

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

**CITIZENS RETENTON COMMITTEE
DON BAILEY, MARGO ROYER,
ANGELA ROBINSON, JOHNNY
ROBINSON, and ANDREW J.
OSTROWSKI, pro-se.,**

**CIVIL ACTION LAW
NO. _____**

Plaintiffs

VS.

**TOM CORBETT and
MICHAEL TURZAI**

JURY TRIAL DEMANDED

Defendants

COMPLAINT

INTRODUCTORY STATEMENT

1. This is a civil rights action brought by a group of registered voters and a public action committee from Pennsylvania who allege they are victims of arbitrary and capricious actions by the Governor of Pennsylvania Tom Corbett, a Republican, and Michael Turzai, the Majority Leader of the Pennsylvania House of Representatives, also a Republican who under badge of state authority are unlawfully violating their rights. The plaintiffs allege that the Republican defendants, for purely partisan reasons designed to ensure the election of Willard (Mitt) Romney to the Presidency of the United States, organized and successfully carried out a plan to deprive the plaintiffs and over 1 million registered voters, the vast majority of whom are Democrats, of the opportunity to vote.

The individual plaintiffs herein are all committed to support, and vote for, Barack Obama. They represent, as members of every major party affiliation in Pennsylvania, to include Democrats, Independents, and Republicans, citizens who have an interest in the outcome of the

coming November General Election. The plaintiffs allege that the arbitrary and capricious actions of Tom Corbett and his co-lawbreaker Michael Turzai demonstrate an their participation in and intentional clandestine enterprise constituting a vile and unlawful conspiracy of national dimension, with other Republican operatives, in at least 37 other states, to use their respective badges of state authority, in violation of the federally guaranteed rights of the plaintiffs, and indeed of all American citizens, to use the coercive power of the state to enact onerous and oppressive legislative provisions devoid of any redeeming public policy virtue, all seeking to achieve a private political goal of the Republican Party lacking any reasonable government purpose.

JURISDICTION AND VENUE

2. The original jurisdiction to hear constitutional torts and entertain requests for federally guaranteed remedies is conferred on this court by 28 USC§1331 and 28 USC§1343(a) (3) & (4) and the remedial statute 42 USC§1983.

3. Supplemental jurisdiction for this court to hear state related claims is expressly authorized by 28 USC§1367 (c).

4. The above-named defendants are sued in their individual capacities.

5. Plaintiffs also request the invocation of this court's equitable powers to prevent the deprivation of the plaintiffs' rights and the rights of approximately 1 million fellow Pennsylvanians.

RIGHTS VIOLATED

6. Plaintiffs have federally guaranteed rights under the 14th Amendment to the Equal Protection of the Laws and to substantive due process and not to be deprived thereof by the

arbitrary and capricious actions of any state government or state officials under badge of state authority exercised in their individual and, or, official capacities.

7. Plaintiffs have the right under the 1st Amendment, to associate and come together with other citizens of similar affiliation(s) and shared political and electoral goals free of state interference and oppression carried out for the sole arbitrary and capricious purpose of depriving voting citizens of their political goals and political intentions through the use of selective and vindictive state actions.

8. The U.S. Constitution and the Constitution of the Commonwealth of Pennsylvania guarantee each and every qualified citizen the opportunity to vote on the basis of "one person-one vote", which rights are protected by at least the 1st, 5th, 13th, 14th, and 19th Amendments to the U.S. Constitution and by the Constitution of the Commonwealth of Pennsylvania.

9. The Constitution of the Commonwealth of Pennsylvania, states in pertinent part in *Article I, Declaration of Rights §5 "Elections*, "Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage". This enumerated power guarantees each Pennsylvania citizen the right to vote free of interference by the government or any other entity including either the Pennsylvania or national Republican Party or any official from Pennsylvania or any other state unless supported by some rational policy or public basis.

10. The unlawful and pernicious use of abusive state power by the defendants in creating the Pennsylvania "voter ID law does "interfere" to prevent the "free exercise" of the "right of suffrage" because it is burdensome, financially and physically oppressive, and lacks any rational purpose or public need.

11. The Majority Leader of the Republican House of Representatives, the defendant Michael Turzai has publicly and openly admitted that the onerous " Voter ID Laws" enacted by Pennsylvania's state legislature was accomplished for unlawful political ends in violation of the rights of approximately 10% of Pennsylvania's voting population to enjoy "the free exercise of the right of suffrage".

12. The subject "Voter ID Laws" were enacted within the past two years. Consequently this matter presents no infirmities by virtue of any statute of limitations. The wrongs complained of are ongoing.

13. All individual Republican officials, both inside and outside of Pennsylvania, who surreptitiously participated with Corbett and Turzai in the national plan to pass the fraudulent voter ID laws which have already been rejected in a number of other states, are liable as co-conspirators for the violation of the right to vote of all Pennsylvania's citizen's who are dedicated to the election of Barack Obama as President of the United States. These voters have a right to vote, to participate as electors in an election, and to associate and act together for the purpose of collectively accumulating their votes to win Pennsylvania's electoral votes for Mr. Barack Obama.

OPERATIVE FACTS

14. The plaintiffs are all registered voters in Pennsylvania except the Citizens Retention Committee, hereinafter "CRC". The CRC is a political action association dedicated to exposing and defeating efforts by appellate and other judges whose actions to not reflect the "neutral and detached" standards for judges and magistrates referenced in the U.S. Constitution.

15. The plaintiff Don Bailey is a registered Independent.

16. The plaintiff Margo Royer is a registered Republican.

17. The plaintiff Angela Robinson is a registered Republican.

18. The plaintiff Johnny Robinson is a registered Democrat.

19. The plaintiff Andrew J Ostrowski pro se is a registered Democrat.

20. Each of the plaintiffs is dedicated to the election of Barack Obama as President of the United States.

21. Each of the plaintiffs intends to vote and will vote for Barack Obama in the upcoming November 6, 2012 general election.

22. Each of the plaintiffs believes and alleges that each vote of each and every American citizen "Counts".

23. The plaintiff Don Bailey won his first election to the U.S. Congress by 113 votes in 1978 when, out of more than 100,000 votes cast, he garnered a margin of less than .00119% in plurality victory participated in by 11 candidates.

24. Plaintiff Don Bailey's margin of 1000th of 1% demonstrates conclusively that "every vote counts".

25. Judicial notice can be taken that in the free democratic society that comprises the United States that citizens regularly come together, organize, and associate for purposes of winning elections to advance their commonly held political objectives.

26. The defendants openly admit that they used the powers of their offices and the power of the state in a conspiratorial effort to ensure, in their view, the election of Willard (Mitt) Romney, the Republican nominee for President of the United States, to that office by interfering with the accessibility of poor, elderly, and primarily black voters to the voting process, and legal representatives of the defendants have readily admitted in court proceedings that the fraudulent basis put forth to justify the need for Pennsylvania's voter ID laws, namely, election fraud, is

totally nonexistent and thus pretextual. Consequently Pennsylvania's voter ID laws lack a reasonable or viable government goal or objective.

27. By admitting that the Republican Party's use of coercive state power in passing Pennsylvania's voter ID law was designed to oppress, discourage, limit, obstruct, prevent, burden, and in all ways "interfere with" the rights of all Pennsylvania's citizens to vote freely and openly in the absence of any reasonable state purpose, constitutes an unlawful and actionable interference with the plaintiffs' rights to come together with all citizens of similar persuasion to augment and achieve the opportunities for Barack Obama to win Pennsylvania's electoral votes on November 6, 2012.

28. A major aspect of the defendants' misconduct is their racist focus, as a natural consequence of the way the ID law is structured, i.e., it is intended to negatively affect, to a disproportionate degree, the opportunities for black Pennsylvania citizens to acquire voting IDs. As a consequence the defendants are also violating the equal protection of the laws rights of the plaintiffs.

29. Upon information and belief the defendants are currently engaged in a clandestine effort to strip the protections of advantages for minority participation in public contracts (believed tied to federal mandates) during government contracting processes involving federal dollars for the obvious purpose to injure and otherwise harm to discrimination black Pennsylvania small businesses, or so Mr. Corbett has indicated to his administration's lawyers.

30. This misconduct corroborates the racist intentions of Gov. Tom Corbett and House Majority Leader Michael Turzai as part of an overall Republican racist political plan to suppress black small business opportunities (in Pennsylvania) commensurate with their state and national

plans to suppress the black vote and to target portions of the Democratic Party's electorate for interference with their right to vote.

31. Collectively this misconduct demonstrates a pattern of racial discrimination by Tom Corbett, and Pennsylvania's government, and nationally represents a Republican Party attack, of which the defendants are a part, on black citizens who disproportionately suffer a smaller share of national wealth and opportunity than do other races. Furthermore the unlawful actions of the defendants and their co-conspirators constitutes an attack upon the elderly, the disabled, and other physically and financially limited persons to exercise their right to vote in the nation's general elections including the general election in Pennsylvania.

32. The 1st Amendment to the U.S. Constitution protects the right of American citizens to associate for any lawful purpose. Government interference with that right is unlawful and can be remedied at law and at equity.

33. The 14th Amendment to the U.S. Constitution proscribes substantive due process violations when unlawful actions are taken under badge of state authority that are inimical to the rights of American citizens.

34. The misconduct of the above-named defendants "shock the conscience" particularly considering the magnitude and pervasive evidence of politically goal driven "interference" with the rights of massive numbers of essentially poor, elderly, and black Pennsylvania citizens. Consequently these defendants are violating the substantive due process rights under the 14th Amendment of all Pennsylvania citizens who can be, and are expected to vote for Barack Obama, when they come together at the polls across Pennsylvania on November 6, 2012.

35. The defendants' misconduct violates the plaintiffs' 14th Amendment rights to the Equal Protection of the Laws in two respects. The first is the suspect category (race) aspect of the

defendants' unlawful actions and the second is the disparate treatment, which, in a combination of 1st Amendment and Equal Protection (14th Amendment) rights are being denied plaintiffs' i.e. their right to associate with black persons and elderly persons ("poor" persons do not comprise a "suspect category" for purposes of America's civil rights laws).

36. Plaintiffs further object, consistent with the often trumpeted views of conservative leaders in the United States, that by virtue of the record keeping and public disclosure requirements of voter registration rolls that the Pennsylvania voter ID laws will lead to and cause a national registry of politically involved citizens reflecting a gross abuse of government intrusions into the privacy and political freedoms of American citizens and that the same violates the freedoms afforded by the Bill of Rights in a number of crucial aspects which unlawfully limit the rights of a free and independent citizenry, more specifically violating the privacy rights and the rights of free expression of all American citizens registered to vote throughout the entire country.

COUNT 1

Plaintiffs against Defendants for the Deprivation of Plaintiffs' Federally and Commonwealth Guaranteed Rights at Law.

37. Paragraphs 1-36 above are incorporated herein by reference.

Wherefore plaintiffs demand judgment jointly and severally of the above-named defendants for the deprivation of their rights under the 1st and 14th Amendments (violations of Pennsylvania's Constitution incredulously does not provide for an aggrieved person to garner damages) together with damages for pain and suffering, for embarrassment and humiliation, emotional distress, punitive damages, fees, costs, attorney's fees, and such other relief as may be deemed appropriate.

COUNT II

Plaintiffs' Request for Equitable Relief

38. Paragraphs 1 - 37 above are incorporated herein by reference.

39. This Court should act to curtail and prevent the oppressive, unlawful, and unconstitutional impact of the Pennsylvania voter ID law by preventing the state of Pennsylvania by and through its Governor Tom Corbett from enforcing or otherwise utilizing this law to injure innocent Pennsylvania voters who desire to participate in the upcoming election.

40. Plaintiffs have every expectation to ultimately prevail on their efforts to prevent implementation of the oppressive voter ID law.

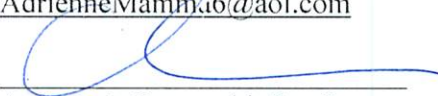
41. Plaintiffs rights are clear and manifest.

42. An equitable remedy will maintain the status quo ante and will cause harm to virtually no citizen while preventing a litany of gross injustices and the waste of Pennsylvania's resources.

Wherefore plaintiffs respectfully request that this Court convene hearings, permit discovery, while in the meantime this Court should issue an order preventing Pennsylvania from moving forward with the implementation of its voter ID law.

Respectfully Submitted,

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