

IN THE UNITED STATES COURT OF INTRNATIONAL TRADE

Plaintiff:

Gary L Barnes

Pro Se,

v.

Case Number: 25-00043

Defendant:

United States President Donald Trump

COMPLAINT AND REQUESTS FOR PRELIMINARY INJUNCTION AND INJUNCTION

I. The Parties to this complaint

A. Plaintiff

Plaintiff is a citizen of the United States:

Gary L Barnes

215 Reimer Ave.

Green Bay, WI 54302-3424

(920) 737-1180

gabarnes@twc.com

B. Defendant

Defendant:

United States

President Donald Trump

1600 Pennsylvania Avenue NW

Washington, DC 20006

II. Basis for Jurisdiction

The United States Court of International Trade has exclusive jurisdiction over this civil action, in accordance with 28 U.S. Code § 1581 (i)(1)(2), because Plaintiff is suing President Donald Trump to end the unconstitutional imposing of tariffs on foreign products by the President of the United States of the Executive Branch of the United States Government, because imposing tariffs is not within the authority of the President's Constitutional Duties.

III. Specific issues

The specific issues in this complaint are:

1. The United States Congress Legislative Branch (the House of Representatives of U.S. Government) unconstitutionally delegating its specified Constitutional Duties to impose tariffs on foreign products entering the United States and raising revenue, to the United States President (Executive Branch of the U. S. Government) through any type of Legislative Act such as the following:
 - A. The Tariff Act of 1930,
 - B. The Reciprocal Trade Agreement Act of 1934
 - C. The Trade Expansion Act of 1962
 - D. The Trade Act of 1974
 - E. The National Emergencies Act of 1976

2. The office of the President of the United States unconstitutionally performing the specific Constitutional Duties of Congress (the House of Representatives), of imposing tariffs on foreign products and raising revenue which is contrary to:
 - F. The United States Constitution, Article I, Section 7.
 - G. The United States Constitution, Article I, Section 8.
 3. All Executive Orders issued by President Trump that impose tariffs on foreign products entering the United States.
 4. Any United States Supreme Court decisions that have upheld the ability of the United States Congress to delegate its specific Constitutional Duties to another branch of government.
 5. President Donald Trump ignoring and failing to perform his Constitutional Duty, as specified by the President's Oath of Office, which states in part to "preserve, protect and defend the Constitution of the United States."
 6. Compelling President Donald Trump to perform his duties as directed by the United States Constitution under 28 U.S. Code § 1361 - Action to compel an officer of the United States to perform his/her duty.
-

IV. Controversy

At controversy in this complaint is:

7. Congresses (the House of Representatives) unconstitutional delegation of its Constitutional Duty to impose tariffs (imposts) on foreign products entering the United States and raising revenue to the President of the United States.

8. President Donald Trump, of the Executive Branch of the United States government, unconstitutionally imposing tariffs on foreign products entering the United States, and raising revenue, which is the specified Constitutional Duty of Congress of the Legislative Branch of the United States government, and therefore outside of his authority.
 9. The collection of tariffs (imposts, taxes) being unconstitutionally imposed on foreign products being imported into the United States and raising revenue by the President of the United States instead of Congress.
-

V. Purpose of complaint

10. This action has been brought to protect, uphold, defend and enforce the provisions of the United States Constitution regarding the sole power it specifically grants Congress to impose tariffs and to raise revenue on imports of products from foreign countries.
11. This action has been brought to have declared as unconstitutional those Legislative Acts and/or parts of Legislative Acts and U.S. Codes which President Trump and other Presidents have used to justify their imposing tariffs on foreign products entering the United States and raising revenue:
 - H. The Tariff Act of 1930
 - I. The Reciprocal Trade Agreement Act of 1934,
 - J. The Trade Expansion Act of 1962, Section 232(b),
 - K. The Trade Act of 1974, Section 301

L. The National Emergencies Act of 1976

12. This action seeks to stop President Donald Trump and any future United States President from using unconstitutional Legislative Acts, U.S. Codes and Trade Acts to impose or have any other impact on tariffs on foreign products entering the United States and raise revenue.

13. This action is to compel President Donald Trump to perform his duties to protect and uphold the United States Constitution.

VI. Statement of claim

14. Plaintiff Gary L Barnes comes before the United States Court of International Trade and states his claim to have the provisions of various foreign trade agreements that have been used by President Trump and other Presidents of the United States to impose tariffs and raise revenue and any subsequent court decisions declared unconstitutional and without force.

15. On February 1, 2025, President Trump issued an Executive Order to impose a 25% tariff on products being imported from Canada and Mexico.

16. On February 1, 2025, President Trump issued an Executive Order to impose a 10% tariff on products being imported from China.

17. Tariffs are taxes on imported foreign products being brought into the United States that raise money for the Federal Government.

18. President Donald Trump's imposing of tariffs on imported foreign products violates:

M. Article I, Section 7 of the United States Constitution,

N. Article I, Section 8 of the United States Constitution.

O. Article II, Section 1 of the United States Constitution.

19. The United States Constitution is the supreme law of the land.

20. President Trump's imposing of tariffs is contrary to the United States Constitution.

21. President Trump's imposing of tariffs violates his Oath of Office (the law) to "preserve, protect and defend the United States Constitution."

22. Therefore, any tariff(s) imposed by President Trump are without force.

23. The imposing of tariffs does not create a positive adjustment or limitation of product imports from foreign countries.

24. The United States Constitution is a contract between the United States Government and the United States Citizens that;

P. grants rights to the United States Citizens.

Q. explains the duties of, and how, the United States Government's branches are to conduct the business of the United States.

R. specifically grants authority to Congress of the Legislative Branch of the United States Government as the only branch of government to impose tariffs (imposts) on foreign products brought into the United States.

- S. does not grant any authority to the President of the United States to impose tariffs on foreign products being brought into the United States.
25. Manufacturers and businesses will pass the cost of doing business, caused by the import taxes, on to the consumers;
26. Therefore, any import taxes imposed by President Trump will adversely affect the household income of myself and all United States citizens.
-

VII. Pleadings in support of claim

27. On January 20, 2025, Donald Trump was sworn in as President of the United States.
28. On February 1, 2025, President Trump imposed a 25% tariff on products being imported from Canada and Mexico.
29. On February 1, 2025, President Trump imposed a 10% tariff on products being imported from China.
30. Imposing tariffs is not within the jurisdiction of the President's duties that are specified by the U. S. Constitution.
31. The President of the United States can only adjust (limit) the amount of product(s) imported into the United States from other countries.
32. The United States Constitution, Article I, Section 8, specifically grants the duty to impose tariffs on foreign products brought into the United States to Congress.
33. Therefore, no Legislative Act of Congress can authorize or empower the President of the United States or any other branch of government, agency or

person the authority to impose tariffs on foreign products being imported into the United States.

34. Any such Legislative Act would be contrary to the United States Constitution and would be without force.

35. Changing the provisions of the U. S. Constitution can only be done by an amendment to the United States Constitution, Article V of the United States Constitution.

36. Just because a wrongful action by a branch of government, agency or person has occurred many times over a long period of time doesn't make it right.

37. In the Judiciary Act of 1789, Congress tried to give the Supreme Court the authority to issue certain judicial writs.

38. The Supreme Court, in establishing the judicial review doctrine, ruled, in *Marbury v. Madison* (1803), "The Constitution did not give the Court this power. Because the Constitution is the Supreme Law of the Land, the Court held that any contradictory congressional Act is without force"

39. Likewise, because the Constitution does not give the President authority to impose tariffs on imported products, any Legislative Act by Congress, to give the President authority to impose tariffs on imported products, would be contradictory to the United States Constitution and therefore without force.

40. Congress cannot delegate, by any type of Legislative Act, a constitutionally specified duty reserved to it by the United States Constitution to another branch of the United States Government.

41. The United States Constitution Article 1, section 7, specifically grants the power of raising money to the House of Representatives (of United States Congress) alone.
42. The United States Constitution Article 1, section 8, specifically grants the power of imposing imposts (tariffs) to the United States Congress.
43. One branch of the United States Government cannot arbitrarily take over the specific constitutional duties of another branch of the United States Government.
44. One branch of government performing the duties of another branch of government;
 - T. violates the separation of powers of the United States Constitution.
 - U. violates the checks and balance of powers of the United States Constitution.
45. A contract describes the duties and rights of those affected by it.
46. Therefore, the United States Constitution is a contract written, by the founders of the United States, to explain to the United States citizens, how their United States Government is supposed function.
47. Tariffs, regardless of the reason for imposing them, raise revenue for the United States Government.
48. President Trump took an oath to preserve, protect and defend the United States Constitution.

49. The last paragraph of Article II, Section 1 of the United States Constitution contains the wording of the President's Oath of Office.
50. The United States Constitution is the Supreme Law of the Land.
51. Therefore, the President's Oath of Office being in the United State Constitution makes it a law.
52. Every time President Trump issues an Executive Order that is contrary to the United States Constitution, he is breaking the law.
53. President Trump owes a duty to myself and all other United States citizens to perform his duties as the United States Constitution requires.
54. In his previous term as President, Trump imposed tariffs on many foreign products entering the United States.
55. The imposing of those tariffs had a negative effect on the economy of the United States.
56. President Trump used \$25,000,000,000.00 (billion dollars) of defense funds to bail out the farmers, who were also negatively impacted by those tariffs to start with.
57. President Trump, a little later, used an additional \$13,000,000,000.00 of defense funds to further help bail out the farmers.
58. Numerous news media have reported the events concerning the imposing and effect of import taxes that have been imposed by or about to imposed by President Trump.

59. The World Trade Organization (WTO) cannot interfere with or try to control the internal politics of a member country.
60. The WTO cannot authorize or in any other way empower the United States President to impose tariffs.
61. President Trumps issuing of Executive Orders to impose tariffs on foreign products entering the United States negates and violates the right of United States citizens to hold their representatives accountable in an election every two years should their representatives enact legislation that impacts their lives negatively.

VIII. Damages caused by, and that will be caused by, President Trump's imposing of tariffs

62. My wife and I live on a small pension and our Social Security and therefore, tariffs imposed by President Trump will affect our standard of living.
63. President Trump's actions to impose tariffs on foreign products brought into the United States will;
- V. put an indirect tax on United States citizen's income through an increase in the cost of product prices paid by consumers.
 - W. be a hidden tax on the income of the United States citizen's that raises money for the government.
 - X. seriously undermine the division of powers that are contained in the United States Constitution.

Y. seriously undermine the balance of powers that are contained in the United States Constitution.

Z. put an indirect tax on United States citizen's income through an increase in the cost of product prices paid by consumers.

AA. be a hidden tax on the income of the United States citizen's that raises money for the government.

64. President Trump's actions violate the contract (the United States Constitution) the United States Government has with the citizens of the United States.

65. President Trump's actions violate the constitutional rights of the United States citizens to have their Congressional Representatives impose taxes that impact their lives, through product price increases.

66. The Office of President imposing tariffs negates and violates the United States citizen's right to hold their representatives accountable every two years for legislation they may have enacted that negatively impacts their lives.

67. President Trump's actions of a single person imposing tariffs are like that of a king or dictator.

68. President Trump's actions, to impose tariffs, violate the Oath of Office he took to preserve, protect and defend the United States Constitution.

69. President Trump's actions, to impose tariffs, violate the duty he owes to myself and all the United States citizens.

70. Proof of the damages caused by the tariffs imposed by President Trump on foreign products entering the United States is his use of defense funds to bail out the farmers.

71. Proof of the damages caused by the 24% tariff imposed by President on lumber products is the increase in costs to build houses.

IX. Standing to bring complaint

72. I, Gary L Barnes, claim to have the inalienable and unchallengeable right and duty, as a citizen of the United States, to take action to preserve, protect, defend and uphold the provisions of the United States Constitution in the United States Court of International Trade because Amendment I of the United States Constitution grants me the authority to "petition the government for a redress of grievances."

73. I, Gary L. Barnes claim to have the same standing as that of a person to make a citizen's arrest when a person of authority isn't present, or fails or refuses to do their duty to uphold the laws and constitution of the states and the United States.

74. Tariffs enacted by President Trump through Executive Orders will have a negative impact on my, and all citizen's, quality of life.

X. Pleadings in support of Standing to bring complaint

75. Article I, Section 7 of the United States Constitution, "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills."

76. Article I, Section 8 of the United States Constitution, "The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;"

77. This action has been brought to preserve, protect, defend, uphold and enforce the provisions of the United States Constitution.

78. In *US v Nixon*, 1974, the Supreme Court held the President is not above the law.

79. A Time interview, April 9, 2018 issue, quotes Attorney General Jeff Sessions as saying "Congress passes a law, judges follow the law, and nobody is above the law, including judges, and including the President."

80. The United States Constitution is the supreme law of the land.

XI. Relief wanted

81. A ruling that the President of the United States cannot be delegated the authority to impose import tariffs on any foreign products being brought into the United States by any Legislative Act of Congress.

82. A ruling that the President of the United States does not have any Constitutional Duty (authority or jurisdiction) to impose import taxes on foreign products being brought into the United States.

83. A preliminary injunction to end the collection of unconstitutional tariffs that have been imposed by President Donald Trump.

84. A permanent injunction to end the collection of unconstitutional tariffs that have been imposed by President Donald Trump.

85. A permanent injunction to stop President Donald Trump and any future President from imposing unauthorized and unconstitutional tariffs.

86. An order to compel the President of the United States to perform his duties in accordance with the United States Constitution.

XII. Jury demand

I want a jury to hear my case. YES NO

XIII. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I **DO NOT** request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.

Date of signing: 02/03/2025

Signature of Plaintiff: Gary L. Barnes

Printed name of Plaintiff: Gary L. Barnes

IN ACCORDANCE WITH THE PROVISION
OF RULE 5(d)(4), THIS PAPER IS DEEMED
FILED AS OF THE DATE OF MAILING.
TO WIT 2-3-25

RECEIVED & FILED
2025 FEB -5 P 5:22
U.S. COURT OF
INTERNATIONAL TRADE
OFFICE OF THE CLERK