath⁹ with constitutional dimensions is explicit to carry out that resistance. A resistance tied to the Constitution by the U.S. Army Field Manual (FM 27-10, 1956)¹⁰.

MY CLOSING REMARKS

As a Resisting Soldier of Conscience I have honored my military oath to the United States Constitution by issuing my website <http://www.resistingGI.com/>. It provides my U.S. Federal filings as a pro se against the unconstitutional war in Iraq! Sure it is only academic, but is judicially correct and undisputable, but still academic as once Bush got us into WAR the brainwashed attitude that is poured into our minds is this, what to do, we must stay patriotic and go on as if everything is AOK! It is not AOK as the 108th Congress should have declared war to Iraq, not president Bush, and that is the way it should have been and the major brunt of that unconstitutional action is now burdened with forgotten Iraq War Resisting Soldiers of Conscience, and I am one of them! I too will be forgotten but I do say this, I feel so good and so American for all my efforts that I did. I hope one day I see a resistance that ultimately gives Amnesty to all Iraq War Resisters¹¹.

⁷ FRCvP 12(h)(3) states, "If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action."

⁸ "The hydraulic pressure inherent within each of the separate Branches to exceed the outer limits of its power...must be resisted. Although not 'hermetically' sealed from one another, the powers delegated to the three Branches are functionally identifiable." *INS v. Chadha*, 462 U.S. 919, 951(1983). See *id.*, 944-51; *Northern Pipeline Constr. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 64-66 (1982) (plurality opinion); *Bowsher v. Synar*, 478 U.S. 714, 721-727 (1986).

⁹ To solemnly swear to support and defend the Constitution of the United States against all enemies, foreign and domestic demands a person of conscience who believes an order is unconstitutional &/or illegal to refuse that order.

¹⁰ 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, cl. 2. 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."

¹¹ "The hydraulic pressure inherent within each of the separate Branches to exceed the outer limits of its power...must be resisted. Although not 'hermetically' sealed from one another, the powers delegated to the three Branches are functionally identifiable." *INS v. Chadha*, 462 U.S. 919, 951(1983). See *id.*, 944-51; *Northern Pipeline Constr. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50, 64-66 (1982) (plurality opinion); *Bowsher v. Synar*, 478 U.S. 714, 721-727 (1986).

MESSAGE TO RESISTING SOLDIERS OF THE IRAQ WAR

WAR, even the legal constitutional ones are sick, sick and more-sick so get off of that as I know that does not ease the pain of splattered brains and pieces of skull from a killed Army ammunition carrying buddy. The diversions out there moving our resisting eyes somewhere else is what they want! Stop letting your eyes wonder as it is useless for bringing forth the real covered up constitutional issues!

It all happened within an unconstitutional March 17-19, 2003 48 hour time frame that had without a doubt U.S. Supreme Court Exclusive Original Jurisdiction written all over it as it was a constitutional legal matter of such imperative public importance affecting Ambassadors, other public Ministers and Consuls! In the Boston Appellate Court during the countdown to war:

Doe: Several Soldiers & Their Parents, Rep. John Conyers, Jr. (D – MI) 14th Congressional District, **Rep. Dennis Kucinich** (D-OH) 10th Congressional District, **Rep. Jesse Jackson, Jr.** (D-IL) 2nd Congressional District, **Rep. Sheila Jackson Lee** (D-Texas) 18th Congressional District, **Rep. Jim Mcdermott** (D - WA) 7th Congressional District, **Rep. José E. Serrano** (D-N.Y.) 16th Congressional District & [74 Concerned Law Professors](#)

Bush: George W. Bush, the President & Donald H. Rumsfeld, the Secretary of Defense.

Doe said to Bush you can not invade Iraq without a formal 108th congressional Declaration of War and pursuant to U.S. Supreme Court Exclusive Original Jurisdiction defined in **U.S. Const. art. III, § 2, cl. 2**, only the U.S. Supreme Court on the Merits may answer these graved constitutional dimensional issues raised under our Constitution. Thus the duty to have resisted, or to further resist, legally requires amnesty from all punishments or future punishments as the Bill of Rights reasonable doubt protection has existed since March 17, 2003 and will continue to exist until the U.S. Supreme Court officially rules on *Doe v. Bush*, **323 F.3d 133 (1st Cir. 2003)**.

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