

FILED

DEC - 8 2011

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

Abdul Karim Hassan,	Civ. Action #:
-v-	THREE-JUDGE COURT
Federal Election Commission,	Case: 1:11-cv-02189
Defendant.	Assigned To : Sullivan, Emmet G.
	Assign. Date : 12/8/2011
	Description: 3-Judge Court

**APPLICATION FOR THREE-JUDGE COURT
AND MEMORANDUM IN SUPPORT**

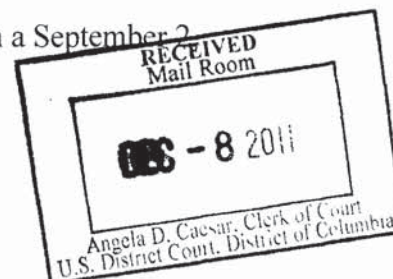
Plaintiff respectfully requests the appointment of a three-judge court to adjudicate this case, which involves a constitutional challenge to the Presidential Election Campaign Fund Act ("PECFA") at 26 USC § 9001 – 9013. In support of his request, Plaintiff submits the following memorandum of points and authorities. *See* Local Civil Rule 9.1.

Points and Authorities

The PECFA at 26 USC 9011(b) states in relevant part as follows:

- (1) The Commission, the national committee of any political party, and individuals eligible to vote for President are authorized to institute such actions, including actions for declaratory judgment or injunctive relief, as may be appropriate to implement or con[s]true any provision of this chapter.
- (2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise the same without regard to whether a person asserting rights under provisions of this subsection shall have exhausted any administrative or other remedies that may be provided at law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court.

The PECFA is clear on its face and automatically requires a three-judge panel where, as
here, there is a constitutional challenge to construe and implement the PEFCA. In a September 2,



2011 ruling about Plaintiff, the FEC also ruled on the Presidential Primary Matching Payment Account Act (“MPA”) as follows (See page 4 at <http://www.abdulahsanforpresident.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

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.

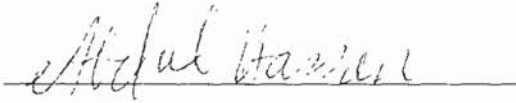
Plaintiff is asking this Court to construe the PECFA and declare whether it prohibits Plaintiff from receiving funds because of his national origin – Plaintiff is not only eligible to vote for President, he is a naturalized American citizen who is a candidate for the Presidency of the United States. If PECFA excludes naturalized citizens, Plaintiff seeks a declaration that such national origin discrimination violates the Equal Protection guarantee of the Fifth Amendment and that the national origin discrimination in the Constitution’s natural born clause is irreconcilable with and is trumped by the Equal Protection guarantee of the Fifth Amendment and the Citizenship Clause of the Fourteenth Amendment.

Based on the foregoing, a three-judge court should be convened to hear this action.

Dated: Queens, New York

December 5, 2011

Respectfully submitted,

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

Abdul K. Hassan, Esq.

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