

PETITION FOR REDRESS OF GRIEVANCES

RELATING TO THE APPLICATION OF THE

ARMED FORCES OF THE UNITED STATES

IN HOSTILITIES IN IRAQ WITHOUT A

CONGRESSIONAL DECLARATION OF WAR

WHEREAS, on November 8th, 2002, months prior to the United States invasion of the sovereign nation of Iraq, every member of United States Congress in the House of Representatives and Senate, the President and other officials, were served with a Petition for Redress of Grievances regarding the Application of the Armed Forces of the United States in Hostilities in Iraq Without a Congressional Declaration of War, and

WHEREAS, **such Petition for Redress was subsequently ignored**, and

WHEREAS, during September, 2002, the President of the United States of America submitted a draft Resolution to the United States Congress that would authorize the President to apply the armed forces of the United States of America in hostilities in Iraq without a congressional Declaration of War, and

WHEREAS, The People, through their Constitution, have prohibited the government from applying the armed forces of the United States of America in hostilities overseas without a Congressional declaration of war, and

WHEREAS, The People have granted to Congress **alone** the authority to declare war against a foreign nation, and

WHEREAS, The Constitution does not give Congress the authority to delegate control over its war declaration power to the President, and

WHEREAS, on August 9, 2007, the United States Court of Appeals for the District of Columbia Circuit erred, in relying on two inapposite decisions by the Supreme Court of the United States and holding that the Government does not have to listen or respond to Petitions for Redress of Grievances from the People, and

WHEREAS, on February 22, 2008, the Supreme Court of the United States committed treason to the Constitution by refusing to hear the First Amendment case, We The People v. United States (case No. 07- 681), calling for a judicial declaration - *for the first time in history* - of the Rights of the People and the obligations of the Government under the “accountability clause” of the Constitution – that is, the last ten words of the First Amendment.

WHEREAS, all men are created equal and are endowed by their "Creator" with certain unalienable rights, and

WHEREAS, if the Creator has, in fact, gratuitously provided, equipped and enriched the People with Rights, it follows that those Rights belong to the People and to the Creator, and it follows that any affront to the Constitution (as when government violates an unalienable Right) is an affront to the Creator, and

WHEREAS, if our Rights come from the Creator, only the Creator can frustrate, deny or defeat those Rights -- that is, government cannot abridge what God alone has manifest and bestowed upon the People, and

WHEREAS, the Constitution of the United States of America is a strongly worded, Divinely inspired, set of principles expressly intended to govern the government, not the People, and

WHEREAS, by the terms and provisions of the written Constitution, the People have expressly established their government and empowered it to act in only certain ways, while purposely and patently restricting and prohibiting it in other certain ways, and

WHEREAS, the Constitution of the United States of America guarantees to every American citizen and to those lawfully on our soil, the unalienable Rights to Life, Liberty, Property, Privacy and to Due Process of Law as well as other Rights, enumerated or not, and

WHEREAS, the Constitution prohibits and restricts the federal Government from infringing upon those Rights, and

WHEREAS, each of the Constitution's prohibitions and restrictions on government's authority is, in fact, another unalienable Right enjoyed by every American citizen and to those individuals lawfully upon our soil, and

WHEREAS, the People of this nation are entitled, by Right, to a formal Congressional Declaration of War, following rigorous public debate and dutiful weighing of the facts and circumstances before committing this nation's resources, honor and blood to War, as well as the protection of their other Constitutionally protected unalienable Rights,

Now therefore:

WE THE PEOPLE hereby Petition the Executive and Legislative branches of the federal Government, **yet again**, for Redress of Grievances Relating to the Iraq War and other undeclared wars.

WE THE PEOPLE find ourselves, once again, in the position of having to admit that in every stage of our oppression we have Petitioned for Redress in the most humble terms, our repeated Petitions have been answered only by repeated injury, and that a Government that ignores its People is unfit to be the ruler of a free People.

WE THE PEOPLE, by and through the unalienable Right guaranteed by First and Ninth Amendments to the Constitution of the United States of America, instruct the President and each member of Congress to honor their oaths of office and their constitutional obligation by responding to this Petition for Redress, providing formal, specific answers to the questions contained herein, **no later than (40) forty days reckoning from the date of service of this Petition for Redress.**

WE THE PEOPLE reaffirm the essential principle underlying our system of governance, as expressed by the Founders, “whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government, for the doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.” See Declaration of Independence and the New Hampshire Constitution, Article 10.

WE THE PEOPLE reaffirm the essential principle underlying our system of governance, as expressed by the Founders, that “If money is wanted by Rulers who have in any manner oppressed the People, **they may retain it until their grievances are redressed**, and thus peaceably procure relief, without trusting to despised petitions or disturbing the public tranquility” and “how efficacious its [the privilege of giving or withholding our money] intercession for redress of grievances and establishment of rights, and how improvident would be the surrender of so powerful a mediator.” (*Journals of the Continental Congress*, 1:105-113 and Jefferson’s papers 1:225).

WE THE PEOPLE instruct the President and each member of Congress to respond to this Petition by providing formal, specific answers to the following questions:

1. Do you admit that the War Powers Clauses of the United States Constitution provides Congress with the power to "define and punish...offenses against the Law of Nations" (U.S. Constitution, Art. 1, § 8, cl.10), and the power to "declare War" (U.S. Constitution, Art. I, § 8, cl. 11), and the power to "make rules for the government and regulation of the [armed forces of the United States]" (U.S. Constitution, Art. I, § 8, cl. 14), and the power to "provide for the calling forth of the [National Guard and National Guard Reserve]...." (U.S. Constitution, Art. I, § 8, cl. 15), and the power to "provide for...governing such part of the [National Guard and National Guard Reserve]...." (U.S. Constitution, Art. 1, § 8, cl. 16)?
2. Do you admit that Congress’ power to declare war works in conjunction with the authority granted to the President under the Constitution to act as "Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States." (U.S. Constitution, Art. II, § 2, cl. 1)?
3. Do you admit the Framers intended to give each of the two branches a role in the conduct of foreign military affairs, that is, that Congress would declare war and raise and financially maintain armies, while the President would conduct wars?

4. Do you admit that in 1973, over President Richard Nixon's veto, Congress passed the War Powers Resolution, (50 U.S.C. § 1541, *et. seq.*), in order to "fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations?"[See 50 U.S.C. § 1541(a)]
5. Do you admit that the purpose of the resolution was to ensure that the "constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces?" [See 50 U.S.C. § 1541(c)]
6. Do you admit that War Powers Resolution 50 U.S.C. §1541 *et.seq.*, delegates to some future President, under any unknown circumstances, the power to introduce the United States armed forces into hostilities (war) against a sovereign nation, even those which offer no threat to the United States, its allies, or to any other nation, for a period of sixty days or more, without a declaration of war by Congress and without specific statutory authorization?
7. Do you admit that the War Powers Resolution provides, *inter alia*, that "[i]n the absence of a declaration of war, in any case in which United States Armed Forces are introduced (1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances; (2) into the territory, airspace or waters of a foreign nation while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or (3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation; the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President *pro tempore* of the Senate a written report setting forth the circumstances necessitating the introduction of forces, the constitutional and legislative authority to introduce the forces and the estimated scope and duration of the hostilities or involvement." 50 U.S.C. § 1543(a)? (our emphasis).
8. Do you admit that in violation of said War Powers clauses, the War Powers Resolution of 1973 delegates to some future President, under any unknown circumstances, and without a declaration of war by Congress, and without specific statutory authorization, the power to define and punish "offenses" by a sovereign nation, by introducing the United States armed forces into hostilities (war) against that sovereign nation, even though that sovereign nation may offer no threat to the United States, its allies or to any other nation?

9. Do you admit that 50 U.S.C. § 1544(b) requires that within sixty calendar days after the President either submits a report pursuant to Section 1543(a) or is required to have submitted a report, the President must terminate the use of the United States Armed Forces described in Section 1543 unless Congress (1) has declared war or has provided specific authorization for the use of such forces, (2) has extended by law the sixty-day time period, or (3) is physically unable to meet as a result of an armed attack on the United States?
10. Do you admit that 50 U.S.C. § 1544(b) authorizes the President to extend the sixty-day period an additional thirty days if he determines and certifies in writing to the Congress that the continued use of forces for the additional time is necessary to safely remove the United States Armed Forces?
11. Do you admit that 50 U.S.C. §§ 1545, 1546, 1546a (The War Powers Resolution) also sets forth a mechanism so that both houses of Congress are required to give priority consideration to any resolution or bill that would provide the President with the authorization described above?
12. Do you admit that the War Powers Resolution, 50 U.S.C. §1541 et.seq., does not indicate what is to happen if the President ignores the sixty-day requirement, as President Clinton did with respect to his military campaign against Yugoslavia?
13. Do you admit that the War Powers Resolution, 50 U.S.C. § 1547(a), explicitly provides that authority to introduce forces into hostilities shall not be inferred "from any provision of law . . . including any provision contained in any appropriations Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations *and* states that it is intended to constitute specific statutory authorization within the meaning of [the War Powers Resolution]," or "from any treaty . . . unless such treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations *and* stating that it is intended to constitute specific statutory authorization within the meaning of [the War Powers Resolution]"?
14. Do you admit that War Powers Resolution 50 U.S.C. §1541 et.seq., is violative of the War Powers Clauses: Article I, Section 8, clauses 10, 11, 14, 15 and 16 of the U.S. Constitution?
15. Do you admit that during September, 2002, the President submitted a draft Resolution to Congress that would authorize the President to apply the armed forces of the United States of America in hostilities in Iraq and the region around Iraq?
16. Do you admit that the draft Resolution the President submitted to Congress in September, 2002, regarding the application of the armed forces of the United States against Iraq, would, if passed by Congress, represent an unconstitutional delegation by the Congress to the Executive of the War Powers reserved to Congress by Article 1, § 8, clauses 10, 11, 14, 15 and 16 of the U.S. Constitution,

and a significant and substantial violation of the most fundamental constitutional principle of "separation of power"?

17. Do you admit that any agreement, contract or treaty with the United Nations does not give Congress the authority to delegate control over its war declaration power to the President?
18. Do you admit that the U.S. Supreme Court has held that, "It would be manifestly contrary to the objectives of those who created the Constitution...let alone alien to our entire constitutional history and tradition to construe Article VI (The Supremacy Clause) as permitting the United States to exercise power under an international agreement without observing constitutional prohibitions. In effect, such construction would permit amendment of that document in a manner not sanctioned by Article V."? REID V. COVERT, 354 U.S. (1956)
19. Do you admit that the Congress does not stand beside the People or the Judiciary as a co-interpreter of the fundamental law, particularly when it comes to consideration of restraints on Congressional power?
20. Do you admit that that Congress and the Executive may not collude to evade any Clause of the Constitution?
21. Do you admit that the People cannot close their eyes to the Constitution and see only the acts of the President and the Congress?
22. Do you admit that said draft Resolution calls upon Congress to collude with the President in a collective decision to apply the armed forces of America against the sovereign nation of Iraq, *unconstitutionally*, and to deliberately choose, by their official actions, to allow for the collapse of fundamental republican principles and with it the rule of law?
23. Do you admit that said draft Resolution calls upon Congress to collude with the President in a collective decision to deny us and other citizens our unalienable right to freedom from a government that applies the armed forces of America in hostilities overseas without a declaration of war by Congress?
24. Do you admit that on March 20, 2003, President George W. Bush committed the armed forces of the United States into hostilities in Iraq without a Congressional Declaration of War as required by the Constitution?
25. Do you admit that on October 7, 2001, President George W. Bush committed the armed forces of the United States into hostilities in Afghanistan without a Congressional Declaration of War as required by the Constitution?

26 Admit or deny that on October 3, 2002, during the House debate over said Iraq Resolution, Rep. Henry Hyde, Chairman of the House Committee on Foreign Relations, stated - in specific reference to the Constitutional requirement for a Congressional Declaration of War, **“There are things in the Constitution that have been overtaken by events, by time. There are things that are no longer relevant to a modern society— things that are inappropriate, anachronistic.”**

27. Admit or deny that the Founders, in the 1774 Journals of the Continental Congress, expressly articulated the following:

“If money is wanted by Rulers who have in any manner oppressed the People, they may retain it until their grievances are redressed, and thus peaceably procure relief, without trusting to despised petitions or disturbing the public tranquility.”

1774, *Journals of the Continental Congress, 1:105-113* [emphasis added]

28. Admit or deny that one of the most precious Rights the People enjoy is a government strictly limited by written Laws and that where Law is found to be wanting, no man can be Free.

Respectfully submitted this _____ day of _____, 200__ by:

First Name

Last Name

City

State
