VIOLATIONS OF LAW AND CONFLICTS OF LAW

250. The illegal BRMT biomedical abuse of US persons and the perpetuated cross-generation involuntary servitude through racketeering crimes are associated-in-fact enterprise patterns which have persisted against this class of plaintiffs for more than fifty-five years, are fraudulently concealed behind illegal abuse of the state secrets privilege, and functionally defeat Constitutional rights, including guarantees of religious freedom.

251. Defendant UNITED STATES continues today to illegally develop and operate succeeding generations of the illegal BRMT bioweapon and bioweapon delivery system in violation of US law and in defiance of the international treaties it has sponsored, negotiated, and ratified. Defendant UNITED STATES fiercely defends its on-going cover-up as, together with its co-conspirators, it continues to violate:

(i) the *Constitution of the United States of America* and its *First, Third, Fourth, Fifth, Eighth, Ninth, Thirteenth, and Fourteenth* (section 1) amendments,

(ii) 18 U.S.C. § 175 prohibiting bioweapons and bioweapons delivery system development and use, and 18 U.S.C. §178(2) development and delivery of toxin prohibited, which imposes up to the death penalty against offenders,

(iii) 18 U.S.C. § 1385 posse comitatus violations by elements of defendant DOD and the named military services defendants herein through their use of active duty military personnel against civilian US persons in civilian dress secret operations including, without limitation, Lead Plaintiff's fraudulently orchestrated marriage to active duty deferred prosecution coerced Jeanette, and by technical operations of the National Reconnaissance Office, US Space Force, and its predecessor US Air Force, through their

technical support and provisioning of classified supercomputer systems, satellite communications systems, and enhanced precision location systems,

(iv) 18 U.S.C. §§ 1581, 1584, 1589, prohibiting involuntary servitude, forced, peonage, and human trafficking,

(v) 18 U.S.C. §§ 1961-1968 patterns of racketeering acts, in violation of the Racketeering Influenced and Corrupt Organizations Act, which defendant DOJ has itself used to criminally prosecute various government and private associated-in-fact enterprises, conspiracies to and patterns of racketeering acts since 1970,

(vi) 18 U.S.C. § 2331 prohibiting terrorism, which imposes up to the death penalty,

(vii) 18 U.S.C. § 2340A prohibiting torture, which imposes up to the death penalty,

(viii) 18 U.S.C. §§ 241, 242, and 42 U.S.C. § 1981 prohibiting conspiracies and deprivations of civil rights,

(ix) together with other co-conspirator defendants, literally three and one-half dozen sections of Title 18, Civil Rights chapter 21 of Title 42, and myriad state statutes across numerous states, as specifically cited at each of the 54 Claims for Relief in paragraphs 801-854, which are comprised of thousands of explicit violations of the relevant statutes cited therein, all these offenses being perpetrated against the Lead Plaintiff alone.

(x) the *United Nations Charter* and *Universal Declaration of Human Rights*, (effective in force - EIF 1948),

(xi) *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,* (*Bioweapons Treaty*, EIF 1975),

(xii) *International Covenant on Civil and Political Rights* (EIF 1976),

(xiii) *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (*Torture Treaty,* EIF as ratified in 1992), and

252. The BRMT bioweapon and bioweapon delivery system which is at the root of this entire pattern of conduct is prohibited by law 18 U.S.C. § 175 and the ratified 1972 Bioweapon Treaty. These sophisticated individual defendants, and defendant UNITED STATES, could reasonably be expected to know, and did know, that this illegal BRMT bioweapon and bioweapon delivery system explicitly violates the human, civil, and Constitutional rights of this entire class of plaintiffs as to all elements of law at paragraph 251 including, without limitation, explicit provisions of 18 U.S.C. § 175(a):

> "Whoever knowingly develops, produces, stockpiles, transfers, acquires, retains, or possesses any biological agent, toxin, or delivery system for use as a weapon, or knowingly assists a foreign state or any organization to do so, or attempts, threatens, or conspires to do the same, shall be fined under this title or imprisoned for life or any term of years, or both. There is extraterritorial Federal jurisdiction over an offense under this section committed by or against a national of the United States."

253. As defined at 18 U.S.C. § 178(2):

> "toxin means the toxic material or product of …. animals….a recombinant or synthesized molecule, whatever their origin and method of production, and includes – any….biological product that may be engineered as a result of biotechnology produced by a living organism; or… any…biological product…"

The BRMT bioweapon is intended, designed, and operates to produce excessive or deficient quantities of endogenous (naturally occurring) biological chemicals in the human body, including, without limitation, dopamine (neurotransmitter), nitric oxide (circulatory effects), and glutamate (neurotransmitter). The presence or absence of these biological compounds are toxic through their out-of-natural balance effects which produce a wide variety of symptoms including, without limitation, halted breathing, disrupted consciousness, heart attack, depression, suicide ideations, involuntary body movement (such as involuntarily pulling a trigger or wielding

a knife in rage when not naturally intended by the victim), mental illnesses of varying degree, and deep sleep (while operating a vehicle or equipment), among other symptoms and illnesses. These imbalances also have long-term disabling effects when induced in persistently excessive or suppressed amounts, including, without limitation, in Alzheimer's, ALS, intellectual disabilities, and other permanent disabilities.

Points of Law, Case Law Precedents, And Conflicts of Law Favor Plaintiffs

254. This section includes a close discussion of points of law and case law which are particularly relevant to the unique facts and circumstances of this complaint:

A. Limits On Sovereign Immunity Imposed By Congress at paragraph 255

B. Limits On Religious Discrimination Imposed By Congress And Case Law Precedents at paragraph 259

C. Limits On State Secrets Privilege Imposed By Congress And Case Law Precedents at paragraph 260

D. Limits On Absolute And Qualified Individual State Secrets Immunity Imposed By Congress And Case Law Precedents at paragraph 267

E. Absolute And Qualified Immunity Precedents In Case Law Answered By Congressional Intent In November 1988 At 28 U.S.C. § 2679(b)(2) at paragraph 272

F. Bivens Special Factors and Alternative Remedy Immunity Claims Are Defeated By Facts And By Defendant UNITED STATES Failures To Act at paragraph 277

G. Application Of Equitable Tolling In Fraudulent Concealment – Unequal Administration Of Justice at paragraph 307

H. Equitable Tolling - Civil RICO Time Bars Are Equitably Tolled By Defendants' Systematic Fraudulent Concealments at paragraph 314

I. Constitutional Issues - Ratified International Treaties Supersede Existing US Law And Supersede Defendant UNITED STATES' Neglect To Prevent at paragraph 322

J. *Denton* and *Nietzke* Mandate Factual Development Of Novel Claims, For *In Forma Pauperis Pro Se* Litigation, Even If Imperfectly Pled at paragraph 331

K. Congressional Intent - Title 18 RICO Statutes, Title 28 Judicial Proceedings at paragraph 334

L. RICO Associated-In-Fact Enterprise at paragraph 342

Proper understanding of these finer legal points of law and case law are essential to understanding the legal path to fair and equitable adjudication of these claims.

A. Limits On Sovereign Immunity Imposed By the Constitution and Congress

255. In their initial set of motions to dismiss, defendant UNITED STATES and other government defendants will undoubtedly assert sovereign immunity, as will individual defendants who are current and former public officials. Those sovereign immunity claims might even prevail in "other circumstances." But those "other circumstances" do not exist in this case, given the pattern of facts which are developed herein. The pattern of bad faith acts and conspiracies which comprise the facts of this case demonstrate *prima facie* that these defendants' extraordinary and profound contempt for Constitutional liberties, which have been and are being completely overthrown by sweeping invalid assertions of federal executive police powers supremacy over ALL the "unalienable" rights of this class of plaintiffs.

256. Nor can color of law nor color of legal authority arguments prevail as to either institutional or individual government officials or employees liability for their bad faith acts and their conspiracy to commit such bad faith acts. The scope of color of law and color of legal authority is constrained to reasonable interpretations of law in the context of Constitutional rights. Our Constitution does not incorporate the legal authority to violate constitutional rights, nor to claim any right to violate rights which are "unalienable." Imposition of reasonable constraints on rights for the public safety, and for national security in times of invasion or rebellion which must be explicitly authorized by Congress, does not extend federal executive authority to willful, knowing, and perpetuated color of law abuse of constitutional rights, much

less to decades long patterns of associated-in-fact enterprise patterns of racketeering acts and rights violations which defendant DOJ has and does willfully refuse to criminally prosecute, which offenses by government officials and employees committed within a tacit permission structure which directly inculpates defendant DOJ, is employees, and it police powers agencies, among others. This persistent historical defendant DOJ pattern of "neglect to prevent" is itself a violation of 42 U.S.C. § 1986 which further compounds the violations of constitutional rights of these plaintiffs, and piles those additional defendant pattern of "neglect to prevent" failures to act onto an already overwhelming *prima facie* pattern of facts and failures of justice documented herein. This is simple public corruption and criminal lawlessness conducted institutionally under fraudulent concealment. Congress could not constitutionally assent to such an invasion of individual rights and liberties if it chose to do, which it clearly did not. Nor could the Courts, which clearly do not.

257. The Constitution itself precludes all functional withdrawals or suspensions of rights by any branch or level of government in the United States of America, whether by assertion of state secrets privilege or for any other reason, save one. The only individual right which can be withdrawn or suspended, and this only by an act of Congress, is found at Article 1 Section 9 of the Constitution, wherein the right of the writ of habeas corpus can be suspended in times of "Rebellion or Invasion." No other right can be withdrawn by any act of government.

258. The facts and circumstances under which this complaint arises are the result of acts, violations, and injuries which originate in illegal federal executive actions, including illegal BRMT bioweapon and bioweapon delivery system human subject biomedical experiments extending to torture, and associated-in-fact enterprise patterns of racketeering acts, which have and do extend across decades and generations against these plaintiffs, all originating in

discrimination against them by their choice and practice of religion, and/or their parents' choice and practice of religion while the plaintiffs themselves were minor children – all perpetrated in great secrecy at vast taxpayer expense by these defendants against at least four generations of plaintiff victims in the case of the Lead Plaintiff's own extended family. This is the exact fact pattern of illegal practice by defendant UNITED STATES and its co-conspirators against the **68 year old Lead Plaintiff from age 12,** and against his extended family of origin and family by marriage, from his grandparents time in the 1950s across at least four generations of these families, with a fifth generation now nearing the age of 12, and doubtless other plaintiffs' families across generations as well.

258A. Further, this pattern has been perpetuated across more than five decades of fraudulent concealment by the knowing, willful, and continuing blindness of defendant DOJ to those acts, violations, and injuries by defendant UNITED STATES and it co-conspirators, including directly by DOJ's own Attorney General, officers, agents, and prosecutors with direct conflicts of personal interest against the greater interests of justice. All these allegations are proven *prima facie* in the Facts section.

B. Limits On Religious Discrimination Imposed By Congress And Case Law Precedents

259. As required by our Constitution and reenacted by Congress in the 1993 Religious Freedom Restoration Act, defendant UNITED STATES and its governmental co-conspirators must show a compelling governmental interest to balance its impositions on these plaintiffs which legally justifies its persistent and continuing prejudicial and discriminatory acts, violations, and injuries to their religious freedom, to their other unalienable rights, and in the associated-in-fact enterprise pattern of racketeering acts which it and co-conspirators conduct against them. It can make no such showing (emphasis added):

42 U.S. Code § 2000bb - Congressional findings and declaration of purposes

(a) Findings

The Congress finds that—

(1) the framers of the Constitution, recognizing free exercise of religion as an unalienable right, secured its protection in the First Amendment to the Constitution;

(2) laws "neutral" toward religion may burden religious exercise as surely as laws intended to interfere with religious exercise;

(3) governments should not substantially burden religious exercise without compelling justification;

(4) in *Employment Division v. Smith*, 494 U.S. 872 (1990) the Supreme Court virtually eliminated the requirement that the government justify burdens on religious exercise imposed by laws neutral toward religion; and

(5) the compelling interest test as set forth in prior Federal court rulings is a workable test for striking sensible balances between religious liberty and competing prior governmental interests.

(b) Purposes

The purposes of this chapter are—

(1) to restore the compelling interest test as set forth in *Sherbert v. Verner*, 374 U.S. 398 (1963) and *Wisconsin v. Yoder*, 406 U.S. 205 (1972) and to guarantee its application in all cases where free exercise of religion is substantially burdened; and

(2) to provide a claim or defense to persons whose religious exercise is substantially burdened by government.

42 U.S. Code § 2000bb–1 - Free exercise of religion protected

(b) Exception - Government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

259A. In *Sherbert v. Verner*, 374 U.S. 398 (1963) cited above at 42 U.S.C. § 2000bb(b)(1), the Supreme Court found no compelling state interest in denying eligibility for unemployment compensation after the appellant was terminated for refusal to work as required by the employer on her sabbath and with no alternative work schedule available from any employer in the area which accommodated this religious practice.

259B. In *Wisconsin v. Yoder,* 406 U.S. 205 (1972) cited above at 42 U.S.C. § 2000bb(b)(1), the Supreme Court found no compelling state interest that children attend public school beyond the eighth grade which attendance is in direct opposition to religious beliefs

regarding public education and the proper preparation of children for adulthood within the Old Order Amish religion and the Conservative Amish Mennonite Church religious communities.

No Compelling Governmental Interest In Criminal And Civil Violations Of Rights And Law By Defendant UNITED STATES Nor Its Governmental Co-Conspirators

259C. In the matter at hand in this litigation, which arises out of religious discrimination against the Lead Plaintiff as a minor child and members of his extended family in a Quaker-based religious group, there is no legally sustainable compelling governmental interest nor any least restrictive means by which the violation of unalienable rights (*First, Third, Fourth, Fifth, Eighth, Ninth, Thirteenth, Fourteenth)* nor the violation of any federal statute established by Congress at 42 USC Chapter 21, 21A, 21B, 18 U.S.C. §§ 175, 1961-1968, among other federal statutes and ratified treaties which are cited at paragraph 251, nor of the myriad state statutes cited at paragraphs 801-854 which can be constitutionally authorized under 5 U.S.C. § 301 Administrative Procedure (paragraph 260 immediately below). These defendants, in particular defendants UNITED STATES and its departments and agencies, can offer no plausible defense for their color of law abuse of the state secrets privilege and police powers exemptions to fraudulently conceal under color of law their decades long pattern of associated-in-fact enterprise pattern of racketeering acts and persistent pattern of civil rights acts, violations, and injuries. Plaintiffs are compelled to bring to this court as a civil matter as a result of defendant UNITED STATES' own willful blindness to its own pattern of practices and those of its co-conspirators in their associated-in-fact enterprise of racketeering acts and violations of unalienable rights, as at paragraph 550-584.

C. Limits On State Secrets Privilege Imposed By Congress And Case Law Precedents

260. Defendant UNITED STATES is not entitled, nor are other defendants entitled to, any valid assertion of "state secrets" privilege, nor to "absolute" or "qualified" immunity for bad faith acts which violate federal laws. Defendants' sophisticated legal institutional knowledge precludes any assertion that these tacitly permitted institutional patterns of practice, (which have never been prosecuted by defendant DOJ for the criminal deprivations and conspiracies against rights they actually are under 18 U.S.C. §§ 241, 242) are legitimate defenses within their constitutionally limited legal scopes of authority. The utter invalidity of any assertion of "Government privilege against court-ordered disclosure of state and military secrets," against unalienable constitutional rights is clear and transparent in *United States v. Reynolds*, 345 U.S. 1, 12 (1953), at (emphasis added):

> "[Footnote 4] 5 U.S.C. 22: "The head of each department is authorized to prescribe regulations**, not inconsistent with law,** for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it."

Footnote 4 above in *Reynolds* cites 5 U.S.C. § 22, has been superseded by 5 U.S.C. § 301, deleting the phrase "not inconsistent with law." The stipulated reason for this change to Administrative Procedure, as shown in the last two lines of Interline Exhibit 2 below, is: "The words "not inconsistent with law" are omitted as surplusage as a regulation which is inconsistent with law is invalid."

[Intentionally left blank.]

***Interline Exhibit 2*: Administrative Procedures Act Limitations – State Secrets**

5 U.S.C.
United States Code, 2020 Edition
Title 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES
PART I - THE AGENCIES GENERALLY
From the U.S. Government Publishing Office, www.gpo.gov

PART I—THE AGENCIES GENERALLY

SUBCHAPTER I—GENERAL PROVISIONS

EDITORIAL NOTES

AMENDMENTS

2019—Pub. L. 115–435, title I, §101(a)(1), Jan. 14, 2019, 132 Stat. 5529, inserted subchapter heading.

§301. Departmental regulations

The head of an Executive department or military department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property. This section does not authorize withholding information from the public or limiting the availability of records to the public.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 379.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
	5 U.S.C. 22.	R.S. §161. Aug. 12, 1958, Pub. L. 85–619, 72 Stat. 547.

The words "Executive department" are substituted for "department" as the definition of "department" applicable to this section is coextensive with the definition of "Executive department" in section 101. The words "not inconsistent with law" are omitted as surplusage as a regulation which is inconsistent with law is invalid.

Source: https://www.govinfo.gov/content/pkg/USCODE-2020-title5/html/USCODE-2020-title5-partI.htm

Neither the Constitution, nor the laws, nor regulations made in conformance with "may prescribe regulations," provides any authority to act outside clear legal authority and/or outside

constitutional constraints. It is an absurd and incoherent legal argument to claim color of law or color of legal authority as valid constitutional authority while defendants have and do act in bad faith and persistently act outside legal authority, whether or not these bad faith acts have been or are concealed behind any claim of state secrets privilege, when clearly acting against valid assertions of constitutional rights. 5 U.S.C. § 301 is clear. The perpetual failure of defendant DOJ in its persistent historical pattern of violations of rights, its violations of statute, and its simultaneous "neglect to prevent" these violations and those of other executive departments by failing in its duty to pursue and prosecute executive branch violations of law when they fall within its self-decreed historical tacit permission structure of persistent and well-documented violations of constitutional rights, and when it has proposed no solution, only official silence as its administrative remedy to repeated complaints, is an aggravating injury under 42 U.S.C. §§ 1983, 1986, which clearly redounds to the benefit of these plaintiffs. Defendant DOJ's persistent and durable failure to carry out its constitutional duty to investigate and prosecute specific persistent patterns of constitutional rights violations perpetrated by several executive branch departments and agencies, including its own, is not a valid form of consent to that criminal conduct, which it cannot give, nor to bad faith acts and patterns of bad faith acts by government officials or employees, which it cannot provide, when it persistently and particularly fails in its constitutional duty to "establish justice," the paramount constitutional objective of the department under Article II. There can be no such refuge or safe harbor for federal executive branch violations of our Constitution and federal law, nor for conspiracy or complicity with state or local governments who act in conspiracy with those federal executive branch departments and agencies, else we have no Constitution at all. As repeatedly cited in *Nixon v. Fitzgerald,* 457 U.S. 731 (1982), which holds for Presidential absolute immunity for official acts, Congress provides

explicit rights of civil action for specific injuries (*id.* at 747, and at Footnote 27). For persistent patterns of injuries wherein no alternative remedy exists or is administratively proposed, and no special relationship exists, *Bivens* provides for civil relief, paragraphs 277-297.

261. The BRMT bioweapon and bioweapon delivery system has and does violate (i) 18 U.S.C. § 175 (prohibiting bioweapons and bioweapon delivery system), (ii) 18 U.S.C. § 178(2) (creating a toxin in humans), (iii) 18 U.S.C. § 1385 (posse comitatus, as orchestrated events resulted in the lodging of Jeanette (a soldier) under fraudulent concealment in both personal residence and in family life). The illegal BRMT bioweapon and bioweapon delivery system is an offensive weapon system deployed directly against US persons using military assets and personnel to conduct illegal human biomedical experiments. The operation of military-controlled technology components of the illegal BRMT bioweapon delivery system, (iv) is a *prima facie* violation of the *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,* and (v) violates the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,* as it has been and is used in violation of 18 U.S.C. § 2340 (torture).

262. The profound hypocrisy and unquestionable legal invalidity of any assertion of "state secrets" privilege under *United States v. Reynolds*, 345 U.S. 1 (1953), is transparently obvious based upon defendant UNITED STATES' comprehensive and systematic associated-in-fact enterprise of racketeering acts, violations, and injuries over more than fifty-six years in conspiracy with state, local and foreign governments and other actors.

263. Defendant UNITED STATES promulgated, negotiated, and proclaimed to all the nations and peoples of the earth in a three capitals (Washington, DC, London, Moscow) global signing ceremony in 1972, then duly ratified and signed into law on January 22, 1975, the

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, making this treaty "the supreme law of the land" (Constitution, Article VI, clause 2) as the federal executive simultaneously has and does engaged in a secret duplicitous campaign to develop, deploy, and operate the very form of illegal bioweapon and bioweapon delivery system which it and other nations explicitly agreed to prohibit by this treaty.

264. The versions of the technologies used in the prohibited BRMT bioweapon delivery system are themselves undoubtedly classified as Top Secret. But these same technologies are also commonly used in military, intelligence, and ordinary commercial operations for other purposes. There is no need for this Court to command disclosure of detailed technical specifications, nor for any alternative and legally permissible operational purposes or uses to be disclosed, if there are such for an internationally prohibited weapon and weapon delivery system.

265. Slightly less sophisticated versions of each and every technological element of the illegal BRMT bioweapon and bioweapon delivery system – including its supercomputers, software, artificial intelligence, precision location, predictive analytics, satellite communication, and operationalization technologies - are found in various commercial applications of these same technologies, and in other unclassified uses by governments around the world. Commercial FDA approved medical systems which are analogous to BRMT's individually addressable pulsed energy bioweapon system operate in beneficial medical applications. The principles of applied neuroscience, biology, and medicine used in the illegal BRMT bioweapon and bioweapon delivery system are used daily in common, peaceful commercial operations from shipping to farming to medical devices, and for entertainment and information access purposes by people around the world.

266. Analogous lethal weapons systems which use these same technologies are also currently in use in offensive operations by defendants CIA and military services - to operate drones, fire missiles, and effect other lethal consequences against targets under the world-wide authority of the 2001 authorization for the use of military force Pub. L. 107-40 adopted September 18, 2001. So, actual technical details and specifications of all these elements of the illegal bioweapon and bioweapon delivery system, which would or might compromise other valid national security operations and systems, need not be disclosed. Such an assertion of state secret privilege over Constitutional rights in light of defendant DOJ's profound and persistent failure to enforce 18 U.S.C. § 175 since treaty adoption in 1975, would be specious, outrageous, and for the sole purpose of evasion of accountability for more than five decades executive branch scofflaw conduct by defendant UNITED STATES in violations of 18 U.S.C. § 1961-1968, among the myriad other constitutional rights, treaty, and federal statutory violations cited at paragraph 251, and the myriad state law violations cited at paragraphs 801-854.

D. Limits On Absolute And Qualified Individual State Secrets Immunity Imposed By Congress And Case Law Precedents

267. These individual defendants are not entitled to any valid assertion of "state secrets" privilege protection, nor to valid assertion of "qualified immunity," as defenses, as all these bad faith acts, violations, and injuries were undertaken under color of law by these defendants in their ordinary, daily, and self-proclaimed scope of agency, despite their sophisticated legal institutional knowledge that these institutionally tacitly permitted patterns of practice have been and are well outside their Constitutional and legal scopes of authority, as discussed at paragraph 260.

267A. On January 13, 1988, the Supreme Court held in *Erwin v. United States* 484 US 292 (1988):

> "Conduct by federal officials must be discretionary in nature, as well as being within the scope of their employment, before the conduct is absolutely immune from state law tort liability. *See Doe v. McMillan,* 412 U. S. 306. Granting absolute immunity for nondiscretionary functions would not further the official immunity doctrine's central purpose of promoting effective government by insulating the decision making process from the harassment of prospective litigation which could make federal officials unduly timid in carrying out their duties. The threat of tort liability cannot detrimentally inhibit conduct that is not the product of independent judgment, and it is only when officials exercise decision making discretion that potential liability may shackle the fearless, vigorous, and effective administration of governmental policies. Petitioners' alternative argument that the discretionary function requirement is satisfied if the precise conduct of the federal official is not prescribed by law and the official exercises "minimal discretion" is rejected....."

267B. Congress then again modified civil litigation immunity, with the November 18, 1988 signing of PL 100-694, the Westfall Act, which explicitly mandates at 28 U.S.C. § 2679(b)(2) that there is no statutory authority for individual absolute or qualified immunity against constitutional and statutory civil claims, as follows

> " (2) Paragraph (1) does not extend or apply to a civil action against an employee of the Government—(A) which is brought for a violation of the Constitution of the United States, or (B) which is brought for a violation of a statute of the United States under which such action against an individual is otherwise authorized."

.

267C. From November 18, 1988, the conduct of, among others, judicial officials, is subject to 28 U.S.C. § 2679(b)(2), as these officials are among the individual defendants who meet the statutory definition of "employee of the Government" defined at 28 U.S.C. § 2671, (emphasis added):

> "As used in this chapter and sections 1346(b) and 2401(b) of this title, the term "Federal agency" includes the executive departments, the judicial and legislative branches, the military departments, independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States, but does not include any contractor with the United States.

> "Employee of the government" includes (1) officers or employees of any federal agency, members of the military or naval forces of the United States, members of the National Guard while engaged in training or duty under section 115, 316, 502, 503, 504, or 505 of title 32, and persons acting on behalf of a federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation, and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18."

268. Congress further explicitly provided for individual liability of government officials and employees at 28 U.S.C. § 2680 Exemptions (emphasis added):

> "The provisions of this chapter and section 1346(b) of this title shall not apply to (the following tort claims) —
> (h) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, *libel, slander, misrepresentation, deceit, or interference with contract rights*:
>
> Provided, That, with regard to acts or omissions of investigative or law enforcement officers of the United States Government, the provisions of this chapter and section 1346(b) of this title shall apply to any claim arising, on or after the date of the enactment of this proviso, out of assault, battery, false imprisonment, false arrest, abuse of process, or malicious prosecution. For the purpose of this subsection, "investigative or law enforcement officer" means any officer of the United States who is empowered by law to execute searches, to seize evidence, or to make arrests for violations of Federal law."

Claims and actions against governmental officials as individual defendants for *libel, slander, misrepresentation, deceit, or interference with contract rights* are thus also explicitly permitted to proceed under other federal and state statutes cited herein for each such claim in paragraphs 801-854, as such claims are at 28 U.S.C. §2679(b)(2) above, for *constitutional rights acts, violations, and injuries*.

269. These individual defendants, some of whom have and do hold police powers roles as officers, agents, and/or prosecutors, have relied instead on the tacit permission structure which has arisen due to defendant DOJ's purposeful and negligent willful blindness and persistent

failures to criminally prosecute broad patterns of violations of 18 U.S.C. §§ 241, 242, and other applicable criminal laws, in these same institutional patterns of practice, which are also well documented by Congressional investigations and the Courts (paragraph 308-309, LPEE pages 6885-7466).

269A. These individual defendants and other defendants appeared to Lead Plaintiff and to other plaintiffs, in well disguised roles while engaging in joint and several bad faith acts well beyond their legal scope of authority, some with legal educations as well as direct knowledge of the laws and ratified treaties they were acting to violate. The individual defendants in this case posed, without limitation, as these plaintiffs' friends, neighbors, employers, prospective employers, employees, investors, legal counsel, co-owners, family members, medical providers, and in a wide variety of other roles, while pursuing their associated-in-fact enterprise patterns of racketeering acts, rights violations, and other bad faith acts, violations, and injuries, and have and do perpetuate subjugation in involuntary servitude and forced labor of the entire class while acting illegally against law fraudulently concealed by illegal use of the "state secret" privilege.

270. The Constitution, law, and case law all require that government regulations, individual acts, and long running patterns of acts, of individual officers, agents, employees, contractors, and other co-conspirators, be performed in a good faith manner which is "not inconsistent with law" *United States v. Reynolds* (1953), at Footnote 4 citing 5 U.S.C. § 22, as discussed in paragraph 260. These mandatory obligations under law pertain directly to defendants' individual liability for color of law abuses within the "state secrets" sphere and trump any claims of absolute or qualified immunity they may assert. The Attorney General or another government may defend such a suit only when an individual defendant officer or employee is acting within the scope of his office or employment and the suit is brought under 28

U.S.C. §§ 2671-2680. This litigation is brought under other federal and state statutes including, without limitation 42 U.S.C. Chapter 21 Civil Rights, and 18 U.S.C. §§ 1961-1968 Racketeering, as described herein, so these individual defendants are not entitled to be defended by defendant UNITED STATES nor by any other governmental defendant hereto and must therefore defend themselves by their own means.

271. There is no other authority in the Constitution for Congress to act to abridge rights, so Congress could not act to offer any government official or employee any such authority to abridge rights so as to surreptitiously detain, enroll as an involuntary servant, and/or injure any US person or any of their rights, absent due process of law. Congress has not offered any federal officer any exemption from individual liability for these joint and several abridgments nor for any institutional pattern of abridgements of Constitutional rights and law. Rather, Congress has done quite the opposite as at, without limitation, 28 U.S.C. § 2679(b)(2) which clearly establishes Individual Liability For Constitutional and Statutory Violations, at 42 U.S.C. Chapter 21 Civil Rights including permitting actions for neglect to prevent, and at 18 U.S.C. §§ 1961-1968 Racketeering, where direct and specific statutory liability is found for any "person," as that word is broadly defined therein. The Supreme Court has repeatedly affirmed rights under law in *Bivens, Harlow, Butz, Carlson, Hui, Rotella, Arellano*, and *Reynolds*, as discussed herein. Other federal court decisions apply these same principles equally and equitably to all including, without limitation, state and local police powers offenders and all others who act against rights, in accordance with 28 U.S.C. § 1652 and other statutes.

E. Absolute And Qualified Immunity Precedents In Case Law Answered By Congressional Intent In November 1988 At 28 U.S.C. § 2679(b)(2)

272. Absolute immunity from civil lawsuits for the President, judges, and prosecutors, and for administrative judges and prosecutors, was defined in *Stump v. Sparkman*, 435 U.S. 349 (1978), provided such acts are within the outer boundary of their discretionary authority:

> "(a) A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority, but, rather, he will be subject to liability only when he has acted in the "clear absence of all jurisdiction," *Bradley v. Fisher*, 13 Wall. 335, 80 U. S. 351. Pp. 435 U. S. 355-357."
> .....
> (d) The factors determining whether an act by a judge is "judicial" relate to the nature of the act itself (whether it is a function normally performed by a judge) and the expectation of the parties (whether they dealt with the judge in his judicial capacity), and here, both of these elements indicate that the Circuit Judge's approval of the sterilization petition was a judicial act, even though he may have proceeded with informality. Pp. 435 U. S. 360-363."

272A. Discretionary immunity doctrine applied this immunity to the policy making role. Even then, it did not include persistent broad gauge durable non-discretionary acts, such as these defendants' institutional failures to implement their own policy promulgated under 5 U.S.C. § 301 Administrative Procedures and under other statutes prescribed by Congress, as cited in this complaint. Neither the Constitution, nor the framers themselves, intended that discretionary immunity be used as the sword and shield for persistent decades long failures to implement statutes and/or consistently and equitably apply departmental policy, in service of the self-interest of individual government officials nor any agency or department. Defendant DOJ's generations-long willful refusals to prosecute, and to continuously permit, violations of constitutional and statutory rights are not a discretionary function, nor a constitutional or lawful application of immunity doctrine, they are self-interested public corruption.

272B. On January 13, 1988, the Supreme Court held in *Erwin v. United States* 482 US 292 (1988) (emphasis added):

> "Conduct by federal officials must be discretionary in nature, as well as being within the scope of their employment, before the conduct is absolutely immune from state law tort liability. *See Doe v. McMillan,* 412 U. S. 306. Granting absolute immunity for nondiscretionary functions would not further the official immunity doctrine's central purpose of promoting effective government by insulating the decision making process from the harassment of prospective litigation which could make federal officials unduly timid in carrying out their duties. The threat of tort liability cannot detrimentally inhibit conduct that is not the product of independent judgment, and it is only when officials exercise decision making discretion that potential liability may shackle the fearless, vigorous, and effective administration of governmental policies. Petitioners' alternative argument that the discretionary function requirement is satisfied if the precise conduct of the federal official is not prescribed by law and the official exercises "minimal discretion" is rejected....."

272C. The Supreme Court also dealt with this set of personal immunity and liability issues for bad faith acts under color of law while in an official role in *Harlow v. Fitzgerald*, 457 U.S. 800 (1982). "Absolute immunity" pertains to official acts broadly defined within the Constitutional scope of duties of certain specific federal officers, the President, judges, prosecutors, and administrative adjudicators with comparable roles to judges and prosecutors. But the Supreme Court has not mandated "absolute immunity" for either out of scope or bad faith acts. Neither a President nor a FBI agent can escape legal consequences for consenting to a murder or robbing a bank, for example, as discussed at paragraph 260. A judge cannot escape legal consequences for accepting a bribe, and so forth. These acts must be within the outer bounds of constitutional and statutory authority. *Harlow* speaks on "absolute immunity" as follows:

> "Government officials whose special functions or constitutional status requires complete protection from suits for damages – including certain officials of the Executive Branch, such as prosecutors and similar officials, see *Butz v. Economou*, 438 U. S. 478, and the President*, Nixon v. Fitzgerald*, ante p. 457 U. S. 731 – are entitled to the defense of absolute immunity. However, executive officials in general are usually entitled to only qualified or good faith immunity. The recognition of a qualified immunity defense for high executives reflects an attempt to balance competing values: not only the importance of a damages remedy to protect the

> rights of citizens, but also the need to protect officials who are required to exercise discretion and the related public interest in encouraging the vigorous exercise of official authority. *Scheuer v. Rhodes*, 416 U. S. 232. **Federal officials seeking absolute immunity from personal liability for unconstitutional conduct must bear the burden of showing that public policy requires an exemption of that scope.** Pp. 457 U. S. 806-808."

Congress made its intent clear in November 1988 at 28 U.S.C. §2679(b)(2), paragraphs 267-269, explicitly permitting individual defendant liability for constitutional and statutory violations, even as to "absolute immunity."

273. "Qualified immunity" is a valid affirmative defense only if articulated by government officials and employees, including officers, agents, and other employees, in good faith acts. In *Harlow v. Fitzgerald*, 457 U.S. 800 (1982), the Supreme Court clearly articulated the standard which defendants must meet to validly claim "qualified immunity" *id.* at 815, IV B:

> "Qualified or "good faith" immunity is an affirmative defense that must be pleaded by a defendant official. Gomez v. Toledo, 446 U. S. 635 (1980). [Footnote 24] Decisions of this Court have established that the "good faith" defense has both an "objective" and a "subjective" aspect. The objective element involves a presumptive knowledge of and respect for "basic, unquestioned constitutional rights." *Wood v. Strickland,* 420 U. S. 308, 420 U. S. 322 (1975). The subjective component refers to "permissible intentions." Ibid. Characteristically, the Court has defined these elements by identifying the circumstances in which qualified immunity would not be available. Referring both to the objective and subjective elements, we have held that **qualified immunity would be defeated if an official "knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the [plaintiff], or if he took the action with the malicious intention to cause a deprivation of constitutional rights or other injury**. . . ."

Butz v. Economou, 438 U. S. 478 (1978)

274. In *Butz v. Economou*, 438 U. S. 478 (1978) the Supreme Court again held that absolute immunity requires acting within scope of duties:

> "Federal officials should enjoy no greater zone of protection when they violate federal constitutional rules than do state officers."

275. The fact pattern herein is of various defendants who have and do act well outside any conceivable good faith interpretation of their roles in police powers or other valid governmental operations. As but one example of defendants' bad faith personal conduct, among the myriad such examples in the Facts section herein, over the course of more than fifty-six years of surreptitious acts and injuries directed at one single plaintiff, the Lead Plaintiff:

(i) Defendant CALDWELL (who later became Assistant Attorney General for the Criminal Division of defendant DOJ) while a defendant DOJ prosecutor, participated directly in a complex illegal FBI business wrecking and financial entrapment scheme against the Lead Plaintiff which was intended, among other things, to avoid exposing both the federal agent posing as supposed co-owner PRAY, in Lead Plaintiff's private enterprise, Allegent, LLC, and to fraudulently conceal the nature and federal institutional identity of the perpetrator of the associated-in-fact enterprise racketeering acts in the $82,000 bad check fraud against Lead Plaintiff's company Allegent, LLC (KURGAN, FBI, acting through ShipNow, a corporation chartered in the British Virgin Islands). CALDWELL pretended to be an intellectual property attorney at the law firm Seed & Berry, Seattle, Washington, representing the Lead Plaintiff's business Allegent, LLC in 2004. While in this role, defendant CALDWELL actively worked to dissuade the Lead Plaintiff from pursuing this $82,000 intellectual property theft of services claim against that bogus defendant FBI entity, ShipNow. Further details of these interferences with legal rights and in interstate commerce are at paragraphs 639, 644, 649, 670, 679 RICO – 1, 6, 11, 32, and 41.

276. Congress made its intent clear in November 1988 at 28 U.S.C. §2679(b)(2), paragraphs 267-269, explicitly permitting individual defendant liability for constitutional and statutory violations, even as to "absolute immunity." To claim to represent the business and property interests of Lead Plaintiff's company (Allegent, LLC) as it was unwittingly co-owned by Lead Plaintiff with an unknown federal agent, defendant Darrell PRAY, while preying upon the Lead Plaintiff, defendant CALDWELL, while an Assistant U.S. Attorney from Northern California in 2004 (who also worked with defendant WEISSMAN at various times in other places), as a knowing and willing participant in a federal scheme and conspiracy to deprive rights and property, acted well outside any reasonable interpretation of the scope of any defendant DOJ prosecutor's duties. To claim such acts are within the scope of absolute immunity for a prosecutor is equivalent to designating a federal police powers agent or officer as acting within their scope of duties when that agent or officer commits a bank robbery, by arguing that the agency which employs them has primary jurisdiction over banks and banking related crimes. CALDWELL explicitly contravened her duty of fidelity to the Constitution and law in depriving the Lead Plaintiff of rights as part of this conspiracy. These acts and conspiracies, defrauding US persons and their private businesses, are nowhere to be found within the extreme outer perimeter of the scope of duties of a U.S. Attorney as defined at 28 U.S.C. § 547 and *Imbler v. Pachtman,* 424 U.S. 409 (1976). Such individual defendants are subject to civil liability under 28 U.S.C. § 2679(b)(2).

276A. Attorney General Alberto Gonzales conducted a similar evasion on behalf of defendant ROSENBERG, formerly assigned to defendant FBI's Seattle field office as the illegally embedded NutraSource CEO, by naming him acting U.S. Attorney for the Southern District of Texas in June 2005-March 2006. This temporary appointment was effective

immediately after the forced sale of Lead Plaintiff's residence on May 26, 2005, which forced sale had assured Lead Plaintiff's subsequent human trafficking orchestrated by defendant ROSENBERG would occur. Lead Plaintiff was then being human trafficked by defndants FBI and ROSENBERG from the torture and racketeering acts sequence in Kirkland, WA, between 2002 and 2005 to Boston, MA, paragraphs 490-520, 809. Attorney General Gonzales used this maneuver again with defendant ROSENBERG's Senate confirmation as the U.S. Attorney for the Eastern District of Virginia from June 2006 to October 2008, as Lead Plaintiff was being human trafficked yet again from Boston, MA in August 2007 for fraudulent employment by defendant ROSENBERG at defendant ESTABLISH in Fort Lee, NJ until June 2008. The simultaneous Cliffside Park, NJ captive apartment residency was orchestrated by defendants UNITED STATES, FBI, ROSENBERG, and CHALOM, removing him from the Pine Street Inn, Dorchester Heights, Boston, MA homeless shelter. Defendant CHALOM, acting as the Cliffside Park, NJ apartment landlord, represented himself as previously a television producer of "3-2-1 Contact" biographical interviews of famous people, and together with defendants ROSENBERG, FBI, USMS, and CIA, orchestrated the trafficking to the Cliffside Park, NJ apartment where the defendant UNITED STATES specially modified cable television set up with embedded fiber optic camera were placed in defendants' conspiracy to record the surreptitious salacious defamatory 2008 video of Lead Plaintiff with defendant MODDERMAN at that residence. This sequence transpired shortly before the false June 2008 Pankowski wedding where defendant ROSENBERG appeared with other defendant UNITED STATES (DOJ, FBI, USMS, CIA) undercover personnel from defendant ESTABLISH, paragraphs 603 NSEC-4, 611 HEXP-8. A comparable pattern was repeated against the still unwitting Lead Plaintiff in 2020 with GIA, paragraph 613 HEXP-10, after Lead Plaintiff was trafficked into the midst of the early stages of

the Senator Menendez investigation by defendant UNITED STATES, FBI in November 2018 (paragraph 301).

276B. These acts and conspiracies including, without limitation, organizing and videoing salacious sex scenes for distribution without consent, are nowhere to be found within the extreme outer perimeter of the constitutionally and legally defined scope of duties of an Attorney General as defined at 28 U.S.C. § 509, nor of a U.S. Attorney as defined at 28 U.S.C. § 547, nor under *Imbler v. Pachtman,* 424 U.S. 409 (1976), which provides absolute immunity for actions "within the scope of his duties," *id.* at 420, 423. These three examples here at paragraphs 276A and 276B are representative of acts, violations, and injuries to this class of plaintiffs, and of other such claims described herein, through both the bad faith acts of defendant DOJ and these individual defendants, who have and do conspire to participate in these acts, violations, and injuries, which are representative of color of law abuses of federal law 28 U.S.C. § 547 and 5 U.S.C. § 301. Defendant DOJ has and does engage in these corrupt durable pattern of acts, violations, and injuries to US persons for the purpose of fraudulently conceal its own role in endemic conspiracies and corruption which are formed, managed, and operated in an associated-in-fact enterprise pattern of racketeering acts which violate 18 USC 1961-1968, and are fraudulently concealed with color of law abuse of the state secret privilege. Defendant DOJ has and does perpetrate such acts, violations, and injuries, together with other federal department and agency defendants including, without limitation, defendants CIA, ARMY, DOD, ROSEBERG, and WEISSMAN throughout this conspiracy to fraudulently conceal violations of 18 U.S.C. § 175 which is the principal originating offense against these plaintiffs since at least the 1960s. Congressional intent that there be individual liability for such out of scope acts from November 1988 is clear at 28 U.S.C. § 2679(b)(2) which delineates that systematic patterns of constitutional

rights violations and accompanying associated-in-fact patterns of racketeering acts which transpire in color of law abuses of our constitution and laws across decades, are not within any conceivable scope of duties of any government official, even one who enjoys, and systematically abuses, the discretionary privilege of absolute immunity.

F. Bivens Special Factors and Alternative Remedy Immunity Claims Are Defeated By Facts And By Defendant UNITED STATES Failures To Act

277. There is yet another clear path provided by Congress, by the Supreme Court, and by state statutes, to finding individual liability for each and all the individual defendants in this case. Together with 28 U.S.C. § 2679(b)(2), *Bivens* guides this particular path, as these are not good faith acts, whether they are (i) illegal BRMT bioweapon and bioweapon delivery system offenses, (ii) racketeering offenses, or (iii) other injuries and offenses, while acting under color of law. Under *Bivens* each of these individual defendants is individually and personally liable, as identified herein and through the discovery process, for their actions, jointly and severally, which have injured these plaintiffs. The Supreme Court has made this principle plain and obvious. Justice Brennan wrote for the Court on the seizing of a person absent the basic principles of due process under the Fourth Amendment in *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388, 392, 397 (1971):

> .....at 392
>
> "Accordingly, as our cases make clear, the Fourth Amendment operates as a limitation upon the exercise of federal power regardless of whether the State in whose jurisdiction that power is exercised would prohibit or penalize the identical act if engaged in by a private citizen. It guarantees to citizens of the United States the absolute right to be free from unreasonable searches and seizures carried out by virtue of federal authority. And 'where federally protected rights have been invaded, it has been the rule from the beginning that courts will be alert to adjust their remedies so as to grant the necessary relief.' *Bell v. Hood*, 327 U.S., at 684, 66 S.Ct., at 777 (footnote omitted); see *Bemis Bros. Bag Co. v. United States*, 289 U.S. 28, 36, 53 S.Ct. 454, 457, 77 L.Ed. 1011 (1933) (Cardozo, J.); *The Western Maid*, 257 U.S. 419, 433, 42 S.Ct. 159, 161, 66 L.Ed. 299 (1922) (Holmes, J.).

……at 397

"'The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury.' *Marbury v. Madison*, 1 Cranch 137, 163, 2 L.Ed. 60 (1803). Having concluded that petitioner's complaint states a cause of action under the Fourth Amendment, supra, at 390—395, we hold that petitioner is entitled to recover money damages for any injuries he has suffered as a result of the agents' violation of the Amendment."

Carlson v. Green, 446 U. S. 14, 18-20 (1980)

278. *Carlson v. Green*, 446 U. S. 14, 18-20 (1980) establishes the validity of the claims herein against these individual defendants:

"*Bivens* established that the victims of a constitutional violation by a federal agent have a right to recover damages against the official in federal court despite the absence of any statute conferring such a right. Such a cause of action may be defeated in a particular case, however, in two situations. The first is when defendants demonstrate "special factors counseling hesitation in the absence of affirmative action by Congress." 403 U.S. at 403 U. S. 396; *Davis v. Passman*, 442 U. S. 228, 442 U. S. 245 (1979). The second is when defendants show that Congress has provided an alternative remedy which it explicitly declared to be a substitute for recovery directly under the Constitution and viewed as equally effective. *Bivens*, supra at 403 U. S. 397; *Davis v. Passman,* supra at 442 U. S. 245-247.

"Neither situation obtains in this case. First, the case involves no special factors counseling hesitation in the absence of affirmative action by Congress. Petitioners do not enjoy such independent status in our constitutional scheme as to suggest that judicially created remedies against them might be inappropriate. *Davis v. Passman*, supra at 442 U. S. 246. Moreover, even if requiring them to defend respondent's suit might inhibit their efforts to perform their official duties, the qualified immunity accorded them under *Butz v. Economou*, 438 U. S. 478 (1978), provides adequate protection. See *Davis v. Passman*, supra at 442 U. S. 246.

"Second, we have here no explicit congressional declaration that persons injured by federal officers' violations of the Eighth Amendment may not recover money damages from the agents, but must be remitted to another remedy, equally effective in the view of Congress. Petitioners point to nothing in the Federal Tort Claims Act (FTCA) or its legislative history to show that Congress meant to preempt a *Bivens* remedy or to create an equally effective remedy for constitutional violations. [Footnote 5] FTCA was enacted long before *Bivens* was decided, but when Congress amended FTCA in 1974 to create a cause of action against the United States for intentional torts committed by federal law enforcement officers, 28 U.S.C. § 2680(h), the congressional comments accompanying that amendment made it crystal clear that Congress views FTCA and Bivens as parallel, complementary causes of action:

"[A]fter the date of enactment of this measure, innocent individuals who are subjected to raids [like that in *Bivens*] will have a cause of action against the individual Federal agents and the Federal Government. Furthermore, this provision should be viewed as a counterpart to the Bivens case and its progenty [sic], in that it waives the defense of sovereign immunity so as to make the Government independently liable in damages for the same type of conduct that is alleged to have occurred in *Bivens* (and for which that case imposes liability upon the individual Government officials involved)."

279. So, here is *Bivens* at 396-397 on the above mentioned "special factors counseling hesitation in the absence of affirmative action by Congress:"

"The present case involves no special factors counseling hesitation in the absence of affirmative action by Congress. We are not dealing with a question of "federal fiscal policy," as in *United States v. Standard Oil Co*., 332 U. S. 301, 332 U. S. 311 (1947). In that case, we refused to infer from the Government-soldier relationship that the United States could recover damages from one who negligently injured a soldier, and thereby caused the Government to pay his medical expenses and lose his services during the course of his hospitalization. Noting that Congress was normally quite solicitous where the federal purse was involved, we pointed out that "the United States [was] the party plaintiff to the suit. And the United States has power at any time to create the liability." Id. At 332 U. S. 316; see *United States v. Gilman*, 347 U. S. 507 (1954). Nor are we asked in this case to impose liability upon a congressional employee for actions contrary to no constitutional prohibition, but merely said to be in excess of the authority delegated to him by the Congress. *Wheeldin v. Wheeler*, 373 U. S. 647 (1963). Finally, we cannot accept respondents' formulation of the question as whether the availability of money damages is necessary to enforce the Fourth Amendment. For we have here no explicit congressional declaration that persons injured by a federal officer's violation of the Fourth Amendment may not recover money damages from the agents, but must instead be remitted to another remedy, equally effective in the view of Congress. The question is merely whether petitioner, if he can demonstrate an injury consequent upon the violation by federal agents of his Fourth Amendment rights, is entitled to redress his injury through a particular remedial mechanism normally available in the federal courts. *Cf. J. I. Case Co. v. Borak*, 377 U. S. 426, 377 U. S. 433 (1964); *Jacobs v. United States*, 290 U. S. 13, 290 U. S. 16 (1933).

""The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury.""

280. There is no "special relationship" of these ordinary civilian citizen plaintiffs pursing their normal activities of life to any federal official individually named in this action (see

paragraph 290). There is no military enlistment, no federal employment, nor any reasonable expectation of any such relationship during the periods of these acts, violations, and injuries. None of these conditions of "special relationship" can be reasonably inferred by the existence of a conspiracy against and subjugation of these plaintiffs within a set of malign governmentally planned and funded harms and injuries – to and including involuntary servitude and lethality attempts against them – under any conceivably constitutional government program(s) conducted and supervised by these federal officials and/or their co-conspirator defendants. Individual defendants' willful and perpetuated patterns of acts, violations, and injuries against these plaintiffs preclude any interpretation of any good faith voluntary relationship involving special factors or "special relationships." The bad faith and unconstitutional acts of these defendants stray wildly from any conceivable interpretation of constitutional authority delegated to the federal executive. Defendants have violated the *First, Fourth, Fifth, Eighth, Ninth, Thirteenth,* and *Fourteenth* Amendment rights of the entire class.

281. So, no such "special factors counseling hesitation in the absence of affirmative action by Congress" exist. No "special relationship" prevails. *Bivens* prevails, personal liability attaches to these defendants.

282. *Carlson* at 18 then continues with the second factor which can invalidate a *Bivens* claim of defendants' individual liability:

> "....The second is when defendants show that Congress has provided an alternative remedy which it explicitly declared to be a substitute for recovery directly under the Constitution and viewed as equally effective. *Bivens*, supra at 403 U. S. 397; *Davis v. Passman*, supra at 442 U. S. 245-247.

283. Turning now to the above referenced *Davis v. Passman*, at 442 U. S. 245-247

> "We approach this inquiry on the basis of established law.

"[I]t is . . . well settled that, where legal rights have been invaded and a federal statute provides for a general right to sue for such invasion, federal courts may use any available remedy to make good the wrong done."

"*Bell v. Hood,* 327 U.S. at 327 U. S. 684. *Bivens,* 403 U.S. at 403 U. S. 396, holds that, in appropriate circumstances, a federal district court may provide relief in damages for the violation of constitutional rights if there are "no special factors counseling hesitation in the absence of affirmative action by Congress." See *Butz v. Economou*, 438 U.S. at 438 U. S. 504.

"First, a damages remedy is surely appropriate in this case. "Historically, damages have been regarded as the ordinary remedy for an invasion of personal interests in liberty." *Bivens,* supra at 403 U. S. 395. Relief in damages would be judicially manageable, for the case presents a focused remedial issue without difficult questions of valuation or causation. See 403 U.S. at 403 U. S. 409 (Harlan, J., concurring in judgment). Litigation under Title VII of the Civil Rights Act of 1964 has given federal courts great experience evaluating claims for backpay due to illegal sex discrimination. See 42 U.S.C. 2000e-5(g). Moreover, since respondent is no longer a Congressman, see n 1, supra, equitable relief in the form of reinstatement would be unavailing. And there are available no other alternative forms of judicial relief. For *Davis,* as for *Bivens*, "it is damages or nothing." [Footnote 23] *Bivens*, supra at 403 U. S. 410 (Harlan, J., concurring in judgment).

"Second, although a suit against a Congressman for putatively unconstitutional actions taken in the course of his official conduct does raise special concerns counseling hesitation, we hold that these concerns are coextensive with the protections afforded by the Speech or Debate Clause. [Footnote 24] See n 11, supra. If respondent's actions are not shielded by the Clause, we apply the principle that "legislators ought . . . generally to be bound by [the law] as are ordinary persons." *Gravel v. United States*, 408 U. S. 606, 408 U. S. 615 (1972). *Cf. Doe v. McMillan*, 412 U. S. 306, 412 U. S. 320 (1973). As *Butz v. Economou* stated only last Term:

"Our system of jurisprudence rests on the assumption that all individuals, whatever their position in government, are subject to federal law:"

""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 officers of the government, from the highest to the lowest, are creatures of the law, and are bound to obey it.' *United States v. Lee*, 106 U.S. [196,] 106 U. S. 220 [(1882)]."

"Third, there is in this case "no explicit congressional declaration that persons" in petitioner's position injured by unconstitutional federal employment discrimination "may not recover money damages from" those responsible for the injury. Bivens, supra at 403 U. S. 397. (Emphasis supplied.) The Court of Appeals apparently interpreted § 717 of Title VII of the Civil Rights Act of 1964, 86 Stat. 111, 42 U.S.C. § 2000e-16, as an explicit congressional prohibition against judicial remedies for those in petitioner's position. When § 717 was added to Title VII to

> protect federal employees from discrimination, it failed to extend this protection to congressional employees such as petitioner who are not in the competitive service. [Footnote 26] See 42 U.S.C. § 2000e-16(a). There is no evidence, however, that Congress meant § 717 to foreclose alternative remedies available to those not covered by the statute. Such silence is far from "the clearly discernible will of Congress" perceived by the Court of Appeals. 571 F.2d at 800. Indeed, the Court of Appeals' conclusion that § 717 permits judicial relief to be made available only to those who are protected by the statute is patently inconsistent with *Hampton v. Mow Sun Wong*, 426 U. S. 88 (1976), which held that equitable relief was available in a challenge to the constitutionality of Civil Service Commission regulations excluding aliens from federal employment. That § 717 does not prohibit discrimination on the basis of alienage [Footnote 27] did not prevent Hampton from authorizing relief. In a similar manner, we do not now interpret § 717 to foreclose the judicial remedies of those expressly unprotected by the statute. On the contrary, § 717 leaves undisturbed whatever remedies petitioner might otherwise possess."

284. There is no explicit Congressionally mandated statutory scheme for civil remedy of these individual defendants' knowing, willful, and perpetuated participation in conspiracy in a decades long pattern of violations under color of law of defendants' comprehensive violations of the *First, Fourth, Fifth, Eighth, Ninth, Thirteenth,* and *Fourteenth* Amendment rights of the entire class in deprivation of rights and conspiracy against rights (42 U.S.C. Chapter 21) fraudulently concealed by abuse of the state secrets privilege which these defendants have abused contrary to the "not inconsistent with law" mandate of *United States v. Reynolds* 345 U.S. 1 (1953) [Footnote 4]. There is in fact sustained official silence (paragraphs 298-299) and perpetuated fraudulent concealment (paragraphs 307-313). Congress in enacting the Federal Tort Claims (Westfall) Act "provided an explicit exception for constitutional violations, §2679(b)(2)." *Hui v. Castaneda*, 559 U.S. 799 (2010). This SCOTUS mandate in *Hui* exempts these plaintiffs' constitutional rights violations from the FTCA (Westfall Act) limitations on defendants' individual liability for bad faith acts. This in turn clearly directs these plaintiffs towards the *Bivens* path as a means of resolution of their claims.

285. As with the first factor exempting liability at paragraphs 278-284 above, a "special relationship," which does not exist in the Facts of this case, there is clearly no second factor, any alternative remedy, per *Carlson, id.* at 18:

"an alternative remedy which it explicitly declared to be a substitute for recovery ", provided by Congress, which would limit individual liability. Rather, as before, personal liability attaches to these defendants, and *Bivens* claims will prevail under 28 U.S.C. § 2679(b)(2).

286. The conduct of these individual defendants has continued against at least four generations of these injured plaintiffs. These plaintiffs were selected by defendants Army, CIA, FBI, DOJ, and others in the federal government for egregious injuries due to the individual plaintiffs' religious beliefs, personal behaviors, sexual orientation, race, ethnicity, and/or personal views. These plaintiffs have been and are coerced, co-opted, defrauded, and/or duped jointly and severally by these individual defendants, acting egregiously and in bad faith outside the scope of their constitutional authority. These individual defendants made conscious decisions to subject these plaintiffs to, without limitation:

(i) Nazi-style biomedical abuses and human experimentation by BRMT,

(ii) Lethality attempts ranging from programmed medical collapses to programmed falls down stairs, vehicle rundowns, and international double murder attempts,

(iii) Psychological abuses in field operations,

(iv) Repeated entrapment attempts lacking any legal foundation for their initiation or pursuit,

(v) Financial depredations,

(vi) Racketeering offenses ranging from frauds to involuntary servitude and human trafficking in interstate commerce,

(vii) Systematic violations of all forms of human, civil, and Constitutional rights.

287. Excusing and subsuming the joint and several extra-constitutional conduct of these individual defendants acting under color of law, and well outside any reasonably contemplated scope of legal authority which Congress has delegated, much less even plausibly could delegate, to the executive or to any individual in any capacity, against members of this class of plaintiffs, vastly exceeds the legal authority of any government department, agency, office, official, or employee. An institutionally endorsed long-running riot against rights, family life, careers, and businesses by federal departments, agencies, by state and local governments, by their personnel, as well as by other bad faith actors, against the "certain unalienable rights" of individuals or groups of US persons based upon parentage, religious choices, implicit bills of attainder, or any other unconstitutional means, does not present any pattern of facts other than as what it actually is – an unconstitutional color of law institutional riot against American citizens. Nor does the persistent institutional failure of defendant DOJ to criminally prosecute such conduct constitute any extra-legal privilege to evade civil liability for such acts, violations, and injuries. The Attorney General or another government may defend such civil litigation against an individual current or former official only when an individual defendant officer or employee has and does act within the scope of his office or employment and when the suit is brought under 28 U.S.C. §§ 2671-2680. This litigation is against violations of constitutional rights and is brought under other statutes including, without limitation 42 U.S.C. Chapter 21 Civil Rights, and 18 U.S.C. §§ 1961-1968 Racketeering. These individual defendants are not entitled to be defended by defendant DOJ nor by any other governmental defendant hereto and must therefore defend themselves by their own means.

288. In *Wilkie v. Robbins*, 551 U.S. 537 (2007), the Supreme Court held that *Bivens* claims are valid for mere employment discrimination in violation of the Due Process Clause. Defendants have most certainly violated employment rights. But that is but one element of a vast pattern of rights abuses in their decades long program of involuntary servitude, forced labor, and forced unemployment in involuntary servitude, facilitated by an enterprise pattern of racketeering acts and rights violations against Lead Plaintiff, and likely against other members of the class, as will be demonstrated through the discovery process. Surely, no Court could hold that a scheme as egregious and depraved as that which has been perpetrated under color of law by these individual defendants against these plaintiffs could be exempt from individual liability when mere employment discrimination is subject to a *Bivens* remedy, when no alternative remedy had been offered by Congress, and when Congress has explicitly permitted such claims to proceed under 28 U.S.C. 2679(b)(2).

289. In *Hui v. Castaneda*, 559 U.S. 799 (2010) the Supreme Court noted that Congress has explicitly held this class of individual liability claims against these individual defendants open for their willful constitutional rights violations, writing (emphasis added):

> " (a) The Court's inquiry begins and ends with §233(a)'s text, which plainly precludes a *Bivens* action against petitioners by limiting recovery for harms arising from the conduct at issue to an FTCA action against the United States. The breadth of §233(a)'s words "exclusive" and "any" supports this reading, as does the provision's inclusive reference to all civil proceedings arising out of "the same subject-matter." Because the phrase "exclusive of any other civil action" is easily broad enough to accommodate both known and unknown causes of action, the Court's reading is not undermined by the fact that §233(a) preceded *Bivens*. The later enacted Westfall Act further supports this understanding of §233(a). In amending the FTCA to make its remedy against the United States exclusive for most claims against Government employees for their official conduct, the Westfall Act essentially duplicated §233(a)'s exclusivity language, 28 U. S. C. § 2679(b)(1), **but provided an explicit exception for constitutional violations, §2679(b)(2).** This shows that Congress did not understand the exclusivity provided by §2679(b)(1)—or the substantially similar §233(a)—to imply such an exception. Pp. 5–7"

290. Writing in *Egbert v. Boule,* 596 U.S. ___ (2022), Justice Thomas cites eleven cases which limit *Bivens* claims:

> "In Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388 (1971), this Court authorized a damages action against federal officials for alleged violations of the Fourth Amendment. Over the past 42 years, however, we have declined 11 times to imply a similar cause of action for other alleged constitutional violations. See Chappell v. Wallace, 462 U.S. 296 (1983); Bush v. Lucas, 462 U.S. 367 (1983); United States v. Stanley, 483 U.S. 669 (1987); Schweiker v. Chilicky, 487 U.S. 412 (1988); FDIC v. Meyer, 510 U.S. 471 (1994); Correctional Services Corp. v. Malesko, 534 U.S. 61 (2001); Wilkie v. Robbins, 551 U.S. 537 (2007); Hui v. Castaneda, 559 U.S. 799 (2010); Minneci v. Pollard, 565 U.S. 118 (2012); Ziglar v. Abbasi, 582 U. S. ___ (2017); Hernández v. Mesa, 589 U. S. ___ (2020)."

291. Taking the relationship of those plaintiffs to those defendants each in turn exposes the "special factors" and Congressional specification of "alternative remedy" (which are the two specific tests required to claim exemption from *Bivens* claims for individual liability of government officers and employees in *Carlson v. Green,* 446 U. S. 14, 18-20 (1980) discussed at paragraph 278, 282). All these eleven cases involve one or both the aforementioned special factors which permit exemption from personal liability:

1. *Chappell v. Wallace*, 462 U.S. 296 (1983) – Navy enlisted man against superior officers
2. *Bush v. Lucas*, 462 U.S. 367 (1983) – NASA employee against NASA supervisor
3. *United States v. Stanley*, 483 U.S. 669 (1987) – Army enlisted man against Army superior officers
4. *Schweiker v. Chilicky*, 487 U.S. 412 (1988) – US person improperly denied government benefits against state and federal policymakers
5. *FDIC v. Meyer*, 510 U.S. 471 (1994) – Bank officer terminated in FSLIC/FDIC takeover of failing savings and loan against government agency

6. *Correctional Services Corp. v. Malesko*, 534 U.S. 61 (2001) – Prisoner in federally contracted private prison contesting medical treatment
7. *Wilkie v. Robbins*, 551 U.S. 537 (2007) – US person, private property, and an openly contested factual dispute over an easement grant with BLM
8. *Hui v. Castaneda*, 559 U.S. 799 (2010) – Illegal alien in government detention facility over medical treatment denied by USPHS employees
9. *Minneci v. Pollard*, 565 U.S. 118 (2012) – Prisoner in federally contracted private prison on deprivation of medical care and where alternative remedies available under state law
10. *Ziglar v. Abbasi*, 582 U. S. ___ (2017) – Illegal alien in government detention facility against detention conditions
11. *Hernández v. Mesa*, 589 U. S. ___ (2020) – Cross border shooting of Mexican national by US Border Patrol agent

292. The circumstances of the relationships of these injured plaintiffs in this case to these individual defendants is profoundly dissimilar to ALL the relationships cited above for rejecting *Bivens* individual liability claims:

First, there was no reasonably knowable governmental relationship between these plaintiffs and these defendants who acted undercover under color of law to fraudulently conceal their true relationship to these injured plaintiffs throughout and after each and all the defendants' malign conduct, and no alternative remedy has been imposed by Congress.

Second, these individual defendants and other defendants appeared to Lead Plaintiff, and likely to other plaintiffs, in disguised roles described at paragraph 269 above, while

pursuing their bad faith acts and malign patterns of injuries, victimizations, and subjugation of the entire class.

Finally, the eleven cases cited above in *Egbert* offer no refuge in any of those cases to any of the individual defendants in this case. The relationships are profoundly dissimilar and no alternative remedy scheme which mandates exemption from individual liability exists as to these federal officers, agents, and employees, and their co-conspirators. *Bivens* prevails, and personal liability attaches to these defendants.

293. *Hui v. Castaneda*, 559 U.S. 799 (2010) further reinforces this precedent and Congressional intent:

> "In amending the FTCA to make its remedy against the United States exclusive for most claims against Government employees for their official conduct, the Westfall Act essentially duplicated §233(a)'s exclusivity language, 28 U. S. C. § 2679(b)(1), **but provided an explicit exception for constitutional violations, §2679(b)(2)."**

294. *Bivens* again at 397:

> "The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury."

295. Congress clearly intended there be a clear path to reach these individual defendants for this patten of fraudulently concealed knowing, willful, and perpetuated pattern of malign acts and injuries while those officials have and do act under color of law and hide behind their abuse of the state secrets privilege. As to other officials and their individual liability, this clear path is further affirmed by *Harlow* at paragraph 272-273 and by *Butz* at paragraph 274.

296. Congress did not provide nor intend to provide such relief from individual liability to federal officers and employees for such violations of constitutional rights. *Bivens, Harlow, Butz, Carlson,* and *Hui* all affirm the clear Constitutional and Congressional intent that

individual liability obtains for these federal officers, agents, employees, and co-conspirator defendants as individual defendants in this matter as to these injured US persons in this matter. Further, without limitation, 42 U.S.C. §§ 1983, 1986, 2000bb-1(c) explicitly empower US persons in such actions for deprivations and conspiracies against rights and for neglect to prevent against federal officials, as against state and local officials, when those federal officials act in conspiracy with state and local officials.

Absence Of An Alternative Remedy Is Further Established By Defendants' Actions And Failures To Act

297. In *Egbert v. Boule*, 596 U.S. 482 (2022), the Supreme Court also cited *Carlson* at 18 (discussed above at paragraph 282 above) that an alternative statutory remedy scheme is sufficient to foreclose such claims against individual immunity of these individual defendants. However, there is no statutory alternative form of remedy provided nor has one ever been proposed by defendant UNITED STATES whatsoever for any of these plaintiffs. Defendant agents and officers have and do act knowingly and have and do explicitly chose to directly entangle these plaintiffs in national security matters, while directly violating, without limitation, the *Thirteenth Amendment* rights of each and every plaintiff in the entire class. This pattern of practice is clearly demonstrated by the facts herein, including, without limitation:

(i) repeated entanglements in national security, to wit, paragraphs 601-603 NSEC-1-4,

(ii) through a series of non-verbal visual leaks subsequent to those specific subcounts at paragraphs 600-710, as if national security is intended to be used by the clever and nefarious to abuse constitutional rights, and the state secrets privilege acts for public officials as a personal immunity sword and shield privilege and as their personal get-out-of-individual-liability-free card, all while they knowingly violate the unalienable rights of US persons, and

(iii) by their extraordinarily pervasive invasions into the Lead Plaintiff's life and rights in all respects, to and including, for example, their depraved, perverted, and direct in the moment intrusion into sexual function during intimate relations, by using the illegal BRMT bioweapon and bioweapon delivery system (paragraph 614 HEXP-11) as they please.

298. Rather than propose any form of statutory remedy scheme, defendant UNITED STATES has persistently declined to make any answer of any kind at any time. Lead Plaintiff has communicated these injuries and the extent of this secret program directly by mail and by personal hand delivery to the Executive Office of the President, to other federal defendant departments and agencies, most particularly to the Department of Justice in New York City, in Washington, D.C., and Washington state in writing, on over forty occasions, with no reply on any occasion. When pressed with a FOIL request under New York state freedom of information laws, defendant NYPD first answered accurately if not fully on September 3, 2021 (Interline Exhibit 17). Twelve days later, it officially lied in coordination with defendant FBI, which then issued fifteen days later, its own official lie on September 30, 2021 (Interline Exhibit 18), a violation of 5 U.S.C. § 552. This initial defendant NYPD admission, and the nearly immediate federal and local police powers information cover-up which transpired in close coordination over 27 days, operated at remarkable speed for any response to a public information request coordinated across local and federal governments, particularly given over two years and nine months of complete bureaucratic silence on dozens of other FOIA and Privacy Act information requests (LPEE pages 508-541). Courtesy service of complaint DC:21-cv-2424 on the US Attorney for the District of Columbia was effected by hand on September 11, 2021, and an email reply was received on October 12, 2021 (LPEEV65-10) stating that the complaint was not

officially received and would not be acted upon. The DOJ Assistant Inspector General for Investigations was contacted by letter on November 9, 2021, and declined any interest in the matter (Interline Exhibit 19) on January 28 and March 22, 2022. All outstanding 2021 FOIA request responses have been systematically evaded except for two responses, both of which are outright lies (NPS at Interline Exhibit 16 and CPB at LPEE pages 507, 537-541). A letter to the US Attorney for SDNY, CIA IG, and DOJ IG on July 15, 2022 which documented this FOIA and Privacy Act pattern of fact suppression is at LPEE pages 508-541, among the more than 40 such communications to the US Attorney for SDNY, and others to DOJ headquarters, all met by complete and utter official silence.

299. That is the sum total of the remedy proposed by defendant UNITED STATES. Nothing. It is completely silent. Its co-conspirator defendants are silent, conspiring, and complicit. Congress answered with 28 U.S.C. § 2679(b)(2) authorizing civil litigation against current and former government officials for their individual liability in acts against constitutional rights.

300. However, defendant UNITED STATES, in particular defendants DOJ and FBI, behavior speaks quite loudly on another point. Defendant UNITED STATES recently indirectly revealed its continuing efforts to act against the Lead Plaintiff in yet another of its human trafficking sequences of Lead Plaintiff from 2018 which continues.

301. NJ Senator Robert Menendez was indicted on September 22, 2023 in the Southern District of New York. Lead Plaintiff was human trafficked from Ramsey, NJ to Edgewater, NJ in November 2018 using a federal HUD Section 8 Housing Choice Voucher ("Section 8 voucher") which was originally issued around August-September 2018, a few months after the Menendez investigation was reportedly opened in early 2018. The Menendez investigation also resulted in

indictments of Daibes, a real estate developer, and Hana, an Egyptian national authorized to certify halal beef exports to Egypt, both of whom have offices 550 feet from Lead Plaintiff's personal residence (which residence is likely actually owned by defendant USMS through a cutout entity and was rented at a rate intended to attract Lead Plaintiff as had been done in Cliffside Park, NJ by defendant CHALOM). The Menendez et al indictment incorporated allegations of bribery and of undue influence of the Egyptian government on the Senator which relate to national security, a familiar form of national security entanglement repeatedly abused by defendant UNITED STATES against these plaintiffs, paragraphs 600-603 NSEC-1-4.

302. This specific fact set, and the other tradecraft "rhymes," (as in "history does not repeat but it does rhyme"), which comprise tacit admissions of human trafficking and forced labor by defendant FBI and USMS of the Lead Plaintiff, are at paragraph 648 RICO-10. Relevant details of this tacit indirect defendant admission also include an Egyptian national proposed to Lead Plaintiff as CFO of his international trading startup company Sheldon Beef (Interline Exhibit 12) who was recommended by MAGGARD (FBI Amarillo, TX field office) through his CFO SEARCH (FBI, Lubbock, TX) cover company, and a clumsy subsequent coverup attempt by defendants of a surreptitious $6,000 agency loan to GPR, Inc. and $6,000 agency loan personally to Lead Plaintiff characterized as coming personally from MAGGARD (FBI), then further clumsily covered by the sudden reappearance of an eighteen year old long released property interest from the divorce from fraudulently orchestrated second wife Jeanette, of just over $6,000 (Ironwood at RICO-10 paragraph 648, LPEEV65-9). An extended series of other acts and injuries, to and including lethality attempts at paragraphs 703-710 LETHL-10-17, have also been repeated during Lead Plaintiff's residency in Edgewater, NJ, from 2018 to present, and are described in many of the 110 example subcounts at paragraphs 600-710.

303. Individual federal defendants are sophisticated persons particularly educated in the laws of the United States, including defendant WEISSMAN, the former General Counsel of FBI, as well as defendants CALDWELL, RUBIN, MELBER, and others with law degrees and licenses who knew, should have known, and could reasonably be expected to know, that they and other defendant co-conspirators, including police powers agents and officers, were injuring, abusing, and violating the rights of these plaintiffs under color of law, and/or with malicious intent, yet they entered, agreed, participated in, and continued to participate, together with other defendants, in one or more 18 U.S.C. §§ 1961-1968 associated-in-fact enterprises, and engaged in conspiracy or conspiracies under 18 U.S.C. § 1962(d) in, with, and among one or more associated-in-fact enterprises, participated in those enterprises' broad patterns of racketeering acts and civil rights violations, as documented in the thousands of specific violations incorporated herein and, subject to discovery, likely engaged in numerous additional acts, violations, and injuries through their active participation and/or their explicit and knowledgeable failures to protect, all under color of law while acting in bad faith.

304. These acts were knowingly planned, conspired, and conducted by these persons and entities using knowledge developed through their color of law abuses of their official positions, and/or their access to confidential information, and/or their willful failure to reasonably consider the actual good faith patterns of conduct of the plaintiffs, and/or in willful disregard of rights and of the law in which they are particularly trained and experienced, and under which any reasonable person would expect these defendants to recognize and comprehend their purposeful and wrongful acts, Their conduct, actions, and failures to act thereby void any claim to be acting in accordance with the standards of conduct and/or state of mind required to make good faith assertions of qualified immunity.

305. These defendant persons and entities acted as if they were exempt from and above the law in their executive management, direct management, supervision, and/or operational participation in and/or support of defendants' long-running associated-in-fact enterprise and in the repetitive patterns of long-cycle and short-cycle racketeering acts, injuries, and destruction against these plaintiffs including, without limitation, all qualifying racketeering acts, injuries, and violations cited under 18 U.S.C. § 1961 herein.

306. These same defendants further engaged in and/or engaged other participants in their conspiracies, acts, violations, and injuries of rights in violation of 42 U.S.C. §§ 1981 equal rights, and/or § 1981(a) intentional discrimination in employment, and § 1982 property rights, and § 1985 conspiracy, and § 1986 failure to prevent, and § 1994 peonage, and in their pattern(s) of fraudulent concealment at paragraphs 550-583 below, as or together with state and local co-conspirator defendants. All these acts were and are willful and knowing acts, violations, and injuries, undertaken in bad faith and with malicious intent to deliberately violate, harm, injure, and exploit these plaintiffs, to benefit their associated-in-fact enterprise, and to personally benefit themselves and their close associates, relatives, and friends from these injuries. The acts, violations, and injuries by these defendant are not entitled to the protections of qualified immunity, as they were and are untaken as willful violations of rights and law and were and are undertaken with malicious intent to injure these plaintiffs.

G. Application Of Equitable Tolling In Fraudulent Concealment – Unequal Administration Of Justice

307. A key fundamental issue requiring this Court to urgently address the claims herein is an unyielding truth about the historical pattern of unequal administration of justice in these United States:

Lead Plaintiff finds no record that defendant UNITED STATES, specifically DOJ, has ever in the entire history of the United States of America, acted criminally against collective and wide-spread institutional abuse of police powers by its own federal departments and agencies.

308. For example, no criminal indictments were ever brought for recurring patterns of criminal conduct under the MKUltra or Cointelpro felony violations by defendants CIA, ARMY, and FBI from the 1950s into the 1970s for original crimes or for institutional obstructions of justice, including, without limitation, destruction of evidence. Forty-five years of FISA warrant violations since 1978, fifteen years of Section 702 violations since its original adoption in 2008 to cure prior violations of law, and the widespread January 6, 2021 executive branch cell phone text wipes also have a similar record. These are ignored and disregarded as routine bureaucratic administrative errors of no particular consequence despite their profound implications for individual rights and for the rule of law, and no criminal prosecutions attach for these widely tolerated executive branch criminal violations of law, including, without limitation, these repeated institutional violations of rights under 18 US §§ 241 and 242.

309. As a result, defendant UNITED STATES has developed a tacit permission structure in its intelligence and police powers operations for the systematic abuse of the principles of "state secrets" and "national security" to engage in a long series of programmatic abuses and coverups of its violations of the Constitution, of ratified international treaties, and of the laws of the United States of America, against a wide variety of individuals, groups, and sovereign bodies, both within and outside the United States of America, by executive branch departments and agencies. Congress can prescribe and proscribe, the Courts can remedy and sanction, but the executive branch has and does simply ignore and evade enforcement. By these failures to act,

individual rights and liberty have been destroyed for this class of plaintiffs, and executive impunity reigns supreme over plaintiffs' constitutional rights.

310. The prohibited BRMT bioweapon and bioweapon delivery system has been used by defendant UNITED STATES against these plaintiffs through its evolution from crude to extreme sophistication for over five decades. That timespan is more than three times longer than defendant FBI's infamous Cointelpro (15 years) organized nationwide program of felonies against Constitutional and civil rights; and more than two times longer than defendant CIA's MKUltra (20 years) criminal LSD distribution and surreptitious dosing program while defendant CIA was likely America's largest single illegal drug dealer. Both those illegal programs required physical interactions with the victims. Both illegal programs are known to have injured tens of thousands to hundreds of thousands of US persons through specific felony violations of U.S.C. Title 18.

311. In contrast, the modern versions of illegal BRMT bioweapon and bioweapon delivery system do not require any direct proximate interaction with any victim. This has been true since at least the early 1980s double murder attempt by melatonin overdose on Lead Plaintiff and his first wife Lynne at Porteau Cove, British Columbia, Canada, related in paragraph 694 LETHL-1. BRMT deployment, its use in acts of abuse and violations of rights and law, are vastly simpler than they were during MKUltra. The supercomputer systems used today in illegal BRMT bioweapon operations perform three quadrillion operations per second (3,000,000,000,000) and can deliver literally billions of micro-pulsed illegal BRMT biochemical brain hijacking instruction sequences each second. The scope of illegal BRMT bioweapon and bioweapon delivery system violations against these plaintiffs vastly exceeds, likely by hundreds of thousands to billions of felony events, the combined violations of Cointelpro and MKUltra.

312. Lead Plaintiff's historical and current experience and the sampling of evidence herein document defendants' continuing pattern of criminal and civil violations of rights which involve illegal biomedical hijacking (BRMT), various financial and other frauds, asset stripping, destruction of relationships and inducement of fraudulent relationships, deprivation of benefits, and other abuses intended by defendant UNITED STATES and its co-conspirators to sustain victims' penury, mental instability, and to fraudulently conceal and cover up and perpetuate the "state secret" illegal BRMT program against US persons, which defendants with military, intelligence, and police powers are sworn to protect.

313. These offenses and violations as elements of the "state secret" pattern of operation of the prohibited BRMT bioweapon program commenced in the 1960s, have been fraudulently concealed throughout this time from these plaintiffs, and continue as this complaint is written.

Equitable Tolling - Civil RICO Time Bars are Equitably Tolled by Defendants Systematic Fraudulent Concealments

314. Lead Plaintiff began a forensic analysis to develop the pattern of facts presented herein in mid-2021. With the exception of defendant ARPAIO in mid-2022, it was not until the September 2023 that he was finally able to begin to establish a definitive link between individual defendants, their concealed undercover identities under which he knew them, and their actual current identities, thereby explicitly connecting those to the underlying institutional defendant entities. Establishing this chain of identifications is crucial to factually and dispositively unmasking these defendants who have and do operate using continuous concealment of their identities and defendant institutional affiliations.

315. A four year statute of limitations drawn from the Clayton Act was established for most civil RICO claims. *Rotella v. Wood*, 528 U.S. 549 (2000) incorporates a critically important equitable tolling exception. Defendant UNITED STATES including, without limitation, CIA,

FBI, DOJ, and various DOD departments and agencies, have and do engage in a systematized program of illegal acts which has and does violate the conditions for the lawful use of state secret privilege established in *United States v. Reynolds* 345 U.S. 1, 12 (1953), and have used it as their sword and shield for fraudulent concealment of their illegal acts, thereby broadly invoking equitable tolling.

316. The specific circumstances of each element of equitable tolling by fraudulent concealment are described in this section. Quoting from *Rotella* and then from other guiding case law on equitable tolling of civil RICO and rights claims impacts on the statute of limitations:

***a. Rotella* at 555, 556:**

> "**We are unconvinced that for statute of limitations purposes a plaintiff's ignorance of his legal rights and his ignorance of the fact of his injury or its cause should receive identical treatment. That he has been injured in fact may be unknown or unknowable until the injury manifests itself; and the facts about causation may be in the control of the putative defendant, unavailable to the plaintiff or at least very difficult to obtain.** The prospect is not so bleak for a plaintiff in possession of the critical facts that he has been hurt and who has inflicted the injury. He is no longer at the mercy of the latter. There are others who can tell him if he has been wronged, and he need only ask." Quoted from United States v. Kubrick, 444 U.S. 111, 122, 100 S. Ct. 352, 62 L.Ed.2d 259 (1979)"

***b. Rotella* at 560, 561**:

> "It is not that we mean to reject Rotella's concern about allowing "blameless ignorance" to defeat a claim, Urie v. Thompson, 337 U.S. 163, 170, 69 S. Ct. 1018, 93 L. Ed. 1282 (1949); we simply do not think such a concern should control the decision about the basic limitations rule. In rejecting pattern discovery as a basic rule, **we do not unsettle the understanding that federal statutes of limitations are generally subject to equitable principles of tolling,** see Holmberg v. Armbrecht, 327 U.S. 392, 397, 66 S.Ct. 582, 90 L.Ed. 743 (1946), and **where a pattern remains obscure in the face of a plaintiff's diligence in seeking to identify it, equitable tolling may be one answer to the plaintiff's difficulty, complementing Federal Rule of Civil Procedure 11(b)(3).** See ibid.; see generally Klehr, 521 U.S., at 192–193, 117 S. Ct. 1984 (noting distinctions between different equitable devices). **The virtue of relying on equitable tolling lies in the very nature of such tolling as the exception, not the rule."**

c. Federal Rules of Civil Procedure Rule 11(b)(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;"

***d. Klehr v. A. O. Smith Corp*., 521 U.S. 179 (1997) at 183, 194, 195:**

> "We limit our consideration of the question to the context of civil RICO. In that context, we conclude that "reasonable diligence" does matter, and a plaintiff who is not reasonably diligent may not assert "fraudulent concealment.""

e. RICO - Congressional Intent PL 91-452 (RICO) October 1970

> "(a) The provisions of this title [enacting this chapter and amending sections 1505, 2516, and 2517 of this title] shall be liberally construed to effectuate its remedial purposes."

***f.* SCOTUS Speaks on Equitable Tolling Again in 2023**

> ***Arellano v. McDonough*, 598 U.S. ___ (2023)**
>
> **"Equitable tolling "effectively extends an otherwise discrete limitations period set by Congress."** Lozano v. Montoya Alvarez, 572 U.S. 1, 10 (2014). In practice, it "pauses the running of, or 'tolls,' a statute of limitations when a litigant has pursued his rights diligently but some extraordinary circumstance prevents him from bringing a timely action." Ibid. **The doctrine "is a traditional feature of American jurisprudence and a background principle against which Congress drafts limitations periods."** Boechler v. Commissioner, 596 U. S. ___, ___ (2022) (slip op., at 8). **Consistent with this jurisprudential backdrop, we presume that federal statutes of limitations are subject to equitable tolling.** Irwin v. Department of Veterans Affairs, 498 U.S. 89, 95–96 (1990). The Irwin presumption, however, is just that—a presumption. It can be rebutted, and if equitable tolling is inconsistent with the statutory scheme, courts cannot stop the clock for even the most deserving plaintiff. John R. Sand & Gravel Co. v. United States, 552 U.S. 130, 137–138 (2008); United States v. Beggerly, 524 U.S. 38, 48–49 (1998)."

G1. Diligent Pursuit of Claims by Lead Plaintiff In The Face Of Long-Running Fraudulent Concealment by Defendants

317. Defendants' comprehensive pattern of actions to fraudulently conceal and cover up the entirety of the BRMT brain hijacking and racketeering crimes has been and is fraudulent

concealment, and thereby gives rise to equitable tolling in accordance with *Rotella* at paragraph 316a and 316b above. This critical exception to the four year statute of limitations for civil racketeering and rights violations. Direct and liberal application of *Rotella* described at paragraph 316a above is consistent with the statutory scheme described by Congress and with the liberal construction Congress intended in enacting RICO, as shown at paragraph 316e above.

318. Since these acts, injuries, and violations were not fully discovered and definitively linked to the specific institutional defendants until Summer and Fall 2023 (paragraph 99, LPEE pages 12251-12261), while Lead Plaintiff has continuously been diligent in pursuing this information from mid-2021, including through continual defendant stone-walling of FOIA, Privacy Act, and other legal requests for information (LPEE pages 508-541, Interline Exhibits 17-19), the four year statute of limitations is clearly tolled. As affirmed in *Arellano* at paragraph 316f above, this assertion cannot be rebutted by these defendants. The final linkages of this conspiracy and of these acts, violations, and injuries to these institutional and individual defendants' undercover chain of acts, violations, and injuries, and to their joint and several liability, will be made in answers and discovery under F. R. Civ. P. Rule 11(b)(3), paragraph 316c above.

319. Lead Plaintiff has been diligent in pursuing his claims as required under *Klehr* at paragraph 316d above. Defendant UNITED STATES has abused the "state secrets" privilege under color of law to engage in a persistent pattern of fraudulent concealment since the inception of the BRMT brain hijacking program. *United States v. Reynolds* 345 U.S. 1, 12 (1953) clearly states that all activities which operate under this privilege must comply with federal law, "Footnote 4: 5 U.S.C. § 22: … not inconsistent with law…" Defendants forfeited this state secrets privilege from the first day of their violations of plaintiffs' "unalienable" rights and are

directly responsible for all injuries due to their criminal and civil violations of the US Constitution, existing US law, and ratified international treaties. The BRMT program and related pattern of rights violations and racketeering acts used to fraudulently conceal and cover up its existence violate 18 U.S.C. §§ 175, 1961-1968, and a sweeping array of other federal laws, ratified treaties, and the Constitution, as described throughout this Complaint.

320. This diligent pursuit by Lead Plaintiff to defeat these defendants' fraudulent concealments has encountered defendants' fierce, ferocious, even torturous repeated resistance, intimidations, and retaliation, as well as technical hacking in obstructions of rights, to and including tampering with evidence and obstructing access to evidence, which efforts and obstructions have and do continue. Principal methods of fraudulent concealments by defendants are discussed at a. through f. below, note the vital issue of who perpetrated these rights and RICO injuries. Other fraudulent concealment by defendants at g. through k. below precluded access to vital information and have and do obstruct evidence required to properly prepare this litigation. The eleven principal methods used by defendants to accomplish their past and on-going obstructions are as follows:

a. ***Fraudulent Concealment: Human Trafficking and Homeless Duress*** - Being completely unaware of both the illegal BRMT brain hijacking system and the already long-running but slowly evolving rights and racketeering injuries pattern which began about 1968, Lead Plaintiff filed a Federal Tort Claims Act (FTCA) claim with the United States in September 2005 regarding only the extremely financially damaging and psychologically coercive police powers field operations he was experiencing in 2002-2005. He was completely unaware of the illegal BRMT bioweapon and bioweapon delivery system in any form, and related his experiences only to the

preceding three years as of September 2005. Lead Plaintiff hand delivered the FTCA claim in Washington, D.C. due to the repeated failures of mail and express services to complete deliveries to defendant DOJ, EOP, and others at that time. No reply was ever received. Within 120 days of those hand deliveries in DC, he was rendered homeless by the pattern of defendants' actions from 2002-2005 after he left CNA and the direct employ of defendant FAUCI. This fraudulent concealment, and the period of confinement in the form of enforced homelessness and complete instability of shelter by defendants' acts of duress, tolled the statute of limitations.

b. ***Fraudulent Concealment: Human Trafficking and Homeless Duress*** - Lead Plaintiff was then human trafficked by defendants' actions, to and including through December 2005, to Boston, Massachusetts, to four months in a hotel room until funds were exhausted, then to 17 months of homelessness. This fraudulent concealment, and the period of confinement in the form of enforced homelessness and complete instability of shelter by defendants' actions, tolled the statute of limitations.

c. ***Fraudulent Concealment: Human Trafficking and Duress*** - In August 2007, Lead Plaintiff was again human trafficked unbeknownst to him, to false employment in defendant ESTABLISH by defendant ROSENBERG in a defendant FBI/USMS cover operation. He was then prejudicially terminated by ROSS in June 2008, soon after a knowingly impossible to meet demand was made that he invest $25,000 in his failing fraudulent employer ESTABLISH by his boss (ROSS). It was impossible for the Lead Plaintiff to establish these conditions of his false and fraudulent employment and involuntary servitude at that time. This fraudulent concealment and the involuntary servitude, incorporating human trafficking, fraudulent employment, and housing in a

defendant USMS by defendant CHALOM "safe" house apartment, were concealed and were not visible to Lead Plaintiff, continuing this tolling of the statute of limitations.

d. ***Fraudulent Concealment: Human Trafficking and Involuntary Confinement*** - Lead Plaintiff continued his diligent pursuit of his broadened claims by incorporating an incorrect allegation of a stomach implant thought to be used in the illegal BRMT brain hijacking program in the injuries listed in his federal district court filing in the District of New Jersey in 2010, Civil No. 10-3204 (SDW). Within 100 days of that filing, defendants' actions again rendered Lead Plaintiff homeless, where he was kidnapped into civil confinement in a hospital ward for six months (paragraph 808), as he was again penniless due to not being allowed any employment and NJ state law does not permit a hospital to release any patient into homelessness. Lead Plaintiff received indirect pressure while confined from physical violence acted out in his presence, threats of violence witnessed on his ward, and indications he would not be released while this litigation was pending. After about three months of confinement, he "voluntarily" dismissed the case in January 2011 due to the impossibility of pursuing the matter while in the civil confinement conditions created and perpetuated by these defendants. Defendants coordinated throughout this period to act functionally as his kidnappers, using civil law to retain Lead Plaintiff in a locked hospital facility under threat of indefinite detention. Further, Lead Plaintiff was denied even the right to move to a homeless shelter during this period. Release to alternate housing was only permitted after the January 7, 2011 dismissal (excerpt below). The rehousing process started in late January or early February 2011 (only after the dismissal order was

entered to the docket by the court) and was completed by March 30, 2011. In actual fact, the Ramsey, NJ housing location where he was ultimately placed had already been available the entire time he had been confined (per Advance Housing as confirmed by his Ramsey co-resident Schmiedhauser) and could have been made available much earlier to the Lead Plaintiff. This fraudulent concealment, and the period of confinement in the form of enforced civil confinement by color of law abuses of New Jersey law, again tolled the statute of limitations.

Federal District of NJ District Court - Order Excerpt:

DENNIS SHELDON BREWER

Civil No. 10-3204 (SDW)

v.

UNITED STATES SECRET SERVICE, et al

O R D E R OF VOLUNTARY DISMISSAL

It appearing that Plaintiff having filed a letter dated December 15, 2010 [doc. # 2] stating that they will withdraw this matter;

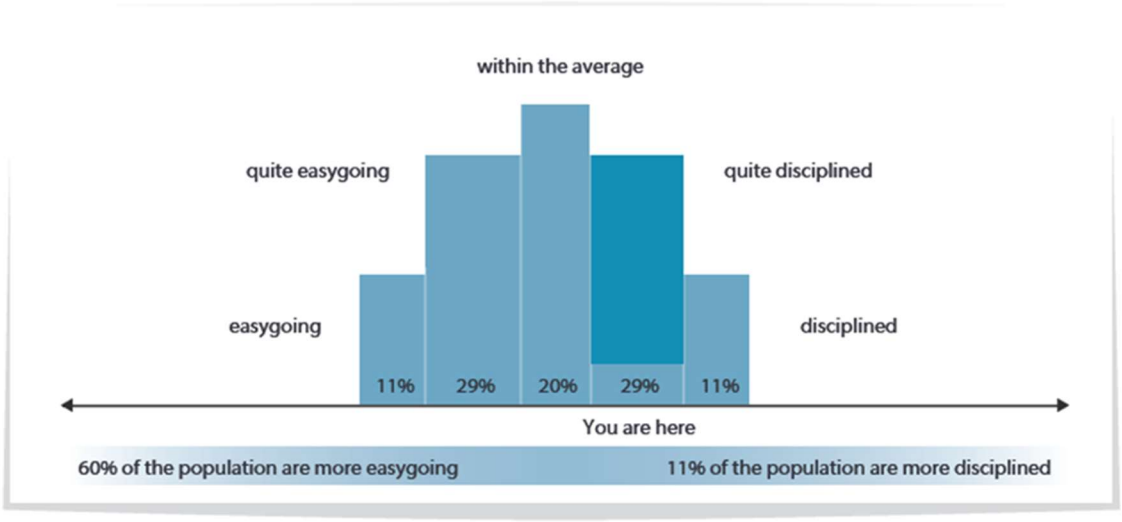
It is on this 7 th day of January, 2011

O R D E R E D that the complaint in this action be and is hereby dismissed without prejudice.

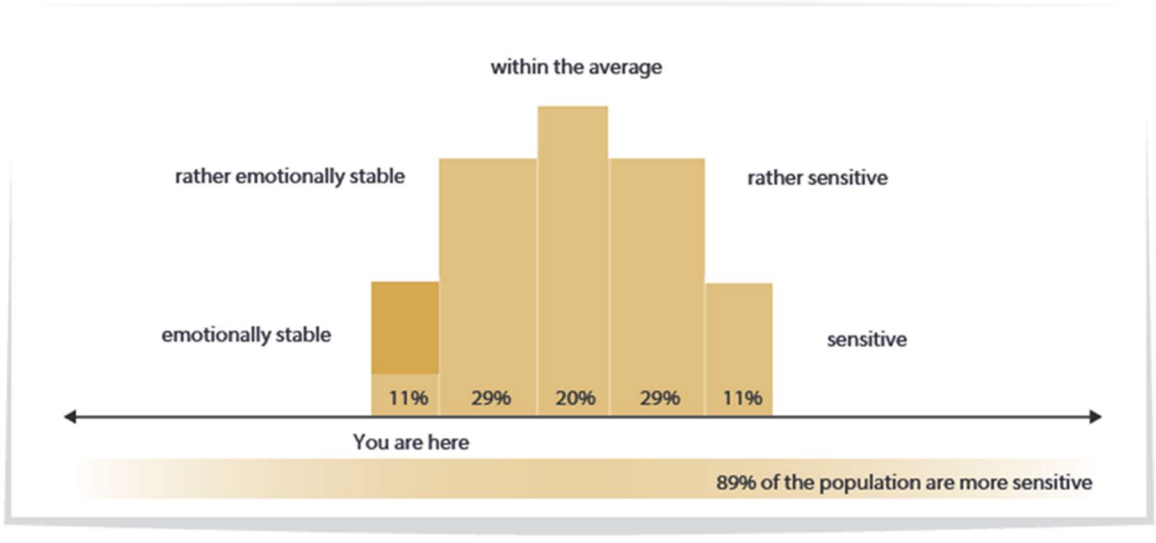
e. ***Fraudulent Concealment: Extreme Mental Abuse and Torture*** - Defendants engaged in three distinct periods of extreme mental torture and other mental cruelty which disabled the Lead Plaintiff to the point of suicide ideation in 2003-2004, 2006-2007, and in 2008-2010. These periods of extraordinary duress imposed by defendant UNITED STATES in Kirkland, Washington, Boston, Massachusetts, and Fort Lee, New Jersey, described at paragraphs 641-643 RICO-3-5 herein, further tolled the statute of limitations as they caused extreme duress, severely limited the mental

reasoning of the Lead Plaintiff, and restricted his ability to pursue due diligence and forensic analysis throughout these periods of extreme and torturous duress. Lead Plaintiff is found to be among the 10% most emotionally stable persons in independent psychological tests shown below and described at LPEE pages 190-236, so this is not a specious allegation based upon mere mental or physical discomfort.

Conscientiousness



Level of Neuroticism



f. ***Fraudulent Concealment: False Personation*** - The critical facts which established the identities of the plaintiffs in this matter were not known to Lead Plaintiff until September 2023, when Lead Plaintiff was able to identify several prior false identities of eight current and former CIA, FBI, DOJ, and military officials, among others at LPEE pages 12251-12261.

(i) Stephen BREYER (fka Jack Sackville-West (BREYER), Spokane, WA), a former Supreme Court Associate Justice;

(ii) Andrew WEISSMAN (fka Lyle Whiteman, PCC General Manager), actually a former FBI agent, then FBI General Counsel;

(iii) William BURNS (fka Pat Heffron, posing as OB/GYN physician) a former CIA BRMT project manager or executive, now CIA Director;

(iv) Roger STONE (fka David Moller (STONE), Deloitte manager), a former CIA commercial cover officer for a South Africa banking system espionage project,

(v) Charles ROSENBERG, a former affiliate CEO from approximately 1983 to 1996 (fka Chuck LeFevre (ROSENBERG), CEO NutraSource), then as hiring manager in 2007-2008 (fka William Drumm, GM ESTABLISH) actually former FBI/DOJ/DEA official Chuck ROSENBERG, who now appears as legal analyst on MSNBC,

(vi) Leslie CALDWELL (fka as a Seed and Berry, Seattle, Washington intellectual property attorney during fraudulent defendant FBI ShipNow operation and litigation at RICO-1, 6, 12, 35, 45 and RGTS-8), acted unethically and outside her legal scope of authorized duties as a federal prosecutor, represented herself in 2004-2005 as an attorney acting in the interests of Allegent, LLC, a company unwittingly co-owned by Lead Plaintiff with an undercover federal agent known as Darrell PRAY, to pursue an

intellectual property claim against ShipNow, Inc, a false intelligence cover company used by FBI (KURGAN) to spy on domestic software, retail, and other private enterprises. CALDWELL was instrumental in acting to dissuade the Lead Plaintiff from pursuit of a valid legal claim by Allegent, LLC during a 2002-2005 human trafficking sequence in which Lead plaintiff lost his home and business in 2005, as related at paragraph 462-470, 610 HEXP-7. CALDWELL practiced law at Latham & Watkins in San Francisco, California and was formerly Assistant Attorney General heading DOJ Criminal Division from 2014-2017.

(vii) Ari MELBER (fka Wes Lewis) and Lisa RUBIN (fka Michelle Yarbrough), two former fraudulent family members from approximately 1990 through 2005, past FBI/DOJ agents and/or officials who also appear on MSNBC,

(viii) Alexander VINDMAN (fka Paul Yarbrough), a former ARMY officer who posed as a brother-in-law in the U.S. Air Force from approximately 1990 through 2005. His twin brother Yvgeney (fka Greg Yarbrough), another ARMY officer, also appeared from time to time.

(ix) Other ARMY officers also appeared in civilian dress during these events, including WILKINS (known at the time to also be an officer in Washington ARMY National Guard), and AUSTIN (ARMY, now named as defendant Secretary of Defense, in his official capacity only), and unknown to the Lead Plaintiff at the time (CNA Industrial Engineering, see paragraph 602 NSEC-3).

(x) All these persons used false identities at the time of their fraudulently concealed interactions with the Lead Plaintiff.

These bad faith actors directly injured the Lead Plaintiff with their actions and failures to act while actually employed by CIA, FBI, DOJ, and the United States armed forces at those times. These bad faith acts, as defined in *Harlow v. Fitzgerald, 457 U.S. 800* (1982) at paragraphs 272-273, and the actual identities of these perpetrators were fraudulently concealed from the beginning and continuing into September 2023, except that ARPAIO as MARICOPA SHERIFF and not attached to any federal department or agency, was unmasked by Lead Plaintiff in mid-2022. Fraudulent concealment tolls the statute of limitations on all these defendants' bad faith acts.

g. ***Fraudulent Concealment: Blocking and Concealment of Critical Information Sources*** - Defendants definitively blocked the awareness of the Lead Plaintiff to all internet-based information about brain-to-computer interfaces in web searches at all times until 2021. These beneficial commercial medical devices are based upon the same medical, neuroscience, and scientific principles as the illegal BRMT bioweapon and bioweapon delivery system, which is a computer controlled manipulation of the brain and is an offensive weapon. Given the novel nature of this illegal bioweapon system, this lack of knowledge of such beneficial devices using these same principles functionally kept the Lead Plaintiff in purposeful ignorance from at least 2012 when Synchron was first formed (paragraph 6 and LPEE pages 11-25) to commercially exploit this science and technology. Since no such system has ever before been known to the general public, it would be nearly impossible for the Lead Plaintiff to have been able to establish the veracity of the existence of this illegal BRMT bioweapon and bioweapon delivery system. This fraudulent concealment by defendants tolls the

statute from the time of the original federal court complaint in the District of New Jersey. These specific web search interferences were fraudulent concealment which again tolled the statute of limitations.

h. ***Fraudulent Concealment: Blocking and Concealment of Critical Experts*** - Defendants definitively precluded the Lead Plaintiff from due inquiries to experts with knowledge of neuroscience. Defendants blocked all email communications with neuroscience experts in university and other institutional settings in 2021. See LPEE pages 803-817. These email interferences were fraudulent concealment which again tolled the statute of limitations.

i. ***Fraudulent Concealment: Systematic Blocking of All Federal FOIA and Privacy Act Responses Limited Preliminary Discovery*** - Defendants have and do engage in a comprehensive FOIA and Privacy Act blockade of all information from federal departments and agencies from 2021 forward, except for two completely inaccurate responses, all in violation of 5 U.S.C. § 552. This has been coordinated with a FOIL blockade by defendant NYPD which began in September 2021. See these coordinated information blocking examples at Interline Exhibits 17-19 and at LPEE pages 508-541. This has severely impacted Lead Plaintiff's forensic analysis of the total fact pattern since that time. These coordinated FOIA and FOIL violations of law are fraudulent concealment which again tolls the statute of limitations for all prior actions of relevant agencies and departments.

j. ***Fraudulent Concealment: Systematic Blocking on Lead Plaintiff's Computer*** - Defendants continue to block access to critical information on the Lead Plaintiff's computer to this day, including all interstate commerce business-related emails from

March 4, 2018 through July 9, 2020. This prevents the entire series of predicate acts by these defendants during that period from being included in the racketeering injuries to Lead Plaintiff, including, without limitation, human trafficking and interferences in interstate commerce. These coordinated violations of law, which block key case evidence, are fraudulent concealment which again tolls the statute of limitations for all prior actions of relevant agencies and departments.

k. ***Fraudulent Concealment: Systematic Blocking and Technology Hacking*** - Defendants have and do engage in various forms of continuing harassment, including deliberate hacking of documents during and after preparation, concealment and falsifications of statutes and of case law information sourced online, the hacking and disabling of computer printers, and other technical blocking and interferences noted in LPEE pages 11727-11907. Evidence in email accounts related to food borne illness correspondence with the corporate headquarters of defendant ACME has been deleted from history, the electronic calendar in Outlook has been deleted through September 1, 2023, deleting evidence of illegal interferences with personal life, and other evidence has been tampered with and distorted, This has continued throughout the process of preparing this litigation. These coordinated violations of law are fraudulent concealment which again toll the statute of limitations and obstructs justice perpetrated by defendant UNITED STATES in its systematic efforts to defeat this litigation and to fraudulently conceal its conduct. This pattern of systematic obstructions and fraudulent concealment during preparation of litigation is at LPEE page 11645-12261. This pattern of fraudulent concealment including, without limitation, obstructions of evidence, combined with hyper-intrusive “glass house” international visibility

constructed by defendant UNITED STATES for Lead Plaintiff throughout it human trafficking process (principally by defendants DOJ, CIA, ARMY, BREYER, GARLAND, WEISSMAN, ROSENBERG, BURNS) has continued through the series of "safe" houses where Lead Plaintiff has been functionally confined by defendant UNITED STATES in its on-going efforts to escape accountability for its corrupt and continuing acts against Lead Plaintiff and others in this class of plaintiffs. This pattern of acts, violations, and injuries of constitutional rights and statutory rights has been and is a systematic and sustained effort to (i) make an internationally visible public example to the world of defendant UNITED STATES' intolerance for those who would dare to expose federal executive branch police powers corruption, and to (ii) intimidate other members of this class which defendant UNITED STATES has and does elect to entangle into its decades long and ongoing color of law systematic violations of constitutional rights (*First, Third, Fourth, Fifth, Eighth, Ninth, Thirteenth, Fourteenth* Amendments), domestically and internationally illegal BRMT program (18 U.S.C. § 175, 1972 *Bioweapons Treaty*), and other patterns of racketeering acts (18 U.S.C. §§ 1961-1968), as it continues its scofflaw approach to equal justice and the rule of law in other defendant DOJ comparable patterns of practice including, without limitation, 45 consecutive years of FISA violations of rights documented by the FISA Court, and 15 years of Section 702 violations of rights documented by Congress, with no prosecutions for these systematic violations of rights and law. Congress intended that constitutional rights crimes (18 U.S.C. § 241) carry the same criminal penalty as non-violent bank robbery (18 USC § 2113(b)), providing criminal penalties of maximum 10 years imprisonment and an unspecified

fine for each violation. Meeting this clear standard of Congressional intent with regard to 18 U.S.C. § 241 within executive branch departments and agencies own patterns of practice is not defendant DOJ's pattern of practice at any time in the past 56 years in Lead Plaintiff's direct personal experience, which experience is representative of the experiences of this class. Fraudulent concealment and tacit permission for obstruction of justice prevails at all levels inside defendant DOJ for conduct by its own and other federal police powers agencies and for intelligence (CIA) and military (ARMY) intrusions (18 USC § 1385) into the daily lives of any US person they choose to pretext without cause or process, all sustained by fraudulent concealment, as described by the entire fact set laid out in this Complaint (paragraphs 350-710).

321. This entire set of patterns of fraudulent concealment is consistent with the pattern of practice found by the Senate Intelligence Committee in 1975 related to activities of FBI and CIA (LPEE pages 6885-7466). Further, it is consistent with the pattern of practice of the intelligence community (CIA) against the Senate Intelligence Committee during 2014 as the Senate was conducting its inquiry into illegal torture practices of CIA (paragraphs 332, 340). This further substantiates these agencies practices against the Lead Plaintiff as consistent with their other contemptuous patterns of practice including hacking, intimidation, and retaliation against both U.S. persons and against a separate branch of government (Congress) which is constitutionally mandated to conduct oversight and set policy for the federal executive.

H. Constitutional Issues - Ratified International Treaties Supersede Existing US Law And Supersede Defendant UNITED STATES' Neglect To Prevent

I1. Defendant UNITED STATES' Noncompliance With Law - *Bioweapons Treaty* Prohibits ALL Bioweapons And Bioweapon Development From March 1975

322. Defendant UNITED STATES' development and operation of the prohibited BRMT bioweapon and bioweapon delivery system is a prima facie violation of the *Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction*, which prohibits (italics added):

> "Article I
> Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain:
> (1) Microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes;
> (2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.
> Article II
> Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after the entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, which are in its possession or under its jurisdiction or control. In implementing the provisions of this article all necessary safety precautions shall be observed to protect populations and the environment.
> Article Ill
> Each State Party to this Convention undertakes not to transfer to any recipient whatsoever, directly or indirectly, and not in any way to assist, encourage, or induce any State, group of States or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in article I of the Convention.
> Article IV
> Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition, or retention of the agents, toxins, weapons, equipment and means of delivery specified in article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere."

See the full text of this ratified international treaty at LPEE pages 10776-10779.

323. BRMT also violates 18 U.S.C. § 175(b) (italics added):

> "Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose, shall be

fined under this title, imprisoned not more than 10 years, or both. In this subsection, the terms "biological agent" and "toxin" do not encompass any biological agent or toxin that is in its naturally occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source."

324. Toxin is defined at 18 U.S.C. § 178(2) (italics added):

> *"toxin means the toxic material or product of .... animals....a recombinant or synthesized molecule, whatever their origin and method of production, and includes – any....biological product that may be engineered as a result of biotechnology produced by a living organism; or... any...biological product..."*

325. Defendant UNITED STATES violates both the 1972 *Bioweapons Treaty* AND 18 U.S.C. § 175. The illegal BRMT bioweapon and bioweapon delivery system is intended, designed, and operates to produce unnatural manipulated ("*cultivated, collected, or otherwise extracted")* quantities of endogenous (naturally occurring) biological brain chemicals in the brain and central nervous system of its unwitting involuntary human victims and other animal subjects, including, without limitation, dopamine (neurotransmitter), nitric oxide (circulatory effects), and glutamate (neurotransmitter), whether that quantity exceeds or is suppressed from the otherwise naturally occurring quantities produced by the human victim or animal subject and then either forcibly withholds or forcibly secretes these brain biochemicals through the illegal hijacking of normal brain function (which normal brain function is free will in humans and other animals).

326. The presence or absence of these specific biological compounds are toxic as they create and sustain unnatural effects on the unwitting human victims through their out-of-natural balance effects. These biochemical hijackings are forced takeovers of free will and/or of normally regulated body functions which produce a wide variety of symptoms including, without limitation, halted breathing, disrupted consciousness, heart attack, depression, suicide ideations, involuntary body movements (such as pulling a trigger when not naturally intended by the

victim), mental illnesses of varying degree, and deep sleep (such as unnatural inducement while operating a vehicle or equipment, paragraph 694, LETHL-1), among other symptoms and illnesses. These unnatural biochemical imbalances have direct real world consequences on individual liberty, rights, morbidity, and mortality which are arbitrarily imposed by defendant UNITED STATES outside the due process of law. They unnatural biochemical imbalances also have long-term disabling effects when induced in persistently excessive or suppressed amounts, such as in clinical depression, Alzheimer's, ALS, intellectual disabilities, and other permanent disabilities, potentially including chronic traumatic encephalopathy (CTE), and other effects as described at LPEE beginning page 1 and LPEE beginning page 140. These episodic and chronic effects are arbitrarily imposed by defendant UNITED STATES outside the due process of law, in its knowing and willful violations of unalienable constitution rights and federal law, through its knowing abuse of the state secret privilege (which is not a right of the executive branch, it is a privilege regulated by Congress under law) and its knowing, willful refusal to criminally prosecute these violations of law.

326A. NOTE: Both references at paragraph 326 above are to the full text of those two specific statements, related to BRMT at LPEE page 1 et al and in the Personal Statement at LPEE page 140 et al. These statements were modified after LPEE page numbers were initially assigned. Defendant UNITED STATES elected to undertake a computer hack in February 2023 which prevents the use of Bates numbering of these documents and other documents entered to the evidentiary record since that specific hack against Lead Plaintiff's online subscription version of Adobe Acrobat Pro. This software application which has been used to assign Bates number was electronically hacked by defendant UNITED STATES, so these specific statements of evidence are referred to herein as page 1 et al (actually 15 pages beginning at LPEE page 1) and

140 et al (actually 63 pages beginning LPEE page 140). Other references to LPEE evidence paginated after this hack are noted as LPEEV65 to reference a document number so those documents can be located by the Court and by defendants, such as the document LPEEV65-1 which references the three page document regarding the Audrey Brewer murder in September 2011, located at that document number.

327. These defendant UNITED STATES illegal BRMT brain hijackings of unwitting human victims' free will have and do create toxic effects in the unwitting human victims as defined at 18 U.S.C. § 178(2) and are criminal offenses under 18 U.S.C. § 175, which are compensable by civil remedy, including through injunctive relief and damages. This court is constitutionally obligated to hear this non-compliance with law claim and to order full and fair enforcement of the 1972 *Bioweapons Treaty* by defendant UNITED STATES on behalf of these plaintiffs and all other persons over whom this Court exercises jurisdiction. Federal courts in two other federal districts have not permitted entry of predicate act and other documentary evidence to their official records, disallowing even the initial pleadings from being fully and accurately entered to those courts' official dockets in the District of Columbia and the Southern District of New York (Appendix 1 hereto) in their violations of the Supreme Court mandates of *Nietzke* and *Denton* (paragraphs 331-333).

I2. Conflict Of Law - Senate Ratification Determined Treaty Is NOT Self-Executing, *Torture Treaty* Requires Civil Right Of Action

328. Defendant UNITED STATES has failed to comply its own ratification and with the specific provisions of the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1992 *Torture Treaty*). A current conflict of law at 18 U.S.C. § 2340B prohibiting civil remedies for torture violates the Senate determination in its October 27, 1990 ratification that the treaty is not self-executing:

"III. The Senate's advice and consent is subject to the following declarations:
(1) That the United States declares that the provisions of Articles 1 through 16 of the Convention are not self-executing."

329. 18 U.S.C. § 2340B, adopted April 30, 1994, which denies a right of civil remedy directly contradicts, and is superseded by, Article 14 of the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,* as follows:

> "Article 14
> 1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependents shall be entitled to compensation.
> 2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law."

See the full text of this ratified international treaty at LPEE pages 921-933.

330. This court is constitutionally obligated to hear this conflict of law claim and to order full and fair enforcement each of these treaties by defendant UNITED STATES on behalf of these plaintiffs and all other persons over which this Court exercises jurisdiction.

I. *Denton* and *Nietzke* Mandate Factual Development Of Novel Claims, For *In Forma Pauperis Pro Se* Litigation, Even If Imperfectly Pled

331. The *Denton* mandate commands factual development of novel claims, even if imperfectly claimed *(Nietzke)*, in ALL *in forma pauperis* pro se litigation**.** *Denton v. Hernandez***,** 504 U.S. 25, 27, 32-34 (1992), at 27:

> "In *Neitzke* v. *Williams,* 490 U. S. 319 (1989), we considered the standard to be applied when determining whether the legal basis of an *in forma pauperis* complaint is frivolous under § 1915(d). The issues in this case are the appropriate inquiry for determining when an *in forma pauperis* litigant's factual allegations justify a § 1915(d) dismissal for frivolousness, and the proper standard of appellate review of such a dismissal. "

…… at 32-34 (emphasis added):

"As we stated in *Neitzke*, a court may dismiss a claim as factually frivolous only if the facts alleged are "clearly baseless," 490 U. S., at 327, a category encompassing allegations that are "fanciful," id., at 325, "fantastic," id., at 328, and "delusional," ibid. As those words suggest, a finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them. **An in forma pauperis complaint may not be dismissed, however, simply because the court finds the plaintiff's allegations unlikely. Some improbable allegations might properly be disposed of on summary judgment, but to dismiss them as frivolous without any factual development is to disregard the age-old insight that many allegations might be "strange, but true; for truth is always strange, Stranger than fiction."** Lord Byron, Don Juan, canto XIV, stanza 101 (T. Steffan, E. Steffan, & w. Pratt eds. 1977)

.....

In reviewing a § 1915(d) dismissal for abuse of discretion, it would be appropriate for the Court of Appeals to consider, among other things, **whether the plaintiff was proceeding pro se,** see *Haines v. Kerner*, 404 U. S. 519, 520-521 (1972); **whether the court inappropriately resolved genuine issues of disputed fact,** see supra, at 32-33; **whether the court applied erroneous legal conclusions**, see Boag, 454 U. S., at 365, n.; **whether the court has provided a statement explaining the dismissal that facilitates "intelligent appellate review,"** ibid.; **and whether the dismissal was with or without prejudice."**

332. Defendants CIA and FBI have engaged in well-documented patterns of novel illegal practices (illegal drugging and illegal civil rights violence to name but two) outside law over many decades. These defendant institutions have fiercely resisted Congressional reforms and repeatedly engaged in widely known scofflaw behaviors. The US military sprayed US cities with chemicals they claimed to be non-toxic at the time but perhaps not so considered in later times. CIA did so as the world's largest drug dealer to US persons in the 1950s to 1970s in its MKUltra illegal LSD public drugging campaign. CIA violated the Constitutional separation of powers and federal law in 2014 spying on the Senate Intelligence Committee oversight investigation of CIA torture practices. FBI did so with Cointelpro, a violent federal police powers campaign it ran across the entire United States against the rights and lives of individual citizens, political groups,

and religious denominations from 1956 until it was discovered by a citizen burglary in 1971. As of 2023, fifteen years of continuing Section 702 violations and 45 years of continuing FISA violations are but two of many well-known current public examples of FBI misconduct. No criminal charges have ever been brought by defendant DOJ for tacitly permitted institutional criminal conduct.

333. Novel claims against defendant UNITED STATES must be considered objectively for the fact patterns they present, whether or not the underlying technology is known and understood to the general public at the time of the novel claim, and whether the rationale comports with any known moral, ethical, or legal standard of conduct - or does not comport with any such standard. Past experience and known fact patterns about these specific formally code-named, funded, and long-running patterns of prior illegal conduct by defendant UNITED STATES, discovered by individual citizens, by the media, and by Congress, demonstrate the imperative that novel claims must be examined clearly and impartially under due process.

J. Congressional Intent - Title 18 RICO Statutes, Title 28 Judicial Proceedings

334. Congressional Intent - PL 91-452 (RICO) October 1970:

> "(a) The provisions of this title [enacting this chapter and amending sections 1505, 2516, and 2517 of this title] shall be liberally construed to effectuate its remedial purposes."

Enforcing the "unalienable" constitutional, civil, and human rights of these plaintiffs and other US persons is the remedial purpose of this litigation, particularly in light of defendant DOJ's negligence practiced across decades of fraudulent concealment and knowing willful blindness (paragraphs 550-584), and absolutely no history of broad-based criminal prosecutions for broad-based institutionally tolerated misconduct in police powers and intelligence operations (paragraphs 307-313).

335. Speaking further to Congressional intent, 28 U.S.C. 2679(b)(2) (emphasis added):

"(b)(1) The remedy against the United States provided by sections 1346(b) and 2672 of this title for injury or loss of property, or personal injury or death arising or resulting from the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment is exclusive of any other civil action or proceeding for money damages by reason of the same subject matter against the employee whose act or omission gave rise to the claim or against the estate of such employee. Any other civil action or proceeding for money damages arising out of or relating to the same subject matter against the employee or the employee's estate is precluded without regard to when the act or omission occurred.
(2) Paragraph (1) does not extend or apply to a civil action against an employee of the Government—
(A) which is brought for a violation of the Constitution of the United States, or
(B) which is brought for a violation of a statute of the United States under which such action against an individual is otherwise authorized."

K1. Defendant Agencies, Individuals, and *Mens Rea* – Select Congressional Findings Contemporaneous With Events In This Litigation

336. The Black's Law Dictionary definition of *mens rea*:

"/menz riya/ As an element of criminal responsibility: a guilty mind; a guilty or wrongful purpose; a criminal intent. Guilty knowledge and willfulness"

337. "United States Senate: Intelligence Activities And The Rights Of Americans Book II Final Report Of The Select Committee To Study Governmental Operations With Respect To Intelligence Activities" (commonly, the 1975 Church Committee) (emphasis added):

"(a) Covert Action - Apart from uncovering excesses in the collection of intelligence, our investigation has **disclosed covert actions directed against Americans**, and the **use of illegal and improper surveillance techniques** to gather information." (LPEE page 237)

"(b) Illegal or Improper Means-The surveillance which we investigated was **not only vastly excessive in breadth and a basis for degrading counterintelligence actions but was also often conducted by illegal or improper means**." (LPEE page 240)

338. See Lead Plaintiff's direct experiences with comparable activities at paragraphs 600 through 710.

339. "Project MKUltra: The CIA's Program Of Research In Behavioral Modification" (commonly, the 1977 Rockefeller Commission): "Joint Hearing Before The Select Committee On Intelligence And The Subcommittee On Health And Scientific Research Of The Committee On Human Resources, United States Senate: August 3, 1977" (emphasis added):

> "The Commission investigated a number of projects of the Science and Technology Directorate which have affected persons living within the United States. **Most such activities** were lawful and proper." (LPEE page 262)
>
> **"It was clearly illegal to test potentially dangerous drugs on unsuspecting United States citizens**. The testing of equipment for monitoring conversations should not be directed against unsuspecting persons in the United States. Most of the testing undertaken by the agency could easily have been performed using only Agency personnel and with their full knowledge." (LPEE page 264)

340. Senate Select Committee on Intelligence: "Committee Study of the Central Intelligence Agency 's Detention and Interrogation Program," declassified release December 2014:

> 1. The CIA's use of its enhanced interrogation techniques was not an effective means of acquiring intelligence or gaining cooperation from detainees.
> 2. The CIA's justification for the use of its enhanced interrogation techniques rested on inaccurate claims of their effectiveness.
> 3. The interrogations of CIA detainees were brutal and far worse than the CIA represented to policymakers and others.
> 4. The conditions of confinement for CIA detainees were harsher than the CIA had represented to policymakers and others.
> 5. The CIA repeatedly provided inaccurate information to the Department of Justice, impeding a proper legal analysis of the CIA's Detention and Interrogation Program.
> 6. The CIA has actively avoided or impeded congressional oversight of the program.
> 7. The CIA impeded effective White House oversight and decision-making.
> 8. The CIA's operation and management of the program complicated, and in some cases impeded, the national security missions of other Executive Branch agencies.
> 9. The CIA impeded oversight by the CIA's Office of Inspector General.

10. The CIA coordinated the release of classified information to the media, including inaccurate information concerning the effectiveness of the CIA's enhanced interrogation techniques.
11. The CIA was unprepared as it began operating its Detention and Interrogation Program more than six months after being granted detention authorities.
12. The CIA's management and operation of its Detention and Interrogation Program was deeply flawed throughout the program's duration, particularly so in 2002 and early 2003.
13. Two contract psychologists devised the CIA's enhanced interrogation techniques and played a central role in the operation, assessments, and management of the CIA's Detention and Interrogation Program. By 2005, the CIA had overwhelmingly outsourced operations related to the program.
14. CIA detainees were subjected to coercive interrogation techniques that had not been approved by the Department of Justice or had not been authorized by CIA Headquarters.
15. The CIA did not conduct a comprehensive or accurate accounting of the number of individuals it detained, and held individuals who did not meet the legal standard for detention. The CIA's claims about the number of detainees held and subjected to its enhanced Interrogation techniques were inaccurate.
16. The CIA failed to adequately evaluate the effectiveness of its enhanced interrogation techniques.
17. The CIA rarely reprimanded or held personnel accountable for serious and significant violations, inappropriate activities, and systemic and individual management failures.
18. The CIA marginalized and ignored numerous internal critiques, criticisms, and objections concerning the operation and management of the CIA's Detention and Interrogation Program.
19. The CIA's Detention and Interrogation Program was inherently unsustainable and had effectively ended by 2006 due to unauthorized press disclosures, reduced cooperation from other nations, and legal and oversight concerns.
20. The CIA's Detention and Interrogation Program damaged the United States' standing in the world, and resulted in other significant monetary and non-monetary costs.

341. See Lead Plaintiff's direct experiences with comparable activities by defendant UNITED STATES, in conspiracy with other defendants, at paragraphs 600-619, 632-636, and 694-710.

K. RICO Associated-In-Fact Enterprise

342. As alleged in 110 examples and 54 claims against these defendants, they have engaged in an associated-in-fact enterprise to financially, emotionally, and physically harm Lead Plaintiff in interstate commerce since at least 1968 by engaging in actions to perpetuate involuntary servitude in the service of the illegal development of BRMT and to sustain financial control of Lead Plaintiff and others of this class. These acts have and do include, without limitation, assaults and attempts on life, thefts of compensation and of all forms of property, and illegal imposed limits on income and employment opportunities. The pattern of racketeering acts clearly demonstrates this is an associated-in-fact enterprise, as in *Boyle v. United States,* 556 U.S. 938 (2009):

> "From the terms of RICO, it is apparent that an association-in-fact enterprise must have at least three structural features: a purpose, relationships among those associated with the enterprise, and longevity sufficient to permit these associates to pursue the enterprise's purpose. As we succinctly put it in *Turkette*, an association-in-fact enterprise is "a group of persons associated together for a common purpose of engaging in a course of conduct." 452 U. S., at 583.

343. This associated-in-fact enterprise has and does have:

(i) *purpose* – the perpetuation of the development of the illegal BRMT bioweapon and bioweapon delivery system (18 U.S.C. § 175) over the past fifty-six years, the perpetuation of involuntary servitude (18 U.S.C. § 1584) to illegally benefit defendant UNITED STATES domestic and international spying operations, to benefit other police powers illegal operations (42 U.S.C. §§ 1981-1986, 1994) against the Lead Plaintiff and others, and to sustain a long-running cover-up (18 U.S.C. §§ 1512, 1513) and evade financial and other consequences from its exposure related to any financial damages and/or budget cuts which would result from its full and complete public disclosure,

(ii) *relationships among those associated with the enterprise* – formal and informal relationships and roles exist among the police powers, government departments and agencies, press, unions and trade associations, various private entities, both actual and cover operations, and individual defendants,

(iii) *longevity sufficient to permit these associates to pursue the enterprise's purpose* – this enterprise has persisted each and every day since the BRMT program was first initiated, against the Lead Plaintiff alone it has persisted throughout his life journey from age 5 as collaterally human trafficked and from age 12 as directly human trafficked, through compromised educational institutions, employers, business enterprises, employment, unemployment, marriages, divorces, homelessness, periods of torture, and a wide variety of other injuries which have persisted for at least fifty-six years, all fraudulently concealed by systematic abuse of the state secrets privilege and by a vast pattern of lies, large and small.

344. RICO (18 U.S.C. §§ 1961-1968) provides for its use against any form of associated-in-fact enterprise pattern of racketeering acts including, without limitation, acts which do or may result in physical injury 18 U.S.C. 1961(1)(A), and/or various financial injuries, obstructions, and frauds 18 U.S.C. 1961(1)(B), which arise in any interference in any form of interstate commerce, be that as simple as crossing a state line on a transit bus, or as sophisticated as to extend to organized international thefts using oxytocin to biochemically hijack a victim into surrendering money and property to an unknown third party (paragraph 612 HEXP-6, 639 RICO-1). There are no exemptions for any formal or informally organized associated-in-fact enterprise including, without limitation, police powers departments and agencies, intelligence agencies,

other government departments and agencies, unions, trade associations, political organizations, various forms of private entities, or individual defendants. 18 U.S. Code § 1964 - Civil remedies:

> (a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

As Congress wrote in adopting PL 91-452 (RICO), October 1970 :

> "(a) The provisions of this title [enacting this chapter and amending sections 1505, 2516, and 2517 of this title] shall be liberally construed to effectuate its remedial purposes."

345. These defendants have engaged in a pattern of racketeering acts which has and does injure this class of plaintiffs since at least 1968, when the Lead Plaintiff was human trafficked to Oregon and California at age 12 using funds provided by his parents to camp for approximately ten days during which defendant UNITED STATES violated rights through its illegal BRMT oxytocin hormone brain hijacking of Lead Plaintiff (paragraph 417). This specific act, and more than twenty thousand days of subsequent racketeering acts of defendant UNITED STATES and its co-conspirators, have resulted in vast and persistent financial, property, and other injuries to Lead Plaintiff in interstate commerce, as it has to others of this class (paragraph 639 RICO-1).

346. These defendants have engaged in a pattern of racketeering acts which has and does injure this class of plaintiffs since at least 1968, all of which has been fraudulently concealed so the relevant statutes of limitation are tolled. It is not possible for these plaintiffs to identify each and every statutory jurisdiction in which these acts, violations, and injuries have occurred, since they can be and have been perpetrated in at least 44 domestic state law jurisdictions as to Lead

Plaintiff alone, whose injuries stand in for those of all other plaintiffs as this complaint is filed. Under federal law, this Court nonetheless has subject matter and legal jurisdiction over all such claims regardless of the plaintiffs' ability to specifically identify the relevant jurisdiction as to a specific act, violation, or injury. All such acts, violations, and injuries inextricably intertwined among defendant UNITED STATES' and all known and unknown co-conspirator defendants' durable pattern of misconduct in the acts, violations, and injuries herein. Subject matter and personal jurisdiction are granted to this Court by Congress, pursuant to 28 U.S.C. §§ 1331, 1333, 2679(b)(2), 18 U.S.C. §§ 1961-1968, Fed. R. Civ. P. 4(k)(1)(C) and 4(k)(2)(B), over Plaintiffs' claims described herein, including without limitation, constitutional and statutory rights for both territorial and extra-territorial actions, including claims arising from violations of state statutes because those offenses are directly intertwined with and arise from the original acts, violations, and injuries by defendant UNITED STATES and it co-conspirators, and thereby comprise (a) elements of and within the pattern of conspiracy to commit, and (b) elements within the pattern of rights violations and racketeering activity conducted through an associated-in-fact enterprise in conspiracy with other defendants in their acts, violations, injuries, and unconstitutional conduct against Lead Plaintiff and others of the class.

Paragraphs 347 through 349 are reserved.

[Intentionally left blank.]