

# WeThePeopleNow.org

Dedicated to Helping We the People  
Gain and Exercise Control of Our Governments **Now!**

**Draft**

## **The People's Legal Action Plan**

(Revised 8 August 2007)

### **OBJECTIVES**

The objectives of this plan are to:

- Assist in the investigation and prosecution of senior government officials who have violated human rights, violated their oath of office, committed other crimes, etc.
- Help prevent and curtail violations of human rights (life, liberty, property, civil, economic justice, etc.) of everyone in the world.
- Help obtain justice and restitution for victims of crimes
- Help improve the administration of justice in state, federal and international courts.
- Reduce duplication of efforts and insure all needed items are covered and priority items such as overturning the recently passed unconstitutional legislation such as Military Commission Act of 2006.

### **BACKGROUND**

Although we have excellent civil rights laws and international treaties that should protect the rights of everyone, rights are routinely violated everywhere in the world including in the United States.

US Government and military officers are violating and/or condoning the violation of human rights in the U.S. around the world and are ignoring, petitions, letter writing, phone calling campaigns, etc.

Although there have been some court rulings granting detainees their rights, some administration officials are wrongfully and unlawfully violating these rulings.

Congress has passed clearly unconstitutional laws to allow administration officials to continue to condone the violation of human rights and provide them with immunity.

We must also file complaints for declarative and injunctive relief to prevent further abuses.

We must file criminal complaints and prepare indictments and demand that the Department of Justice and FBI investigate and prosecute these crimes and enforce the Rule of Law.

In a recent article "*Bush Is Not Incompetent*", George Lakoff points out that "*It's not Bush the man who has been so harmful, it's the conservative agenda.*" It is important that we convince the public of this and somehow have bush and others investigated and indicted where appropriate.

### **PREPARATIONS:**

1. **Develop Strategies.** Determine ways to effectively initiate and assist state, federal and international investigators and prosecutors in investigating criminal complaints and prosecuting alleged offenders
2. **Distribute this Plan and Memo of Law.** Distribute this plan along with the Memorandum of Law to key legal reform organizations and individuals and request that they review and suggest changes and additions. If individuals or organization do not want their names to be associated with the work under this plan, individuals can provide anonymous inputs and there will be no attempt to determine who has made the comments.
3. **Plan and Conduct Planning Meetings** with representatives from key progressive legal organizations to discuss and obtain inputs to this plan and divide up and prioritize the work.

## PLAN

In General, conduct the following actions essentially in parallel, as rapidly as practicable and building on existing work.

1. **Prepare and provide strategies, processes, forms, sample documents, data and information requirement, etc. for preparing, initiating and pursuing:**
  - a. Injunctions
  - b. Criminal complaints
  - c. Affidavits in Support of Criminal Complaints
  - d. Lawsuits
  - e. Indictments
  - f. Articles of impeachment
  - g. International arrest warrants including how to go about filing warrants with Interpol
  - h. How to go about freezing assets of alleged offenders
2. **Maintain and expand open ended data bases and lists with email addresses, phone numbers, POCs, descriptions, etc. as appropriate of:**
  - a. Key progressive legal reform organizations and individuals
  - b. **"Victims"** of human right abuses and other crimes
  - c. Proposed **"Subjects"** of investigation, **"targets"** of indictments, and **"defendants"** who have allegedly violated the human rights of others or who have allegedly committed other crimes (Attachment 5, distributed separately, provides an open ended list of proposed subjects of investigation.)
  - d. Potential **"attorneys"** for victims of crimes
  - e. Potential **"witnesses"** of crimes
  - f. Alleged **"criminal offenses"** and **"tort claims"**
3. **Prepare and file Complaints for Declaratory and Injunctive Relief** and other documents in particular to prevent additional violations of human rights and the commission of more crimes. ACERSNow.org has prepared:

- a. **A Proposed Plan for a Peaceful, Just and Timely U.S. Withdrawal from Iraq.**
  - b. **A Proposed Complaint for Declaratory and Injunctive Relief for a Peaceful, Just and Timely U.S. Withdrawal from Iraq.** The injunctive part of the prayer for relief in this legal complaint is essentially the Proposed Plan for a Peaceful, Just and Timely U.S. Withdrawal from Iraq . This complaint may be filed if the key elements of the proposed plan are not initiated.
  - c. **A Complaint for Declaratory and Injunctive Relief to Find the Military Commission Act of 2006 to be Unconstitutional and Null and Void.**
4. In general the procedure will be to prepare the following as appropriate for the individuals listed in Attachment 5 (provided separately):
    - a. **Requests for the FBI to Investigate Criminal Complaints.** Attachment 3 lists the information that should be provided to the FBI when filing a request for investigation of a criminal complaint.
    - b. **Affidavits in Support of Criminal Complaints.** Attachment 4 provides the format for and information that should be included in an Affidavit in Support of Criminal Complaints. Normally an FBI agent will prepare such an affidavit; however, depending upon the agent, the more information provided and the better organized it is the more likely the criminal complaint will be acted on.
    - c. **Proposed Grand Jury Indictments** to be used to go before a grand jury. U.S. Attorneys normally prepare the proposed indictments to be used to go before a grand jury. However, if draft proposed indictments are prepared for them, there is a better chance that individuals will be indicted. The **Proposed Grand Jury Indictment** from the book *U.S. v. Bush et al.* by Elizabeth de la Vega, a career U.S. Attorney and federal prosecutor provides a great sample. In this book, de la Vega clearly explains and takes the reader through the entire grand jury/criminal indictment process. It is recommended reading for everyone involved or interested in this process.
    - d. These document and be put into "package" of documents and deliver with cover letters to the Deputy Director in charge of the Washington DC Field Office of the FBI, the United States Attorney, Alexandria, VA and the Chiefs of the Criminal Section and Public Integrity Section of the Civil Rights Division, Department of Justice. criminal complaint with these documents could be sworn to before a Federal Magistrate.
  5. Request that the Center for Constitutional Rights convert the "German Prosecution Cases" into a package of documents as described in item 7.
  6. Request that the Bush Crime Commission convert their "indictments" and "verdicts" into a package of documents as described in item 7.
  7. Requesting that authors of relevant books/articles convert their text from their books into Criminal Indictments and Affidavits in Support of Criminal Complaints/Indictments.
  8. Find FBI agents and U.S. Attorneys who are willing to investigate and prosecute crimes by high government officials.
  9. **Prepare and file law suits** as necessary to obtain restitution and justice.
  10. **File applicable documents with the International Criminal Court** if the FBI and U.S. Prosecutors and U.S. Courts refuse to act or act improperly on injunctions criminal complaints, suits, etc., and/or ask appropriate foreign nationals to file similar complaints for victims in their own countries.

11. Continually Refine the **Memorandum of Law**.
12. Expand this plan and develop a Work Breakdown Structure (WBS).
13. Post appropriate items on the internet and solicit inputs including anonymous comments from both the public and private sectors.

Attachments:

- 1 Draft Complaint for Declaratory and Injunctive Relief to Halt Export of Offensive Weapons from U.S. to Israel. (50% completed)
- 2 Draft Complaint for Declaratory and Injunctive Relief to Compel President George W. Bush to "*Take care that the laws be faithfully executed.*"
- 3 Information that should be provided in a Criminal Complaint and Request for an Investigation by the FBI.
- 4 Form for an Affidavit in Support of a Criminal Complaint and/or Proposed Grand Jury Indictment.
- 5 Draft Open-ended list of Proposed "Subjects" of Investigation by the FBI (to be provided separately.)
- 6 Draft Complaint for Declaratory and Injunctive Relief to Find the Military Commissions Act of 2006 to be Unconstitutional and Null and Void and For Injunctions Ordering that It Not Be Invoked

## DRAFT

# **Complaint for Declaratory and Injunctive Relief** **To Halt Export of Offensive Weapons from U.S. to Israel**

## FACTS

- 1 In the absence of a preliminary injunction the US will suffer irreparable harm to its reputation and world standing and President Bush, Secretary Rice and Secretary Rumsfeld and others will continue to contribute to the death and suffering of numerous innocent civilians and combatants.
- 2 The U.S. Government is supplying ARMS to Israel in violation of the Arms Export Control Act (AECA). The AECA prohibits sales or deliveries of ARMS to a country for other than internal security or legitimate self-defense purposes.
- 3 Much of the ARMS being provided to Israel by the US have been and are being used by Israel to carry out disproportionate and targeted attacks on civilians and humanitarian workers outside of Israel. This is a substantial violation of AECA.
- 4 The ARMS being provided to Israel apparently include:
  - 4.1 Cluster bombs used in their ground offensive in Lebanon. Cluster bombs scatter scores of bomblets over a wide area and are inherently indiscriminate. In the past and in the Lebanese conflict, Israel used cluster bombs in populated areas, killing and wounding civilians. The Reagan Administration suspended such transfers to Israel from 1982 to 1988.
  - 4.2 GBU 28 laser-guided bombs containing depleted uranium (DU) - a carcinogenic substance that spreads in the form of a toxic and radioactive dust, which enters the lungs and bones and is especially harmful to babies and young children.
- 5 Rather than stopping the supply of weapons to Israel, as required by law, during the Israel-Lebanon conflict, the United States Government shipped additional weapons to Israel – an act that resulted in further loss of innocent lives.
- 6 The United Nations' top human rights official, Ms. Louise Arbour, said in a statement released by her Geneva office:
  - 6.1 "The killing and maiming of civilians under attack in Lebanon, Israel and Gaza and the West Bank could constitute war crimes."
  - 6.2 "The scale of killings in the region, and their predictability, could engage the personal criminal responsibility of those involved, particularly those in a position of command and control,"
  - 6.3 "International humanitarian law is clear on the supreme obligations to protect civilians during hostilities," she said. That same obligation exists, she added, in international criminal law, which defines war crimes and crimes against humanity."
  - 6.4 "Indiscriminate shelling of cities constitutes a foreseeable and unacceptable targeting of civilians. Similarly, the bombardment of sites with alleged military significance, but resulting invariably in the killing of innocent civilians, is unjustifiable."
- 7 The Swiss-based International Red Cross, the recognized guardian of the Geneva Conventions on

the conduct of war, said that Israel had violated the principle of proportionality provided for in the Conventions and their protocols.

- 7.1 It also noted that Hezbollah was firing rockets into northern Israel. "Hezbollah fighters too are bound by the rules of international humanitarian law, and they must not target civilian areas," it said.
- 8 At the United Nations and throughout the world there was almost unanimous support for the view that the only way to spare more victims was to halt the fighting. However, it became clear that President Bush and Secretary Rice opposed a cease fire apparently to provide time for Israel to conduct additional offensive operations.
- 9 Armed conflict will not rectify the underlying causes and will only produce more violence and conflict.

### **Prayer For Relief**

1. Compel President George W. Bush, Secretary of State Condoleeza Rice, Secretary of Defense Donald Rumsfeld, all other US government employees, US contractors and their agents involved in the sale, delivery, transportation, maintenance, technical or logistics support, etc. of arms weapons, weapons systems, munitions, repair parts, etc. (hereafter referred as (ARMS), to Israel to:
  - a. Immediately cease supplying, delivering, transporting, supporting or maintaining any ARMS to or for Israel and stop all shipments in progress.
  - b. Demand that Israel Prime Minister Ehud Olmert and other Israeli's in positions of command and control cease using any ARMS outside Israel that were supplied by the U. S.
2. Compel the US Department of Justice/FBI to immediately investigate and bring indictments against anyone in violation of the Arms Export Control Act (AECA), the War Crimes Act or other applicable national and international laws.

**DRAFT**

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF:**  
**TO COMPEL PRESIDENT GEORGE W. BUSH TO: "TAKE CARE THAT**  
**THE LAWS BE FAITHFULLY EXECUTED"**

**INTRODUCTION**

**SUMMARY OF COMPLAINT**

Plaintiff James R. Fisher brings this action on an emergency basis and requests that the court compel President George W. Bush to:

3. *"take Care that the Laws be faithfully executed"* as required by Article II, Section 3 of the U. S. Constitution and be cognizant of the fact that:
  - a. This is a mandate and that "faithfully" executed implies that the spirit and intent of the "Laws" are executed.
  - b. This mandate is all encompassing and covers all the private and public sectors, the legislative, judicial and executive branches of government, corporations, the election laws, banking laws. The president has the entire executive department to support him in executing this massive and critical responsibility.
  - c. "The Law" or "Laws", are not limited to just codes and statutes. The Law is *"The whole body of rules of conduct that applied and enforced under the authority of established government in determining that which is proper and should be permitted and that which should be denied, or even penalized in respect of the relationship between a person and the state, between him and society and between him and another individual..."* (as defined by Ballentine's Law Dictionary.) This means that the Law includes provisions of the Constitution, Treaties, the Geneva Convention, The Hague Regulations, legislative enactments or statues, the Uniform Code of Military Justice (UCMJ), ethic laws, the Canons of Judicial Conduct, Attorneys' Code of Professional Responsibilities, case law, court rules, municipal ordinances, ethics laws election laws, SEC regulations, the Geneva Convention, etc.
  - d. If any official (public servant), including judges and legislators, are not faithfully executing the laws, it is the responsibility of the president to insure that they do.
4. Comply with Common Article 3 of the Geneva Conventions requiring humane treatment of all detainees in U.S. military custody and not deny detainees basic rights provided by U.S. and international law
5. Cease all efforts to establish military tribunals and for the executive branch to set up its own unconstitutional criminal justice system, where it acts as prosecutor, judge, jury and executioner.

6. Cease illegal NSA spying on Americans, secret CIA kidnaps and secret FBI demands for personal records from libraries and other institutions.
7. Immediately close all secret U.S. detention facilities and the detention center in Guantanamo Bay and "only detain persons in places in which they can enjoy the full protection of the law," and "grant prompt access by the International Committee of the Red Cross to any person detained in connection with an armed conflict."

## **Information that the FBI Asks Be Included in A Request for the FBI to Investigate a Criminal Complaint**

The FBI requests the below information be provided (with addresses, phone numbers, and other identifying information, as appropriate, for individuals), when a criminal complaint is filed or when requesting that the FBI conduct an investigation. ACERSNow.org intends to develop and maintain open ended lists and a relational data base of this information. The information in *italics* is verbatim from the FBI's website.

1. *All identifying information for the **victim(s)**;*
  
2. *As much identifying information as possible for the subject(s) [alleged offender(s)], including position, rank, and agency where employed;*
  
3. *Date and time of incident;*
  
4. *Location of incident; [Can be general if necessary]*
  
5. *Names, addresses, and telephone numbers of any witness(es);*
  
6. *A complete chronology of events including date(s), time(s), and location(s) of incident(s) in numbered paragraphs with numbered exhibits and descriptions of other evidence as appropriate. Hearsay may be used in this document.]*
  
7. *Any report numbers and charges with respect to the incident.*
  
8. Alleged “**criminal offenses**” (The FBI does not normally request specific criminal offenses be provided. However by providing it, the FBI is more likely to act) .

**Format for an Affidavit in Support of a  
Criminal Complaint or Proposed Indictment**

I, \_\_\_\_\_, being duly sworn, deposes and state:

1. I am a Citizen of the United States and a resident of \_\_\_\_\_.
  2. This affidavit contains information necessary to support probable cause for a Criminal Complaint. It is not intended to include every fact or matter observed or known to the government or me. The information provided is based on my personal knowledge and observations, information conveyed to me by others, and my review of records, documents, and other physical evidence.
  3. This application is submitted in support of a criminal complaint charging \_\_\_\_\_ a United States citizen, with :[Actual crimes are not required however by providing them, the FBI is more likely to act] .
    - (1) Engaging in a conspiracy, to deprive \_\_\_\_\_ of his rights in violation of Title 18, United States Code, Section 241.
    - (2) Deprivation of rights under color of law of \_\_\_\_\_ in violation of Title 18, United States Code, Section 242.
    - (3) Violation of the War Crimes Act of 1996 as amended Title 18, United States Code, Section 2441.
    - (4) Engaging in a conspiracy to violate the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as implemented by Title 18, United States Code, Section 2340-2340A.
    - (5) Engaging in a conspiracy to defraud the United States in violation of Title 18, United States Code, Section 371.
    - (6) Violating Title 18, United States Code, Section 4, Misprison of Felony.
- [Crimes that are not applicable can be crossed out and additional alleged crimes, if any, can be listed both here and under conclusions.]

**Facts**

[Normally a chronology of events including date(s), time(s), and location(s) of incident(s) in numbered paragraphs with numbered exhibits and descriptions of other evidence as appropriate. Hearsay may be used in this document.]

- 4.
- 5.
- 6.
- 7.

Attachment A: Exhibits

## Conclusions

6. Based on the foregoing, I have probable cause to believe that:

(1) From on or about \_\_\_\_\_ through on or about \_\_\_\_\_, in \_\_\_\_\_, the defendant(s), \_\_\_\_\_

(1) Engaged in a conspiracy, to deprive \_\_\_\_\_ of his rights in violation of Title 18, United States Code, Section 241.

(2) Deprived \_\_\_\_\_ of rights under color of law in violation of Title 18, United States Code, Section 242.

(3) Violated the War Crimes Act of 1996, as amended, Title 18, United States Code, Section 2441.

(4) Conspired to violate the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as implemented by Title 18, United States Code, Section 2340-2340A.

(5) Engaged in a conspiracy to defraud the United States in violation of Title 18, United States Code, Section 371.

(6) Violated Title 18, United States Code, Section 4, Misprision of a Felony.

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address&Phone No. \_\_\_\_\_

Sworn to and subscribed to before me on \_\_\_\_\_, 2007. My commission expires \_\_\_\_\_

Notary Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address&Phone No. \_\_\_\_\_

**DRAFT**

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**  
**TO FIND THE MILITARY COMMISSIONS ACT OF 2006**  
**TO BE UNCONSTITUTIONAL AND NULL AND VOID**  
**AND FOR INJUNCTIONS ORDERING THE PRESIDENT**  
**TO CEASE AND DESIST USING IT**

**INTRODUCTION**

1 The Military Commissions Act of 2006, as written:

1.1 Is "*patently unconstitutional on its face* [and therefore null and void]" according to Senator Arlen Specter, Chairman of the Senate Judiciary Committee.

1.2 Is reminiscent of the infamous Nazi Nuremberg Laws of 1935 described at [http://en.wikipedia.org/wiki/Nuremberg\\_Laws](http://en.wikipedia.org/wiki/Nuremberg_Laws) .

1.3 Was voted for by politicians to make people think that they are tough on prisoners/detainees and that harsh interrogation technique can be used when in fact the law requires that:

1.3.1 Prisoners, detainees and the people of occupied countries be treated humanely.

1.3.2 That individuals under the jurisdiction of the United States have all the rights of the people of the United States including habeas corpus and the right to be treated humanely.

1.3.3 Individual rights, cannot be limited, taken away or eroded without amending the Constitution.

1.3.4 Violating and attempting to limit, take away or erode rights are serious crimes.

**SUMMARY OF COMPLAINT**

2 \_\_\_\_\_ brings this action on an emergency basis and requests that the Court find and declare that the Military Commissions Act of 2006 (S. 3909) is unconstitutional and null and void; and, for a preliminary emergency injunction compelling all government and military personnel and their contractors and representatives to not invoke any part of the Military Commissions Act of 2006.

**JURISDICTION AND VENUE**

3 Jurisdiction and venue are based on 28 U.S. C. 1331 and other legislation.

4 Declaratory relief is authorized under 28 U.S.C. 2201 and 2202.

5 Venue is based on \_\_\_\_\_ .

**PARTIES**

6 Plaintiff James Ronald Fisher is a resident of Virginia, a citizen of the United States and .

7 Defendant George W. Bush is President of the United States. He is sued in his official and private capacities. As the President George owes certain legal duties, to the plaintiff and other people of the United States, detainees and prisoners of war of the U.S., the people of the countries in which the U.S. is an occupying power and the other people of America and of the world. These legal duties include:

7.1 To“take Care that the Laws be faithfully executed” as required by Article II, Section 3 of the U.S. Constitution and be cognizant of the fact that:

7.2 This is a mandate and “faithfully” executed implies that the spirit and intent of the “Laws” are executed.

7.3 This is all encompassing and covers all the private and public sectors, the legislative, judicial and executive branches of government, corporations, the election laws, banking laws. The president has the entire executive department to support him in executing this massive and critical responsibility.

7.4 “The Law” or ‘Laws”, are not limited to just codes and statutes. The Law is “The whole body of rules of conduct that applied and enforced under the authority of established government in determining that which is proper and should be permitted and that which should be denied, or even penalized in respect of the relationship between a person and the state, between him and society and between him and another individual that applied and enforced under the authority of established government ... .”, Ballentine's Law Dictionary Third Edition. This means that the Law includes provisions of the Constitution, the bill of rights, treaties, the Geneva Convention, the Hague Regulations, legislative enactments or statues, the Uniform Code of Military Justice (UCMJ), ethic laws, case law, the Canons of Judicial Conduct, Attorneys’ Code of Professional Responsibilities, court rules, municipal ordinances, ethic laws, election laws, SEC regulations, the Geneva Convention, etc.

7.5 That if any official, including judges and legislators, are not faithfully executing the laws, it is the responsibility of the president to insure that they do.

7.6 The framers of the U.S. Constitution clearly intended that the president not have the authority to write, interpret or modify any laws or issue signing statements.

## **FACTS**

8 In the absence of a finding that the Military Commissions Act of 2006 (S. 3909) is unconstitutional and null and void and/or if the requested preliminary emergency injunction is not granted:

8.1 The US will suffer irreparable harm to it reputation and world standing.

8.2 Government and military personnel will likely, wrongfully and unlawfully treat detainees inhumanely.

8.3 Numerous civilians and combatants will likely, wrongfully and unlawfully have their rights violated.

8.4 The US will forfeit all credible objections should barbaric practices be inflicted upon American prisoners.

8.5 The lack of an absolute standard - Common Article 3 - will create confusion.

9 The Military Commissions Act of 2006, as written:

9.1 Is "*patently unconstitutional on its face*" according to Senator Arlen Specter, Chairman of the Senate Judiciary Committee.

9.2 Is reminiscent of the infamous Nazi Nuremberg Laws of 1935 described at [http://en.wikipedia.org/wiki/Nuremberg\\_Laws](http://en.wikipedia.org/wiki/Nuremberg_Laws)

10 The Military Commission Act of 2006, wrongfully and unlawfully:

10.1 Violates and attempts to violates the most fundamental of human rights - habeas corpus and other rights of detainees to challenge the legality of their detention, the right to a speedy trial, to not use here say evidence or coerced testimony, presumption of innocence,

10.2 Authorizes the lifelong detention of more than 400 men imprisoned at Guantánamo Bay – men who have never been charged with a crime or received a fair hearing – many of whom our military admits never took up arms against the U.S.

10.3 Gives the President and Secretary of Defense absolute discretion to lock up even innocent individuals and humanitarian aid workers for life – based on their exclusive determination that these men are "enemy combatants" – and to subject these men to whatever treatment they themselves deem appropriate and legal.

10.4 Prevents any accountability for torture or abuse of detainees, rendering the McCain Amendment prohibiting torture unenforceable.

10.5 Immunizes government officials against obvious crimes and make these immunities retroactive. Under the Constitution, "immunities are reserved for the citizens" and Article I Section IX Paragraph [3] of the Constitution states: "*No ... ex post facto [after the fact] law shall be passed.*"

10.6 Permits government and military officials to use inhumane interrogation techniques on detainees, including sleep deprivation, extreme cold, personal degradation, waterboarding (simulated drowning), "temporary" disablement, and psychological disorientation, in violation of numerous US laws and International treaties including the Geneva Convention which specifically requires that they "*must at all times be humanely treated.*" Humanely is a legal word and the legal definition of "humane" is:

*Kind, tender, compassionate. Disposed to eliminate the cause of suffering of man or beast. Humane differs from the ordinary use of "merciful", in that it expresses active endeavors to find and relieve suffering, and especially to prevent it, while "merciful" expresses the disposition to spare one the suffering which might be inflicted.* Willett v. Willett, 197 Ky 663, 247 SW 739, 31 ALR 426, 428

11 Additional information in support of this motion will be provided at trial.

12 Relevant law regarding unconstitutionality and null and void

13 Article VI. Clause 2 of the Constitution states that international treaties along with the Constitution are: *"The supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."* This, unambiguously, requires that US must comply with treaties and may not legally pass any laws such as the Military Commission Act of 2006.

14 *"It is well settled that, quite apart from the guarantee of equal protection, if a law impinges upon a fundamental right explicitly or implicitly secured by the Constitution [it] is presumptively unconstitutional."* Harris v. McRae 448 U.S. 297, at 312 (1980).

15 *"The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it... No one is bound to obey an unconstitutional law, and no courts are bound to enforce it."* 16 Am Jur 2d, Sec 177 late 2d, Sec 256

16 *"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never passed."* Norton v Shelby County, 118 US 425.

The Memorandum of Law available at includes additional relevant law.

WHEREFORE, Plaintiff James Ronald Fisher, prays as follows:

17 That this court find the Military Commissions Act of 2006 (S. 3909) to be unconstitutional and null and void.

18 That the law requires that:

18.1 Prisoners, detainees and the people of occupied countries be treated humanely.

18.1.1 Individuals under the jurisdiction of the United States have all the rights of the people of the United States including habeas corpus and the right to be treated humanely.

18.1.2 Individual rights, cannot be limited, taken away or eroded without amending the Constitution.

18.1.3 Violating and attempting to limit, take away or erode rights are serious crimes.

19 That this court issue emergency injunction compelling all government and military personnel and their contractors and representatives to cease and desist from invoking any part of the Military Commissions Act of 2006.

20 That the Court order defendant to pay plaintiff's costs and attorney fees.

21 That the Court grant any additional relief to which plaintiff may be entitled in this action.

WHEREFORE plaintiff respectfully request that the Court enter judgement in their favor on the claims made and for the relief requested by this Complaint.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Respectfully submitted,

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James Ronald Fisher  
Captain US Navy (retired)  
PO Box 1310,  
Falls Church, VA 22041  
DFPA@aol.com  
Phone: 703-725-7849

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail to Defendant President George W. Bush, the White House, 1600 Pennsylvania Avenue, Washington DC, 20500, Attorney General Alberto Gonzales, U.S. Department of Justice, 950 Pennsylvania Avenue, Washington, DC, 20530, and Mr. \_\_\_\_\_, United States Attorney, Eastern District of Virginia, 2100 Jamieson Ave, Alexandria, VA 22314 on this \_\_\_\_ day of \_\_\_\_\_, 200&

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