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Al. Calley's Petition:

I, Complainant filed in Fed Dist. Ct.
District of Columbia

Title 28 Sec. 2282

a. non consensual member of U.S. Army

b. Grounds:

1. a. acts occurred outside limits of U.S.
territories etc.; so such prosecution
in such a case raises grave
international, national &
problems not w/i military
or Martial jurisdiction

b. charges as alleged do not
on their face constitute
crimes under Article 118
because:

1. non-compliance with
Para 197 MCM ^{prohibiting}

2. alleg a political group
whose ideology is
alien to Constitution
and philosophy of
U.S.

3. Prosecution of Calley is
shield others

4. pos political issues
which cannot be determined
by Courts of limited
jurisdiction which primarily
considers good order and discipline

in the military service

i) 5th Amendment: no war

ii) 6th Amendment: speedy, public trial by jury

iii) Article III: trial shall be by jury and held where offense happened
 Congress implemented the Constitutional provision by enacting par. 3238 Chapter 211, 18 U.S.C.A.
 ... any district Court has jurisdiction where offense out of State or district

iv) 14th Amendment:

Equal protection;

1. no prosecution of civilians etc.

2. No attempt by Army
 yet North v. Quarter 350 U.S. 11
 says can so prosecute except in Ct. Martial

3. this equals selectivity and unequal enforcement of the law.

4. U.S. entered treaty agreement under Geneva Convention to prosecute all involved in breaches of agreement

vi. Deny due process:

a. Army received individuals by induction or enlistment

b. taught to shoot and kill

c. shipped to Viet Nam

d. ordered them into Viet

Cong stronghold

with orders to kill,

search and destroy

e. Unit decorated for action, later after publicity of acts

Army command took opposite approach

f. Soldier entrapped and ensnared by superior officers

g. Westmoreland was

CG of troops in Viet Nam

at time of incident

and is now Chief of

Staff - other such

as Gen/ Peers were in

the Chain of Command

at the time of the incident

H. control over chain of command
down to Art 32 investigator,
CDW etc. vested in
CG and Chief of Staff
all with vested interest

I. General nature of appointment
of Ct. Personnel = to
give strength to Courts as
I. Pres. and others have
announced guilt

VII. 1. Inflammatory news coverage
2. violation of Art 37 U.S.M. &
crs, influence a court

XIII. 1. Art 118 violates Const/ since
it provides for and authorizes
imposition of death penalty
2. Art 118 violates Const since
Congress is promulgating
that Article violated.
Art I, Sec. 8, since it is
neither "necessary ^{and} proper"
so violates 8th Amendment
"cruel & unusual punishment"
and 5th Amendment right not
to be deprived of life,
liberty.

3. Art/ 52, UCM I is unconstitutional for it arbitrarily deprives plaintiff of equal rights and protection granted to others

17. 1. Illegal retention for purpose of prosecution

Ag Reg 135-90

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2. Art/2 UCM I is unconstitutional and unenforceable for vagueness,

3. holding individual in service to prosecute for civilian offense is unconstitutional - no desire to utilize individuals held past ETS, merely holding to prosecute

4. Article 36 UCM I is unconstitutional delegation of legislative function of Govt. to the Exec Dept. to extent used to authorize Parag 11 of MCM

" The executive retention for Ct Mart/ jurisdiction, not specifically and clearly conferred by Act of Congress in the UCM I, by fiat constitutes an ~~unconstitutional~~ unconstitutional attempt to

fill a statutory void arising
from vague Art 2 UCMJ

X. General Commentaries

1. ~~It~~ came each contract; parts to bring into their courts any person regardless of Nationality, who is alleged to have committed, or to have ordered, grave breaches of the Articles of the Convention including Persecuted under.
2. These provisions are self executing and Article III of the Const/ of U.S. extends jurisdiction of Fed District Courts of all cases in law arising under Treaties made or to be made. To not try in such a court would be unequal protection since no civilians are being prosecuted.