

The Prosecution of George W. Bush *et al.* for Murder



(May 2008)

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Ed Felien,)

Petitioner)

)

vs.)

)

Michael Freeman,)

Hennepin County Attorney)

)

Respondent)

WRIT OF MANDAMUS

Persuant to Minnesota Statute 586.01 we petition the Court to order Hennepin County Attorney Michael Freeman to arrest George W. Bush when he arrives here at the end of August, 2008 to attend the National Republican Convention. Minnesota Statute 586.01 clearly states that this court may issue a writ of mandamus to any person to compel the performance of an act that the law specially enjoins as a duty resulting from their office.

The Minnesota Appeals Court has held in *Demolition Landfill Servs., L. L. C. v. City of Duluth*, 609 N. W. 2nd 278, 280 (Minn. App. 2000), review denied (Minn. July 25, 2000), "To be entitled to mandamus relief the petitioner must show three elements: (1) the failure of an official to perform a duty clearly imposed by law; (2) a public wrong specifically injurious to petitioners; and (3) no other adequate remedy."

It is the argument of this brief that George W. Bush has committed crimes against the people of Hennepin County and as our chief law enforcement officer it is Michael Freeman's responsibility to charge him for these crimes. Ed Felien, petitioner, has written to County Attorney Michael Freeman three times asking him to charge George W. Bush. Mr. Freeman has refused saying he lacks jurisdiction to charge the President of the United States. This complaint is not against the President of the United States acting in his official capacity. This complaint is against George W. Bush acting as a private citizen for private gain.

This brief is not concerned with George W. Bush's international crimes against humanity. Those are matters for an international court. This brief is not concerned with George W. Bush's crimes against the Constitution. Those are matters for Congress. What concerns citizens of Hennepin County is whether George W. Bush has violated Minnesota State law. Have his actions caused serious harm to the citizens of Hennepin County? Was this harm incidental to the legitimate performance of his official duties as President, or were his actions and the consequent harm done in pursuit of personal gain? If, as I believe, there is probable cause that George W. Bush has committed crimes

against the people of Hennepin County, then it is the responsibility and duty of the County Attorney to charge him for these crimes and hold him accountable. There is no other office that has this authority.

Does the Hennepin County Attorney have jurisdiction to bring charges against George W. Bush? Are we a nation of men where the one with the biggest club is king? Or, are we a society governed by common laws and customs with avenues of civil redress of grievances for all citizens? Is it possible that George W. Bush, as President of the United States, has immunity from prosecution? Thomas Paine wrote in Common Sense 57 (Philadelphia, 1776), "In America THE LAW IS KING. For as in absolute governments the King is the law, so in free countries the law ought to be king; and there ought to be no other."

The Supreme Court said in an 1882 decision, *United States v. Lee*, 106 U.S. 196, 220, 1 S.Ct. 240, 261, 27 L.Ed. 171, that:

No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law, and are bound to obey.

It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives.

If a crime occurs in Hennepin County, it is the duty of the County Attorney to investigate that crime and bring the criminal to justice. There is no rank or privilege or elective office that is higher than the law.

There are three areas in where the criminal acts of George W. Bush have violated Minnesota law.

THE CRIME OF MURDER

First, his pursuit of a war against the government of Iraq was not done in legitimate defense of national interest but rather in pursuit of personal wealth. His administration lied about the threat of weapons of mass destruction, and they lied about a connection between Iraq and international terrorists. They knew Iraq did not pose a threat to the United States. The only reasonable explanation for George W. Bush's invasion of Iraq was that he stood to personally benefit from the war.

To fully understand the Bush family financial interests in war profiteering it is necessary to understand their family history.

Great-grandfather Samuel Prescott Bush was president of Buckeye Steel Castings. He manufactured railroad couplings for railroads owned by the Morgans, Rockefellers and Harrimans. During World War I he was on the War Industries Board and chaired the section on forgings, guns, small arms and ammunition. He met and formed permanent trade relationships with people from Dupont, Remington, Winchester and Colt. Sam Bush founded and became the first president of the National Association of Manufacturers, an organization whose principal objective was defending industrial capitalism from the threat of unions. He became an indispensable part of the military-industrial complex, and he sent his son Prescott to Yale where he could associate with the sons of his associates in the Skull and Bones fraternity.

Along with many of his college friends, Prescott joined Brown Brothers Harriman after college. The biggest profits to be made in the 1920's were in re-arming Germany. Harriman & Co. set up Union Banking Corp with Prescott as Manager to trade with Nazi financier Fritz Thyssen. They bought a steamship line to ship Remington arms to Germany through a dummy corporation in Holland. Harriman & Co. bought Dresser Industries (manufacturers of oil pipeline equipment) in 1929 and Prescott became a Director, and he continued to run Dresser from the Board for the rest of his life. They, along with John Foster Dulles and others, bankrolled Hitler as a shrewd business strategy. Prescott became Managing Director of Union Bank in 1934 at the height of trade with Germany. In 1939 he took direct management of some of the slave labor camps in Poland to aid Nazi armament, according to Dutch intelligence sources.

In October of 1942, the U. S. government seized the assets of Union Bank and three other of Prescott's industries: the steamship line, the Seamless Steel Equipment Corporation (suppliers of steel, wire and explosives to the Nazis) and the Silesian-American Company (the coal mining company he managed along with John Foster Dulles on behalf of the Nazi Economic Minister). This didn't end Prescott Bush's war profiteering career. Once the war started he simply changed sides and started supplying war material to the Allies.

During the War friends of Prescott Bush from Skull and Bones were active in forming the OSS and its later incarnation, the CIA. Prescott's relationship with the Dulles brothers would become very useful during the Eisenhower years, with John Foster as Secretary of State and his brother Allen Dulles as Director of the CIA. Prescott and Dresser Industries were kept well inside the loop. Hans Gisevius, the German intelligence agent who acted as the go-between with Allen Dulles in Switzerland and Admiral Canaris in the German High Command after the war, acted as go-between with Dulles, Dresser Industries and Prescott Bush.

George Herbert Walker Bush, Prescott's son, improved on the CIA connection to the point of becoming its Director in 1976.

After graduating from Yale, George H. W. Bush went to work at his father's firm, Dresser Industries. Eventually, with money from Brown Brothers and Harriman (his dad's parent company) he set up his own company, Zapata. It was really a CIA front. The Bay of Pigs invasion of Cuba in 1961 was probably George H. W. Bush's operation as much as it was Allen Dulles's. The CIA code name for it was Zapata. The boats left for the Bay of Pigs from an island that was leased to Bush, and the boats were named Houston and Barbara.

He ran for Congress in Houston in 1964 by campaigning against the Civil Rights Act. He didn't get elected that year, but he did get elected the next time he tried. When he was Chair of the Republican Party in 1972 he set up ethnic heritage groups within the Party. These groups were havens for ex-Nazis.

While Vice President under Reagan, Bush was Chair of the Special Situations Group responsible for defeating the Sandanistas in Nicaragua. He and Ollie North set up, financed and armed the Contras through an elaborate and highly secretive scheme that saw private planes flying cash to Iran, buying Soviet-made guns, flying guns to the Contras at a private CIA airstrip in Costa Rica, trading guns for marijuana and cocaine, then flying the drugs to a private U. S. airbase in Homestead, Florida, where the drugs were traded for cash.

George Bush was Vice President under Reagan from 1980 to 1988. He was elected President in 1988 and served one term until 1992. Dick Cheney was his Secretary of Defense. When Bush lost the 1992 election, Cheney went from being Secretary of Defense to being CEO of Halliburton, probably the largest supplier of goods and services to the Defense Department.

While Cheney was CEO of Halliburton he built up the company by buying other companies. One of the companies he bought was Dresser Industries for \$8 billion. When he bought it, Halliburton's stock dropped by a third. Wall Street thought it was a bad investment. Why did Cheney pay so much? The only reasonable conclusion could be that it was a sweetheart deal because the owners of Dresser were his former and future employers. His loyalty was rewarded when George W. Bush selected him as his Vice President for the 2000 campaign. There is no evidence that large amounts of cash changed hands, so it must be assumed there was a transfer of stock. Since the total value of Halliburton was \$8 billion at the time and Cheney paid \$8 billion for Dresser, it has to be assumed that the Bush family now owns at least half of Halliburton.

As the faithful family retainer, Cheney could be counted on to understand and value the principal Bush family objective: to make money from war profiteering and oil. During the 2000 presidential election Cheney admitted Halliburton did business with Libya and Iran, but he denied they had done business with Iraq. "I had a firm policy that we wouldn't do anything in Iraq, even arrangements that were supposedly legal. We've not done any business in Iraq since U. N. sanctions were imposed on Iraq in 1990, and I had a standing policy that I wouldn't do that," he said on ABC-TV's This Week on July 30, 2000. But Dresser was selling equipment through French subsidiaries to Iraq from early in 1997 through 2000. Halliburton didn't buy Dresser until 1998, so from 1997 to 1998 it was the Bush family business that was trading with the enemy in violation of American law and U. N. sanctions. From 1998 through 2000, after Halliburton purchased Dresser, Halliburton continued the practice. Purchasing the company also covered up the trail and dusted off any Bush fingerprints.

Already in June of 1998 Cheney made the case, in a speech before the Cato Institute, that sanctions don't work and unilateral sanctions are bad for U. S. companies involved in international business. The very sanctions against trade with Iraq that he wanted lifted were the ones he was responsible for putting in place after the first Gulf war. Although he never said it directly, he clearly wanted sanctions against Iraq lifted: "The good Lord didn't see fit to put oil and gas only where there are democratically elected regimes friendly to the United States. Occasionally we have to operate in places where, all things considered, one would not normally choose to go. But, we go where the business is." Even before he took over Bush's problem, he was defending it.

George W. Bush, in the best traditions of his family, waged war against the people of Iraq so that Halliburton could assign oil leases and thereby control the supply and price of oil and so that Halliburton would get multi-billion dollar no-bid contracts to supply the military. More than 4000 Americans have lost their lives in Iraq. Of that number 60, as of March 29, 2008, were from Minnesota. Of that 60, three were from Hennepin County.

David Day of St. Louis Park was killed on February 21, 2005 when a roadside bomb went off. He joined the National Guard so he could pay for his training to become a police officer. Day had been a member of the St. Louis Park Police Department for about eight months before his deployment to Iraq.

Army Spc. Robert Dixon, 27, of Minneapolis, died Sunday May 6, 2007 in Baghdad. He was the gunner on top of a Humvee when it was hit. He and his wife were married for less than two years.

Lance Cpl. Scott Modeen, 24, of New Hope, was killed by a roadside bomb in Fallujah on December 1, 2005.

These men were victims of a deliberate fraud perpetrated by George W. Bush in an improper use of his office as President of the United States. There were no stockpiles of uranium or poison gases. There was no international conspiracy of terrorists of which Saddam Hussein was a part. Bush cynically exploited the patriotism of these young men for the sole purpose of enriching himself as a war profiteer and oilman.

Because he has committed troops of the Minnesota National Guard to tragic danger and fatalities in Iraq for the sole purpose of enriching his family's business, Halliburton, and, thereby, causing the death of Minnesota citizens, he is guilty of committing murder in the third degree: Section 609.195: MURDER IN THE THIRD DEGREE: whoever, without intent to effect the death of any person, causes the death of another by perpetrating an act eminently dangerous to others and evincing a depraved mind, without regard for human life, is guilty of murder in the third degree and may be sentenced to imprisonment for not more than 25 years on each count.

THE CRIME OF CONSPIRACY TO FIX PRICES

The price of a barrel of crude oil has almost doubled since the beginning of the Iraq War. That has implications for the price of gasoline at every service station in Hennepin County.

Through the sale of oil drilling equipment, Dresser Company and the Bush family have had a relationship with the Saudi royal family stretching back three generations. The bin Laden family have been the principal contracting firm for the Saudi royal family, so it was natural for the bin Laden family to give George W. Bush \$50,000 to get started in the oil exploration business in Texas. Bush returned the favour by grounding all aircraft after 9/11 except the plane that evacuated those members of the bin Laden family staying in the U. S. There was a video of Crown Prince Faisal visiting George W. Bush at his ranch in Crawford, Texas. They were seen holding hands as they walked, evidence of a stronger relationship than the one Bush had with Tony Blair or Berlusconi.

As head of the Bush family, George W. Bush directs their investment in Halliburton. Halliburton directs the movement of oil out of Iraq, 25% of the world's supply. The Saudi family directs the movement of oil out of Saudi Arabia, 40% of the world's supply. It is reasonable to assume that when George W. Bush and Prince Faisal get together they talk about the supply and price of oil. After their last meeting in

Saudi Arabia, supplies dropped and the price of oil rose dramatically. According to Minnesota State law that meeting looks suspiciously like a conspiracy to fix prices.

Because, through Halliburton's control of Iraqi oil, he has acted in collusion with Saudi Arabia and OPEC to fix the price and supply of oil to distributors in Hennepin County, he is guilty of price fixing: Section 325.53: PROHIBITED CONTRACTS, COMBINATIONS, AND CONSPIRACIES: Subdivision 1. Price fixing, production control, allocation of markets, collusive bidding, and concerted refusals to deal. Without limiting section 325D.51, the following shall be deemed to restrain trade or commerce unreasonably and are unlawful: (1) A contract, combination or conspiracy between two or more persons in competition: (a) for the purpose or with the effect of affecting, fixing, controlling or maintaining the market price, rate or fee of any commodity or service; (b) affecting, fixing, controlling, maintaining, limiting, or discontinuing the production, manufacture, mining, sale or supply of any commodity, or the sale or supply of any service, for the purpose or with the effect of affecting, fixing, controlling, or maintaining the market price, rate, or fee of the commodity or service.

THE CRIME OF CONSPIRACY TO DISTRIBUTE HEROIN

Finally, George W. Bush should be arrested and prosecuted for his collusion with the opium warlords in Afghanistan to distribute heroin in Hennepin County.

The National Drug Intelligence Center in its Minnesota Drug Threat Assessment report of August, 2001, said "Historically, heroin abuse has been low in Minnesota, but there are signs of increased use. There were 36 opiate-related deaths in Hennepin County through September 2000, compared with 27 in all of 1999."

The United Nations and all objective reports verify that during the last year of the Taliban reign in Afghanistan, their government had reduced the Afghanistan contribution to the world supply of opium and heroin to zero, and everyone agrees that since the opium warlords have taken back control of the rural areas of Afghanistan opium production in Afghanistan now contributes 90% of the world supply. The U. S. Army and the CIA worked to support the opium warlords and granted them effective control over most of the opium growing areas of Afghanistan. They continue to support the opium warlords by protecting their estates from the peasants and small farmers from whom the land was taken. The CIA got opium warlords a respected place in the central government. The CIA even insured that an opium warlord would be in charge of the Department of the Interior—the government agency responsible for drug enforcement.

The CIA was actually born out of a conspiracy to distribute heroin. One of the most important Mafia figures at the beginning of World War II was Meyer Lansky. He convinced the OSS (the Office of Special Services, the early precursor to the CIA) that Mafia contacts in Sicily could be very useful in facilitating an Allied invasion. In exchange for Mafia cooperation the U. S. government freed Lucky Luciano from prison and made it easier for the Mafia to import heroin. Since then the Mafia in America has always been a ready and willing patriot in any CIA off the shelf adventure. When Ollie North brought cocaine and marijuana in from Colombia, the Mafia was ready to pay cash for it and distribute it. Ollie North knew these contacts when he was working with the Hmong and Meo tribes in Laos during the Vietnam War. As part of the golden triangle these tribes produced large amounts of opium that CIA planes would then transport to Marseille, continuing the colonial tradition begun by French forces in Vietnam. George H. W. Bush was a part of all this because he was Director of the CIA when the golden triangle was active, and he was Vice President during the Contra War, and he was probably in charge of the operation to fund the Contras through the illegal importation of cocaine and marijuana.

Opium poppies have grown in Afghanistan since ancient times. The British began to control the exporting of the drug early in the nineteenth century. The Opium War in China in the middle of the nineteenth century was a result of the Chinese government trying to forbid the British importation of opium. The British won the war and the Chinese were forced to allow the British to sell opium. Early in the twentieth century Sicilians and Italians found the opium through contacts in Beirut and had it manufactured into heroin in laboratories in Marseilles. The heroin was then smuggled into Europe and the United States.

The traditional route for smugglers was over the mountains from Afghanistan, through Iran, Iraq, Jordan and to Beirut, Lebanon. The lack of cooperation recently of the Iranian government in this smuggling conspiracy has created problems for the smugglers and international problems for Iran. But, thanks to the active cooperation of the CIA and the U S government, opium does make its way through the Middle East, to Sicily and laboratories to be refined into heroin and, finally, to the U S and Hennepin County.

Section 609.228 of the Minnesota penal code, GREAT BODILY HARM CAUSED BY DISTRIBUTION OF DRUGS, says, "Whoever proximately causes great bodily harm by, directly or indirectly, unlawfully selling, giving away, bartering, delivering, exchanging, distributing, or administering a controlled substance classified in schedule I or II may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

Whereas there is probable cause to believe George W. Bush is guilty of murder in the third degree through his wanton disregard of human life in his pursuit of profits for his family's business, thereby ending the lives of Hennepin County residents David Day, Robert Dixon and Scott Modeen, and

Whereas there is probable cause to believe that George W. Bush and the Saudi royal family have entered into a conspiracy to withhold oil supplies and raise the price of crude oil causing gasoline prices to dramatically increase in Hennepin County, and

Whereas there is probable cause to believe that George W. Bush has acted in collusion with the opium warlords of Afghanistan and elements within the CIA to distribute heroin in Europe, the United States and Hennepin County,

Therefore, the petitioner asks this court to order Hennepin County Attorney Michael Freeman to bring charges of Murder in the Third Degree, Section 609.195; Conspiracy to fix prices, Section 325D.51; and Conspiracy to distribute drugs, Section 609.228 against George W. Bush and present them to a Grand Jury so that a Grand Jury may return a Bill of Indictment and George W. Bush may be arrested and made to stand trial when his plane lands in Hennepin County at the end of August.

Respectfully submitted,

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Ed Felien,)

Petitioner)

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vs.)

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Michael Freeman,)

Hennepin County Attorney)

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Respondent)

STATE'S RESPONSE TO PETITION FOR WRIT OF MANDAMUS AND PETITIONER'S REQUEST TO ALLOW VIDEO CAMERAS IN THE COURTROOM

D.C. File No. 27-CV-08-10883

This memorandum is in response to Petitioner's request to this Court to issue a writ of mandamus directing the Hennepin County Attorney to file a criminal complaint charging the President of the United States, George W. Bush, with various crimes. This memorandum also addresses Petitioner's motion to allow video cameras in the courtroom for proceedings relating to his petition for a writ of mandamus. For the reasons set forth below, the Court should deny both the petition and the request.

1. This Court Should Deny the Petition for A Writ of Mandamus.

Whatever Petitioner's, the County Attorney's, or even the Court's views as to the conduct of the President of the United States, we all operate under a system of laws with criminal processes designed to be fair and just. In Minnesota, one of the fundamental guarantees of fairness is that "the decision whether to initiate a particular prosecution is discretionary and therefore normally beyond the scope of mandamus." *State ex rel. Wild v. Otis*, 257 N.W.2d 361 (Minn. 1977). Thus in *Otis*, a private citizen brought an action seeking a writ of mandamus compelling either the Hennepin or Ramsey County Attorney to file criminal complaints against two sitting Minnesota Supreme Court Justices. A panel of the Minnesota Supreme Court refused to issue the writ finding that it is unavailable to require the performance of the prosecutor's uniquely discretionary act.

More important, although not part of the holding in *Wild* (which is completely dispositive of this case) the Court noted the considerable and understandable disfavor in which courts in the United States and England hold the idea that a private citizen might commence and maintain a criminal prosecution. For example in *Biemel v. State*, F1 Wis. 444, 447, 37 N.W. 244, 247 (1888) the court said:

We think it is quite clear from the reading of our statute on the subject, as well as upon public policy, that an attorney employed and paid by private parties should not be permitted either by the courts or by the prosecuting attorney to assist in the trial of such criminal cases. The laws have clearly provided that the district attorney, who is the officer provided by the laws of the state to initiate and carry on such trials, shall be unprejudiced and unpaid except by the state, and he shall have no private interest in such prosecution. He is an officer of the state, provided at the expense of the state for the purpose of seeing that the criminal laws of the state are honestly and impartially administered, unprejudiced by any motives of private gain, and holding a position analogous to that of the judge who presides at the trial. Such is the view taken of the office of the prosecuting attorney by the courts of this country as well as of England.

See also Waldron v. Tuttle, 4 N.H. 149, 151 (N.H. 1827) (noting private prosecutions often originate from private quarrels, are intended to vex and harass, and often do not result in a public benefit justifying the expense); *Fletcher v. Merrimack County*, 51 A.2d 271 (N.H. 1901) (noting that a privately interested prosecutor poses a threat to a defendant's rights).

These same concerns come into play where a private citizen, no matter how honestly or justifiably motivated, seeks to assert a private interest by compelling a public prosecutor to initiate a criminal action. This court should deny the writ.^[1]

2. This Court Should Deny Petitioner's Request to Allow Video Cameras in the Courtroom.

Courtrooms are, and should be, open to the public. Nonetheless, it has been and continues to be the policy of the Hennepin County Attorney's Office to oppose all requests to videotape courtroom proceedings to which it is a party. This case provides an excellent example of the soundness of the policy. Courtrooms should be places where a calm, professional, and business like atmosphere should prevail. Society demands that many of the most strongly contested disputes are resolved in court by judges, jurors, and lawyers. Dignified and professional decorum, following the laws of the land, and the general rules of practice, help those involved and society as a whole accept the result, even if it is a result with which they might disagree.

The Petition for a writ of mandamus in this case, while honestly brought and the product of sincerely held beliefs, is nonetheless a political product with a political purpose. There are many places where such political discussion can and should be held. Those discussions should, and often do, reach as large an audience as possible. Your Honor's courtroom is not one of them. Your Honor's courtroom is for the dignified and professional resolution of legal disputes. Cameras would hinder that goal.

Conclusion

In accordance with the foregoing, Respondent respectfully requests the Court to deny the Petition for a writ of mandamus and to deny Petitioner's request to allow video cameras in the courtroom

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^[1] That is not to say a County Attorney's discretion is not checked under Minnesota law. Under Minn. Stat. §8.01, if the governor requests in writing, the attorney general may present a case to a grand jury and may prosecute offenses for which the grand jury might indict. *See Graham v. Klumpp*, 536 N.W.2d 613 (Minn. 1995).

Ed Felien,)

Petitioner)

)

PETITIONER'S ANSWER TO STATE'S RESPONSE

vs.)

)

Michael Freeman,)

D.C. File No. 27-CV-08-10883

Hennepin County Attorney)

)

Respondent)

This memorandum is an answer to the Respondent's response to Petitioner's writ of mandamus asking the court to order the County Attorney to prepare charges against George W. Bush on three separate and distinct criminal offenses. This memorandum will also address the request by the Petitioner to allow video cameras in the courtroom for the purpose of recording the proceedings.

Before responding to the separate points of contention and matters of law, it is deeply troubling to the Petitioner that the many allegations of criminal misconduct by George W. Bush were not dealt with in the Response. It is the Petitioner's sincere belief that to deny a hearing on the actual crimes committed by this man because of legalistic technicalities would be a denial of justice.

1. This Court Should Grant the Petition for a Writ of Mandamus:

This petition does not ask the court to judge the actions of the President of the United States, rather it asks that the County Attorney investigate those private actions of George W. Bush that seem to be contrary to Minnesota law. As a private citizen, George W. Bush does not enjoy special immunity from criminal prosecution for crimes he may have committed. Even as President of the United States he does not enjoy immunity from criminal prosecution. Our Constitution says that Senators and Representatives shall be "privileged from Arrest during their Attendance at the Session of their respective Houses," but it does not grant the same immunity to the President. Further, the Tenth Amendment to the Constitution says, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

We can conclude from this the Petitioner has a Constitutional right to bring this petition before a Minnesota District Court, and that this Court has jurisdiction to hear the matter in question.

Is the President immune from judicial process? At one point in his Presidency, Richard M. Nixon refused to turn over tapes to Congress claiming Executive Privilege. The Supreme Court ruled against him (United States v. Nixon, 418 U. S. 683, 94 S. Ct. 3090, 41 L. 2d 1039 (1974)) and said, "Neither the doctrine of separation of powers, nor the need for confidentiality of high level communications, without more, can sustain an absolute, unqualified presidential privilege of immunity from judicial process under all circumstances."

Further, the Court has said, in *U. S. v. Isaacs*, 493 F. 2d 1124, 1144, “criminal conduct is not part of the necessary functions performed by public officials. Punishment for that conduct will not interfere with the legitimate operations of a branch of government.”

It is the claim of the Respondent that *State ex re. Wild v. Otis*, 257 N. W. 2d 361 (Minn. 1977) “is completely dispositive of this case.” Respondent cites the judgment: “the decision whether to initiate a particular prosecution is discretionary and therefore normally beyond the scope of mandamus.” The important and operative word in this quotation is “normally.” Normally the County Attorney should have discretionary power to prosecute violations of criminal law, but even Wild grants exceptions, “While citizen does not have a right to appear before a grand jury and persuade it to indict, he is free to attempt to get a grand jury to take action and grand jury can permit aggrieved citizen to appear as witness.” And, further, the Court affirmed “Mandamus Remedies available to an aggrieved citizen when prosecutor refuses to commence a prosecution include petitioning district court to appoint a special prosecutor.”

Respondent further cites *Biemel and Waldron*, but these cases are irrelevant to the Petitioner’s writ. The writ asks that the Court order the County Attorney to do his job and prepare charges against George W. Bush for crimes he has committed against the people of Minnesota. The writ does not ask the court to allow that a “private citizen might commence and maintain a criminal prosecution.”

Petitioner insists he has great respect for the office of a county attorney. Understanding that the office came into being in the United States at about the time of establishment of the republic, the creation was a recognition that it was in the common good that an objective force should prosecute crimes to avoid victims seeking vengeance and to avoid the rich having greater power over the law than the poor. In her summary to her article “Victim Participation in the Criminal Process,” in the *Journal of Law and Policy*, Erin Ann O’Hara says, “To summarize, public enforcement of the criminal law can (1) contribute to the provision of equal access to justice; (2) increase the accuracy of verdicts; (3) help to more effectively separate criminal from noncriminal conduct; and (4) help to ensure that the guilty are punished while tempering the potential excesses of victim desires for revenge.”

It must be agreed that justice is “normally” served by the county attorney’s discretionary power to prosecute, even though private prosecutions are still allowed in Ohio, Alabama and Montana. But George W. Bush is not a “normal” defendant, and his crimes are not “normal” crimes. He has fraudulently represented a war against Iraq as essential for our national interests when in reality the war only benefits his private interests. With his Saudi friends he has cornered the supply of oil and raised prices. And through his longtime family contacts with the CIA and the Mafia he has arranged for the transporting of heroin into Hennepin County.

Petitioner wrote to Hennepin County Attorney Michael Freeman on six separate occasions appealing to him to file charges against George W. Bush for these crimes. Notwithstanding a very cordial and frank exchange of views, the County Attorney refused to commence criminal proceedings. Fortunately, the Petitioner has the remedy of asking the District Court to issue a Writ of Mandamus ordering the County Attorney to prepare charges.

Authority for this action can be seen in Minnesota Statute 388.12: “Attorney to Assist. The judge of any district court may by order entered in the minutes at any term of court appoint an attorney of such court to act as, or in place of, or to assist the county attorney at such term, either before the court or grand jury. The person so appointed shall take the oath required by law of county attorneys and thereupon may perform all duties at such term of court, but shall receive no compensation where the county attorney is present at such term, except by the county attorney’s consent, and to be paid from the county attorney’s salary.”

This court should determine that there is probable cause that George W. Bush has committed serious crimes against the people of Minnesota. This court should issue a Writ of Mandamus ordering the County Attorney to prepare charges against George W. Bush. Pursuant to Minnesota Statute 388.12, this court should appoint Petitioner, Ed Felien, to assist County Attorney in the preparation of charges to be presented to a grand jury.

In 1908 the American Bar Association adopted a Canons of Professional Ethics for public prosecutors. It said, “The primary duty of a lawyer engaged in public prosecution is not to convict, but to see that justice is done.”

2. This Court Should Allow Petitioner’s Request to Allow Video Cameras in the Courtroom.

In Petitioner’s request for video taping of the proceeding, Petitioner expressed a sincere appreciation of the seriousness of the matter before the court: “Petitioner swears he appreciates the seriousness of the matter before the court and that he has the utmost respect for the court and for the office of the County Attorney. Petitioner further understands that, although it is the responsibility of all participants to uphold the dignity of the court, it is solely the discretion of the judge to determine when courtroom behavior is inappropriate.”

In his memorandum, Respondent claimed that this writ, “while honestly brought and the product of sincerely held beliefs, is nonetheless a political product with a political purpose.” Petitioner would argue that all actions in every court, from the highest to the lowest, have a political content. Mostly, they are a reflection of currently held political beliefs, but a decision that reaffirms the status quo is still a political

statement. To deny access to video cameras because political ideas would be expressed that might be unpopular or contrary to the status quo would be a clear infringement on Petitioner's freedom of speech under the First Amendment.

Conclusion

In accordance with the foregoing, Petitioner respectfully requests the Court to grant the Writ of Mandamus, appoint Ed Felien to assist the County Attorney in presenting charges before a grand jury, and allow video taping of the proceedings.

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Activist wants Bush arrested on arrival

ROCHELLE OLSON, Star Tribune

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Longtime Minneapolis peace activist and sometime-gadfly Ed Felien asked a Hennepin County District judge on Thursday to compel the county attorney to arrest President Bush when his plane lands for the GOP convention in September.

Felien, a former Minneapolis City Council member, said Bush should be investigated and prosecuted for murder because of troop deaths in Iraq, conspiracy to fix oil prices and conspiracy to distribute drugs by controlling the opium trade in Afghanistan.

A LONG SHOT: He acknowledged that his request was unusual, but also said, "The purpose of the prosecuting attorney is not to achieve convictions, but to seek justice."

At the end of a 30-minute hearing, Judge Gary Larson said he would rule in the normal course of business, but he did not provide a time frame. Felien's request certainly had the feel of a very long shot.

Deputy Hennepin County Attorney Patrick Diamond said the notion that the president could be taken into custody and prosecuted is "highly doubtful."

SOLE DISCRETION: Diamond emphasized that the county attorney bears the sole discretion of when to prosecute crimes. "Not everything a county attorney can do is something a county attorney should do," he said.

He argued, too, that Felien's request raises serious separation of powers issues. A totalitarian state exists when a "judge is deciding not just the outcome but who should be investigated and prosecuted," Diamond said.

PRESENTING HIS CASE: During Felien's nearly 20 minutes of wide-ranging argument, Larson advised him several times to slow down so the court reporter could capture his words.

Felien touched on Bush family history, claiming that the family has influential ties to "Saudi princes" as well as Afghanistan drug lords and the Mafia. He introduced numerous news articles to the judge regarding the Bush family and oil prices.

In his filings, Felien wrote that the president "has fraudulently represented a war against Iraq as essential for our national interests when in reality the war only benefits his private interests. With his Saudi friends he has cornered the supply of oil and raised prices. And through his longtime family contacts with the CIA and the Mafia he has arranged for the transporting of heroin into Hennepin County."

Felien was publisher of the now-extinct Pulse, a weekly alternative newspaper. He still publishes South Side Pride, three separate monthly newspapers in south Minneapolis.

REACTION: The White House did not return a call seeking a comment. But Chris Taylor, Midwestern spokesman for the Republican National Committee, said, "As commander-in-chief, President Bush will always support our troops who are fighting to defend our freedom and keep America safe."

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