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DEC - 8 2011

Clerk, U.S. District & Bankruptcy Courts for the District of Columbia

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

Abdul Karim Hassan, <i>215-28 Hillside Ave.</i> <i>Queens Village, N.Y.</i> <i>718-740-1000 11427</i> -v-	Plaintiff,	Civ. Action #:
Federal Election Commission,	Defendant.	<u>COMPLAINT FOR DECLARATORY RELIEF</u>

Case: 1:11-cv-02189
 Assigned To: Sullivan, Emmet G.
 Assign. Date: 12/8/2011
 Description: 3-Judge Court

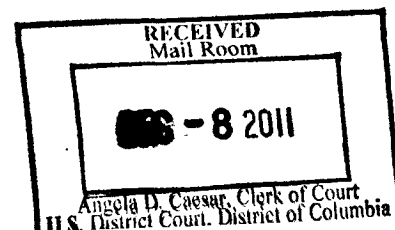
Plaintiff, Abdul Karim Hassan, pro se, ("Plaintiff" or "Hassan"), complaining of Defendant, respectfully alleges as follows:

NATURE OF THE ACTION

1. Plaintiff, a naturalized American citizen and a candidate for the Presidency of the United States seeks a judgment: 1) declaring that the Presidential Election Campaign Fund Act ("PECFA") at 26 USC § 9001 -9013 is in whole or in part invalid under the Equal Protection guarantee of the Fifth Amendment and the Citizenship Clause of the Fourteenth Amendment of the United States Constitution because of its "natural born" requirement; and 2) declaring that the "natural born" provision of the Constitution and the invidious national origin discrimination contained therein, is irreconcilable with and has been trumped, abrogated and implicitly repealed by the Equal Protection guarantee of the Fifth Amendment, as well as the Citizenship Clause of the Fourteenth Amendment; 3) awarding Plaintiff costs and attorney's fees; and 4) granting Plaintiff such other, further and different relief as the Court deems just and proper.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 because this case involves questions of federal law. This Court also has jurisdiction under 26 USC § 9011(b) and 28 U.S.C. § 2284.
3. Venue is proper in the United States District Court for the District of Columbia pursuant to 26 USC § 9011(b) and 28 U.S.C. § 1391(e) and (b).



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4. This Court is empowered to grant declaratory and injunctive relief pursuant to 26 USC § 9011(b) and 28 U.S.C. §§ 2201 and 2202.

THE PARTIES

5. Plaintiff Abdul Karim Hassan (“Plaintiff” or “Hassan”) is an adult individual over the age of eighteen years currently residing in Queens County in the State of New York.
6. Plaintiff Hassan is a 2012 candidate for the Presidency of the United States.
7. Defendant Federal Election Commission (“Defendant” or “FEC”), is the agency of the United States responsible for implementing and administering the Presidential Election Campaign Fund Act (“PECFA”).

STATEMENT OF FACTS

8. Petitioner Abdul Karim Hassan was born in 1974 in the country of Guyana. See also <http://www.youtube.com/watch?v=7Cd18lsx1ls> .
9. Petitioner’s race is East Indian.
10. Petitioner is a naturalized American citizen who was naturalized within the United States and took the oath of citizenship at a United States District Court in New York City.
11. Plaintiff is eligible to vote for President of the United States.

12. Petitioner satisfies all of the constitutional requirements for holding the Office of President of the United States except the requirement of natural born status. See U.S. Constitution, Article II, Section 1, Clause 5 (“Natural Born Clause”).
13. In March 2008, petitioner announced his candidacy for the Presidency of the United States through his presidential website at www.abdulhassanforpresident.com.
14. Petitioner is currently focused on the 2012 presidential elections but if he is not successful in 2012, petitioner intends to continue his current campaign without interruption until the next presidential elections in 2016.
15. Since the announcement of his candidacy in March 2008, petitioner has used and will continue to use without interruption, his presidential website in much the same way as the leading presidential candidates – to promote and communicate his candidacy, issue positions and campaign to voters and the public.
16. Plaintiff has also been communicating this message to the American public through Youtube.com.
17. In order to compliment and improve the use of the website, petitioner has purchased and paid for a national presidential advertising campaign through Google. This advertisement has been running and will continue to run and it links to petitioner’s presidential website.

18. In addition, petitioner has done interviews with and has been covered by both print and broadcast media.
19. Petitioner's presidential candidacy and campaign have also been covered widely on the internet as a quick online search will reveal.
20. This growth in petitioner's presidential campaign and candidacy has resulted in thousands of hits each month to petitioner's presidential website from all across the country and the growth continues.
21. Petitioner will continue to build on this initial success and continue to promote his candidacy and ideas to more and more voters across the country.
22. Since announcing his presidential candidacy in March 2008, petitioner has paid annual registration fees for his presidential website domain names, and in addition, petitioner has paid monthly fees to host and operate his presidential website. Petitioner has also been paying monthly fees for a nationwide advertising campaign that links to petitioner's presidential website. Petitioner has also expended time and effort in developing the site's infrastructure and content.
23. On September 2, 2011, the Federal Election Commission ruled that plaintiff as a naturalized American citizen running for President of the United States is covered by

the Federal Election Campaign Act (“FECA”) and related laws and that plaintiff is required to comply with the record-keeping, expenditure and other requirements of the federal election laws and plaintiff has been and will continue to spend money, time and effort to comply with these requirements. (See FEC ruling at <http://www.abdulahassanforpresident.com/fec/ruling.pdf>).

24. In its September 2, 2011 ruling, the FEC also ruled on the Presidential Primary Matching Payment Account Act (“MPA”) as follows (See page 4 at <http://www.abdulahassanforpresident.com/fec>):

Because Mr. Hassan has clearly stated that he is a naturalized citizen of the United States, and not a natural born citizen under the constitutional requirement in Article II, Section 1, Clause 5, the Commission concludes that Mr. Hassan is not eligible to receive matching funds.

These provisions collectively reflect Congressional intent to ensure that U.S. Treasury funds in the form of matching funds are only paid to eligible candidates

25. Although the FEC in its September 2, 2011 ruling did not address the Presidential Election Campaign Fund Act which is at issue herein, the FEC’s logic and reasoning which led to its conclusion that the MPA prohibits naturalized citizens like Plaintiff from receiving primary matching funds also leads to the conclusion that PECFA prohibits naturalized citizens like Plaintiff from receiving funds otherwise provided by PECFA.

26. Because PECFA denies funds to Plaintiff, Plaintiff's chances of becoming the nominee of a major political party is destroyed and the same can be said of Plaintiff's chances of winning the Presidency given that only candidates of the major political parties have won the Presidency throughout the history of the Country.
27. PECFA's discrimination against Plaintiff because of his national origin also stigmatizes him and hurts his presidential campaign as a result. Here, the PECFA and its discrimination against naturalized citizens endorses the legally "impermissible" rationale behind the natural born provision that naturalized citizens cannot be trusted. Such stigmatization is especially harmful in the context of a presidential campaign where trust is critical to winning voter support and elections.

AS AND FOR A FIRST CAUSE OF ACTION

U. S. Constitution, 14th and 5th Amendments & Article II, Section 1, Clause 5

28. Plaintiff incorporates the allegations in paragraphs 1 through 27 above as if set forth fully and at length herein.
29. The Citizenship Clause of the Fourteenth Amendment, Section 1, states in relevant part that :
- All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.
30. The Fifth Amendment reads in relevant part as follows:

No person shall be deprived of life, liberty, or property, without due process of law ...

While not appearing in the text of the Fifth Amendment, the U.S. Supreme Court has held that:

[t]his Court’s approach to Fifth Amendment equal protection claims has always been precisely the same as to equal protection claims under the Fourteenth Amendment. Adarand Constructors, Inc. v. Pena, 515 U.S. 200, 217 (1995).

31. Given that the Presidential Election Campaign Fund Act discriminates against Plaintiff because of his status as a naturalized citizen – his national origin, the statute violates Plaintiff’s rights under the Equal Protection guarantee of the Fifth Amendment and the Citizenship Clause of the Fourteenth Amendment. See United States v. Virginia, 518 U.S. 515, 532 n. 6 (1996) (noting that “[t]he Court has thus far reserved most stringent judicial scrutiny for classifications based on race or national origin”). See also Afroyim v. Rusk, 387 U.S. 253, 262 (1967) (stating without exception as to presidential eligibility that, “(The naturalized citizen) becomes a member of the society, possessing all the rights of a native citizen, and standing, in view of the constitution, on the footing of a native.”)

32. The natural born provision of the Constitution, including the invidious national origin discrimination contained therein, is irreconcilable with and is trumped, abrogated and implicitly repealed by the Equal Protection guarantee of the Fifth Amendment as well as the Citizenship Clause of the Fourteenth Amendment – all of which prohibit such national origin discrimination. See McDonald v. City of Chicago, Ill. 130 S.Ct. 3020, 3060 (2010), (“[invidious discrimination is] irreconcilable with the principles of equality, government by consent, and inalienable rights proclaimed by the Declaration

of Independence and embedded in our constitutional structure.”). See also Adarand v. Peña, 515 U.S. 200, 213 (1995), reiterating that, “[d]istinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.”

33. The U.S. Supreme Court has also described its decision in Dred Scott v. Sandford, 60 U.S. 393 (1857), to choose constitutional discrimination over constitutional equality as a great “self-inflicted wound¹.” South Carolina v. Regan, 465 U.S. 367, 412 (1984).
34. Upholding the invidious discrimination in the Natural Born Clause in light of the equal protection guarantees of the Fourteenth and Fifth Amendments, will be another great “self-inflicted wound².” Plaintiff is therefore entitled to the declaratory and injunctive relief requested herein.
35. See also <http://www.youtube.com/watch?v=pXiTsYGWZjM> .

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

36. Declare that the Presidential Election Campaign Fund Act (“PECFA”) at 26 USC § 9001 - 9013, is in whole or in part invalid under the Equal Protection Guarantee of the Fifth Amendment as well as the Citizenship Clause of the Fourteenth Amendment of the United

² See http://www.supremecourt.gov/publicinfo/speeches/sp_03-21-03.html - In reference to the Dredd Scott decision, then Chief Justice Rehnquist said in a 2003 speech that 'It was rightly referred to by a later Chief Justice as a "self-inflicted wound" from which it took the Court at least a generation to recover.

States Constitution because of its “natural born” requirement;

37. Declare that the natural born provision of the Constitution is irreconcilable with and has been trumped, abrogated and implicitly repealed by the Equal Protection guarantee of the Fifth and the Citizenship Clause of the Fourteenth Amendments;

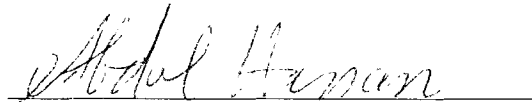
38. Award Plaintiff costs and attorney’s fees; and

39. Grant Plaintiff such other, further and different relief as the Court deems just and proper.

Dated: Queens, New York

December 5, 2011

Respectfully submitted,

A handwritten signature in cursive script, reading "Abdul Hassan", is written over a horizontal line.

Abdul K. Hassan, Esq.
Plaintiff, Pro Se
215-28 Hillside Avenue
Queens Village, NY 11427
Tel: 718-740-1000
Email: abdul@abdulhassan.com

JS-44
(Rev. 2/11 DC)

N 11-2199 EGS

I (a) PLAINTIFFS Abdul Karim Hassan <div style="text-align: right; margin-top: 10px;">88888</div>	DEFENDANTS Federal Election Commission <hr/> COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES) Queens, NY	Case: 1:11-cv-02189 Assigned To : Sullivan, Emmet G Assign. Date : 12/8/2011 Description: 3-Judge Court
(c) ATTORNFYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Abdul K. Hassan, Esq. 215-28 Hillside Avenue Queens Village, NY 11427 Tel: 718-740-1000	

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY) <input type="radio"/> 1 U.S. Government Plaintiff <input checked="" type="radio"/> 2 U.S. Government Defendant <input checked="" type="radio"/> 3 Federal Question (U.S. Government Not a Party) <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)	III CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY! <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place a X in one category, A-N, that best represents your cause of action and one in a corresponding Nature of Suit)

<input type="radio"/> A. Antitrust <input type="checkbox"/> 410 Antitrust	<input type="radio"/> B. Personal Injury/Malpractice <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="radio"/> C. Administrative Agency Review <input type="checkbox"/> 151 Medicare Act Social Security: <input type="checkbox"/> 861 HIA ((1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g) Other Statutes <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction Any nature of suit from any category may be selected for this category of case assignment. *(If Antitrust, then A governs)* <div style="border: 2px solid black; padding: 5px; text-align: center; margin-top: 10px;"> RECEIVED Mail Room </div>	
<input type="radio"/> E. General Civil (Other)		OR	<input type="checkbox"/> F. Pro Se General Civil	

Real Property <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property Personal Property <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	Bankruptcy <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 Prisoner Petitions <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition Property Rights <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark Federal Tax Suits <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	Forfeiture/Penalty <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other Other Statutes <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation	
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<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus-General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights-Employment (criteria: race, gender/sex, national origin, discrimination, disability age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/PRIVACY ACT <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 American w/Disabilities-Employment <input type="checkbox"/> 446 Americans w/Disabilities-Other	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input checked="" type="radio"/> N. Three-Judge Court <input checked="" type="checkbox"/> 441 Civil Rights-Voting (if Voting Rights Act)

ORIGIN

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi district Litigation
 7 Appeal to District Judge from Mag. Judge

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 26 USC 9011 - declaration that Presidential Election Campaign Fund Act is unconstitutional because of national origin discrimination

VII. REQUESTED IN COMPLAINT CHECK IF THIS IS A CLASS ACTION UNDER F R C P 23 DEMAND \$ _____ Check YES only if demanded in compl. JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instruction) YES NO If yes, please complete related case form

DATE Dec 8, 2011 SIGNATURE OF ATTORNEY OF RECORD Michael Hayden - Pro Se

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the Cover Sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence Use 11001 to indicate plaintiff is resident of Washington, D.C., 88888 if plaintiff is resident of the United States but not of Washington, D.C., and 99999 if plaintiff is outside the United States
- III. CITIZENSHIP OF PRINCIPAL PARTIES This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II
- IV. CASE ASSIGNMENT AND NATURE OF SUIT The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of case.
- VI. CAUSE OF ACTION Cite the US Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASES, IF ANY If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.