

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

WENDELL S. FORTSON, II, JD, PHD,)

Plaintiff;)

v.)

UNITED STATES OF AMERICA,)

Defendant.)

Case No.: 1:25-cv-02058-EHM

Judge: Edward H. Meyers

**PLAINTIFF'S RESPONSE IN OPPOSITION
TO DEFENDANT'S MOTION TO DISMISS**

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Introduction

This lawsuit is about the United States depriving members of the American Negro Community of property interests in their physical bodies from approximately 1790 to 1865, particularly the absolute, natural, and inalienable freedom to practice sexual holiness. The United States, by depriving American Negroes of this property interest using methods of mass and continuous sexual violence (e.g., forcible rape, forcible incestuous rape, etc.), infringed upon American Negroes' freedom to honor, worship, and glorify God with their bodies and caused Plaintiff to experience intergenerational genetically based diseases, conditions, and challenges.¹

In its Motion to Dismiss, the United States argues that “the complaint is jurisdictionally infirm and should be dismissed pursuant to Rule 12(b)(1).” Mot. to Dismiss at 3. The United States' motion, however, rest on characterizing this case as a generalized grievance seeking reparations for slavery and as a claim sounding in tort. Plaintiff disputes that characterization. Plaintiff alleges a specific constitutional injury arising from governmental action that effected a taking of cognizable property interests in violation of the Fifth Amendment. By reframing the case as a generalized reparations claim or a tort action, the United States seeks dismissal on jurisdictional grounds rather than adjudication on the merits of Plaintiff's takings claim. For these reasons, the Motion to Dismiss should be denied.

Background

The United States enforced laws and policies that granted men of European ancestry (“**European Men**”) property interests in the physical bodies of American Negroes. See, e.g., *Dred Scott v. Sandford*, 60 U.S. 393, 407 (1856) (enslaved party). The U.S. Supreme Court held

¹ Today, members of the American Negro Community are commonly referred to as “Black Americans” and “Foundational Black Americans.”

that such asserted property interests were protected under the Takings Clause of the Fifth Amendment and related constitutional provisions. *Id.* at 450. With this property interest, European Men had the authority to treat the physical bodies of American Negroes as an “[o]rdinary article of merchandise and traffic, whenever a profit could be made by it.” *Id.* at 407.

Plaintiff argues that European Men used this authority to sexually exploit the bodies of American Negroes, from approximately 1790 to 1865, with the specific intent to impregnate American Negro girls and women for economic gain (e.g., the selling and trading of American Negro children) and for the building of the nation’s infrastructure through forcible labor (“**American Negro Sexual Genocide**”). Compl. ¶¶ 11, 12, 13, 14, 15, 16, 50.

Specifically, European Men sexually exploited the bodies of American Negroes by executing a national ethnic cleansing program and slave-breeding programs targeting the American Negro Community. Compl. at 1–3. The United States, by sanctioning, encouraging, and facilitating European Men’s execution of this national ethnic cleansing program and these large-scale slave-breeding programs targeting the American Negro Community, deprived American Negroes of property interests in their physical bodies, including the absolute, natural, and inalienable freedom to practice sexual holiness.² Members of the American Negro Community living today have experienced, are experiencing, and will continue to experience

² American Negroes’ property interest in the absolute, natural, and inalienable freedom to practice sexual holiness is founded upon Biblical precepts and encompasses several other freedoms (or property interests in the physical body). 1 Corinthians 6:19-20 AMP. These other freedoms include the freedom to refrain from using one’s body to engage in sexual acts outside of a marriage covenant (1 Corinthians 6:13 AMP), the freedom to reproduce with someone within the same ethnic group who has shared beliefs (Deuteronomy 7:3-4 AMP), freedom to not engage in acts of incest (Leviticus 18:6-26 AMP), and other freedoms related to the physical body. The principle of sexual holiness is a longstanding fundamental tenet within the American Negro Community, and the practice of sexual holiness is a means by which American Negroes honor, worship, and glorify God (1 Corinthians 6:13 AMP).

intergenerational genetically based diseases, conditions, and challenges (including group-based challenges) arising from this historical conduct. *See, e.g.,* Nathan Nakatsuka et al., *Two Genetic Variants Explain the Association of European Ancestry with Multiple Sclerosis Risk in African-Americans*, 10 *Scientific Reports* (October 9, 2020).

For purposes of resolving this dispute, it is important to note that European Men executed this national ethnic cleansing program targeting the American Negro Community through acts of forcible rape, forcible incestuous rape, and other forms of extreme sexual violence. Compl. ¶¶ 7, 8, 9, 10. International tribunals have recognized that such acts constitute methods of destroying an ethnic population without physical extermination. *See, e.g., Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Judgment, ¶¶ 507-508 (Sept. 2, 1998); *see also, Prosecutor v. Karadžić & Mladić*, Case No. IT-95-5-R61 & IT-95-18-R61, Review of the Indictments Pursuant to Rule 61 of the Rules of Procedure and Evidence, ¶ 94 (Trial Chamber July 11, 1996). The acts of sexual violence, including forcible rape and forcible incestuous rape, inflicted upon American Negro girls and women by European Men from 1790 to 1865 were so vast in scope that they permanently altered the genetic architecture of the American Negro Community and resulted in the complete destruction [and simultaneously the ethnogenesis] of the American Negro Community. *See, Steven J. Micheletti et al., Genetic Consequences of the Transatlantic Slave Trade in the Americas*, 107 *American Journal of Human Genetics* 265, 270-274 (2020).³

Legal Standard

³ Other acts which were committed as part of the same pattern of conduct that contributed to the complete destruction [and simultaneously the ethnogenesis] of the American Negro Community include, but are not limited to, the following: 1) prohibiting American Negroes from reading and writing, 2) prohibiting American Negroes from speaking in another language other than English, and 3) dismembering subpopulations of the American Negro Community. *See, Prosecutor v. Karadžić & Mladić*, Case No. IT-95-5-R61 & IT-95-18-R61, ¶ 94.

For purposes of resolving the United States' Motion to Dismiss, Plaintiff adopts the applicable legal standards set forth in the Standard of Review Section of the United States' Motion to Dismiss. Mot. to Dismiss at 1-3.

Factual Background

For purposes of resolving the United States' Motion to Dismiss, the relevant factual allegations are set forth in the Complaint, Compl. at 5-24, and in the Statement of the Case Section in the United States' Motion to Dismiss, Mot. to Dismiss at 1.

Argument

I. The Court Should Deny the United States' Motion to Dismiss Because Plaintiff's Complaint Adequately Pleads a Fifth Amendment Takings Claim.

In its Motion to Dismiss, the United States asserts that this Court lacks subject matter jurisdiction to entertain Plaintiff's claims. As explained below, Plaintiff has alleged facts sufficient to establish jurisdiction and therefore the United States' Motion to Dismiss should be denied.

A. Plaintiff has plausibly alleged a compensable taking of cognizable property interests under the Fifth Amendment.

The United States argues that the Court should dismiss this case because the Court does not have jurisdiction to award reparations for the enslavement of American Negroes. Mot. to Dismiss at 3. This argument by the United States is a mischaracterization of Plaintiff's complaint. In the Complaint, Plaintiff alleges governmental action that amounted to a compensable taking. Compl. ¶¶ 46, 47, 48, 49, 50, 51, 52, 53.

The Takings Clause of the Fifth Amendment prohibits governmental action that results in a taking of property interests for the benefit of the public without providing just compensation. U.S. Const. amend. V. Courts apply a two-step approach to determine whether a plaintiff has stated a judiciable takings claim under the Fifth Amendment. *Adams v. United States*, 391 F.3d

1212, 1218 (Fed. Cir. 2004). First, the court determines whether the plaintiff has alleged a cognizable property interest in the subject matter that gives rise to the takings claim. *Id.* Second, courts consider whether a specific governmental action constitutes a taking of plaintiff's property interest. *Id.* The physical bodies of American Negroes were considered a property interest subject to the Takings Clause of the Fifth Amendment. *Dred Scott*, 60 U.S. at 450-452.

Plaintiff alleges that American Negroes had cognizable property interests in their own physical bodies, specifically the absolute, natural, and inalienable freedom to practice sexual holiness. Compl. ¶¶ 46, 47. Plaintiff also alleges that American Negroes were deprived of this property interest when the United States sanctioned, encouraged, and facilitated European Men's execution of a national ethnic cleansing program and slave-breeding programs using various methods of sexual violence (e.g., forcible rape and forcible incestuous rape) from approximately 1790 to 1865. Compl. ¶¶ 7-10. Plaintiff asserts that he has experienced, is currently experiencing, and will experience in the future intergenerational genetically based diseases, conditions, and challenges arising from the execution of this ethnic cleansing program and these slave-breeding programs.

Plaintiff has met the two requirements to establish grounds for a takings claim. Thus, the United States' Motion to Dismiss should be denied.

B. Plaintiff can assert third-party standing because Plaintiff has suffered (and will continue to suffer) injuries arising from governmental actions that give rise to a Fifth Amendment takings claim.

In its Motion to Dismiss, the United States argues that the Court should dismiss this case because Plaintiff is not "authorized to bring suit on behalf of the 'American Negro Community'." Mot. to Dismiss at 3. This argument by the United States fails for two reasons.

First, a plaintiff may assert third-party standing when the plaintiff suffers an injury in fact and the third party is unable to assert its own rights. *Craig v. Boren*, 429 U.S. 190, 194-195 (1976); *see also*, *NAACP v. Alabama*, 357 U.S. 449, 459 (1958). Here, Plaintiff alleges that he has experienced, is currently experiencing, and will experience in the future intergenerational genetically based diseases, conditions, and/or challenges (including group-based challenges) as a result of governmental actions giving rise to Plaintiff's taking claim—i.e., the United States sanctioning, encouraging, and facilitating European Men's execution of a national ethnic cleansing program and slave-breeding programs using methods of sexual violence (e.g., forcible rape and forcible incestuous rape) from approximately 1790 to 1865. Plaintiff further alleges that the United States enforced laws and policies that prohibited American Negroes from asserting their right to challenge the unlawfulness of these acts of sexual violence. Moreover, all the American Negroes who endured these acts of sexual violence at the hands of European Men are now deceased.

Second, a plaintiff may assert third-party standing when the plaintiff suffers an injury and shares a sufficiently close relationship with the third party. *Singleton v. Wulff*, 428 U.S. 106, 114-118 (1976); *see also*, *Griswold v. Connecticut*, 381 U. S. 479, 481 (1965); *Elk Grove Unified School District v. Newdow*, 542 U.S. 1, 24 (2004). Here, as indicted in the preceding paragraph, Plaintiff has alleged that he suffered personal injuries as a result of the United States sanctioning, encouraging, and facilitating European Men's execution of a national ethnic cleansing program and slave-breeding programs from approximately 1790 to 1865. Compl. ¶¶ 31, 32. Plaintiff also alleges that he shares a close relationship with members of the American Negro Community who endured these acts of sexual violence.

Given the nature of this case, fairness and justice further support allowing Plaintiff to assert third-party standing on behalf of the members of the American Negro Community who were forced to participate in the alleged ethnic cleansing program and slave-breeding programs for the economic benefit of European Men and for the building of this nation's infrastructure.

Accordingly, the United States' Motion to Dismiss should be denied.⁴

C. Plaintiff's claims are not time-barred under 28 U.S.C. § 2501 because Plaintiff filed this action within six years after the events that fixed liability to the United States occurred.

The United States argues that the "claims alleged in the complaint are time-barred under 28 U.S.C. § 2501." Mot. to Dismiss at 3. Plaintiff disagrees with this assertion by the United States for the following reasons.

i. Fixed liability.

First, as the United States correctly states, the statute of limitations for claims brought under the Tucker Act must be filed within six years after such claim first accrued. 28 U.S.C. § 2501. Claims accrue "when all the events which fix the government's alleged liability have occurred and the plaintiff was or should have been aware of their existence." *San Carlos Apache Tribe v. United States*, 639 F.3d 1346, 1350 (Fed. Cir. 2011).

Here, Plaintiff alleges that the United States sanctioned, encouraged, and facilitated European Men's execution of a national ethnic cleansing program, which employed methods of forcible rape and forcible incestuous rape, as well as slave-breeding programs, which employed

⁴ As a pro se plaintiff, Plaintiff is not legally authorized nor does he purport to represent the interests of the other *living* members of the American Negro Community (which consists of approximately 40+ million individuals) who have experienced, are currently experiencing, and will experience in the future intergenerational genetically based diseases, conditions, and/or challenges (including group-based challenges) arising from the takings claim alleged in this lawsuit.

methods of forcible fornication and forcible incestuous fornication, targeting the American Negro Community. Based on genetic and population data, approximately sixteen (16) generations of American Negro girls and women endured tens of millions of acts of sexual violence. Jazlyn A. Mooney et al., *On the Number of Genealogical Ancestors Tracing to the Source Groups of an Admixed Population*, 224 *Genetics* 1, 9-13 (July 2023); *see also*, Lily Agranat-Tamir et al., *Counting the Genetic Ancestors from Source Populations in Members of an Admixed Population*, 226 *Genetics* 1, 8-13 (2024).

As a result of the duration and magnitude of this sexual violence intergenerational genetically based consequences experienced by members of the American Negro Community today constitute natural and unavoidable harm. Steven J. Micheletti et al., *Genetic Consequences of the Transatlantic Slave Trade in the Americas*, 107 *American Journal of Human Genetics* 265, 270-274 (2020).⁵ Plaintiff became aware of the intergenerational genetically based consequences in July 2023. Mooney *supra*; *see also*, Agranat-Tamir *supra*.

Plaintiff asserts, based on genetic data, that all the natural and unavoidable genetically based harms which fix the government's alleged liability in this lawsuit occurred in July 2023. Mooney, *supra*. Therefore, Plaintiff has filed this lawsuit within the statute of limitations period, and the United States' Motion to Dismiss should be denied.

ii. Stabilization doctrine.

Moreover, lawsuits alleging a taking of property through a continuous process accrue when the situation stabilizes. *United States v. Dickenson*, 331 U.S. 745, 749 (1947). Under the stabilization doctrine, a claim against the United States accrues "once it is clear that the process

⁵ *See also*, Joanne M. Lind et al., *Elevated Male European and Female African Contributions to the Genomes of African American Individuals*, 120 *Human Genetics* 713, 716-720 (2007); Nakatsuka *supra*.

has resulted in a permanent taking and the extent of the damage is reasonably foreseeable.”

Boling v. United States, 220 F.3d 1365, 1371 (2000).

As the United States correctly asserts, Plaintiff alleges that the governmental action giving rise to the alleged permanent taking—namely, state-sanctioned sexual violence—occurred through 1790 to 1865. Compl. ¶¶ 11-16. However, the extent of the resulting damages (i.e., intergenerational genetically based harms) arising from those governmental actions did not become reasonably foreseeable until July 2023. That is when the full scope of the intergenerational harm caused by acts of forcible incestuous rape and forcible incestuous fornication became apparent.⁶

As stated above, these intergenerational harms are a natural and unavoidable consequence of nearly sixteen generations of American Negro girls and women being forced to submit their bodies to acts of forcible incestuous rape, forcible incestuous fornication, and other forms of sexual violence. Notably, states criminalized incest during the period of the American Negro Sexual Genocide (1790-1865), in part due to the *foreseeable* intergenerational harms traceable to incestuous acts, including life-threatening birth defects.

Plaintiff further asserts that he became aware of his claim when the extent of the damages (i.e., intergenerational genetically based harms) arising from the alleged governmental actions became reasonably foreseeable in July 2023. For context, Plaintiff is only four to five generations removed from his most recent ancestor born prior to 1865.

⁶ Two companion peer-reviewed scientific papers were published in July 2023 and January 2024 that uncovered: 1) the average number of European genetic ancestors of American Negroes, 2) the magnitude of the sexual violence European Men inflicted upon American Negro girls and women from approximately 1790 to 1865, and 3) the magnitude of the intergenerational genetically based harms arising from the execution of the American Negro Sexual Genocide. Mooney *supra*; see also, Agranat-Tamir *supra*.

Accordingly, based on the foregoing, the United States' Motion to Dismiss should be denied.

iii. Equitable Estoppel.

“Estoppel is an equitable doctrine invoked to avoid injustice in a particular case.” *Heckler v. Community Health Services of Crawford County, Inc.*, 467 U.S. 51, 59 (1984). “[E]quitable estoppel is used to bar a party from raising a defense or objection it otherwise would have.” *Knaub v. United States*, 22 Cl. Ct. 268, 276 (1991) (quoting *Jablon v. United States*, 657 F.2d 1064, 1068 (9th Cir. 1981)). To invoke equitable estoppel against the United States, a plaintiff must show that a government agent or agents engaged in serious affirmative misconduct. *Zacharin v. United States*, 213 F.3d 1366, 1371 (Fed. Cir. 2000).

Here, Plaintiff alleges that U.S. Supreme Court Justices, Presidents, and Members of Congress engaged in serious affirmative misconduct by creating and enforcing laws and policies that enabled themselves and other European Men to participate in, perpetuate, and profit from a national ethnic cleansing program, including through methods of forcible rape and forcible incestuous rape, as well as slave-breeding programs targeting the American Negro Community. Plaintiff further alleges that the execution of this national ethnic cleansing program resulted in the permanent alteration of the genetic architecture of the American Negro Community and the complete destruction of the American Negro Community while simultaneously giving rise to its ethnogenesis. *See, e.g., Micheletti supra.*

Based on the foregoing, and to avoid injustice in this case, this Court should deny the United States' Motion to Dismiss.

D. Plaintiff's claims are directed at the United States and no other party.

The United States argues that “the Court lacks jurisdiction to entertain the claims in the complaint to the extent they are directed at any party other than the United States.” Mot. to Dismiss at 4. In making this argument, the United States asserts that Plaintiff “bases his claim, in principal part, upon the wrongful acts of Supreme Court justices, Presidents, Member of Congress, and European Men, rather than the United States.” *Id.* This argument fails for the reasons set forth below, and the Motion to Dismiss should therefore be denied.

The Constitution prohibits governmental actions that infringe upon the constitutional rights of U.S. citizens. Private conduct, however, constitutes state action when that conduct is sanctioned by the government. *Edmonson v. Leesville Concrete Co.*, 500 U.S. 614, 620 (1991). The mass, deliberate, and forcible impregnation of females of one ethnic group by males of another ethnic group, through methods of forcible rape and forcible incestuous rape, constitutes evidence of an ethnic cleansing program sanctioned by the government. *See, e.g., Prosecutor v. Karadžić & Mladić*, Case No. IT-95-5-R61 & IT-95-18-R61, ¶ 94. Governments are liable for wrongful actions committed by government actors acting under color of the law. *Screw v. United States*, 325 U.S. 91, 100, 108-110 (1945).

Here, Plaintiff alleges that U.S. Supreme Court Justices, Presidents, Members of Congress, and European Men inflicted acts of forcible rape, forcible incestuous rape, and other forms of sexual violence upon American Negroes from 1790 to 1865 with the intent to impregnate American Negro girls and women.⁷ Compl. ¶¶ 11-14. Plaintiff further alleges that these acts were sanctioned by the United States through the enforcement of laws and policies that

⁷ Based on genetic and population data, European Men inflicted millions (more likely tens of million) acts of forcible rape and forcible incestuous rape upon the bodies of American Negro girls and women and forcible impregnated countless American Negro girls and women. Compl. ¶¶ 11-14.

encouraged and enabled such conduct. Compl. ¶¶ 5, 6. Plaintiff also alleges these private acts constitute state action because the perpetrators acted under color of the law, thereby rendering the United States liable for damages.

Accordingly, this Court has jurisdiction to entertain Plaintiff's claim and the United States' Motion to Dismiss should be denied.

E. Plaintiff alleges a Fifth Amendment takings claim, not a claim sounding in tort.

The United States argues that “to the extent that the complaint is advancing claims sounding in torts, the Court lacks jurisdiction to entertain such claims.” Mot. to Dismiss at 4. Plaintiff agrees with this general proposition by the United States. However, the United States' argument fails for two reasons.

- i. The execution of an ethnic cleansing program and large-scale slave-breeding programs, using methods of mass sexual violence, for economic benefit and the building of this nation's infrastructure, is not merely a tort.**

First, the United States characterizes the mass and continuous sexual violence used to execute the ethnic cleansing program and slave-breeding programs targeting the American Negro Community as a tort. Mot. to Dismiss at 5. Referring to the millions of acts of sexual violence inflicted upon nearly sixteen generations of American Negro girls and women—carried out for the economic benefit of European Men and the construction of this nation's infrastructure—as a tort is a mischaracterization of Plaintiff's claim. Specifically, the United States' argument fails to account for the duration, magnitude, and methods by which these acts of sexual violence were executed. It also ignores the intent underlying the governmental conduct, that is, why it sanctioned, encouraged, and facilitated the execution of these programs for economic benefit and national development. In plain terms, the execution of an ethnic cleansing program and slave-

breeding programs targeting the American Negro constituted a sexual genocide for profit, conduct that falls outside the scope of ordinary tort law.

ii. Plaintiff alleges a Fifth Amendment taking.

A tort claim and a takings claim under the Fifth Amendment are distinct causes of action. *Rith Energy v. United States*, 247 F.3d 1355, 1365 (Fed. Cir. 2001). As discussed above, courts apply a two-step analysis when evaluating takings claims under the Fifth Amendment. *Adams*, 391 F.3d at 1218. First, the court determine whether the plaintiff has a cognizable property interest. *Id.* Second, the court determines whether the governmental action constitutes a compensable taking. *Id.*

Here, Plaintiff's Complaint has met these two elements. Accordingly, the Court should deny the United States' Motion to Dismiss.

F. Plaintiff requests that this Court adjudicate this lawsuit under the Takings Clause of the Fifth Amendment.

The United States argues that this Court lacks jurisdiction to adjudicate claims arising under the federal criminal code. Mot. to Dismiss at 5. Plaintiff does not dispute this argument. Plaintiff is not requesting adjudication under 18 U.S.C. § 1091. Rather, Plaintiff asks this Court to adjudicate this lawsuit under the Takings Clause of the Fifth Amendment. Compl. ¶¶ 46-53.

Any references in the Complaint to the ethnic cleansing program and slave-breeding programs targeting the American Negro Community (i.e., the American Negro Sexual Genocide) are included solely to describe the governmental action used to effectuate the alleged taking. *Id.* Accordingly, the United States' Motion to Dismiss should be denied.

G. Plaintiff does not misapprehend the structure and nature of the rights protected by the Fifth Amendment.

In its Motion to Dismiss, the United States argues that Plaintiff “misapprehends the structure and nature of the rights protected by the Fifth Amendment” by asserting that American Negroes possessed a property interest, specifically the absolute, natural, and inalienable freedom to practice sexual holiness. Mot. to Dismiss at 5. This argument fails for two reasons.

i. The Supreme Court recognized the physical bodies of American Negroes as property subject to the Takings Clause.

The United States granted European Men constitutionally protected property interests in the physical bodies of American Negroes, including the right to exploit those bodies for financial gain, such as through the sale and trade of American Negro children. *Dred Scott*, 60 U.S. at 407. The United States further recognized these interests as property subject to the Takings Clause of the Fifth Amendment. *Dred Scott*, 60 U.S. at 450-452.

Applying the ruling in *Dred Scott*, Plaintiff alleges that American Negroes necessarily possessed property interests in their own physical bodies, including the absolute, natural, and inalienable freedom to practice sexual holiness, and that they were deprived of those interests. *Dred Scott*, 60 U.S. at 407, 450-452. Plaintiff further alleges that the deprivation of this freedom necessarily constitutes a compensable taking under the Fifth Amendment.

ii. Equitable Estoppel.

“Estoppel is an equitable doctrine invoked to avoid injustice in a particular case.” *Heckler v. Community Health Services of Crawford County, Inc.*, 467 U.S. 51, 59 (1984). “[E]quitable estoppel is used to bar a party from raising a defense or objection it otherwise would have.” *Knaub* 22 Cl. Ct. at 276. To invoke equitable estoppel against the United States, a plaintiff must show that a government agent or agents engaged in serious affirmative misconduct. *Zacharin* 213 F.3d at 1371.

Here, Plaintiff alleges that U.S. Supreme Court Justices, Presidents, and Members of Congress passed and enforced laws that granted themselves and other European Men a constitutionally protected property interests in the physical bodies of American Negroes subject to the Takings Clause. *Dred Scott*, 60 U.S. at 407, 450-52. Plaintiff further alleges that these government officials engaged in serious affirmative misconduct when they used this property interest to interest to participate in, perpetuate, and profit from a national ethnic cleansing program, including through methods of forcible rape and forcible incestuous rape, as well as slave-breeding programs targeting the American Negro Community. Therefore, in the interest of justice, this Court should estop the United States from arguing that Plaintiff “misapprehends the structure and nature of the rights protected by the Fifth Amendment” and accept the absolute freedom to practice sexual holiness as a property interest of American Negroes and subject to the Takings Clause.

Accordingly, the Court should deny the United States’ Motion to Dismiss.

Conclusion

To avoid injustice, this Court should deny the United States’ Motion to Dismiss.

Signed this 10th day of February 2026.



Signature of Plaintiff

Wendell Somerville Fortson, II, JD, PhD

