No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

_____

STANLEY J. CATERBONE, PRO SE — PETITIONER
(Your Name)

vs.

The NSA, et.al., (National Security Agency) — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S.C.A. THIRD CIRCUIT COURT OF APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

STANLEY (STAN) J. CATERBONE, PRO SE
(Your Name)

1250 FREMONT STREET
(Address)

LANCASTER, PA 17603
(City, State, Zip Code)

(717) 327-1566
(Phone Number)

QUESTIONS PRESENTED

QUESTION NUMBER ONE: Is the PRO SE PETITIONER'S STAN J. CATERBONE'S Claims of Victimization of U. S. Sponsored Mind Control A Reality or A Delusion?
ARGUMENT NUMBER ONE: It is A REALITY.

QUESTION NUMBER TWO: Has the PRO SE PETITIONER STAN J. CATERBONE Suffered Incidents and Violations of Federal Obstruction of Justice and Due Process?
ARUGUMENT NUMBER TWO: YES, IN EVERY LEGAL SENSE OF THE WORD.

QUESTION NUMBER THREE: Did the PRO SE PETITIONER STAN J. CATERBONE file a PRELIMINARY INJUNCTION FOR EMERGENCY RELIEF or a CIVIL ACTION/LAW SUIT v. The Defendant's?
ARGUEMENT NUMBER THREE: A PRELIMINARY INJUNCTION FOR EMERGENCY RELIEF.

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

LIST OF DEFENDANTS

1. **THE NATIONAL SECURITY AGENCY, (NSA), FT. MEADE, MD**
2. **THE UNITED STATES DEPARTMENT OF JUSTICE, WASHINGTON, D.C.**
3. **LT. DETECTIVE CLARK BEARINGER, LANCASTER CITY POLICE DEPARTMENT, LANCASTER, PA**
4. **THE LANCASTER COUNTY SHERIFFS, LANCASTER, PA**
5. **THE LANCASTER CITY BUREAU OF POLICE, LANCASTER, PA**
6. **THE FORMER LANCASTER CITY MAYOR RICHARD GRAY, LANCASTER, PA**
7. **THE LANCASTER COUNTY COMMISSIONERS, LANCASTER, PA**
8. **MR. JEFFREY SESSIONS, UNITED STATES ATTORNEY GENERAL, WASHINGTON, D.C.**
9. **THE PENNSYLVANIA STATE POLICE, HARRISBURG, PA**
10. **THE FEDERAL BUREAU OF INVESTIGATTION, FBI, WASHINGTON, D.C.,**
11. **THE CENTRAL INTELLIGENCE AGENCY, CIA, LANGLEY, VA**
12. **THE DEPARTMENT OF DEFENSE, THE PENTAGON, WASHINGTON, D.C.**
13. **THE DEFENSE INTELLIGENCE AGENCY, DIA, THE PENTAGON, WASHINGTON, D.C.**
14. **THE DEFENSE ADVANCED RESEARCH PROJECT AGENCY, DARPA, THE PENTAGON, WASHINGTON, D.C.**

THE OBJECTIVE OF FILING THE INITIAL CIVIL ACTION, 16-2513 IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT IN HARRISBURG, PENNSYLVANIA WAS TO CLEAR A PATH TO COINTIUE THE LITIGATIONS THAT WAS INITIATED ON MAY 16, 2005 IN CATERBONE v. The Lancaster County Prison, et.al.,

THE ABOVE LIST OF DEFENDANTS CONSISTS OF THOSE AGENCIES AND/OR INDIVIDUALS THAT ARE DIRECTLY RESPONSIBLE FOR OBSTRUCTIING THE PETITIONER, STAN J. CATERBONE'S RIGHT TO DUE PROCESS OF THE LAW, OR ARE ACCOUNTABLE FOR NOT PROTECTING THE SECURITY OF PETITIONER STAN J. CATERBONE DURING THAT TIME INWHICH LITIGATION ACTIVITIES ARE ONGOING IN LOCAL, STATE, AND FEDERAL COURTS.

THE OBSTRUCTION OF JUSTICE TAKES ON MANY FORMS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

- **COMPUTER HACKIING**
- **FORGERY**
- **LIBEL**
- **SLANDER**
- **FAILURE TO PROTECT AND SERVE**
- **FALSE STATEMENTS**
- **PERJURY**
- **VICTIMIZATION OF U.S. SPONSORED MIND CONTROL TECHNOLOGIES AND WEAPONS**
- **COMMUNITY STALKING AND HARASSMENT**
- **VANDALISM AND THEFTS TO HOME AND AUTOMOBILE**
- **MODIFICATION; DELETION; AND/OR SABATOG OF COURT DOCUMENTS**
- **MODIFICATION AND/OR DELETION OF COURT RECORDS BY COURT STAFF**
- **ETC.,**

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[X] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix OPINION BELOW the petition and is

[X] reported at U.S.C.A.THIRD CIRCUIT 17-1904; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was JANUARY 16, 2018.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: December 14, 2017, and a copy of the order denying rehearing appears at Appendix OPINIONS BELOW.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

JURISDICTIONAL STATEMENT

U.S. Third Circuit Court of Appeal Case No. 17-1904 CATERBONE v. National Security Agency (NSA), et.al.,

This Petition For Writ of Certorari is taken from the ORDER dated January 4, 2018 by THIRD CIRCUIT JUDGES SMITH, CHIEF JUDGE McKEE, AMBRO, CHARGARES, JORDAN, HARDIMAN, GREENWAY,JR., VANASKIE, SHWARTZ, KRAUSE, RESTREPO DENIED THE PETITION FOR REHEARING BY PRO SE PETITIONER STAN J. CATERBONE.

This Petition For Writ of Certorari conforms to Rule 11 of the RULES OF THE UNITED STATES SUPREME COURT.

BACKGROUND OF PETITIONER STAN J. CATERBONE

PRO SE PETITIONER STAN J. CATERBONE is a private citizen and the majority shareholder of the United States incorporated business Advanced Media Group, Ltd., **PRO SE PETITIONER STAN J. CATERBONE** was a whistle-blower and shareholder in 1987 involving the United States Defense Contractor International Signal & Control, Plc., known as ISC. In 1992, International Signal & Control was indicted and found guilty of among other things a Billion Dollar Fraud and export violations concerning illegally shipping cluster bomb technologies, missile defense systems, and other defense systems to foreign interests including South Africa, Iraq and Saddam Hussein. Cluster bombs and related technologies are known to have been exported to Iraq by the Chilean Arms Dealer Carlos Cardoen, a joint venture partner of International Signal & Control. The Central Intelligence Agency is confirmed to have been involved in a covert program to arm Iraq during the 1980's with close ties to International Signal & Control, which allegedly included the help of the National Security Agency, a former end user of International Signal & Control technologies under the early 1980's program Project X. A Presidential Finding in 1984 by the Bush Administration was executed to implement the program of arming Saddam Hussein and Iraq with the cluster bomb technologies. Serious allegations of these programs were the focus of investigations that included the knowledge and supervision of then appointed nominee for the Director of Central Intelligence Agency, Robert M. Gates.

Since 1987, **PRO SE PETITIONER STAN J. CATERBONE** has been the victim of vast civil conspiracy that started in 1987 to cover-up allegations of fraud within International Signal & Control during the negotiations and merger of International Signal & Control and Ferranti International of England. Stanley J. Caterbone alleges that warrantless surveillance was used to obstruct justice and moot his constitutional rights in an effort to divert attention away from his allegations of fraud within International Signal & Control back in 1987, and afterwards to the present as a means to deny his access to the courts for remedy and relief, and Federal False Claims Act violations. The business of Advanced Media Group has been greatly compromised and intellectual property stolen during the late 1980's and early 1990's that included information technology contracts with the United States Government.

Organized stalking and harassment began in 1987 following the public allegations of fraud within ISC. This organized stalking and harassment was enough to drive an ordinary person to suicide. As far back as the late 1980's **PRO SE PETITIONER STAN J. CATERBONE** knew that his mind was being read, or "remotely viewed". This was verified and confirmed when information only known to him, and never written, spoken, or typed, was repeated by others. In 1998, while soliciting the counsel of Philadelphia attorney Christina Rainville, (Rainville represented Lisa Michelle Lambert in the Laurie Show murder case), someone introduced the term remote viewing through an email. That was the last time it was an issue until 2005. The term was researched, but that was the extent of the topic. Remote Viewers may have attempted to connect in a more direct and continuous way without success.

In 2005 the U.S. SPONSORED MIND CONTROL turned into an all-out assault of mental telepathy; synthetic telepathy; and pain and torture through the use of directed energy devices and weapons that usually fire a low frequency electromagnetic energy at the targeted victim. This assault was no coincidence in that it began simultaneously with the filing of the federal action in U.S. District Court, or CATERBONE v. Lancaster County Prison, et. al., or 05-cv-2288. This assault began after the handlers remotely trained Stan J. Caterbone with mental telepathy. The main difference opposed to most other victims of this technology is that Stan J. Caterbone after being connected to some 20 or so individuals ranging from CIA Operatives to current day national newscasters and celebrities, Stan J. Caterbone remains connected 24/7 with a person who declares that she is Interscope recording artist Sheryl Crow of Kennett Missouri. Stan J. Caterbone has spent 3 years trying to validate and confirm this person without success. Most U.S. intelligence agencies refuse to cooperate, and the Federal Bureau of Investigation and the U.S. Attorney's Office refuse to comment. See attached documents for more information.

In 2006 or the beginning of 2007 **PRO SE PETITIONER STAN J. CATERBONE** began his extensive research into mental telepathy; mind control technologies; remote viewing; and the CIA mind control program labeled MK ULTRA and it's subprograms.

In January of 2006, **PRO SE PETITIONER STAN J. CATERBONE** was detained at every airport security check point, which was during a policy of random checks, and taken out of line during travel from Philadelphia, Pennsylvania, to Houston, Texas, and on to Puerto Vallarta, Mexico. At the Houston Airport, Stanley J. Caterbone was falsely accused of carrying plastics explosives and taken to an interview room by Homeland Security officials. Stanley J. Caterbone was also detained for three days in Mexico, and was not provided with an opportunity to gain access to a flight out of the country by Mexican Officials.

Today, **PRO SE PETITIONER STAN J. CATERBONE** is a pro se litigant in several state and local courts, in an effort to be restored to whole since the WHISTLEBLOWING of 1987. Most notable is CATERBONE v. The National Security Agency, NSA, et. al. In the UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT CASE NO. 17-1904. That case is a PRELIMINARY INJUNCTION FOR EMERGENCY RELIEF FILED TO IMMEDIATELY HALT THE OBSTRUCTION OF JUSTICE THAT IS BEING ADMINISTERED THROUGHT THE ILLEGAL COINTELPRO PROGRAM COUPELD WITH THE TORTURE PROGRAM.

The following is a memo of a meeting with ISC executive Mr. Lawrence Resch and Mr. PRO SE PETITIONER STAN J. CATERBONE at his office at Financial Management Group, Ltd., which took place on June 23, 1987.

"Mr. Lawrence Resch, of San Clamente, California, was a long time associate of Mr. James Guerin who worked as a marketing consultant, and was an ISC executive prior to the company going public in 1982. He served as Director of Marketing and head of Lancaster operations for then defunct United Chem Con, an affiliate of ISC. He was sued by Ferranti International in 1990 for $189 million dollars and indicted and found guilty by prosecutors for his role with ISC and served a jail term.

Upon the arrival of Mr. Larry Resch, Stan Caterbone met him in the lobby of Financial Management Group, Ltd, at which time Larry Resch said "Carl Jacobson could not attend, we had to suddenly fly him out of the country early this morning (flew to Chile)" The meeting was started with the subject of the financial difficulties of United Chem Con and possible alternatives. Larry Resch specifically addressed the possibility of moving the operations of United Chem Con to another facility, with specific regards to the Renovo Plant. Larry Resch specifically addressed the financing capabilities of Stan Caterbone, along with possible management opportunities. Larry Resch also gave financial statements and documents to Stan Caterbone for the latest fiscal year for United Chem Con. Stan Caterbone went on to allege that United Chem Con had embezzled some **$15,000,000** from the United States Government for contracts that contained improprieties. Stan Caterbone also alleged improprieties of International Signal & Control and James Guerin, with specific regards to its role in the United Chem Con, and its business activities as related to government contracts. Stan Caterbone noted that he, as a legal shareholder of International Signal & Control was concerned about improper business activities.

Larry Resch was taken by surprise by all of the above. Stan Caterbone became quite upset by the evasiveness and the lack of specifics with regards to Larry Resch's conversation. In efforts to thwart any further communication from James Guerin, United Chem Con, or International Signal & Control, Stan Caterbone demanded a retainer fee of **$10,000** before anyone contacted him again."

Today, the TRUMP ADMINISTRATION is using the old J. Edgar Hoover COINTELPRO Program while at the same time expanding the powers of local law enforcement through 3 Executive Orders in order to Militarize Local Police Departments. The following are the effects of the ILLEGAL AND LANDMARK COINTELPRO PROGRAM that is used against me:

- As Contained In The Lancaster County Court Of Common Pleas Case No. 08-13373 Where President Donald Trump Was Added To The Defendant's List On January 23, 2017 And Other State And Federal Court Cases; The Trump Administration Is Utilizing An Illegal COINTELPRO Program To Harass The Appellant, Stan J. Caterbone And Obstruct Justice By Directing Causing It Almost Impossible For The Continuation Of Those Same Civil Actions.

- The Trump Administration Signed (3) Executive Orders That Broadened The Powers Of The City Of Lancaster Police Department To Coincide With The Above.

- The Fact That Complainant Stan J. Caterbone's History With The Lancaster City Police Department Traces Back To The 1960'S With The Targeting Of Complainant Stan J. Caterbone's Father, Samuel Caterbone, Jr. In The Very Same Manner As The Current Targeting Of Complainant Stan J. Caterbone Today Is Reason Enough To Have Summary Judgments In All Civil Actions In Federal And State Courts Immediately Ordered.

- **THE TARGETING CONSISTS OF THE FOLLOWING:**
- An Unprecedented Harassment Program Carried Out By Residents, Neighbors, Stalking Groups, Law Enforcement, And Others.

- An Unprecedented Hacking Program Of All Electronic Equipment.

- Unprecedented Torture Program Utilizing Electromagnetic And Other Exotic Weapons Developed By The Department Of Defense And Intelligence Community.

- An Unprecedented Campaign Designed To Drain The Appellant Stan J. Caterbone Of All Cash Resources, Which Has Resulted In A Cash Position Of Some $60,000.00 In June Of 2015 To Nothing Today.

- The Unprecedented Campaign Of False Statements By The Residents Of 1252 Fremont Street And The Perjured Statements Of Lancaster City Police In Recent Criminal Summary Offenses Filed In District Magistrate Adam Witkonis Court.

- An Unprecedented Campaign Of Daily Harassment's And Threats By The Residents Of 1252 Fremont Street, Which Has Been Ongoing Since 2006.Un Unprecedented Campaign Of Threats Of Physical Harm In Public Spaces.

- The Unprecedented Campaign Of The Breaking And Entering Into The Residence Of The Complainant Stan J. Caterbone Causing Vandalism, Thefts, Poisoning Of Food, And The Strategic Placement Of Cock Roaches On A Daily Basis. This Also Involves The Theft And Manipulation Of Court Filings And Evidence.

- The Above Are All Facilitated And Supported With Violations Of Due Process In The Complaints To Law Enforcement.

- Complainant Stan J. Caterbone, Pro Seam Receiving Retaliatory Adverse And Harassing Treatment Due To The Fact That 1. , I, Complainant Stan J. Caterbone, Pro Se, Am The Amicus For Former Pennsylvania Attorney General Kathleen Kane In Case No. 3575 EDA 2016 In The Eastern District Of Superior Court, Currently In Litigation.

THE CUMULATIVE RESULTS OF THE ABOVE LAYS THE FOUNDATION FOR AN UNPRECDENTED LANDMARK CASE OF HUMAN RIGHTS VIOLATIONS AND ANTI-TRUST VIOLATIONS.

It is too easy for present and future administrations to abuse their power and utilize warrantless surveillance as a means of subverting and obstructing justice for those that are engaged in Whistle-Blowing cases that concern National Security. Without the proper oversight and judicial review, a Whistle Blower can be place on terrorist lists for malicious reasons without the knowledge or just cause. This is in direct conflict with keeping our democracy free of corruption while adhering to the spirit of the constitution in the manner our founding fathers envisioned.

Activists, Citizens, and Voters must ensure that constitutional rights of private citizens are not compromised and justice subverted through information obtained from warrantless surveillance upon which there is no just cause for any allegations or association with terrorism. Whistle-Blowers are inherently supportive of a system of checks and balances within our government that go beyond our constitutional doctrines regarding the same. Whistle-Blowers ensure that the rule of law is universally applied to all government officials in all branches of government. The Federal False Claims Act and its provisions protect individuals from abuse of power, while providing relief and remedies for those that were wronged and those that had the courage to cite a wrong.

U.S. Sponsored Mind Control Systems are also used to compliment these illegal programs to silence WHISTLEBLOWERS and others that our government recognizes as a threat to their illegal strategies and those that are seeking the TRUTH. Synthetic Telepathy Coupled with Electromagnetic Weapons used for pain have been the ELECTRONIC WEAPONS OF CHOICE by the PERPETRATORS committing these haneus crimes against, STAN J. CATERBONE since at least 2005. My father, U.S. Navy 1943 to 1946) was a victim of MK-ULTRA and experienced the same effects since at least the early 1960's and my brother, Sammy, (U.S. Air Force 1969-19710 received the same victimization through the use of the LSD experiments of the same program.

PRO SE PETITIONER STAN J. CATERBONE stated and declared that the initial time of connection with the SYNTHETIC TELEPATHY consisted of months of NON-STOP INTERROGATIONS BY MALE SUBJECTS WHO IDENTIFIED THEMSELVES AS CIA OPERATIVES. The interrogations lasted hours upon hours at a time and covered just about every aspect of AMICUS STAN J. CATERBONE'S life. The "HANDLERS", for lack of a better term, not only focused on the WHISTLEBLOWING ACTIVITIES OF ISC IN 1987, but also covered mundane everyday experiences, as a form to harass and torture.

In late spring of 2005, the "HANDLERS" introduce females to the sessions. To this day, the torture consists of the same, interrogations mixed in with harassment, sex, and humor. It is the opinion of PRO SE PETITIONER STAN J. CATERBONE, that the only way to keep from desensitizing and numbing to the harassment and pain is to experience pleasure and laughter so as to keep the magnitude of the pain at it's highest level.

THIS CAN BE SUBSANTIATED AND VALIDATED BY THE FACT THAT THE SOCIAL SECURITY ADMINISTRATION UNDER HEALTH AND HUMAN SERVICES GRANTED PRO SE APELLANT DEBTOR STAN J. CATERBONE E DISABILITY BENEFITS IN AUGUST OF 2009 FOR SYMPTOMS AND ILLNESSES RELATED TO U.S. SPONSORED MIND CONTROL, AND IN FACT STATED IN THE AWARD LETTER THAT DISABILITY WAS DETERMINED TO BEGIN IN DECEMBER OF 2005; THE DATE A PRO SE PETITIONER STAN J. CATERBONE DECLARED THAT THE SYNTHETIC TELEPATHY HAD GONE FULL-TIME 24/7, WITHOUT INTERUPTION, TO THIS DAY.

The following article by psychologist JEFFREY KAYE along with the other exhibits that detail the use of U.S. SPONSORED MIND CONTROL, or behavioral modification programs, will substantiate that these illegal and criminal techniques were being used, without any means to verify or evidence, on the prisoner detainees.

Smoking Gun on CIA Torture Conspiracy? Human Experimentation Central to EIT Program

Posted By Jeffrey Kaye On September 27, 2009

A close reading of the CIA's Inspector General Report and the Senate Intelligence Committee's narrative on the Office of Legal Counsel (OLC) torture memos reveals a more detailed picture of the CIA's involvement in the construction of those documents.

What emerges is consistent with recent charges of CIA experimentation on prisoners, and of the overall experimental quality of the torture program itself. It also points to a crucial piece of "analysis" by the CIA's Office of Technical Services, a memo which may or may not include damning medical and psychological evidence of the damaging effects of SERE techniques, and which the IG report maintains was utilized "in substantial part" in the drafting of the August 1, 2002 Bybee memos. If one is looking for a smoking gun in the torture scandal, in my opinion, one doesn't have to look much further than this.

The quote below is from the April 22, 2009 Senate Intelligence Committee narrative of the Office of Legal Counsel's opinions on the CIA's interrogation program. Please keep in mind as you read the quote and the added bolded emphasis, that recent documentation has shown that *for years the CIA and Special Operations had researchers studying the effects of SERE training*.

Moreover, the research had published in peer-reviewed journals, in part because the research was also meant to add to the psychiatric community's understanding of the mechanisms of Post-traumatic Stress Disorder. Some of the research had also been published in the June 2000 edition of *Special Warfare*, "The Professional Bulletin of the John F. Kennedy Special Warfare Center and School."

So, keeping this all in mind, consider the following from the Intel Committee's narrative (emphasis added): According to CIA records, because the CIA believed that Abu Zubaydah was withholding imminent threat information during the initial interrogation sessions, attorneys from the CIA's Office of General Counsel met with the Attorney General, the National Security Adviser, the Deputy National Security adviser, the Legal Adviser to the National Security Council, and the Counsel to the President in mid-May 2002 to discuss the possible use of alternative interrogation methods that differed from the traditional methods used by the U.S. military and intelligence community. At this meeting, the CIA proposed particular alternative interrogation methods, including waterboarding.

The CIA's Office of General Counsel subsequently asked OLC to prepare an opinion about the legality of its proposed techniques. To enable OLC to review the legality of the techniques, the CIA provided OLC with written and oral descriptions of the proposed techniques. **The CIA also provided OLC with information about any medical and psychological effects of DoD's Survival, Evasion, Resistance and Escape (SERE) School**, which is a military training program during which military personnel receive counter-interrogation training.

While the fact that the OLC accepted at face value the CIA's statements regarding the safety or the effects of the interrogation procedures they were proposing is no surprise to anyone who has read the torture memos — and evidence of the unprofessionalism and bias of the memo's authors — the degree to which the conspiracy (by CIA or OLC, or both) to withhold evidence of the real effects of the "Enhanced Interrogation Techniques" (EITs) by the CIA has never been made more concrete than now.

To my knowledge, we do not have the specific document wherein the CIA provides the "medical and psychological effects" of SERE school. I have been told that this document is still classified. But it seems possible that the CIA did pass on the details of the research that was available to it, including the debilitating effects of SERE techniques, which sent stress hormone levels, according to one research report, "some of the greatest ever documented in humans." Another report cited "neuroendocrine changes... [that] may have significant implications for subsequent responses to stress."

One of the authors of these reports, Charles A. Morgan, III, M.D., who has identified himself in certain settings as a "Senior Research Scientist" on the CIA's Behavioral Science Staff, has criticized my coverage of CIA experiments on the psychological and physiological effects of SERE training upon human subjects. While he could not specify what aspects of this coverage he felt were "inaccurate and misleading," he did insist:

The research conducted by our research team at the National Center for Post Traumatic Stress Disorder is not, and never has been, conducted for any other purpose than to help us understand the pathophysiology of stress disorders and we might better help in the treatment of veterans.

In making his mea culpa, Dr. Morgan never mentions that some of this research was funded (over $400,000) by the Army and the Office of Naval Research. He doesn't mention his acquaintance with "great people who do military interrogations." He also forgets to cite his book contribution, where he states (emphasis added):
The SERE training environment affords the military services the opportunity **to collaborate with various other government agencies in exploring old and new techniques in gathering human intelligence.**

Of course, he neither confirms nor denies his affiliation with the CIA, an affiliation which I have traced to the CIA's Science and Technology directorate, through his association (large PDF) with the Intelligence Technology Innovation Center, which is "a research organization under the CIA's authority" that "answers directly to the CIA's Science and Technology directorate." But most of all, Dr. Morgan's arrows fall way short of his target, as I have never accused him of personal involvement in the reverse-engineering of SERE techniques for use in the torture program.

What is disturbing is his seeming lack of concern over the possiblity that the research he helped conduct was either used to further experiments upon torture victims in the CIA's clandestine prisons, or contrariwise, was withheld from Office of Legal Counsel lawyers who relied upon CIA advice concerning the effects of techniques derived from the SERE schools.

What is indisputable is that by virtue of his position, Dr. Morgan had access to CIA officials just at the time that another department of the CIA, one to which he is affiliated, was, according to the CIA's own Office of Inspector General Report (large PDF) involved in vetting the SERE techniques for use in interrogations. The other department was the Office of Technical Services (OTS), part of the CIA's Science and Technology Directorate. This, by the way, is the same division that was responsible for the MKULTRA experiments of the 1950s and 1960s. From the OIG report:

...CTC [CIA's Counter-Terrorism Center], with the assistance of the Office of Technical Service (OTS), proposed certain more coercive physical techniques to use on AbuZubaydah....

CIA's OTS obtained data on the use of the proposed EITs and their potential long-term psychological effects on detainees. OTS input was based in part on information solicited from a number of psychologists and knowledgeable academics in the area of psychopathology....

OTS also solicited input from DoD/Joint Personnel Recovery Agency (JPRA) regarding techniques used in its SERE training and any subsequent psychological effects on students. DoD/JPRA concluded no long-term psychological effects resulted from use of the EITs, including the most taxing technique, the waterboard, on SERE students. The OTS analysis was used by OGC [DoD's Office of General Counsel] in evaluating the legality of techniques.

OTS's solicitation of information on SERE from JPRA elicited some sort of feedback from JPRA, which supposedly told OTS that SERE training caused no long-term effects. The IG Report does not say if this was in the form of a memo and only speaks of OTS's analysis. In any case, we should not confuse any OTS "analysis" with the information provided by JPRA itself to the Office of General Counsel, which produced a number of memorandum and attachments in late July 2003. Marcy Wheeler has been analyzing the timing of these JPRA items, including the fact that one of these key documents is missing.
The CIA IG Report is relating a story whose emphasis differs from that produced in the narrative of the

Senate Armed Services Committee investigation (PDF) into SERE torture. In the latter, JPRA is the main culprit in providing cover for the supposed safety of using SERE techniques. Yet, in the OIG account it looks like the CIA used DOD/JRRA as a cover for the safety of techniques that it knew were in fact harmful from their own analysis of the "data." Moreover, it was the OTS analysis that was used — "in substantial part" — as the basis of the August 1, 2002 memo approving the "Enhanced Interrogation Techniques" (EITs).

That legal opinion was based, in substantial part, on OTS analysis and the experience and expertise of non-Agency personnel and academics concerning whether long-term psychological effects would result from use of the proposed techniques.

Moreover, the CIA's Office of Medical Services was frozen out of "the initial analysis of the risk and benefits of EITs," and not even provided with a copy of the OTS report given to the White House Office of Legal Counsel. Such compartmentalization of information is indicative of a covert operation, such as a Special Access Program (SAP). This SAP would have included personnel in CIA's CTC, OTS, OGC, and Directorate of Operations, also portions of DOD (JPRA and Special Operations Command),

and probably the White House's OLC, Office of the Vice President, and National Security Council. It seems highly likely that the CIA report to the OLC on the medical and psychological effects of the SERE school program, mentioned in the Senate Intelligence Committee narrative quote above, is in fact the OTS report, which came from the same CIA directorate to which Dr. Morgan belongs. This does not speak to Morgan's foreknowledge of what would be used, nor to the amount of his involvement. But it does speak to the likelihood that the government research he conducted (with others) was available and likely used by his associates in the CIA.

To what purpose was this information used? It seems Dr. Morgan has serendipitously given us the answer himself: "exploring old and new techniques in gathering human intelligence." The CIA appears to have used torture to conduct what Physicians for Human Rights, in a "white paper" (PDF) recently published, called "possible unethical human experimentation, [which] urgently needs to be thoroughly investigated." The government should declassify the OTS report, and bring the process of investigating the CIA's role in the torture conspiracy fully into public purview.

The above report was originally published on FireDogLake.com. Jeffrey Kaye, a psychologist living in Northern California and a regular contributor The Public Record, has been blogging at Daily Kos since May 2005, and maintains a personal blog, Invictus. E-mail Mr.Kaye at sfpsych at gmail dot com.

In Keith, 407 U.S. at 313-14. There, the Court explained that [n]ational security cases . . . often reflect a convergence of First and Fourth Amendment values . . . Fourth Amendment protections become the more necessary when the targets of official surveillance may be those suspected of unorthodox in their political beliefs. The danger to political dissent is acute where the Government attempts to act under so vague a concept as the power to protect 'domestic security.' Id. The Court thus concluded that Fourth Amendment freedoms cannot properly be guaranteed if domestic security surveillance may be conducted solely within the discretion of the Executive Branch. The Fourth Amendment does not contemplate the executive officers of Government as neutral and disinterested magistrates. . . . The historical judgment, which the Fourth Amendment accepts, is that un-reviewed executive discretion may yield too readily to pressures to obtain incriminating evidence and overlook potential invasions of privacy and protected speech. . . . [T]his Court has never sustained a search upon the sole ground that officers reasonably expected to find evidence . . . and voluntarily confined their activities to the least intrusive means . . . . The Fourth Amendment contemplates a prior judicial judgment, not the risk that executive discretion may be reasonably exercised.

ISC, THE CIA/NSA, AND LANCASTER COUNTY, PENNSYLVANIA

In 1991 the United States Attorney indicted James Guerin, founder of International Signal and Control, Plc., or as they were known ISC, and many of his colleagues in an attempt to politicize LEGITIMATE INTELLEGENCE OPERATIONS THAT WERE USED TO, IN ACTUALITY AND HINDSIGHT, SUPPORT OUR NATIONAL SECURITY EFFORTS IN THE MIDDLE EAST. These efforts helped in earnest support Iraq defeat Iran, and helped drive the Soviets from Afghanistan, among other Middle East conflicts. ISC was instrumental in the design and manufacture of everything from the cluster bomb to sophisticated telemetry systems.

James Guerin was a Christian man and PATRIOT that fell victim to Public Corruption and over-zealous prosecutors who lacked the knowledge and sophistication to ever be involved in such affairs in the first place. I personally met James Guerin and had the fortunate privilege to befriend his daughter and son. Today the United States Attorney General, Mr. Jeffrey Sessions, and other Trump Administration Officials engage in the same tactics. James Comey, former Director of the Federal Bureau of Investigation, FBI, is a prime example. His firing was a miscalculated political mistake. And President Trump can than Comey for the Press Release 8 days before the election regarding Hillary Clinton and Weiner. That changed the course of the election no matter what the pundits say.

On February 1, 1991 Lynn Sherr of ABC News 20/20 reported the following:

"**This is the story of how this deadly weapon,** designed for the U.S. military made its way form this country to Iraq. And how American Soldiers may face the devastation of a cluster bomb if a ground war breaks out in the Persian Gulf. Federal Officials believe Saddam Hussein got his arsenal thru a lethal combination - bureaucratic foul ups in the U.S. Government and simple greed.

Here is how the cluster bomb works. An artillery shell, an airplane, or a rocket launcher sends the bombs toward their targets. Each bomb carries hundreds of smaller bomlets, something like hand grenades. Cluster bombs can be used against ground troops or tanks, and can even scatter mines to lie dormant for days. The bombs can spray thousands of pounds of sharp objects - pins or even razor blades. The shrapnel can rip through anyone or anything in its way, causing massive casualty among civilians or ground troops. You can see the destruction in these buildings in Lebanon after a cluster bomb attack.

How did Iraq obtain the cluster bombs and the ability to make their own? It was incredibly simple. Investigators believe it started with International Signal & Control, A government contractor with 5,000 employees based in Pennsylvania, which build key components of cluster bombs in a subsidiary in California. 20/20 has learned Federal Investigators believe ISC provided the technology, that is the plans, to this man, Carlos Cardoen, Chilean arms dealer. Authorities believe he used the plans to build the cluster bombs in Chile, then he shipped them to Iraq.

What's wrong with all this? If the cluster bomb technology actually left the county, that is illegal without U.S. Government permission, investigators say ISC never got. It is also illegal for a foreigner, like Cardoen, to take the plans out of the United States without a license, which sources tell us, he never obtained. The man who opened the door to Iraq for Cardoen, was this man Nasser Bedouin. He is a Lebanese born middleman for Cardoen who is based in the United States. Bedouin traveled often to Bagdad, and arranged for sale cluster bombs and other military hardware to Saddam Hussein's army. In his first television interview, he told us about the business of dealing in deadly weapons."

IS LANCASTER COUNTY GROUND ZERO FOR ELECTROMAGNETIC WEAPON ATTTACKS, COVERT SURVEILLANCE, AND ORGANIZED STALKING GROUPS?

The links to ISC and Lancaster, Pennsylvania and U.S. Sponsored Mind Control comes through ISC Board of Directors, Former Director of the NSA, and The Director of U.S. Naval Intelligence Admiral Bobby Ray Inman. One must remember that the U.S. Sponsored Mind Control Programs were the direct result of the Soviet Unions accomplishments of using Microwave Technologies to bombard the U.S. Embassy in Moscow as early the 1950's and the use of German Psychiatrists by Adolf Hitler in the 1940's. Both the German and Soviet Mind Control Programs predate that of the United States. Thus, the beginning of the Mind Control Arms Race. Just this year, the Trump Administration introduced the NEW MILITARY SPACE AGENCY, in an effort to formalize the weaponization of Space and Microwave Weapons under one agency. This will convert the Department of Defense programs and that of the U. S. Intelligence Agencies to this new Military Space Agency, in my opinion.

Lancaster County's U.S. Representative Joe Pitts was instrumental in these efforts in his work on the Electronic Warfare Working Group. This is documented in Congressman Pitt's article of the same:

Securing EW's Future

"Create Single Leader To Direct Planning, Training As a veteran of the U.S. Air Force who served three tours of duty in Vietnam as a navigator and electronic warfare (EW) officer on board B-52s, I learned the absolute necessity of brandishing a dominant EW capability. However, I continue to watch as EW faces neglect in the doctrine, investment and leadership of our armed forces.

We cannot afford to wait until the fighting starts to think about EW. By consolidating leadership within the Office of the Secretary of Defense (OSD) and the services, creating more effective investment strategies and better training our troops to utilize EW, I believe the future of EW will be strengthened to the benefit of our armed forces. In response to glaring shortfalls in EW realized during Operation Allied Force over Kosovo in 1999, I founded the congressional EW Working Group (EWWG), intended to be a resource to Congress, the Department of Defense and the defense community at large about the need to invest in EW technology and capabilities.

The current operations in Iraq and Afghanistan again have highlighted the need to strengthen U.S. superiority in the electromagnetic spectrum. EW continues to save hundreds of lives by defeating improvised explosive devices that use electronic triggering devices, such as cell phones and car key fobs. But our adversaries are becoming more adept at operating in the spectrum by identifying where we are vulnerable, and we must continually learn to counter rapidly advancing technology.

However, despite the success in Iraq and Afghanistan, history suggests that our EW capabilities will again face a period of neglect once current operations slow down or the United States enters a period of relative peace. The people from our armed forces' research labs, EW chiefs from each branch of the military and industry representatives to discuss the future of electronic warfare.

In addition, the Association of Old Crows (AOC), an organization of EW professionals, in a recent report, "Electronic Warfare: The Changing Face of Combat," offered several recommendations to improve EW capabilities.

n the whole, EW leadership within OSD and the services is fragmented, hurting EW budgets and creating inefficient planning and sometimes duplicative EW programs. Unlike many other mission areas, EW must be a truly joint capability. Yet, there is no single individual within the Pentagon who oversees or coordinates funding, acquisition, training and planning for EW.

Likewise, within each service, there is no flag or general officer with appropriate authority who can provide leadership for service EW programs. To remedy this, an office within OSD tasked to guide joint EW plans, policies and procurement should be established, along with the appointments of experienced EW flag or general officers within each service. Leaders understanding the value of EW is not the same as leadership, which is necessary for effective EW practices.

The streamlining of EW leadership will then lead to more efficient investment in present and future capabilities. Operations in Iraq and Afghanistan have taken a further toll on EW systems and platforms, and many need to not only be restored but modernized. To this en and prioritize modernization efforts and inject necessary funding for next generation EW capability.

The Defense Department should also authorize an EW Critical Technologies List, which would help coordinate EW investment strategy, maximize limited resources and stabilize funding streams for next-generation systems. This list should be submitted to Congress on a regular basis.

We have seen that our enemies are able to quickly adapt and field deadly assets; the United States must meet and exceed these challenges by implementing proper investment strategies. Our troops also need adequate knowledge and training. While each branch of the military must provide its own EW expertise and capabilities, current operations have highlighted the need for joint interaction and readiness. The AOC has recommended, and I agree, that a joint services coordination cell should be established to serve the combatant commands. The coordination cell would work directly with combatant commanders and be ready to deploy to help us control the spectrum from the first day of conflict.

Furthermore, just as there is high-level specialized training, such as Navy TOPGUN and Air Force Fighter Weapons School for our fighter pilots, there should be a similar joint EW training program so our war fighters know what they need to know about EW before being deployed. Effective training and **projected career path will help sustain the EW community for many years to come.**

EW saves lives, and we must not allow our EW capabilities to continue eroding. Now is the time for the United States to capitalize on numerous opportunities to improve and strengthen our edge in the electromagnetic spectrum. These recommendations can secure the future of EW, keeping the members of our armed forces safe and effective in conflict. Rep. Joe Pitts,R-Pa.,is founder, Electronic Warfare Working Group."

In 1990 PRO SE PETITIONER STAN J. CATERBONE was protesting a Department of Defense Contract the I was bidding on for the Defense Mapping Agency of the Department of Defense for my Company ADVANCED MEDIA GROUP and Joint Venture Partner American Helix. There were four bidders, 2 being the designers and innovators of CD Technology, SONY and PHILLIPS DUPONT. The contract was a multi-million project to digitize the maps of the theater of war in the Middle East to CD-ROM technology. Early on in the formal protest I solicited the help of Lancaster County's U.S. Congressional Representative Robert Walker of East Petersburg, Lancaster County as my Liason. We won the U.S. Department of Defense Protest and the Bidding Process had to be started over. The Contracting Officer was Brigadier General Stanley O. Nelson. SONY went on to secure the contract. In October of 2016, while chairing the presidential campaign for John Kasic, Robert Walker also wrote an regarding the weaponizing of space.

It is during these years that I also did work for DARPA, The Defense Advanced Research Project Agency, of the Department of Defense. DARPA IS CREDITED WITH BEING THE AGENCY THAT DEFELOPES THE MOST SOPHISTICATED MIND CONTROL TECHNOLOGIES FOR THE MILITARY. DARPA was a joint venture partner of NIST, or the National Institute of Science and Technology of Washington, D.C. I was instrumental in helping NIST create CD-ROM's in the UNIX language for the development of Voice Recognition Systems.

Robert Walker is former chairman of the U.S. House Science, Space, and Technology Committee and former chairman of the Commission on the Future of the U.S. Aerospace Industry. Peter Navarro is a business professor at the University of California-Irvine and author of "Crouching Tiger: What China's Militarism Means for the World." Both are senior policy advisers to the Trump campaign.

Obama-Clinton economy and a lack of strategic vision are major causes. Meanwhile, China and Russia continue to move briskly forward with military-focused space initiatives. Indeed, each continues to develop weapons explicitly designed, as the Pentagon has noted, to "deny, degrade, deceive, disrupt, or destroy" America's eyes and ears in space.

To address such emerging threats — and maintain U.S. strategic superiority in space — a "peace through strength" Trump administration will simultaneously strengthen our economy and manufacturing base while significantly expanding our civilian and military space budgets.

Trump understands, as Reagan did before him, that without a strong economy, there can be no strong space program. It is not too bold to assert the maintenance of our technological and strategic superiority in space is vital not just to national security but to our very survival. Today, every aspect of our military force projection worldwide depends on our on-orbit communications, observation, and intelligence gathering capabilities. Our ability to see and understand potential hostile activity and to respond promptly and accurately is ineluctably intertwined with our space capabilities.

While America's space-based capabilities have made our military the world's most powerful and effective, an over-reliance on our satellite network to provide situational awareness on the battlefield is now making America highly vulnerable to attack. Chinese and Russian strategists understand this better than our own government. That's why they are now aggressively targeting our satellite networks – both military *and* civilian as the very concept of warfare broadens.

Against this emerging strategic chessboard, Donald Trump's priorities for our military space program are clear: We must reduce our current vulnerabilities and assure that our military commands have the space tools they need for their missions. We must also reduce the cost of space access and create new generations of satellites to deal with emerging threats.

The future military necessity of using smaller force projection into hostile arenas will demand the speed and agility that only space-based assets can supply. Addressing current vulnerabilities will, for example, require new generations of smaller, more robust constellations of satellites.

Because of their sheer numbers, constellations of micro-satellites will be much harder to attack. To maintain and constantly upgrade these constellations, in turn, will require new technologies such as persistent platforms, capable of robotically servicing and refueling satellites in orbit. A Trump administration will also lead the way on emerging technologies that have the potential *with a range of hypersonic weapons that are very difficult to defend against with traditional* air-defense interceptors. A Trump administration will increase the coordination between DARPA, NASA, and the private sector to ensure the U.S. remains well ahead of the technology curve.

To move boldly forward, we must recognize that many of our military needs can be met with commercially available launch, communications, and observation capabilities. This business oriented approach will reduce costs while accessing new advances on a timeline significantly quicker than current, outdated military procurement procedures.

Such an increased reliance on the private sector will be a cornerstone of Trump space policy.

Launching and operating military space assets is a multi billion-dollar enterprise employing thousands, spurring innovation, spinning off civilian applications like GPS, and fueling economic growth. Today's backward-looking acquisition policies must be immediately and substantially reformed as a priority action. A key Trump goal will be to create lower costs through greater efficiencies. We must ensure that space products developed for one sector, but applicable to another, will be fully shared, not duplicated. It makes little sense to develop numerous launch vehicles at taxpayer cost, all with essentially the same technology and payload capacity. Coordinated policy could end such
duplication of effort and could likely determine where there are private sector solutions that do not necessarily require government investment.

America must continue to be a bright star in space that people all around the world will continue to look up to with admiration, assurance, and hope. No space goals will be more important to Donald Trump than defense of our nation and that a freedom-loving people will lead the way to the heavens above.

Robert Walker is former chairman of the U.S. House Science, Space, and Technology Committee and former chairman of the Commission on the Future of the U.S. Aerospace Industry. Peter Navarro is a business professor at the University of California-Irvine and author of "Crouching Tiger: What China's Militarism Means for the World." Both are senior policy advisers to the Trump campaign.

ADMIRAL BOBBY RAY INMAN, THE GO-TO GUY FOR BLACK OPS PROGRAMS AND DEFENSE CONTRACTS

In the following article by Tom Porter in 1996 documents the Bobby Ray Inman Mind Control Connection through SAIC Corporation:

Brief History Of MK-Ultra, CIA Program On Mind Control by Tom Porter ©1996 All Rights Reserved

"S.A.I.C. involvement in 1993 American Parapsychological Association meeting arrangements, via their 'Cognitive Sciences Laboratory'. Science Applications International Corporation is a big time defense contractor, has held the largest number of research contracts of any defense contractor. Bobby Ray Inman is on its board of directors, among others."

"In December 1993 President Clinton nominated Admiral Bobby Ray Inman to be Secretary of Defense. Inman served in a series of senior intelligence positions including Director of Navel Intelligence (1974-76), Vice Director of the Defense Intelligence Agency (1976-77), Director of the National Security Agency (1977-81) and Deputy Director of the Central Intelligence Agency (1981-1982). In the early 1980s Inman, then a private businessman, was named to the shadow board International Signal and Control. These boards are required for U.S. defense companies wholly or partly owned by foreigners and are supposed to guarantee that no U.S. secrets get into foreign hands.

In 1991 James Guerin, founder and chairman of International Signal and Control (ISC), pleaded guilty to selling arms to apartheid South Africa and agreed to testify against others. Ten American, seven South Africans and three South African companies were charged in the case. This case was one of the most significant U.S. violations of the of U.S. export laws and the mandatory U.N. arms embargo.

In April 1992, prior to Guerin's sentencing, Inman, wrote the judge that between 1975 and 1978 Guerin "voluntarily provided the U.S. government with information obtained during his foreign travels which was of substantial value, particular that related to the potential proliferation of nuclear weapons." Several defendants in the ISC case claimed the U.S. government knew of their sales to South Africa and that they provided information on South Africa's defense, including its nuclear weapons program. Guerin was sentenced to 15 years in jail. Guerin could have received up to 61 years.

In January 1994 Inman withdrew his nomination for Secretary of Defense. In response to his withdrawal I wrote this letter that appeared in the **New York Times.**
- Richard Knight

THE NEW YORK TIMES EDITORIALS/LETTERS FRIDAY JANUARY 28, 1994
South Africa Link

To the Editor:

The withdrawal of Bobby Ray Inman's nomination for Secretary of Defense brought to public attention the case of International Signal and Control, a defense and technology company. James Guerin, the company's founder, was recently sentenced to jail for illegal arms sales to South Africa, as you report in "Inman Faced Scrutiny on Jailed Arms Dealer" (news article, Jan. 20).

As one who has followed International Signal and Control for years, I believe there are many unanswered questions in this case involving our own Government, its intelligence agencies and United States implementation of the United Nations arms embargo against South Africa.

Ties between International Signal and South Africa go back to the 1970's. In February 1976 the Department of State granted approval of a contract for the study of maritime command and control systems with Barlow Communications of South Africa. In January 1978, because of United States support for the 1977 United Nations arms embargo resolution, the State Department revoked the contract. Yet it appears International Signal continued its involvement in this project. According to the indictment of Mr. Guerin, International Signal sold South Africa inertial and land navigation systems and gyroscopes for aircraft, missiles and helicopters. International Signal also made millions of dollars in other illegal sales to South Africa including military-related technology and land mines. Did United States intelligence agencies allow International Signal to continue its illegal operations for intelligence on South Africa's nuclear and other military programs, or to support South Africa's military for other reasons?

Mr. Inman has acknowledged that as director of Naval Intelligence in the mid-70's, he knew of the first International Signal contract and was aware of later information supplied by the company on South Africa's nuclear program. Most likely, these ties had some bearing on Mr. Inman's appointment as a director on the International Signal shadow board. Such boards protect United States interests and secrets. Did Mr. Inman ask questions about large contracts going to small companies and countries like South Africa and Panama? The central question, as with the **IRAN-CONTRA SCANDAL**, is how to establish effective procedures to prevent United States intelligence agencies, or people working with them, from subverting laws established by Congress. If directors on shadow boards such as that of International Signal are just "window dressing," Congress should tighten the system and make directors accountable.

Congress should also examine the role of intelligence agencies in this case. Company officials say they continued providing Information to the Central Intelligence Agency into the 80's, while illegal sales occurred.

Mr. Inman says the United States Government never gave Mr. Guerin permission to violate the arms embargo against Smith Africa. Did the C.I.A. know of these violations of the embargo? If the C.I.A. was aware and took no steps to stop the illegal said, it was effectively a partner of International Signal in arming apartheid South Africa."

RICHARD KNIGHT
New York, Jan. 21, 1994
The writer is a research associate for the Africa Fund, a nonprofit human rights organization.

THE U.S. EMBASSY IN CUBA AND THE CANADIAN EMBASSY IN CUBA ATTACHED BY MICROWAVE WEAPONS

CNN U S EMBASSY MICROWAVE ATTACK VIDEO AUGUST 10, 2017 – YouTube – MUST WATCH VIDEO

CNN U.S. EMBASSY MICROWAVE ATTACK VIDEO AUGUST 10, 2017 For the past months the United States Diplomats have experienced symptoms of Covert Microwave Technologies..... BROADCAST ON THE ERIN BURNETTE SHOW WITH GUEST BOB BAIR, FORMER CIA AGENT AND CONSULTANT TO CNN

The U.S. is pulling embassy staff from Cuba, warning against travel to the island and taking other measures in the wake of mysterious attacks on American diplomats.

FOX NEWS, Friday, September 29, 2017

"Secretary of State Rex Tillerson ordered departure for all non-emergency employees and family members early Friday, a State Department official told Fox News, as a result of the mysterious sonic attacks against Americans in Cuba.

The State Department told Fox News that because it is removing employees from the area, it must also warn American citizens not to travel to Cuba.

The decision deals a blow to already delicate ties between the U.S. and Cuba, longtime enemies who only recently began putting their hostility behind them. The embassy in Havana will lose roughly 60 percent of its U.S. staff, and will stop processing visas in Cuba indefinitely, American officials told the AP.

In a new travel warning issued Friday, the U.S. said some of the attacks have occurred in Cuban hotels, and that while American tourists aren't known to have been hurt, they could be exposed if they travel to Cuba. Tourism is a critical component of Cuba's economy that has grown in recent years as the U.S. relaxed restrictions.

Almost a year after diplomats began describing unexplained health problems, U.S investigators still don't know what or who is behind the attacks, which have harmed at least 21 diplomats and their families, some with injuries as serious as traumatic brain injury and permanent hearing loss. Although the State Department has called them "incidents" and generally avoided deeming them attacks, officials said Friday the U.S.

now has determined there were "specific attacks" on American personnel in Cuba.

Tillerson made the decision to draw down the embassy overnight while traveling to China, officials said, after considering other options that included a full embassy shutdown. President Donald Trump reviewed the options with Tillerson in a meeting earlier in the week.

The United States notified Cuba of the moves early Friday via its embassy in Washington. Cuba's embassy had no immediate comment.

Cubans seeking visas to enter the U.S. may be able to apply through embassies in nearby countries, officials said. The U.S. will stop sending official delegations to Cuba, though diplomatic discussions will continue in Washington.

The moves deliver a significant setback to the delicate reconciliation between the U.S. and Cuba, two countries that endured a half-century estrangement despite their locations only 90 miles apart. In 2015, President Barack Obama and Cuban President Raul Castro restored diplomatic ties. Embassies re-opened, and travel and commerce restrictions were eased. Trump has reversed some changes, but has broadly left the rapprochement in place.

The Trump administration has pointedly not blamed Cuba for perpetrating the attacks. Officials involved in the deliberations said the administration had weighed the best way to minimize potential risk for Americans in Havana without unnecessarily harming relations between the countries. Rather than describe it as punitive, the administration will emphasize Cuba's responsibility to keep diplomats on its soil safe.

To investigators' dismay, the symptoms in the attacks vary widely from person to person. In addition to hearing loss and concussions, some experienced nausea, headaches and ear-ringing, and the AP has reported some now suffer from problems with concentration and common word recall.

Though officials initially suspected some futuristic "sonic attack," the picture has grown muddier. The FBI and other agencies that searched homes and hotels where incidents occurred found no devices. And clues about the circumstances of the incidents seem to make any explanation scientifically implausible.

Some U.S. diplomats reported hearing various loud noises or feeling vibrations when the incidents occurred, but others heard and felt nothing yet reported symptoms later. In some cases, the effects were narrowly confined, with victims able to walk "in" and "out" of blaring noises audible in only certain rooms or parts of rooms, the AP has reported.

Though the incidents stopped for a time, they recurred as recently as late August. The U.S. has said the tally of Americans affected could grow.

Fox News' Rich Edson and The Associated Press contributed to this report.

THE CUBAN EMBASSY MICROWAVE ATTACKS

"U.S. diplomats were diagnosed with mild traumatic brain injuries and possible damage to the central nervous system from exposure to an "acoustic attack" in Cuba last year, CBS News reported Wednesday, citing obtained medical records. The records suggest that the apparent attack caused more extensive damage than previously reported. The diplomats stationed in Havana reported symptoms that resembled concussion and hearing loss.

Following months of investigation, U.S. officials concluded that the diplomats had been exposed to an advanced device that operated outside the range of audible sound and had been deployed as sonar attacks either inside or outside their residences, Fox News previously reported. It was not immediately clear if the device was a weapon used in a deliberate attack, or had some other purpose.

Some of the diplomats' symptoms were so severe they were forced to cancel their tours early and return to the United States, officials said.

Related Image
Secretary of State Rex Tillerson speaks at the State Department in Washington, Tuesday, Aug. 22, 2017 (AP Photo/Pablo Martinez Monsivais)

"We hold the Cuban authorities responsible for finding out who is carrying out these health attacks," Secretary of State Rex Tillerson said earlier this month.

Cuba's Ministry of Foreign Affairs released a statement August 9 denying allegations.
"Cuba has never, nor would it ever, allow that the Cuban territory be used for any action against accredited diplomatic agents or their families, without exception," the ministry said. "Moreover, it reiterates its willingness to cooperate in the clarification of this situation."

Diplomats also reported to CBS News other forms of harassment including vehicle vandalization, constant surveillance, and home break-ins."

Was Cuban sonic attack a weapon, or an accident?

By Nicole Gaouette, Michelle Kosinski and Laura Koran, CNN
Updated 9:17 PM ET, Thu August 24, 2017

*Washington (CNN)*The mysterious sonic attack on US diplomats stationed in Cuba is raising questions about weapons that sound more like something out of James Bond than reality. The US believes sophisticated devices that operated outside the range of audible sound were deployed either inside or outside diplomats' residences in Havana, injuring at least 16 Americans, several senior State Department officials have told CNN.

The attacks, which began in November and ended this spring, left some with mild traumatic brain injury; two might have permanent hearing loss. And the invisible assaults may be continuing against other targets, with Canadian diplomats and their family members reporting similar symptoms in June. Experts say the question isn't just what kind of weapon might have been used, but whether the damage was caused by a weapon at all.

FBI probes mysterious sonic device in Cuba 01:19 While a multi-agency investigation is underway, publicly available information is largely anecdotal, and not a good basis for drawing conclusions, these experts warn. They point to a number of factors that raise doubts, including the fact that sonic weapons don't produce consistent results. Others point to the political circumstances -- the attacks happened at a time when the US and Cuba were working to improve relations in the wake of the Obama administration's decision to end the decades-long US embargo against the island nation. Why choose that moment to engage in a particularly damaging harassment campaign?

There are other possibilities, including environmental factors, said experts like Sharon Weinberger, a journalist, and the author of "The Imagineers of War: The Untold Story of DARPA." Others, such as former Foreign Service Officer James Lewis, point to the possibility of human error, in particular a surveillance operation gone wrong. "Yes, some sort of badly working, nonlethal weapon could be the cause, but a) I doubt it, and b) I don't see the evidence for it yet," Weinberger said. "It's certainly possible, but I think it's too soon to jump to conclusions. You have to look across the board in some organized way what was being reported, what environmental causes could cause that."

"Why would one want to use a weapon that causes inconsistent" harm, she asks.

Cuban surveillance Lewis likes the odds on his theory. "There's 100% certainty that American diplomats were under Cuban surveillance," said Lewis, a senior vice president at the Center for Strategic and International Studies. "There's nowhere near that certainty that the Cubans were aiming sonic weapons at American diplomats. It could be harassment, but it's kind of weird." Lewis says the use sound-based devices to conduct surveillance is common, and that Russia uses the method as well.

Indeed, US investigators are probing whether a third country was involved as "payback" for actions the US has taken elsewhere and to "drive a wedge between the US and Cuba," a US official told CNN. Lewis outlined the basics. "I bounce a signal off your window and it's affected by sound vibrations, typing on a keyboard or your voice," Lewis explained. "The signal comes back to me and I can use software to read it -- it will say, 'this disruption is caused by the letter Q.'" That allows listeners to piece together what's being said. Lewis said that if the surveillance equipment was "misconfigured, (it) could produce inaudible noise." His theory: Cuban intelligence agents had set up surveillance on American communications "and it screwed up," Lewis said.

US: More victims of sonic weapon in Cuba 02:07
The idea of using sound as a weapon "goes back almost to biblical times," said Weinberger. And indeed, it's used by military and police departments, as well as private companies. The Israeli army has a device known as "the Screamer" that causes nausea and dizziness, according to NPR.

American law enforcement officials have used sound cannons to control crowds in the aftermath of Hurricane Katrina in New Orleans and during the G20 meetings in Pittsburgh.

The BBC has reported about cruise ships that use a military-grade sonic weapon to repel Somali pirates. Malls in the UK have used high-frequency sound -- inaudible to most people over the age of 20 -- to discourage teenagers intent on loitering. But repeatedly, studies have found "these weapons don't work across the board," Weinberger said.

"What you see is that sound affects different people differently, and so it's not an effective weapon in that sense."

Whatever injured the US diplomats stationed in Havana clearly had an effect. "We can confirm that at least 16 US government employees, members of our embassy community, have experienced some kind of symptoms," State Department spokeswoman Heather Nauert said Thursday.

The speed of infrasound

The fact that the mystery weapon was inaudible means it was either low frequency sound – below audible range, also known as infrasound -- or it was high frequency, above audible range, and known as ultrasound. Dr. Hung Jeffrey Kim, a neurologist at MedStar Georgetown University Hospital in Washington, said whatever happened in Havana more likely involved low frequency sound because it can travel much farther than ultrasound.

Dr. Scott Masten, a toxicologist at the National Institutes of Health, told CNN that, "At certain amplitude infrasound can cause physiological effects -- it can change heart rate, respiratory rates, blood pressure."

A 2001 survey by the NIH found reports that low frequency sound could cause vertigo, imbalance, "intolerable sensations," incapacitation, disorientation, nausea, vomiting, bowel spasms and "resonances in inner organs, such as the heart." Low frequency sound can permanently affect balance and hearing, and can travel deep into your brain, causing nerve injury and potentially microhemorrhage, affecting cognitive function and memory if
there's long-term exposure, Kim said.

Glue and slashed tires

"Most of us know that if you are exposed to a loud noise like a blast, you may experience hearing loss from it," said Kim. "However, if you have the low pitch sound or high pitch sound, like low frequency/high frequency sound, then you cannot really perceive these sounds." Even though low frequency sound can lead to "permanent damage to your ear, as well as in your brain,"

Kim said, "you don't know how long you've been hearing it or how loud these noises are." Both Lewis and Weinberger point to that fact, and say that if the goal was to harass Americans, a silent, invisible attack wouldn't be psychologically effective because the victims wouldn't know they were being harassed. Lewis said the Cubans have more effective and obvious ways to harass foreign diplomats. "They'll super glue your car -- the key -- that's a popular one," he said. "Or they'll pop your tires. If you're going to harass people, there are a lot more fun ways to do it."

CNN's Elise Labott in Washington and Patrick Oppmann in Havana contributed to this report

THE NSA AND REMOTE NEURAL MONITORING – THE NSA CAN READ YOUR MIND – AND THEY DO....

On Saturday, September 23, 2017 AMICUS STAN J. CATERBONE received an email form Derrick Robinson, of PACTS, International regarding a new video appearing on YOUTUBE.com from the HACTIVIST GROUP ANONOMOUS. ANONOMOUS has taken a public campaign targeting U.S. SPONSORED MIND CONTROL and the ILLEGAL USE OF IT'S TECNOLOGY. ANONOMOUS is DEVELOPING COUNTER-MEASURE TECHNOLOGIES TO DETECT AND THWART THE ILLEGAL ATTACKS VIA AN OPEN SOURCE NETWORK. IN ADDITION FOR THE FIRST TIME, A YOUTUBE VIDEO APPEARED ON THEIR WEBSITE OF A 2014 INTERVIEW OF EDWARD SNOWDEN BY BRIAN WILLIAMS AND NBC NEWS OUTLING AN NSA PROGRAM OF REMOUT NEURAL MONITORING.

THE FOLLOWING IS THAT INFORMATION -

Remote Neural Monitoring: How They Spy on Your Thoughts – FROM THE ANONOMOUS WEBSITE\MEDIA

Remote Neural Monitoring: How They Spy on Your Thoughts – Anonymous - CLICK ON THIS LINKS

How many times did you have thoughts that you never wanted to share with anyone, and have been constantly worried at the thought of someone ever finding out about these thoughts?

All of us have been through this process, and the new and improved technologies being developed around the world, supposedly to deal with crime and terrorism, and inadvertently intrude on one's privacy, should probably bring us all to the brink of paranoia.

These technologies are funded by governments at the highest level and some of the countries involved include **USA, UK, Spain, Germany and France.**

Recently, the infamous **National Security Agency (NSA) of the U.S.A. has developed a very efficient method of controlling the human brain.**

https://youtu.be/ZBsIsLRHCEw

EDWARD SNOWDEN IN 2014 INTERVIEW WITH NBC NEWS BRIAN WILLIAMS

DISCLOSING NSA'S REMOTE NEURAL MONITORING PROGRAM LIVE ON THE AIR

https://youtu.be/ZBsIsLRHCEw

This technology is called **Remote Neural Monitoring (R.N.M.)** and is expected to revolutionize crime detection and investigation.

R.N.M. works remotely (ever wondered why have we all been driven relentlessly towards wireless systems?) **to control the brain under the objective to detect any criminal thought taking place inside the mind of a possible culprit.** Inevitable question: How can you isolate a criminal thought if you do not have a comparative measure of non-criminal thoughts?

This undertaking is based on **two principles:**

1. The research studies have shown that **the humanoid intellect thinks at a speed of about 5 kilobits per second** and, therefore, does not have the capability to contest with supercomputers acting via satellites, implants and biotelemetry.
2. **The human brain has a characteristic set of bioelectric resonance structure.** By using supercomputers, the R.N.M. system can home in on it, and send messages through an embedded individual's nervous system in order to affect their performance in a preferred way.

The entire system has been developed after about **50 years (!) of neuro-electromagnetic human experimentation's,** claimed to be involuntary, but there is no evidence to support this claim. According to many scientists involved in this program (their names are not revealed for obvious reasons), **within a few years it is expected that DNA microchips, under the guise of medical breakthroughs that will be presented to launch the disease cure processes on speed and efficiency, will be implanted in the humanoid cereberum, which would make it inherently controllable.** R.N.M. will then have the ability to read and govern a person's emotional mental procedures along with the involuntary and visions.

At present, around the world, **supercomputers are watching millions of people at the same time,** with the speed of 20 terabits per second, particularly in countries like **USA, Japan, Israel and a number of European countries.** A similar program is supposedly under way in Russia.

How does R.N.M. work? It employs a set of programs functioning at different levels, like:

- **The signals intelligence system** which applies electromagnetic frequencies (EMF), to excite the brain for the system and the electronic brain link (EBL).
- **The Brain Stimulation system** that has been planned as particle emission intelligence, which means receiving information from unintentionally created electromagnetic waves in the environment. However, it is not related to radioactivity or nuclear detonation.
- **The recording machines** that have electronic equipment to examine electrical action in human beings from afar. This computer-generated brain charting can always record all electrical events in the cerebrum.
- **The recording aid system** deciphers individual brain maps for security purposes.

The underlining technology of this system takes under consideration that the electrical activity in the speech center of the brain, can be translated into the subject's verbal thoughts. **R.N.M. can send encrypted signals to the audio cortex of the brain directly circumventing the ear.** This encoding assists in detecting audio communication. It can also perform **electrical mapping of the cerebrum's activity from the visual center,** which is achieved by avoiding the eyes and optic nerves, consequently projecting images from the subject's mind onto a video display. With this visual and audio memory, both can be visualized and analyzed.

The machinery involved can, remotely and non-evasively, detect information by digitally decoding the evoked potentials in 30-50Hz, 5 mW electromagnetic emissions from the cerebrum. Evoked potentials are called the spikes and patterns created by the nerves, as they produce a shifting electrical pattern with an ever-changing magnetic instability, which then puts on a constant amount of electromagnetic waves. The interesting part about this is that **the entire exercise is carried out without any physical contact with the subject.**

The EMF emissions can be decoded into current thoughts and audiovisual perception, in the subject's gumption. It sends complicated cyphers and electromagnetic pulse signals to activate evoked potentials inside the mind, consequently generating sound and visual input in the neural circuits. With its speech, auditory and visual communication arrays, **R.N.M. allows for a comprehensive audio-visual mind-to-mind connection or a mind-to-computer association.**

The mechanism needs to decrypt the resonance frequency of each specific site to modulate the input of information in that specific location of the cerebrum.

Furthermore, R.N.M. can detect audio via microwaves, and features the broadcast of precise directives into the subconscious, producing visual disorders, illusions and instillation of words and numbers into the brain through radiation waves.

With all the given paybacks for tracing the unlawful and traitorous activities, **there are many alarms and dangers being pointed out by human rights advocates and scientists.** The agencies of human rights, worldwide, have criticized the system as an affront to the basic human rights because it violates privacy and the dignity of considerations and events of life.

Several countries have opposed it and refer to it as an offence on their human and civil rights.

Along with other biological concerns voiced by scientists, R.N.M. remains a controversial technology, which is being used in many countries for security maintenance and surveillance.

References:

Robert C. Gunn, PhD, Arbor, Michigan, NSA clinical psychologist currently indicted for human and Constitutional rights violations of Mind Control. Extracts from the passage of the affidavit of the indictment.

Declassified documents by NSA of the MKULTRA project

R.G. Malech Patent #3951134 "Apparatus and method for remotely monitoring and altering brain waves" USPTO granted 4/20/76

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

RICO - he Racketeer Influenced and Corrupt Organizations Act

The Racketeer Influenced and Corrupt Organizations Act (commonly referred to as RICO) is a United States federal law which provides for extended penalties for criminal acts performed as part of an ongoing criminal organization. RICO was enacted by section 901(a) of the Organized Crime Control Act of 1970, Pub. L. No. 91-452, 84 Stat. 922 (Oct. 15, 1970). RICO is codified as Chapter 96 of Title 18 of the United States Code, 18 U.S.C. § 1961 through 18 U.S.C. § 1968.

It has been speculated that the name and acronym were selected in a sly reference to the movie *Little Caesar*, which featured a notorious gangster named "Rico." The original drafter of the bill, G. Robert Blakey, has refused to confirm or deny this.[1]

Summary

Under RICO, a person or group who commits any two of 35 crimes—27 federal crimes and 8 state crimes—within a 10-year period and, in the opinion of the US Attorney bringing the case, has committed those crimes with similar purpose or results can be charged with racketeering. Those found guilty of racketeering can be fined up to $25,000 and/or sentenced to 20 years in prison. In addition, the racketeer must forfeit all ill-gotten gains and interest in any business gained through a pattern of "racketeering activity." The act also contains a civil component that allows plaintiffs to sue for triple damages. When the U.S. Attorney decides to indict someone under RICO, he has the option of seeking a pre-trial restraining order or injunction to prevent the transfer of potentially forfeitable property, as well as require the defendant to put up a performance bond. This provision is intended to force a defendant to plead guilty before indictment. There is also a provision for private parties to sue. A "person damaged in his business or property" can sue one or more "racketeers." There must also be an "enterprise." The defendant(s) are not the enterprise, in other words, the defendant(s) and the enterprise are not one and the same. There must be one of four specified relationships between the defendant(s) and the enterprise. This lawsuit, like all Federal civil lawsuits, can take place in either Federal or State court. http://www.dealer-magazine.com/index.asp?article=481

RICO offenses and definitions

Racketeering activity means:

Any act or threat involving gambling, murder, kidnapping, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; Any act which is indictable under a wide variety of specific provisions of title 18 of the United States Code relating to bribery, Counterfeiting, theft, embezzlement, fraud, obscene matter, obstruction of justice, slavery, racketeering, gambling, money laundering, commission of murder-for-hire, etc. Any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501 (c) (relating to embezzlement from union funds), Any offense involving fraud connected with a case under title 11 (except a case under section 157 of this title), fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States, Any act which is indictable under the Currency and Foreign Transactions Reporting Act, Any act which is indictable under the Immigration and Nationality Act, section 274 (relating to Bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain, or Any act that is indictable under any provision listed in section 2332b (g)(5)(B);

> **Pattern of racketeering activity** requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;

Where RICO laws might be applied

Although some of the RICO predicate acts are extortion and blackmail, one of the most Successful applications of the RICO laws has been the ability to indict or sanction individuals for their behavior and actions committed against witnesses and victims in alleged retaliation or retribution for cooperating with law enforcement or intelligence agencies. The RICO laws can be alleged in cases where civil lawsuits or criminal charges are brought against individuals or corporations in retaliation for said individuals or corporations working with law enforcement, or against individuals or corporations who have sued or filed criminal charges against a defendant.

Anti-SLAPP (strategic lawsuit against public participation) laws can be applied in an attempt to curb alleged abuses of the legal system by individuals or corporations who utilize the courts as a weapon to retaliate against whistle blowers, victims, or to silence another's speech. RICO could be alleged if it can be shown that lawyers and/or their clients conspired and collaborated to concoct fictitious legal complaints solely in retribution and retaliation for themselves having been brought before the courts. These laws also apply to victims of clergy abuse where statute of limitations has run out.

Famous cases

On November 21, 1980, Frank "Funzi" Tieri was the first Cosa Nostra boss to be convicted under the RICO Act. In 1988, the owner of Florida Title Insurance, Inc. in Panama City, Florida sent copies of proposed quitam suit against 32 defendants with 12 Counts of Racketeering to the Justice Department as required, just to get them returned in a plain manila envelope with no cover letter regarding the RICO Act violations involving a competitor company, the IRS, with the IRS Agent threatening the life of Plaintiff on behalf of defendants and others. IRS Agent was found dead just days after being served by U.S. Marshals. Autopsy was conducted by Coroner later convicted of Murder. Case went before numerous Federal Judges in Northern District of Florida, who denied all motions including one for discovery conference, seizure of assets due to the defendant's failure to appear, 11th Circuit on Appeal with 15 minute argument (first hearing) with most spent trying to get the Government to have an independent autopsy of the IRS Agent and was denied access to Supreme Court due to minute error in spacing and Clerical Abuse of discretion in pro se case. In 2002, the former minority owners of the Montréal Expos baseball team filed charges under the RICO Act against Major League Baseball commissioner Bud Selig and former Expos owner Jeffrey Loria, claiming that Selig and Loria deliberately conspired to devalue the team for personal benefit in preparation for a move. If found guilty, Major League Baseball could have been found liable for up to $300 million in punitive damages. The case lasted for two years, successfully stalling the Expos' move to Washington or contraction during that time. It was eventually sent to arbitration and settled for an undisclosed sum, permitting the move to Washington to take place. This happened notably after Loria, now owner of the Florida Marlins, had received a significant financial boost after winning the World Series and Selig refused to permit the Expos to engage in September callups, effectively ending their chances at making the playoffs. RICO laws were cited in *NOW v. Scheidler*, a suit in which certain parties sought damages and an injunction against anti-abortion activists who physically block access to abortion clinics. In 2005, Tanya Andersen of Oregon responded to a lawsuit on behalf of Atlantic Records by in turn suing them under the RICO laws. Her suit alleges that RIAA members, in this particular case Atlantic, engaged in illegal computer trespass, extortion, and unfair trade practices under Oregon state law. On April 26, 2006 the Supreme Court heard Mohawk Industries, Inc. v. Williams, which concerned what sort of corporations fell under the scope of RICO. Mohawk Industries had allegedly hired illegal aliens, in violation of RICO. The court will decide whether or not Mohawk Industries, along with recruiting agencies, constitutes an 'enterprise' that can be

prosecuted under RICO.

DO I HAVE A RICO CLAIM?

This is by far the most common question that I receive at Ricoact.com. There is no simple answer to this question because the answer depends upon the unique facts of each case. I have found, however, that a large percentage of potential RICO claims are undermined by the following considerations:

A RICO claim cannot exist in the absence of criminal activity.

The simplest way to put this concept is: no crime – no RICO violation. This rule applies even in the context of civil RICO claims. Every RICO claim must be based upon a violation of one of the crimes listed in 18 U.S.C. § 1961(1). The RICO Act refers to such criminal activity as racketeering activity. RICO claims cannot be based upon breach of contract, broken promises, negligence, defective product design, failed business transactions, or any number of other factual scenarios that may give rise to other claims under the common law. This being said, a RICO claim can be based upon violations of the criminal mail and wire fraud statutes. The mail and wire fraud statutes are very broad. Some creative lawyers have succeeded in arguing that the mail and wire fraud statutes have been violated by fact patterns that superficially appear to give rise only to claims of negligence, breach of contract, and other actions giving rise to common law rights. If a RICO claim is based only upon violations of the mail or wire fraud statutes, however, courts are likely to subject the claims to stricter scrutiny. Courts look more favorably upon RICO claims based upon true criminal behavior, such as bribery, kickbacks, extortion, obstruction of justice, and clearly criminal schemes that are advanced by the use of the mails and wires.

RICO addresses long-term, not one-shot, criminal activity.

Not only must a RICO claim be based upon criminal activity, but the criminal acts must constitute a "pattern" of criminal activity. A single criminal act, short-term criminal conduct, or criminal actions that bear no relationship to each other will not give rise to a RICO claim. The United States Supreme Court has ruled that criminal actions constitute a "pattern" only if they are related and continuous. In order to be "related," the criminal acts must involve the same victims, have the same methods of commission, involve the same participants, or be related in some other fashion. A pattern may be sufficiently continuous if the criminal actions occurred over a substantial period of time or posed a threat of indefinite duration. The former patterns are referred to as closed-ended patterns; the latter patterns are referred to as open-ended patterns. Accordingly, even if you have been injured by a criminal act, you will not have a RICO claim unless that criminal act is part of a larger pattern of criminal activity.

Your claim may be barred by the statute of limitations if you discovered or reasonably should have discovered your injury four or more years ago.

Many people are mistaken that civil RICO claims are not subject to a statute of limitations. True, Congress failed to include a statute of limitations when it passed the RICO Act, but the United States Supreme Court has remedied that oversight and imposed a four-year statute of limitations on all civil RICO claims. Civil Rico's statute of limitations begins to run when the victim discovers or reasonably should have discovered its injury. Many people also believe that the statute of limitations is reset every time a new criminal act is committed - this is not true. Once a victim is aware or should be aware of its injury, the victim has four years to discover the remaining elements of its claim and bring suit. A victim cannot sit on its rights and refrain from filing suit in the face of known injuries. That being said, however, there are several equitable doctrines that may toll or suspend the running of the statute of limitations. If a defendant fraudulently conceals facts that are essential to the victim's ability to purse its rights, the running of the statute of limitations may be tolled. In addition, acts of duress, such as "if you sue me, I'll kill you," may toll the running of the statute of limitations. All tolling doctrines are based upon whether it is fair, under the circumstances, to bar the victim's claims on the basis of the running of the statute of limitations. Also, if a defendant engages in a new pattern of rackeeting, that causes new and

independent injuries, a new limitations period may apply to those new and independent injuries. Of course, these are merely general considerations. Consult with an attorney to determine whether the facts of your particular case give rise to a RICO claim.

References

RICO Suave (http://www.snopes.com/language/acronyms/rico.asp) . *Snopes.com*: (21 December 2004). Retrieved on 2006-03-26. 1.

External links

RICO Act from Cornell University'sU. S. Code database (http://www.law.cornell.edu/uscode/html/uscode18/usc_sup_01_18_10_I_20_96.html) Detail of Tanya Andersen's claim against Atlantic Records (http://recordingindustryvspeople.blogspot.com/2005/10/oregon-riaa-victim-fights-back-sues.html)

Retrieved from http://en.wikipedia.org/wiki/Racketeer_Influenced_and_Corrupt_Organizations_Act Categories: Articles with weasel words | United States federal legislation | Organized crime terminology

Pederson v. South Williamsport Area School District

In Pederson v. South Williamsport Area School District, the courts interpreted due process, as "Essentially fundamental fairness is exactly what due process means". Furthermore, the United States District Courts in Perry v. Coyler (1978, 524 F 2d. 644) have concluded the following:

> **"Even the probability of unfairness can result in a defendant being deprived of his due process rights...".**
> The first issue to address is that of the Plaintiff's right to due process, as prescribed by law. In Pederson v. South Williamsport Area School District, the courts interpreted due process, as "Essentially fundamental fairness is exactly what due process means". Furthermore, the United States District Courts in Perry v. Coyler (1978, 524 F 2d. 644) have concluded the following: "Even the probability of unfairness can result in a defendant being deprived of his due process rights...".

CIVIL RIGHTS

§1983 Civil Rights Acts and 18 U.S.C.A. Acts state the following: "The underlying purpose of the scheme of protecting constitutional rights are to permit victims of constitutional violations to obtain redress, to provide for federal prosecution of serious constitutional violations when state criminal proceedings are ineffective for purpose of deterring violations and to strike a balance between protection of individual rights from state infringement and protection from state and local government from federal interference", 18 U.S.C.A. §§ 241, 242; U.S.C.A. – Const. Art. 2, 53; Amend. 13, 14, 5, 15, § 2: 42 U.S.C.A. §§ 1981-1982, 1985, 1988, Fed. Rules Civil Proc. Rule 28, U.S.C.A.

Ascolese v. Southeastern Turnpike Authority

In Ascolese v. Southeastern Turnpike Authority, C 925 F. supp. 351, the case supports the notion that "One of the principal purposes of § 1983 was to give remedy to parties deprived of Constitutional Rights, privileges, and immunities by Official's abuse of his or her position, that is to provide remedy against individual officials who violate Constitutional Rights, 42 U.S.C.A. § 1983.

CIVIL CONSPIRACY

Rico §263 42 § 1985 (2) Persons Involved In Litigation To Be Free From Conspiracy

In the case of United States v. Holck, 389 F. Supp. 2d. 338, criminal responsibility defines single or multiple conspiracies by the following: "Governments, without committing variance between single conspiracy charges in an indictment and it's proof at trial may establish existence at continuing core conspiracy which attracts different members at different times and which involves different subgroups committing acts in furtherance of an overall plan". This illustrates the legal analysis of the 1987 conspiracy to cover-up my International Signal & Control, Plc., whistle blowing activities.

Under Pennsylvania Law, conspiracy may be proved by circumstantial evidence that is by acts and circumstances sufficient to warrant an inference that the unlawful combination has been in front of facts formed for the purpose charged. See Walcker v. North Wales Boro, 395 F. Supp. 2d. 219. In the same case the following was supported: "Arrestee's allegations that the township (Conestoga) and it's police officers were acting in concert and conspiracy and with the purpose of violating arrestee's constitutional rights by subjecting him to unreasonable force, arrest, search, and malicious prosecution and the two (2) or more officers acted together in throwing arrestee to the ground (April 5th, 2006 and August 4th, 2006) and forcing him to take two (2) blood tests and holding him in custody". The preceding pleaded civil conspiracy claims under Pennsylvania Law.

In order to state a claim for civil conspiracy and a cause of action under Pennsylvania Law, a plaintiff must allege that two (2) or more persons agree or combine with lawful intent to do an unlawful act or to do an otherwise lawful act by unlawful means, with proof of malice with intent to injure the person, his/her property and or business. In the case of United States v. Holck, 389 F. Supp. 2d. 338, criminal responsibility defines single or multiple conspiracies by the following: "Governments, without committing variance between single conspiracy charges in an indictment and it's proof at trial may establish existence at continuing core conspiracy which attracts different members at different times and which involves different subgroups committing acts in furtherance of an overall plan".

§1983 Civil Rights Acts and 18 U.S.C.A. Acts state the following: "The underlying purpose of the scheme of protecting constitutional rights are to permit victims of constitutional violations to obtain redress, to provide for federal prosecution of serious constitutional violations when state criminal proceedings are ineffective for purpose of deterring violations and to strike a balance between protection of individual rights from state infringement and protection from state and local government from federal interference", 18 U.S.C.A. §§ 241, 242; U.S.C.A. – Const. Art. 2, 53; Amend. 13, 14, 5, 15, § 2: 42 U.S.C.A. §§ 1981-1982, 1985, 1988, Fed. Rules Civil Proc. Rule 28, U.S.C.A.

ANIT-TRUST

The Following violations constitute a legitimate Anti-Trust violation under Title 15 of the Federal Statutes. In private Anti-Trust actions, Plaintiff, in addition to proving violations and an injury, must also show that a violation and an injury must also prove that the violation was direct and material to the cause of injury suffered; however, the Plaintiff's burden in causations issues is not as heavy as the Plaintiff only needs to show a casual relation with reasonable probability to a fair degree of certainty (Anderson Foreign Motors, Inc. v. New England Toyota Distributors, Inc., D.C. Mass 1979, 475. Supp.).

18 U.S.C. § 1503 OBSTRUCTION OF JUSTICE

CORNELL LAW SCHOOL – www.law.cornell.edu/wex/obstruction_of_justice

"whoever .....corruptly or by threats or force, or by any threatening letter or communication, influences, obstruct, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice, shall be (guilty of an offense)." Persons are charged under this statute based on allegations that a defendant intended to interfere with an official proceeding, by doing thins such as destroying evidence, or interfering with duties of jurors or court officers.
A person obstruct justice when they have a specific intent to obstruct or interfere with a judicial proceeding. (ALL COURT CASES, BOTH CIVIL AND CRIMINAL OF PLAINTIFF STAN J. CATERBONE) For a person to be convicted of obstruction justice, they must not only have the specific intent to obstruct the proceeding, both the person must know (1) that a proceeding was actually pending at the time; and (2) there must be a nexus between the defendant's endeavor to obstruct justice and the proceeding, and the defendant must have knowledge of this nexus.

STATEMENT OF THE CASE

MIDDLE DISTRICT

This case started in the UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA. There are three (3) Docket Numbers attached to this case, unlike most that contain only two (2) docket numbers before ascending to the UNITED STATES SUPREME COURT.

On December 21, 2016 in the U.S. District Court for the MIDDLE DISTRICT of Pennsylvania, PRO SE PETITIONER STAN J. CATERBONE filed his PRELIMINARY EMERGENCY INJUNCTION FOR EMERGENCY RELIEF from OBSTRUCTION OF JUSTICE VIOLATIONS and an APPLICATION FOR IN FORMA PAUPERIS STATUS(See APPENDIX C). A letter requesting that the case be heard in the MIDDLE DISTRICT in Harrisburg, (actually about 40 more minutes closer in driving time than the EASTERN DISTRICT of Philadelphia) due to the harassment campaign and the mishandling of cases in the EASTERN DISTRICT in Philadelphia, Pennsylvania. On December 22, 2016 the PRO SE LETTER was Issued by the Clerk of Court. On December 22, 2016 The Honorable Yvette Kane issued the STANDING PRACTICE ORDER. The Case was DOCKETED as Case No. 16-cv-02513-YK CATERBONE v. The National Security Agency, et.al.,.

On December 27, 2016 after PRO SE PETITIONER found that his original PRELIMINARY EMERGENCY INJUNCTION FOR EMERGENCY RELIEF was tampered with and modified not to include the HISTORY OF HIS FATHER, SAMUEL P. CATERBONE, JR. and HIS BROTHER SAMUEL A. CATERBONE in the CAUSES OF ACTION Section, an AMENDED MOTION FOR PRELIMINARY INJUNCTION was filed and RECORDED. On December 28, 2016 a CIVIL COVER SHEET was filed by PRO SE PETITIONER STAN J. CATERBONE, however on the DOCKET the CLERK recorded it as an EXHIBIT.

On January 3, 2017 Magistrate Judge Martin C. Carlson ISSUED a REPORT AND RECCOMENDATION GRANTING THE INFORMA PAUPERIS and DISMMISSING THE ACTION AND DENYING PRO SE PETITIONER STAN J. CATERBONE'S MOTION FOR PRELIMINARY INJUNCTION. On January 5, 2017 PRO SE PETITIONER STAN J. CATERBONE filed a MOTION FOR RECONSIDERATION.

On January 9, 2017 Magistrate Judge Martin C. Carlson ISSUED a REPORT AND RECCOMENDATION DENYING PRO SE PETITIONER STAN J. CATERBONE'S MOTION FOR RECONSIDERATION.

On January 26, 2017 PRO SE PETITIONER STAN J. CATERBONE filed a NOTICE OF APPEAL to the UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT. And on February 1, 2017 The Honorable Yvette Kane TRANSFEERED THE CASE TO THE EASTERN DISTRICT OF PENNSYLVANIA IN PHILADELPHIA and ISSUED another REPORT AND RECCOMENDATION AFFIRMING the January 9, 2017 REPORT AND RECCOMENDATION ISSUED by Magistrate Judge Martin C. Carlson and again DENYING THE MOTION FOR RECONSIDERATION of January 5, 2017.

EASTERN DISTRICT

On February 16, 2017 after waiting some weeks, PRO SE PETIONER drove to the FEDERAL COURTHOUSE in PHILADELPHIA to inquire regarding the TRANSFER OF THE ORIGINAL RECORD AND DOCKETING NUMBER of the new case. The staff at the Clerk of Court found the TRANSFEREED case was "sitting on someone's desk" waiting to be DOCKETED. The new case was finally DOCKETED as Case No. 17-cv-0867-EGS and ASSIGNED to Judge Edward Smith in Allentown, Pennsylvania as CATERBONE v. The National Security Agency, et.al., Judge Edward G. Smith is an ALUMNI OF FRANKLIN and MARSHALL College, in Lancaster, Pennsylvania, and had gone to school during the same time as PRO SE PETITIONER STAN J. CATERBONE'S brother Mike Caterbone. Also, there are several DEFENDANT'S in State and Federal Courts that are also ALUMNI OF FRANKNLIN AND MARSHALL F&M COLLEGE. Cousin, and PRESEDENT OF FULTON

BANK, Craig Roda, is one of them. FULTON BANK IS A NAMED DEFENDANT with SEVERAL COUNTS AND VIOLATIONS, including WRONGFULL DEATH, ILLEGAL REPOSESTION, and EXTORTION.

From day one, PRO SE PETITIONER STAN J. CATERBONE had made numerous COMPLAINTS that ASSIGNING A JUDGE IN ALLENTOWN, PENNSYLVANIA was an INCONVENICENCE AND A FINANCIAL BURDEN, especially when considering the amount of cases that PRO SE PETITIONER STAN J. CATERBONE already had RECORDED IN THE PHILADELPHIA COURTHOUSE in both U.S. DISTRICT AND THIRD CIRCUIT COURTS. This tactic could in and above itself be construed as a FORM OF JUDICIAL HARASSMENT.

On February 16, February 27, March 6, and March 20, 2017 PRO SE PETITIONER filed several EXHIBITS and STATEMENTS to the case.

On March 28, 2017 Judge Edward G. Smith issued a CONFUSING MEMORANDUM/OPINION that incorrectly again misconstrued EXHIBITS as Civil Actions and DISMISSED ALL MOTIONS AND THE ORGINAL PRELIMINARY INJUNCTION FOR EMERGENCY RELIEF.

On April 7, 2017 PRO SE PETITIONER STAN J. CATERBONE filed another MOTION FOR RECONSIDERATION of the March 28, 2017 DISMISSAL by Judge Edward G. Smith.

On April 12, 2017 Judge Edward G. Smith DENIED THE MOTION FOR RECONSIDERATION. On April 24, 2017 PRO SE PETITIONER STAN J. CATERBONE filed a NOTICE OF APPEAL TO THE U.S.C.A. THIRD CIRCUIT COURT OF APPEALS. And on April 28, 2017 Judge Edward G. Smith FILED AN ORDER THAT "THIS MATTER IS NOT TAKEN IN GOOD FAITH" by PRO SE PETITIONER STAN J. CATERBONE, FOR THE RECORD AND CERTIFIED "THAT THE APPEAL WAS NOT TAKEN IN GOOD FAITH".

U.S.C.A. THIRD CIRCUIT COURT OF APPEALS

On April 24, 2017 the Case was DOCKETED in the United States Court of Appeals for the Third Circuit as Case No. 17-1904. On April 25, 2017 the LEGAL LETTER was issued.

On May 3, 2017 Judge Edward G. Smith ISSUED his OPINION/ORDER to the United States Court of Appeals for the Third Circuit from the U.S. District Court for the Eastern District of Pennsylvania.

On May 10, 2017 in an ATTEMPT TO BLOCK THE APPEAL TO THE UNITED STATES COURT OF APPEAL FOR THE THIRD CIRCUIT, Judge Edward G. Smith ISSUED AN ORDER that again CERTIFIES the April 28, 2017 ORDER that the "APPEAL WAS NOT TAKEN IN GOOD FAITH", and attempts to make certain that PRO SE PETITIONER STAN J. CATERBONE pay the Filing Fees of $505.00 and DENY his APPLICATION FOR INFORMA PAUPERIS.

On May 17, 2017 PRO SE PETITIONER STAN J. CATERBONE filed the APPLICATION FOR INFORMA PAUPERIS directly to the UNITED STATES COURT OF APPEAL FOR THE THIRD CIRCUIT an on May 22, 2017 the Clerk for the UNITED STATES COURT OF APPEAL FOR THE THIRD CIRCUIT GRANTED THE APPLICATION FOR INFORMA PAUPERIS, and the Filing Fees were WAIVED.

On May 22, 2017 the CLERK of the UNITED STATES COURT OF APPEAL FOR THE THIRD CIRCUIT issued an ORDER that the Appeal will be submitted for determination under 28 U.S.C. Section 1915(e)(2) for summary action under Third Circuit L.A.R. 27.4 and L.O.P. 10.6 and issued PRO SE PETITIONER STAN J. CATERBONE the right to SUBMIT A LAST ARGUEMENT, not exceeding 5 pages in support of the appeal.

On May 30, 2017 PETITIONER STAN J. CATERBONE filed the ARGUEMENT with a MOTION TO EXCEED PAGE LEGNTH. On June 12, and June 19, 2017 PRO SE PETITIONER STAN J. CATERBONE filed EXHIBITS to the Appeal.

On June 20, 2017 the CLERK issued the ARGUEMENT AND MOTIONS to the Panel that was to hear the Appeal along with the decision and determination for jurisdictional defect under 28 U.S.C. Section 1915(e)(2) or summary action under Third Circuit L.A.R. 27.4 and I.O.P. 10.6.

On July 11, 2017 and October 5, 2017 PRO SE APPELLANT STAN J. CATERBONE filed additional EXHIBITS, on Flash Drives.

On October 13, 2017 Judges AMBRO, GREEAWAY, and SCIRICA made the following rulings:

1. Motion to File Overlength Argument GRANTED.
2. Motion to File EXHIBITS DENIED.
3. JUDGMENT DISMISSED.

On October 27, 2017 PRO SE PETITIONER STAN J. CATERBONE filed a PETITION FOR REHEARING. On November 3, 2017 PRO SE PETITIONER STAN J. CATERBONE filed a MOTION TO FILE EXHIBITS AND EXCEED PAGE LIMITATIONS.

On December 14, 2017 CIRCUIT JUDGE SCIRICA DENIED THE MOTIONS FOR EXHIBITS AND PAGE LIMITATIONS.

On January 4, 2018 THIRD CIRCUIT JUDGES SMITH, CHIEF JUDGE McKEE, AMBRO, CHARGARES, JORDAN, HARDIMAN, GREENWAY,JR., VANASKIE, SHWARTZ, KRAUSE, RESTREPO DENIED THE PETITION FOR REHEARING BY PRO SE PETITIONER STAN J. CATERBONE.

IT SHOULD BE NOTED THAT THE SISTER OF PRESIDENT DONALD TRUMP, MARYANNE TRUMP BARRY VACATED HER CHAMBERS IN FEBRUARY OF 2017 WEEKS AFTER THE INAUGERATION.

REASONS FOR GRANTING THE PETITION

SUPREME COURT RULE 12

(c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

THESE ISSUES ARE OF NATIONAL IMPORTANCE, ESPECIALLY SINCE THE DISCLOSURES OF WHISTLEBLOWER EDWARD SNOWDEN AND THE EXISTENCE OF WARRANTLESS SURVEILLANCE IN THE NATIONAL SECURITY AGENCY, NSA. THE UNITED STATES SUPREME COURT IS THE MOST APPROPRIATE COURT TO RULE ON THIS CASE. It could be said that said that the DISTRICT COURT JUDGES were most interested in the PRO SE PETITIONER STAN J. CATERBONE taking this case to this said court. THE UNITE STATES SUPREM COURT would have the unique JURISDICTION in ensuring that constitutional rights of private citizens are not compromised and justice subverted through information obtained from warrantless surveillance upon which there is no just cause for any allegations or association with terrorism. Whistle-Blowers are inherently supportive of a system of checks and balances within our government that go beyond our constitutional doctrines regarding the same. Whistle-Blowers ensure that the rule of law is universally applied to all government officials in all branches of government. The Federal False Claims Act and its provisions protect individuals from abuse of power, while providing relief and remedies for those that were wronged and those that had the courage to cite a wrong. It is too easy for present and future administrations to abuse their power and utilize warrantless surveillance as a means of subverting and obstructing justice for those that are engaged in Whistle-Blowing cases that concern National Security. Without the proper oversight and judicial review, a Whistle Blower can be place on terrorist lists for malicious reasons without the knowledge or just cause. This is in direct conflict with keeping our democracy free of corruption while adhering to the spirit of the constitution in the manner our founding fathers envisioned.

In addressing the subject of U.S. SPONSORED MIND CONTROL again, THE UNITED STATES SUPREME COURT IS THE MOST APPROPRIATE COURT TO RULE ON THIS CASE. Not since the CHURCH COMMITTEE HEARINGS revealed the CIA's MKULTRA Program has there been a NATIONAL PUBLIC DEPATE regarding the legalities of U.S. SPONSORED MIND CONTROL and the prospects of their existence. And as important due to the recent attacks to the UNITED STATES EMBASSY IN CUBA of the same said WEAPONS, again THE UNITED STATES SUPREME COURT has the unique ADVANTAGE OF JURISDICTION.

THE VERY FACT THAT THE ABOVE TWO ISSUES ARE USED TO OBSTRUCT THE RIGHT OF DUE PROCESS OF PRO SE PETITIONER STAN J. CATERBONE SINCE 1987, due to the fact that Federal, State, and Local Authorities were at the very least complicit without the judiciary taking on the responsibility of criminal referral to the proper authorities begs another critical question regarding the STATE-OF-AFFAIRS of our DEMOCRACY and the erosion of basic CIVIL RIGHTS at the hands of illegal and corrupt COVERT ACTIVITIES BY THE MILITARY INDUSTRIAL COMPLEX AND THE INTELLIGENCE COMMUNITY-AT-LARGE. The normal checks and balances put into place by our FOUNDERS, namely the FREEDOM OF THE PRESS, have been exploited and abused by these same said actors by implementing a campaign of FABRICATED CRIMINAL CHARGES AND MENTAL HEALTH ISSUES OF PRO SE PETITIONER STAN J. CATERBONE IN THE MOST CORRUPT AND CRIMINAL WAY.

THE ABUSES AND ACTIVITIES THAT ARE CENTRAL TO THIS CASE HAVE THE DIRE CUMULATIVE EFFECT OF EVOLVING OUR DEMOCRACY FAR FROM THE SPIRIT AND LAWS OF THE CONSTITITUTION OF THE UNITED STATES IN WAYS OUR FOREFATHERS NEVER HAVE ENVISIONED. THE U.S. SUPREME COURT HAS THE RESPONSIBILITY TO OUR DEMOCRACY TO INSIST THAT THE LOWER COURTS LITIGATE THIS CASE IN THE MANNER THAT PRESERVES OUR CIVIL LIBERTIES AND FOR THE FIRST TIME ACTS AS THE SYSTEM OF CHECKS AND BALANCES THAT KEEPS THE ABUSES OF THE MILITARY INDUTRIAL COMPLEX AND THE INTELLIGENCE COMMUNITY FROM ERODING THE UNITED STATES CONSTITUTION TO THE POINT THAT OUR FOUNDING FATHERS WOULD NOT RECOGNIZE.

PRO SE LITIGANT'S ELIGIBILITY FOR ATTORNEY FEES UNDER FOIA:

CROOKER v. UNITED STATES DEPARTMENT OF JUSTICE

The traditional American rule regarding attorney fees requires that, absent an equitable1 or statutory2 exception, each party litigant - The courts have developed three major equitable exceptions to the general rule against fee shifting: the "bad faith" theory, the "common benefit" theory, and the "private attorney general" theory. *See* Alyeska Pipeline Serv. Co. v. Wilderness Soc'y, 421 U.S. 240, 275 (1975) (Marshall, J., dissenting). Whether the private attorney general theory remains a basis for an award of attorney fees is doubtful. *See* note 2 *infra*. For a discussion of the rise and fall of the private attorney general theory, see Hermann & Hoffmann, *Financing Public Interest Litigation in State Court: A Proposal for Legislative Action,* 63 CORNELL L. REV. 173, 175-83 (1978).

The more traditional theories of "bad faith" and "common benefit" derived from the equity powers of the English Court of Chancery. *See* Guardian Trust Co. v. Kansas City S. Ry., 28 F.2d 233, 240-41 (8th Cir. 1928), *rev'd on other grounds,* 281 U.S. 1 (1930). Under the bad faith exception, which was originally recognized in the United States in the case of Sprague v. Ticonic Nat'l Bank, 307 U.S. 161, 166-67 (1939), an award of attorney fees is justified when a party engages in a continual pattern of evasion and obstruction, Fairley v. Patterson, 493 F.2d 598, 606 (5th Cir. 1974); Bell v. School Bd., 321 F.2d 494, 500 (4th Cir. 1963) (en banc), or where the plaintiff was forced into unnecessary litigation, even if the defendant ultimately prevailed, McEnteggart v. Cataldo, 451 F.2d 1109, 1112 (1st Cir. 1971), *cert. denied,* 408 U.S. 943 (1972); Marston v. American Employers Ins. Co., 439 F.2d 1035, 1042 (1st Cir. 1971).

The "common fund" theory is based on the premise that a single party should not be charged with the entire cost of attorney fees when his legal victory benefits an entire class. Hall v. Cole, 412 U.S. 1, 5-9 (1973); Sprague v. Ticonic Nat'l Bank, 307 U.S. 161, 167 (1939).

Although counsel fees generally are drawn from the funds recovered in the litigation, fees may be awarded where no actual monetary fund has been created. Mills v. Electric Auto-Lite Co., 396 U.S. 375, 392 (1970). For examples of other nonstatutory exceptions to the American rule, notably contractual provisions for attorney fees, see Comment, *Theories of Recovering Attorney's Fees: Exceptions to the American Rule,* 47 U. Mo. KAN. CITY L. Rev. 566, 567-68 (1979).

The federal statutory exceptions to the rule that each litigant must pay his own attorney are numerous. *E.g.,* Securities act of 1933 § 11, 15 u.s.c. § 77k(e) (1976); copyright act § 101, 17 u.s.c. § 116 (1976); servicemen's group life insurance act, 38 u.s.c. § 784(g) (1976). For a list of 90 statutory fee award provisions, see subcommittee on constitutional rights of the senate judiciary committee, civil rights attorney's fees awards act of gant pay his own attorney.3 one such statutory exceptions contained in the freedom of information act (foia),' which permits 1976-source book: legislatr hmstory, texts and third oculszas (1976). The statutes vary in the degree of discretion which the judiciary may exercise in making fee awards and in the nature of the eligible parties. *See generally* note, *the civil rights attorney's fees awards act of 1976,* 52 st. John's l. Rv. 562, 562 n.4 (1978). Statutory exceptions also arise at the state level. *E.g., Alaska* stat. § 09.60.010 (1978); alaska stat. §09.60.015(a) (1973); nev. Rev. Stat. § 18.010 (1977). For a discussion of state attorney fee statutes based on "bad faith conduct," see nussbaum, *attorney's fees in public interest litigation,* 48 n.y.u.l. Rev. 301, 336 & n.154 (1973).

The statutory exceptions have assumed greater importance in light of the Supreme Court's decision in Alyeska Pipeline Serv. Co. v. Wilderness Soc'y, 421 U.S. 240 (1975). In *Alyeska,* the Supreme Court severely curtailed use of the "private attorney general"

doctrine as a basis for an award of attorney fees. *Id.* at 269. Confirming prior law to the effect that "bad faith" and "common fund" are proper equitable bases for fee awards, *id.* at 257- 59, the Court stated that courts must find justification for any other award of fees in a specific statutory authorization. *Id.* at 262. The Court reasoned that it would be a usurpation of legislative power to base a fee award on judicial estimates of the importance of the policy at issue. *Id.* at 269.

Alyeska Pipeline Serv. Co. v. Wilderness Soc'y, 421 U.S. 240, 247 (1975); Hall v. Cole, 412 U.S. 1, 4 (1973). The American rule differs from the practice in some other nations. Comment, *Court Awarded Attorneys' Fees and Equal Access to the Courts,* 122 U. PA. L. Ray. 636, 641 (1974). For example, in Great Britain, attorney fees are awarded to the prevailing party. *Id.* The origin of the American rule has been attributed to a general distrust of lawyers, *id.,* to distinctively American traditions of individualism, Note,

Attorney's Fees:
Where Shall the Ultimate Burden Lie?, 20 *VmD.* L. Rav. 1216, 1220-21 (1967), and to the failure of statutory attorney fees to keep up with the rising costs of living. Ehrenzweig,*Reimbursement of Counsel Fees and the Great Society,* 54 Caln. L. Ray. 792, 798-99 (1966). For a brief discussion of the British rule, see Fleischmann Distilling Corp. v. Maier Brewing Co., 386 U.S. 714, 717 (1966).

The American rule against "fee shifting" has been severely criticized, however, primarily because it lacks the deterrent qualities inherent in fee shifting and, therefore, may encourage groundless litigation. *See* Kuenzel, *The Attorney's Fee: Why Not a Cost of Litigation?,* 49 IowA L. Rv. 75, 78 (1963). It also has been contended that the plaintiff is not truly made whole when he still must pay his attorney fee. Ehrenzweig, *Reimbursement of Counsel Fees and the Great Society,* 54 CALIF. L. REv. 792, 792 (1966). For a discussion of the need to reform the American rule, see Kuenzel, *supra,* at 78; McLaughlin, *The Recovery of Attorney's Fees: A New Method of Financing Legal Services,* 40 FORDHAM L. Ray. 761 (1972); Stoebuck, *Counsel Fees Included in Costs: A Logical Development,* 38 U. COLO. L. Rev. 202 (1966). **Proponents of the rule argue, however, that a contrary rule unfairly penalizes a litigant who brings a claim in good faith and discourages poorer litigants from pressing claims.**

Fleischmann Distilling Corp. v. Maier Brewing Co., 386 U.S. 714, 718 (1967); Oelrichs v. Spain, 82 U.S. (15 Wall.) 211, 231 (1872); *see* Comment, *Theories of Recovering Attorneys' Fees: Exceptions to the American Rule,* 47 U. Mo. KAN. CrrY L. Rzv. 566, 590-91 (1979). Nevertheless, the continuing vitality of the American rule is evident. *See* Farmer v. Arabian Am. Oil Co., 379 U.S. 227, 235 (1964).

4 5 U.S.C. § 552 (1976 & Supp. I 1979). The premise underlying the FOIA is that full public disclosure ensures decision making by an informed electorate. H.R. RE'. No. 1497, 89th Cong., 2d Sess. 12, *reprinted in* [1966] U.S. CODE CONG. & *AD.* NEws 2418, 2429. As such, it is one of a series of laws relating to disclosure. *See, e.g.,* Privacy Act of 1974, 5 U.S.C.§552a(1976); Government in the Sunshine Act, 5 U.S.C. § 552b (1976); Federal a court to award "reasonable attorney fees and litigation costs reasonably incurred." 5 A prerequisite to an award of attorney fees Advisory Committee Act, 5 U.S.C. app. § 1 (1976). The policy favoring government disclosure is not, however, without exceptions. Congress specifically excluded nine categories of information from the FOIA disclosure requirements. *See* 5 U.S.C. § 552(b) (1976 & Supp. III 1979). Exempted materials may include national defense secrets, internal agency rules, trade secrets, and medical files. *Id.* Not all exempt documents, however, must be withheld.

Even clearly exempt documents must be released unless the agency determines that such release would be harmful "to the public interest." Letter from Attorney General Griffin Bell to heads of all Federal Departments and Agencies (May 5, 1977), *reprinted in* [1979] GOV'T DISCLOSURE (P-H) V 300,775. For example, law enforcement material must be

released unless public disclosure would decrease the efficacy of specific crime detection techniques. Attorney General's Memorandum on the 1974 Amendments to the Freedom of Information Act (February 1975), *reprinted in* [1979] GOV'T DISCLOSURE (P-H) 1 300,701.

The 1974 Amendments to the FOIA, Pub. L. No. 93-502, 88 Stat. 1561 (codified at 5 U.S.C. § 552 (1976)), strengthened administrative procedures and penalties in order to effectuate the general aims of the Act and to encourage prompt and complete government responses to requests for information. For example, a strict timetable was enacted whereby agencies must reply to an information request within 10 days of receipt, with either a release of the information or a denial accompanied by a notice of the appeal process. 5 U.S.C. § 552(a)(6)(A)(i) (1976). Appeals must be decided within 20 days, *id.* § 552(a)(6)(A)(ii), with one discretionary 10 day extension at either the initial or appeal stage. *Id. §* 552(a)(6)(B).

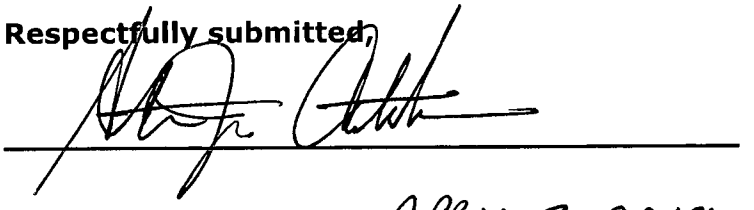
An agency's failure to comply with the appropriate deadline entitles the complainant to file suit immediately to force disclosure. *Id.* § 552(a)(6)(C). Also, penalties were imposed for violations of the Act. Agency employees who withhold information "arbitrarily or capriciously" are subject to disciplinary action. *Id.* § 552(a)(4)(F). *See generally* Vaughn, *The Sanctions Provision of the Freedom of Information Act Amendments,* 25 Am. U.L. REV7 (1975).

.....

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: ~~January 23, 2018~~ APRIL 3, 2018