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**Partial Transcript of Charles Schlund's Lawsuit**

III. CLAIMANT SCHLUND'S RESERVATION OF RIGHTS:

10. Claimant Schlund makes the following allegations on his information and belief and on those grounds, George Bush, Sr. ("Bush Sr.") who in 1976 was the Director of the Central Intelligence Agency ("CIA"). George Bush Sr. as the Director of the CIA in 1976, under the orders of Nelson Rockefeller, removed from the government all of the evidence of corruption, wrongdoing, crimes and criminal acts. All of these files and documents sometimes referred to as "evidence" were removed from the government to conceal the information to prevent Jimmy Carter and those he would appoint to public office from accessing the information. This act by Bush Sr. constitutes an act of treason. The evidence contained various files, papers, documents, data, films, tape recordings, maps, log books and other tangible items and things which were moved to be under Bush Sr.'s possession and control as he was ordered by Nelson Rockefeller. The said evidence and its contents are generally referred to as the "Don Bolles Papers," unless denoted otherwise. The Don Bolles Papers were placed into the possession of Evelyn Thompson, Claimant Schlund, and others after they were stolen by a professional thief, who had been recently released from prison and broke into a safe in a hotel located on North Central Avenue in Phoenix, Arizona. The thief believed this large walk-in (vault) safe contained large sums of money because it was so well-guarded. Unfortunately for him, the cash bounty was not what was anticipated but the Don Bolles Papers were contained therein. This information came directly from the thief and was conveyed by him directly to Evelyn Thompson and Claimant Schlund. Evelyn Thompson actually received the Don Bolles Papers from the thief. Claimant Schlund no longer recalls the thief's name because of lapse of time, sleep deprivation, torture and other criminal acts committed against Claimant Schlund by the government to destroy Claimant as a political witness.

11. The CIA and other files Claimant Schlund has always called the Don Bolles Papers contained massive amounts of paperwork, films, tapes, photos, maps and other related items and things much of which were authenticated Defendant USA documents related to illegal, immoral, criminal, private, corporate and government covert operations, conducted under the highest level of control of the CIA, DEA, NSA, Justice Department, Federal Courts and many others. These are the documents Claimant Schlund calls the Don Bolles Papers, and it is obvious to Claimant Schlund that these papers contained the highest levels of private/governmental planning regarding the systematic overthrow (private control) of the United States of America.

12. Claimant Schlund alleges on information and belief and on those grounds that the Don Bolles Papers which included the above said files, documents and other tangible things were removed by Bush Sr. from the Defendant USA Government for the purpose of concealing the information from President-Elect Jimmy Carter and those who President Carter would appoint to the different government agencies or to other public offices under his executive command. This was done by the Director of the CIA, Bush Sr., while the CIA was under his direction, influence, and control.

13. The Don Bolles Papers were then moved to Phoenix, Arizona by the CIA to one of the drug cartels that the CIA influenced, operated and controlled known as the Dirty Dozen Motorcycle Gang ("DD") which was a gang comprised of different organizational levels who had individuals involved at many levels within the government in the State of Arizona. The DD was operated and controlled by the CIA and was a drug cartel under the CIA's and DEA's control.

14. The DD was comprised of prospects, prostitutes, thieves, bikers, informants, private investigators, business owners, police officers, judges, federal agents, governors, senators and congressmen, and others.

15. The Don Bolles files and papers were then taken from the DD, actually the CIA, in a burglary resulting in the CIA losing control of these highly sensitive documents, plans, and other criminal evidence.

16. On or about 1977, Claimant Schlund was one of the individuals of a group of people who received the Don Bolles Papers and files who along with these other individuals began to read and analyze them.

17. The content of the Don Bolles Papers included CIA files, documentation and other data which revealed a plan for the systematic overthrow of the USA using the CIA, Drug Enforcement Administration, ("DEA") and the judicial system and its courts and others under the color of law under the protection and direction of the Rockefeller family and Bush family which included Bush Sr. and George W. Bush, the Department of Justice ("DOJ"), certain members of congress and the senate and other positions inside and outside the government. It was clearly indicated in the Bolles papers that key positions were being obtained through the method of assassinations and the fixing of presidential and other elections and by political appointment to achieve the CIA's goal, of taking over and controlling key positions in the government and private sector.

18. These files detailed George Bush Sr. and the CIA's bugging of the White House, Camp David, Jimmy Carter's home and anyone else that could stand in their way or could become a threat to their empire at some time in the future. The bugging of the White House was necessary to control and direct Jimmy Carter's presidency.

19. In these CIA and other files that George Bush Sr. illegally took from the government, were CIA drawings of the White House revealing that one of the rooms drops one mile down underground during times of war to protect the president and his staff. Then the president transfers over to another elevator and would be taken three more miles down underground to the shelter to protect him from an enemy attack.

20. Claimant Schlund further alleges that this massive underground complex extends in all directions to many different other complexes like the one under the Pentagon or the one for congress and others. After Claimant had briefed the Federal Bureau of Investigation ("FBI") of these facilities and after the end of the cold war, some of these complexes then became public.

21. Through this underground complex and by other ways, the CIA monitored [everyone] in the government from Congress to the President and even the justices of the Supreme Court of the United States of America.

As Claimant Schlund's has consistently said, the electronic surveillance devices are, in fact, commonplace, so much so, that even the Honorable Justice Douglas of the United States Supreme Court admitted in the published opinion of Heutsche v. U.S., 414 U.S. 989 (1973) that, " We who live in the District of Columbia know that electronic surveillance is commonplace. I am indeed morally certain that the Conference Room of this Court has been "bugged;" and President Johnson during his term in the White House asserted to me that even his phone was tappedŠ.. The daily news brings fresh evidence to make a reality of Chief Justice Warren's warnings that the fantastic advances in the field of electronic communication constitute a great danger to the privacy of individualsŠ." Lopez v. United States, 373 U.S. 427, 441 at p. 462 (1963) (Chief Justice Warren, concurring).

22. Claimant Schlund briefed the Federal Bureau of Investigation ("FBI") that the bugging devices in the White House were integrated into the telephone lines and were invisible to the human naked eye. The telephone wires looked like they were just copper telephone wires. Integrated into this wire were molecular bugging devices and computers that would monitor and collect what was said and then code and compress this information into the monitoring clicks on the telephone line and in these clicks transmit everything to the CIA in their underground complex. No one without the required super computers and the required codes would be able to detect or decode any information from these bugging devices or what they transmitted down the telephone lines. Wires had to be used for the bugging to stop government scans from being able to pick up radio transmissions. This insured that the CIA would be undetected in their monitoring of the president and the rest of the government.

23. Claimant Schlund alleges that at Camp David, the bugging devices were built into the wiring of the new security system and at Jimmy Carter's home the bugging devices were in the telephone wiring.

Further that, in the Don Bolles Papers were the files on the bugging of everyone that the CIA, Rockefellers, Bush family or others considered a threat to their plans. Many of these files were old and other people had just come under investigation by the government.

24. Claimant Schlund alleges the following is a short list of names of people from the government files who were categorized as a threat to the secret government. These American citizens had been kept under constant surveillance by the Office of Special Services ("OSS"), CIA, DEA and others because they were considered enemies of the state for their political, religious, moral or other legally permissible beliefs:

1. Martin Luther King 16. Jimmy Carter

2. Charles Lindbergh 17. Steve McQueen

3. Charlie Chaplin 18. Audie Murphy

4. Groucho Marx 19. Rod Serling

5. Clark Gable 20. Gary Hart

6. Elizabeth Montgomery 21. Raul Castro

7. Ernest Hemingway 22. Cassius Clay

8. Buddy Holly 23. Annette Funicello

9. John Lennon 24. Judge Charles Muecke

10. Elizabeth Taylor 25. Doris Day

11. Karen Carpenter 26. Jimmy Stewart

12. Cher Bono 27. Jerry Brown

13. Frank Wills 28. Bruce Lee

14. Jackie Kennedy 29. Shirley Temple-Black

15. Edward Kennedy 30. Bruce Lee

25. Claimant Schlund alleges that in the CIA and other files he had were the files on thousands of innocent people that had been or were being kept under constant investigation so they could be directed, controlled, manipulated, discredited or assassinated if it became necessary to protect the cover-up of government corruption. These created and fabricated investigations were authorized by the surveillance court and other courts and conducted under the cover of authority and warrant. Some of the warrants were issued on the claims they were protecting these people from terrorist or kidnappers and other warrants were issued after framing them as being involved in drugs or for other alleged criminal activity. In truth, none of these people were guilty of anything other then being good honest Americans with political beliefs different then the secret government that secretly runs parts of the government.

26. Claimant Schlund further alleges that in these same files Claimant Schlund read all the files of all the CIA operatives that were or would be involved in the systematic overthrow of America by the CIA.

27. Further, Claimant Schlund alleges the following is a very short list of the files or names of some of the CIA or other agents involved in the overthrow of America. Some belonged to different groups or organizations that the CIA ran like the Aryan Brotherhood, Crypts, Bloods, Dirty Dozen, Masons, Italian Mob, Jewish Mob, Irish Mob, Mexican Mob and many other secret societies, drug cartels, political actions, committees and many other kinds of organizations.

1. Nelson Rockefeller 16. Spiro T. Agnew

2. David Rockefeller 17. Gerald R. Ford

3. Ronald Reagan 18. Ted Koppel

4. Charlton Heston 19. G. Gordon Liddy

5. Ralph Nader 20. John Poindexter

6. Pat Robertson 21. Colin Powell

7. Pat Buchanan 22. Edwin Meese

8. Jerry Falwell 23. Henry Fonda

9. Malcolm Forbes 24. Jane Fonda

10. Bruce Babbitt 25. Abigail Van Buren

11. Ross Perot 26. Amanda Blake

12. Dr. Robert Schuller 27. Bob Dole

13. Dick Cheney 28. Joe Arpaio

14. Dan Quayle 29. Phillip Jordan

15. Richard Nixon 30. Lyndon Johnson

28. Claimant Schlund alleges the Rockefeller and the Bush families were too important to have files on them. What Claimant Schlund did have in the Don Bolles papers were orders and memos and other papers from Nelson Rockefeller and George Bush Sr. to and from the CIA and others. Some of these orders were to the CIA to direct and train George Bush Sr.'s sons so they would be prepared to take their rightful places in the CIA or other secret societies that the CIA or others secretly ran or controlled. Claimant had orders which allowed George W. Bush to marry even though it was not an arranged or pre-planned marriage. George Bush Sr. thought this might straighten George W. Bush out by allowing him to marry and take some responsibility. George Bush Sr. had hoped that this would help control George W. Bush's cocaine use. In these files it was customary for the eldest son to take over the power of the family when the time came.

29. Claimant Schlund also alleges that in order to prepare George W. Bush for his future positions in these secret societies it would be necessary to get him to except his place as one of the elite and to do this required the emotionless ability to order the killings or assassinations of those that are considered inferior or threatening to the empire. To achieve this George Bush Sr. had some of his men trick George W. Bush into authorizing the killing of a man that George W. Bush despised. After this person was assassinated George W. Bush was surprised and upset at what he unintentionally had a hand in. The next authorization was easier for George W. Bush and the next even more easy.

30. Further, Claimant Schlund alleges that in these CIA and other files George W. Bush would never need to be taught how to physically kill people. All that was required in the political positions he would be appointed or elected to was to give the orders for the killings or assassinations. George W. Bush demonstrated his training well, in this regard, by his signing of the many execution orders in Texas as governor.

31. Claimant Schlund also had George Bush Sr.'s orders to the CIA to get his eldest son to authorize the killing of some women and children because this would be required for him to take his rightful place in these secret societies. This would emotionally condition him to allow him to authorize the killings or executions of men, women or even children as required in the performance of his duties. These killings had not yet taken place. Claimant Schlund has no knowledge that they ever took place. These were orders that had not yet been fulfilled.

32. Claimant Schlund alleges that according to these CIA files George Bush Sr. controlled through the CIA and others the states of Florida, Texas and Arizona. These states were more important to control then other states in order to protect the incoming drug shipments. These states were where the CIA ran their drugs into the United States. The illegal drugs were the common denominator that held the gangs together. These gangs furnished the children, girls and boys for sex for the different corrupt judges and politicians and the drugs authorized many of the investigations against political witnesses and dissidents. The gangs and drugs created the crimes needed to authorize all the new laws as America became more and more conservative and more totalitarian. The drugs were the catalyst that held everything together and the proceeds from the drugs financed many of the covert operations like the building of large expensive churches and the funding of the religious channels on TV and many other illegal covert CIA operations that were involved in the systematic overthrow of the United States of America by the CIA.

33. On information and belief and on those grounds, Claimant Schlund alleges that the CIA plans in the Bolles Papers were simple for the overthrow of America. The overthrow would be done under the color and cover of law and by covertly influencing the voters until the CIA had enough votes to place their people in the needed key positions. Individuals who were threats that could not be successfully attacked and removed like John F. Kennedy Jr. would be assassinated like the CIA had assassinated his uncle, Robert F. Kennedy and his father, John F. Kennedy In 1992, Claimant Schlund briefed the FBI when the CIA planned on assassinating John F. Kennedy Jr. He then died during the time frame in which Claimant Schlund briefed the FBI.

34. Claimant Schlund alleges the CIA runs candidates for third and fourth political parties to split the vote as needed to assure that their candidates got elected.

35. Further, Claimant Schlund alleges the CIA would use their TV stations, radio stations, newspapers, and magazines to attack any opposing candidates and to support their candidates. Claimant alleges they had all the CIA files on all the TV stations, radio stations, newspapers, magazines, and other organizations that they covertly owned, influenced, or controlled.

36. Claimant Schlund also alleges that in 1991 after Claimant Schlund understood what was happening and how he was being controlled, used and set up by the CIA, DEA and others, Claimant Schlund went to the FBI and asked them to monitor him. Claimant Schlund asked the FBI to monitor him without need of warrant. Claimant was only able to do this because he was already under surveillance from the FBI in their attempt at obtaining what information he had on other related crimes.

37. Claimant Schlund asserts that he knew that if he told the FBI what he really knew that they would think he was crazy and Claimant knew that they were bugged just like other law enforcement was. Claimant also alleges he knew that he had to give the FBI all the information in a way that they could not be accused of interfering in the presidential elections of the United States. Claimant Schlund knew from reading the CIA and other files that the FBI was not a political organization like the CIA and DEA were. The FBI was a law enforcement agency that had been infiltrated by the CIA with many of the FBI's men still being loyal to the American People and the American Constitution.

38. Claimant alleges that to do the above said he decided it would be best to set up everything and prove that it was true before he told the FBI what this is about. To do this, Claimant offered to allow the FBI without a warrant to monitor him in whatever way they felt was necessary as long as they did not torture him, make him sick, or interfere with his sleep using the bugging devices.

39. In 1992, Claimant offered to the FBI to be the bait for them to set up the DEA. He would set up the DEA for the FBI to prove that the DEA was in reality a covert operation of the CIA. This would allow the FBI to then tell who the corrupt agents were from the non-corrupt by monitoring those that would attack Claimant. Claimant told the FBI that he would not sell drugs, he would not hurt people, and he would not steal and that those attacking him would be corrupt and would plant everything needed to frame Claimant. Further, that all the FBI had to do was watch and learn how political witnesses are systematically removed under the cover and color of law. Claimant agreed to set up everything that the FBI needed to learn so they could understand how America was being systematically overthrown by the CIA and others under their direction and control.

40. Claimant briefed the FBI that the CIA and DEA had to remove him as a political witness at any cost and would do everything and anything required to remove Claimant as a political witness.

41. Claimant then proceeded to accomplish his job setting up the CIA, DEA, and others. Claimant informed the FBI that he would not accept any money from them and that he did not want to be in any witness protection programs which are not any safer then walking the street. Claimant Schlund briefed the FBI that those attacking him are cowards and that he does not fear them. Such attackers only murder, rape, and torture under the color and cover of law and they are traitors to the American People and the American Constitution. They are cowards working for the government. They have joined these protected secret organizations because they are cowards only able to function under the protection of law under false pretenses using fantastic National Security Agency ("NSA") and CIA technologies.

42. Further, as Claimant Schlund alleges, he set up the corrupt federal and state judges and DEA and other agents for the FBI. While setting up the corrupt people in the government, Claimant briefed the FBI on the information Claimant had including the plans for the systematic overthrow of the United States by the CIA, DEA and others.

43. As Claimant would brief the FBI and others, the CIA, DEA, and others would use those that secretly worked for the CIA in the DEA, FBI and in other agencies under the CIA's control to attack Claimant and try to assassinate him. During this entire time the legitimate and good agents of the FBI, IRS, and other agencies and police defended Claimant and protected him stopping many assassination attempts.

44. Claimant Schlund alleges that under the United States Supreme Court decision of Clinton v. Jones, 520 U.S. 681 (1997), the Supreme Court held that the "President of the United States of America, like other officials, is subject to the same laws that apply to all citizens of the United States of America. No one is above the law." Claimant Schlund's case is provable in trial before a fair and honest tribunal while the Clinton v. Jones case was not. Claimant Schlund briefed the FBI that the Bush Family is above all laws of the United States.

THE FOLLOWING IS A SMALL PART OF THE INFORMATION THAT CLAIMANT SCHLUND WAS SUPPLYING TO THE FBI AND OTHER AGENCIES.

45. Claimant Schlund alleges that in 1992, after testing the FBI and assuring it would act honorably to enforce the American Constitution and the laws of America, Claimant Schlund began to supply them with Nelson Rockefeller's and George Bush Sr.'s plans to retake the presidency back from Jimmy Carter. In 1992 Claimant Schlund began to supply the FBI with the CIA plans to fix all future presidential elections of the United States. Claimant Schlund had called the FBI in 1977 and at other later dates in the 1980's with this same information. It appears that these telephone calls were intercepted by the DEA impersonating the FBI. Claimant Schlund alleges that the following is from the CIA files Claimant read and is the information he was briefing the FBI on.

46. Some of the following information is how the Rockefeller family, Bush family and the CIA, DEA, and others planned on ensuring they would win in all future presidential elections.

47. George Bush Sr. and the CIA under the directions of Nelson and David Rockefeller had planned on using third and fourth parties to split the vote when it became necessary to do so to win the presidential elections of the United States. Starting in 1992, Claimant Schlund briefed the FBI on the CIA files of the people that would run these political parties for the CIA. Claimant Schlund briefed the FBI that he had read Ross Perot's CIA file and that Ross Perot worked for the Bush family and the CIA and was in the presidential election to split the vote. Claimant Schlund believes he stopped this and caused Ross Perot to drop out of the race by hand delivering a letter to the FBI in New Orleans, Louisiana. Claimant Schlund believes that the letter was dated June 24, 1992. Soon after, Ross Perot dropped out of the presidential race. Claimant Schlund believes that Ross Perot's paranoia then prevented him from fulfilling his job of splitting the vote and fixing the presidential election of the United States. This resulted in the people electing William Clinton to the presidency of the United States.

48. Claimant Schlund in 1992 briefed the FBI on Ralph Nader's CIA file and how Ralph Nader worked for the CIA and had broken up AT&T for the CIA. In the CIA files Claimant had AT&T was a publicly owned corporation controlled by the Rockefeller family and the CIA. The break-up of AT&T was done to hide the profits and to create new corporations that could advertise against each other to fund the CIA's and Rockefeller families TV stations, radio stations, magazines, newspapers and other media businesses and corporations. Ralph Nader also runs the Consumer Advocacy and Information Group which was used to protect the Rockefeller empire while attacking competing unprotected corporations.

49. Claimant Schlund, in 1992, briefed the FBI that he also read the CIA file on Pat Buchanan and that he also worked for the CIA, Rockefeller and Bush families.

50. In 1992, Claimant Schlund briefed the FBI on Ronald Reagan's CIA file and how he had been selected to be the actor to play the part of the President of the United States of America for the Director of the CIA George Bush, in the systematic overthrow of the United States by the CIA. Claimant Schlund also briefed the FBI on how Ronald Reagan had ran California for the CIA as governor and how he had worked for the Office of Special Services ("OSS") and later the CIA throughout his life. Ronald Reagan was an FBI informant for the CIA so he could feed the FBI incorrect information along with real information that the FBI would know was true. The CIA always does it this way to make their operatives believable when they are really only supplying false unverifiable facts to covertly miss direct those that could be a threat to them.

51. In 1992, Claimant Schlund alleges he briefed the FBI on Bruce Babbit's CIA file. This included how Babbitt worked for George Bush, Sr. and the CIA and had run the drug cartel known as the Dirty Dozen for George Bush, Sr. This included information on when he was Attorney General of Arizona and Governor of Arizona for the CIA. Claimant Schlund strongly protested his appointment by President Clinton to the FBI.

52. In 1992, Claimant Schlund also alleges he briefed the FBI on Bob Dole's CIA file and how the CIA would not run him for president unless something went wrong and no one else was in position to run. Claimant also briefed the FBI that the CIA had concluded that Bob Dole would not be electable and he would not be elected if he ran. Claimant briefed the FBI on Dole's affair and how it was too public to cover up and how later he married his wife, who also worked for the CIA, and how she would run the American Red Cross for the CIA.

53. In 1992, Claimant Schlund briefed the FBI on that he had read the files of the entire Bush family and that the power always passes to the eldest son. Claimant also briefed the FBI that the three drug cartels that the Bush family ran through the CIA, DEA and others were Arizona, Florida, and Texas and that these states were under their control. Claimant later confirmed that George W. Bush had a serious drug problem with cocaine. Claimant Schlund also briefed the FBI that all witnesses against the Bush family are electronically tortured and murdered or forced under torture to commit suicide. As we all know, the person that wrote the book the Fortunate Son and exposed George W. Bush's drug use recently committed suicide.

54. In 1992 and forward, Claimant Schlund briefed the FBI that he also had read Dan Quayle's CIA file and how Quayle's family ran newspapers for the Rockefeller family and the CIA. Claimant Schlund also briefed the FBI of Dan Quayle's drug use and later of how the newspaper reporter Don Bolles was assassinated with a car bomb to cover up his investigation into Dan Quayle's drug use. This was not the only reason that Don Bolles was assassinated. In the CIA files Claimant had were the orders for the assassination of Don Bolles. They had came from George Bush Sr. at the CIA down through the DEA to Bruce Babbit then to Kemper Marley who at the time was Arizona's only billionaire. From Kemper Marley the orders went to the Dirty Dozen who then set up Adamson to be the fall guy. These kinds of political assassinations always have to be solved and someone is always set up to be the fall guy.

55. In 1992, Claimant Schlund briefed the FBI on Pat Robertson's CIA file. Pat Robertson and his TV programming and news were designed and planned by the CIA and were in part funded with drug proceeds and other stolen or misappropriated moneys. I briefed the FBI on how Pat Robertson liked the girls too much in his CIA file. George Bush, Sr. believed that this could damage his credibility as a TV evangelist so George Bush, Sr. had the CIA make some new pills to look like the pills Pat Robertson took each morning. These new pills would curtail his sex life during the day and would wear off by night so Pat Robertson could have a normal sex life after work but no sex during work. Pat Robertson covertly told Christians who God's presidential candidate was which was used to influence the presidential elections of the United States. These acts by the CIA amounted to treason.

56. In 1992 I briefed the FBI on Jerry Farewell's CIA file. He also worked for the CIA and his ministry was not really what it appeared to be. He was not moral or the majority. Later the IRS went after his tax exempt status because he was really just CIA and the Christian Coalition was really just to control voters and others to direct future public elections and political objectives. Then the Congress went after the IRS to stop the IRS from interfering in George Bush Sr.'s. plans for the overthrow of the United States by the CIA.

57. In 1992 I briefed the FBI on Malcolm Forbes CIA file. He was one of many people working with the CIA that used their combined influence to direct the American people. Their goal was to fix the public elections in America by convincing the American people who was moral, Christian, and good. The people they presented to the American people as moral and good were really evil and corrupt and they secretly worked for the overthrow of America. In other words they were traitors to the American people and the American Constitution.

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58. In 1992, I briefed the FBI on how the CIA would use the Electoral College to fix the presidential elections if the elections could not be fixed by splitting the vote using a third and fourth political party. The Electoral College would only be used if all other methods failed and was only the way of last resort to put their people in power. I briefed the FBI in great detail of how the Electoral College would be used as a way of fixing the presidential elections. This method of fixing the presidential elections would only be used if splitting the vote using third and fourth parties failed to split the vote enough to insure that their candidate would be elected.

59. In 1992, at the request of the FBI, Claimant Schlund began to supply the FBI with the names of the Supreme Court judges that worked for the CIA and the Bush and Rockefeller families. Claimant Schlund supplied the FBI with five United States Supreme Court Justices names from the CIA files Claimant Schlund had read and from other information Claimant Schlund had and these five judges were the five United States Supreme Court Judges that seven or eight years later appointed George W. Bush to the presidency of the United States of America. During these briefings to the FBI Claimant Schlund briefed the FBI of what was in 3 of these judges CIA files including all the details of their corruption and crimes and why the CIA had picked them to be appointed as Supreme Court Justices on the United States Supreme Court.

60. In May or June of 1992 Claimant Schlund went to Washington DC to set up the Washington Post for the FBI. While in Washington, DC the CIA, DEA or others controlled Claimant Schlund's motel phone lines. Claimant Schlund then tried to call the FBI and the CIA, DEA or others intercepted the call with a recording that the FBI's phone lines were not in service. Claimant Schlund then called the phone company operator and told her that this was an emergency and that he needed her to dial the FBI for Claimant Schlund. This call went through and the FBI answered and immediately sent out a phone truck to switch the phone lines in the telephone company pedestal in front of the motel to stop the CIA's control of Claimant's phone lines. The FBI then called back and said to go ahead. Claimant Schlund then called the Washington Post to prove to the FBI how the Washington Post working for the CIA had covered up Watergate and how they would be used to cover up the information Claimant Schlund was trying to supply the FBI with. Claimant Schlund later also briefed the FBI that the Miami Herald was also one of their newspapers and was under their control and that the Bush family and others controlled what they printed to a large degree. The Miami Herald did the recount confirming the results of the presidential elections in Florida and the Washington Post confirmed the Miami Harold's findings. In other words the CIA covertly confirmed the CIA's findings.

61. Claimant Schlund also briefed the FBI on the new electronic implants that the CIA had designed and were being mass produced in 1977 by the NSA. These electronic implants could be used to fix ball games, horse races, and dog races or to fix presidential or local elections. They were being injected into large numbers of people in investigations and used to monitor and control targeted people to cover up the massive corruption in the government. They could not make Republicans vote for Democrats and they could not make Democrats vote for Republicans but they could stop them from voting if needed. These electronic devices or implants could also influence who independent voters would vote for George Bush Sr., and the CIA planed on using these electronic devices whenever possible to fix future presidential elections of the United States and other countries around the world. The fixing of the American presidential elections with these electronic devices was not only possible but easy when used in conjunction with other covert operations. George Bush and the CIA had planned on trying to fix all future presidential elections using these electronic devices and implants controlled by super computers. This process was simple and the devices would be used to make the implanted person feel bad and sick anytime they heard the name of the person they were not to vote for and they would make the injected person feel good and have a feeling of great joy and well being anytime the injected person heard who they were suppose to vote for. This did not change the minds of everyone but it did work well enough to alter the elections to in favor of who the CIA was trying to get elected. A presidential election can be fixed by influencing a very small percentage of the voters.

62. Claimant Schlund briefed the FBI in 1992, 1993 and forward on George Bush Sr's, Nelson Rockefeller's, and the CIA's plans to put their corrupt people in key positions in the Federal and State courts. This process had already been going on for many years with many of these corrupt judges already being on the bench. These corrupt and evil judges were making their legal rulings based on corruption and evil not on law or the Constitution. Claimant Schlund briefed the FBI of how some of these judges would assume their positions 20 years after being selected for these positions. Claimant Schlund briefed the FBI that he had read through 100's of files of corrupt federal judges or future corrupt federal judges. Claimant Schlund briefed the FBI that some of these judges were pedophiles and others were murders or drug dealers and others were just evil or corrupt. Claimant Schlund briefed the FBI on some of these files and on what he could remember. Each of these files had a list of people that could be possible witnesses against these corrupt and evil judges. In each file was who the CIA, DEA, or others was to assassinate and who was to be imprisoned, tortured, or given different illnesses to remove them as potential witnesses. The Bush family could appoint these corrupt and evil people to the federal bench pretending that they were Christians and moral people with all the witnesses against them being dead or discredited and in prison.

63. Right to protect privacy and remove implants: Roe vs. Wade, 410 U.S. 113 (1973). In 1992 and 1993, Claimant Schlund briefed the FBI on George Bush Sr. and Nelson Rockefeller's plans to overturn in part Roe v Wade. The Roe v Wade case was a threat to the empire. The United States Justice Department had briefed George Bush Sr. and Nelson Rockefeller that Roe v Wade could be interpreted as a human rights ruling giving the people the right to their own bodies. If American citizens had a right to their own body's electronic implants would be illegal. The ruling of Roe v Wade could be used in court to make the use of the governments electronic implants illegal so George Bush Sr. planned on conducting the CIA covert operation of overturning Roe v Wade in part to make an exception so the use of electronic implants could still be done under the cover and color of law. George Bush Sr. did not want to stop abortion. All he wanted was to make an exception to the ruling so that implants could be legally used against political witnesses and dissidents so his corrupt public officials and judges could be protected using the cover of investigations which would use implants to monitor, torture, and murder political witnesses. The wording from the Justice Department to George Bush Sr. was as follows. If it is illegal to interfere in the body of a citizen to save the life of an unborn child how can it be legal to inject implants into that same persons body when the ruling of Roe v Wade says that the government has no right interfering in the bodies of its citizens. George Bush Sr. was going to make his campaign against abortion look like he was a Christian fighting for children when in truth he could have cared less about the life of any child. His only interest was in more power and control over those he would rule over.

Claimant Schlund claims he has a right to be free from implants used for torture and/or surveillance, violating his body privacy and other privacy rights within expected orbits and zones of privacy. The government's forcible placing bugging device into Claimant Schlund's body violates rights to privacy under the First, Fourth, Fifth, Ninth and Fourteenth Amendments to the United States Constitution and the holding of Roe v. Wade, 410 U.S. 113 (1973).

In order to succeed in George W. Bush's schemes and efforts to overthrow the United States, part of the systematic plan would require the elimination of the United States Supreme Court's decision in Roe v. Wade. To eliminate this decision achieves the result of eliminating the inalienable [right] of a person's [right] to personal privacy and all other connected privacies as well. Such is being accomplished by electronic intrusions at present.

64. In 1992 Claimant Schlund briefed the FBI on George Bush Sr.'s plans for the Gulf War. Claimant Schlund read these CIA files in 1977. This war had nothing to do with freedom, liberty or justice, or potential threats against the United States. Any weapons of mass destruction Iraq might get or build would be done covertly with the consent and knowledge of the CIA. What this war had to do with was the five trillion dollars in oil that lies under Iraq's surface. The Rockefeller family, Cheney family and the Bush family are oil men and oil controls the world's economies. Oil is black gold. In these files the CIA and Rockefeller family owned Saudi Arabia and controlled everything Saudi Arabia did outside its borders. Claimant Schlund briefed the FBI in great detail about the CIA plans for the Gulf War and how these plans were made in the 1970's. When William Clinton got elected he got in the way of the CIA which resulted in delaying the rest of the war until now. Claimant Schlund does not like the leader of Iraq any better then he likes George W. Bush. They are both murders and dictators. Iraq will be developed after the war and things will improve for the people of Iraq after the end of the embargo and war. This will not make the Iraqi people free but it will improve their lives as the Bush and Rockefeller families develop and control Iraq's natural resources. This will be done privately and deniably by major international corporations that the Rockefeller Family, Bush Family and other control. The economic development of Iraq after the war will bring prosperity to the people of Iraq. The prosperity would be called freedom.

65. In 1992 and 1993 Claimant Schlund briefed the FBI on the implants that would be injected into the American troops for the Gulf War with their vaccination shots. These implants would allow the CIA to monitor, control, and direct the war from anywhere. The troops would get ill from their bodies' auto immune responses to these implants and would suffer a wide range of illnesses and medical conditions. George Bush Sr. knew that the troops would suffer horribly from these injected implants but had decided that the troops were expendable as long as they could still fight in combat. The CIA had concluded that adrenalin would overcome the electronic implant caused illnesses in the heat of battle. The implants were designed so that they could not be turned off in case an enemy found out about them. In these files the CIA and George Bush Sr. had not yet decided how long to make the implants transmit. In the CIA files they were talking about the range of 9 to 15 years but some were arguing that the implants should last for the rest of the troop's lives so they could be monitored later in civilian life. In these files George Bush Sr. had assured everyone that he controlled the federal courts and that the courts would not allow anyone to go to trial over the use of the implantable devices, and the government would deny their use of the implants under the protection of their corrupt Attorney Generals and their corrupt federal judges. Claimant Schlund has no knowledge that these devices were used and only read the plans for their use.

66. In about 1992 or 1993 or as soon as Janet Reno was publicly named for possible appointment as Attorney General of the United States, Claimant Schlund demanded to the FBI that they go to President William Clinton and tell the president that Claimant Schlund said Janet Reno is corrupt and that she should not be appointed to Attorney General of the United States. The FBI delayed briefing President Clinton until after the FBI's investigation was completed which allowed Janet Reno to be appointed as the Attorney General of the United States. Then when President Clinton and the FBI later tried to have the DEA abolished to stop some of the corruption in the government, Janet Reno blocked the FBI and President Clinton to protect the corruption and to protect the CIA, DEA, Bush and Rockefeller families. Janet Reno's appointment then allowed the Bush family and the CIA to control the Justice Department continually for decades. After Janet Reno was appointed, she continually conducted investigations into the Democrats which made Janet Reno's firing impossible because the CIA would have made it look similar to when Richard Nixon fired Archibald Cox.

67. In 1991, 1992, and 1993, Claimant Schlund briefed the FBI that he had read the CIA files on Watergate and other similar CIA covert operations which were all part of the systematic overthrow of the United States by the CIA. Claimant Schlund then briefed the FBI that he had read the CIA files on the formation of the DEA and how it was framed as a covert operation of the CIA. The CIA had gotten into a lot of trouble bugging the Democrats at Watergate and if they were caught again the CIA could be destroyed by congress. The bugging of the Democrats at Watergate by the CIA had been done to collect information to be used in the next presidential election to embarrass the Democrat's to fix the election to in favor of the Republican's. To protect the CIA from further embarrassment if they were exposed conducting such illegal covert operations, Nelson Rockefeller ordered Richard Nixon to form the DEA as a covert operation of the CIA. This new Federal agency could conduct investigations using the cover and color of law. Investigations could be done against any American after involving them or framing them as being involved in the drug trade. This new agency would get all the drug investigation records from the FBI allowing them to know everything that the FBI knew. The DEA could then run the drugs as sting operations and could plant and frame anyone that was a political threat to the empire. All of their crimes would be done under the cover of warrants and under the protection of the Justice Department. There would never be another Watergate because all such future investigations would be done under the protection of a warrant and under the protection of the law. These acts of racketeering, false pretenses, fraud, and violation of the individual's oath of office constitutes a despicable combination of unethical acts and conduct which have the effect of governmental treason against the American People which continue to this day.

68. Claimant Schlund starting in 1991 briefed the FBI on how the DEA had people murdered in front of Claimant's wife to threaten her and to force her to work for the DEA against Claimant Schlund. These murders were being done under the orders and protection and direction of the DEA, police, Justice Department, and the courts. These murders could then be blamed on Claimant Schlund and if Claimant's wife refused to aid the DEA in their crimes her children would be murdered. The police refused to take or allow murder reports and refused to allow any of the witnesses to testify to them or before any juries. The police and the DEA then injected all the known witnesses with electronic implants and then proceeded to monitor, torture and control them with these implants to threaten them anytime the witnesses said anything that those involved in these government murders did not like. This obstruction of Justice and Witness Tampering continues until this day with the Justice Department continuing to threaten the lives of the witnesses.

69. Starting in 1977 and continuing until the present, Claimant Schlund has called and written the police, federal agencies, the Justice Department, and the President of the United States about the Obstruction of Justice and Witness Tampering. Each time Claimant Schlund called or written the police, federal agencies or the Justice Department corrupt agents under the protection of corrupt judges would authorize more warrants against Claimant Schlund to frame him for some crime to authorize them to continue to refuse to do their jobs and protect Claimant Schlund and his witnesses. These acts of evil have continued since 1977 on a daily basis to the present time and still continue today. After first trying to expose these crimes in 1977 Claimant Schlund was then set-up, arrested and prosecuted as being a purported drug manufacture. During this trial the DEA and Sheriffs office went to Claimant Schlund's first witness and threatened to murder his wife and children while he was on the witness stand if he dared say anything other then to take the 5th amendment while on the witness stand. These threats against Claimant Schlund's witnesses continue to this day with the Justice Department and police now committing their crimes remotely using electronic implants. These evil crimes are being committed under the cover and color of law in the name of justice and are being done remotely and electronically after performing secret medical procedures on Claimant Schlund and all of his witnesses. After Claimant Schlund's acquittal on all charges the threats and harassment by the government continued until the present with the Justice Department and other continuing to threaten Claimant Schlund and his witnesses with death if they dared to continue to speak the truth and continue to refuse to sell drugs or refuse to commit other crimes needed by the Justice Department to continue their investigations.

70. Claimant Schlund alleges that anytime he writes or says anything about how George W. Bush fixed the presidential elections of the United States he is tortured and his children are threatened or harassed with the government continuing to threaten his ex-wife with the death of her children and grandchildren if she says anything. These Nazi like acts by the Justice Department under the direction of George W. Bush, the President of the United States, are outrageous conduct of the United States of America and such conduct is widespread under the direction of political appointees from the Bush family. None of the witnesses can testify freely before the implants are removed from them and their children. To do so would mean the torture or death of their families or children by the Justice Department. The only thing surreal or fantastic about any of this is the Justice Departments and the court's refusal to remove the implants and then interview the witnesses while they are no longer under torture or the threat of death. The removal of the implants has nothing to do with stopping the government's investigations.

71. Claimant Schlund briefed the FBI eight years in advance before the presidential elections were held with the names of every presidential candidate and the correct details of how the elections would be fixed. Claimant Schlund briefed the FBI on how the Electoral College would be used and which would be the key states eight years in advance of the presidential elections. Claimant Schlund briefed the FBI of who the five Supreme Court Justices were that worked for the Bush Family seven and eight years in advance of the elections. Claimant Schlund briefed the FBI on how the public vote would be split using third and fourth political parties to allow the Republicans to win. Claimant Schlund briefed the FBI on how the CIA and Bush Family would try to buy the election by giving tax cuts to buy support which would damage the economy of the United States and in time will lead to the destruction of our form of government. All of this was briefed to the FBI seven and eight years in advance of the elections. Claimant Schlund did much more than what is listed in this claim and briefed the FBI on some of the most secret things and everything asserted in advance to the FBI by Claimant Schlund was confirmed true by the test of time as Claimant Schlund briefed the FBI that it would. Claimant Schlund now asks the courts to stop protecting the Bush family and to stop the cover up of the fixing of the presidential elections and to start to, at least, appear to be representing the American people.

72. Claimant Schlund in 1992 briefed the FBI on the CIA's plans to build Star Wars. In 1976 when these CIA files were removed from the CIA the budget to build Star Wars in its most limited form at time of deployment after inflation in real dollars was 100 billions dollars. This system would not be able to defend American cities and was not designed to stop terrorists. Star Wars was designed to protect a couple key military and production installations from Russian attacks.

73. Claimant Schlund in 1992 briefed the FBI on George Bush Sr. and the CIA's plans to do terrorist attacks against the United States. These attacks would only be done to authorize the needed new laws and budgets required in the systematic overthrow of the United States by the CIA. Claimant Schlund briefed the FBI and other federal agencies about how the CIA had planned on doing a terrorist attack against America if they were unable to get Star Wars approved and funded. The terrorist attack would then authorize Star Wars to be built in preparation for other future wars. Claimant Schlund also briefed the FBI that a missile defense system to protect all American cities would cost trillions of dollars to build and was not practical. During these briefings Claimant Schlund briefed the FBI that a third world country would not use missiles to attack the United States they would use airliners or ships, and if missiles were used they would be launched from ships. Claimant Schlund wishes to make it perfectly clear that he did not brief the FBI on the specific plans for the attacks against the World Trade Centers. The CIA files on plans for terrorist attacks Claimant Schlund read in 1977 were just memos and arguments of how such covert operations would be done if they became necessary for the Bush and Rockefeller families to authorize their seizure of power and the passing of new laws. If the World Trade Center attacks were part of this conspiracy then Claimant Schlund has no knowledge of it.

74. Claimant Schlund alleges that George Bush Sr. and George W. Bush used the Justice Department for their private investigations of political witnesses and dissidents to cover up murder and treason by the Bush family and that this continues even today on a large scale. Claimant Schlund read the CIA, DEA, Justice Department, and other files on the use of the Justice Department and its agencies to conduct investigations for the purpose of destroying the lives of political witnesses and discrediting them. Claimant Schlund is such a political witness.

75. Claimant Schlund further alleges he read the CIA files on funneling 100's of billions of dollars out of the government into the hands of private corporations. While working with the FBI Claimant Schlund supplied the FBI with such information. One of these money funneling operations was the building of the Super Collider. Claimant Schlund briefed the FBI of this covert operation. The FBI then briefed the President William Clinton who stopped funding and killed the building of the Super Collider. in George Bush Sr.'s CIA files were many such plunders of the treasury of the United States.

76. Claimant Schlund further alleges that the government did use electronic implants to disable Claimant Schlund's attorney for the purpose of limiting, controlling and stopping this lawsuit.

77. Claimant Schlund alleges that his life was threatened and that he was tortured by the government threatening to murder him in retaliation for working on and preparing this lawsuit. Claimant Schlund's daughter Mindee Schlund was tortured and threatened with death if Claimant continued to proceed with this lawsuit. These threats were done remotely and electronically so they could and would be denied by the government and the corrupt judges that protect President George W. Bush and the corrupt agents that work under his direction of his appointees. This outrageous conduct of the United States Government continues even today. George W. Bush uses the words freedom and liberty in almost every sentence he speaks and then uses torture and repression secretly to destroy the lives of witnesses against him and the evil and corrupt people he appoints. These acts are evil and outrageous conduct of the United States as similarly previous factually determined by Federal Judge Lacey. Further, Claimant Schlund alleges Justice Martone and Justice Broomfield were utilized by the Bush Family for the purpose of covering up their crimes of government and other corruption and of the aforesaid Bush family and also relating to the fixing of presidential and other elections.

78. As a direct and proximate cause of Claimant's loss of trust in the federal government, loss of earning capacity, and continuous mental and physical torture sustained by him. Claimant Schlund has been deprived of and has lost the expectancy of the ability to support his family at a standard of living desired by him; lead a happy and satisfying family life and marriage; and his privacy, due process, peace, and right of association provided by Claimant Schlund's family and his friends. He has been further deprived of and lost the benefit of his family's and friends' love, affection, companionship, comfort, sex, guidance, economic stability, security, and trust in the government; and further, Claimant Schlund has incurred medical and other personal and business expenses, on information and belief and on those grounds, in the approximate amount of $20 million dollars continuously thereafter to present.

79. As a further direct and proximate result of Defendants, and each of their aforesaid activities, Claimant Schlund has experienced pain and suffering and will continue to suffer, physiologically, psychologically and emotionally, sustaining other general and compensatory damages for which he is entitled to fair and just compensation in the amount, on information and belief and on those grounds, the sum of not less than $5 million or according to proof.

80. As a further direct and proximate cause of the acts and conduct of Defendants, while engaging in their collective conspiracy to violate Claimant Schlund's constitutional rights as aforesaid, Claimant has been forced to incur attorney, paralegal, investigation, expert, and other related fees and costs to pursue his claims against the Defendants, in an amount which is continuous and ongoing and is not yet ascertained.

81. Claimant Schlund, on information and belief and on those grounds, alleges the United States of America, through its President George W. Bush, departments, divisions, agencies and employees, failed to exercise reasonable care and was reckless and negligent in its selection, hiring, training and continued employment of the aforesaid officers, employees, and agents as special agents, police officers, informants, and others of said departments, agencies and divisions. The United States of America reckless and negligent selection, hiring, training and continued employment of said special agents, police officers and employees, led to a life threatening situation, abuse of legal process, and gross violation of Claimant Schlund's federal and state constitutional rights.

82. The United States of America and George W. Bush had a duty to protect and prevent the violation of Claimant's federal and state constitutional rights and further to protect Claimant Schlund from the dangers of inadequately trained, educated, and skilled agents, police officers, informants, and the negligent acts of the aforesaid.

83. The United States of America and George W. Bush had a common law and statutory duty to protect Claimant Schlund pursuant to the Constitution of the United States of America and the federal statutes, including 28 U.S.C. §2674 and regulations pertaining to law enforcement and its related investigation activities and the management of its special agents, police officers, informants in conducting such investigations.

84. In addition to liability imposed on the United States of America due to its respective breach of both common law and statutory duties, and violation of Claimant Schlund's federal and Constitutional rights to protect him. The United States of America and George W. Bush is also liable to Claimant by virtue of respondent superior due to the wrongful and torturous acts said Defendant George W. Bush and the respective agents, police officers and informants, individually.

85. The United States of America was reckless and negligent and failed to exercise reasonable care in both its common law and statutory duty to protect Claimant Schlund's constitutional rights under federal laws.

86. From January 2001 and continuing thereafter to present, the Defendant USA, and its respective agents, police officers, and informants had no reasonable suspicion or probable cause of criminal activity to warrant the surveillance, fabrication of evidence, or the gross violation of Claimant's Constitutional Rights. The United States of America, and each of its respective agents and police officers, fabricated probable cause to effect the obtainment of a warrant used to intrude upon Claimant's premises and violate Claimant Constitutional Rights. Said President George W. Bush, officers, agents, and employees placed Claimant under illegal surveillance, and violated Claimant's Constitutional Rights.

87. From January 2001 and continuing thereafter to present, the United States of America, and their respective agents, police officers, employees and informants had a duty under the Fourth and Fourteenth Amendment to the Constitution of the United States to properly provide adequate protections so as not to violate Claimant Schlund's due process rights. Each and all of the aforesaid Defendants did not provide such adequate protection and violated Claimant Schlund's First, Second, Fourth, Fifth, Seventh, Ninth and Fourteenth Amendment rights under the Constitution.

88. From January 2001 and continuing thereafter to present, Defendants and each of them used improper, excessive, and illegal surveillance activities, fabrication of evidence, abuse of process, and implanted torturing devices in Claimant Schlund's body, which has caused Claimant to sustain life threatening physiological and psychological injuries, pain, and suffering. They have failed to remove the torture devices from Claimant's body or to provide adequate medical care to claimant by negligently failing to monitor Claimant's psychological and physical condition which has resulted in extreme mental and physical distress.

Continued in Part 3

Charles Schlun's Lawsuit, Part 3

89. The United States of America, and each and all of the Defendants individually, are directly liable for the deprivation and violations of Claimant's civil rights on grounds the United States of America has, and continues to violate such rights, with deliberate indifference and with a conscious disregard for Claimant's Constitutional, personal rights, and safety of the public guaranteed under the federal rules and regulations pertaining to the lawful use of surveillance, force, medical needs, and provisions of care to Claimant, who has been psychologically and physically injured from such unlawful conduct, thereby creating within the government an atmosphere of lawlessness in which the President, agents, police officers, informants, and employees employ excessive and illegal activities, violence which results in the denial and violation of Claimant's and other persons rights within its jurisdiction, protection of their federal and state constitutional rights or/and basic medical care for serious injuries or illnesses caused by the torture in the belief that such wrongful acts will be condoned and justified by the United States of America, George W. Bush and the governmental officers, officials and the superior officers of each of the agents, police officers, and informants.

90. As a further direct and proximate result of violation of Claimant's rights to privacy, violation of Claimant's rights to due process, Claimant has and will continue to suffer significant grief, sorrow, shock, depression, pain and suffering, both psychological and emotional, humiliation and other general damages for which he is entitled to a fair and just compensation in an amount of $20 million or according to proof at trial.

91. The actions of the Defendants deprived Claimant Schlund of the following rights under the Constitution of the United States of America, including the First, Second, Fourth, Fifth, Seventh, Ninth and Fourteenth amendments: (a) freedom from the use of unreasonable and excessive force; (b) freedom from the deprivation of life and liberty without due process; (c) freedom to be secure in his person; (d) freedom from the unnecessary and wanton infliction of pain and suffering; (e) freedom from the deliberate indifference to his serious medical and psychological needs due to torture; (f) equal protection under the law; and (g) freedom of his personal papers, effects and things from governmental intrusion and (h) freedom to have rights to privacy.

92. As a result of the aforesaid actions of the United States of America and its respective agents, officers and informants being a citizen of the United States of America and a resident of the State of Arizona, Claimant was and continues to be deprived of his rights and inalienable rights, privileges, and immunities secured by the Constitution of the United States of America; Claimant's personal liberty has been violated, he has and continues to suffer physical, mental, and emotional harm, anxiety, duress, fear and humiliation, torture and general pain and suffering in, on and upon Claimant's body in an amount according to proof at time of trial. Claimant Schlund leaves here to amend same when ascertained.

93. Claimant Schlund is entitled to all costs of suit, including reasonable attorney fees, secretarial fees, investigation and other fees pursuant to 42 U.S.C. §1988, however not limited thereto, under the federal Private Attorney General Act in an amount according to proof;

94. To the extent available under federal law, Claimant Schlund is entitled to recover punitive damages in an amount sufficient to punish the individual(s) and Defendant USA in order to deter similar despicable conduct in the future in an amount according to proof under Federal law and/or applying state law pursuant to Thompson.Bettor-Bit Aluminum Prod. Co. 171 Ariz. 550 (1992) and Lithicum v. Nationwide Life Ins., 150 Ariz. 326 (1986). Claimant leaves here to amend this paragraph according to proof. END

**Dioxin Carcinogens causes cancer.**

Especially breast cancer. Don't freeze your plastic water bottles with water as this also releases dioxin in the plastic. Dr. Edward Fujimoto from Castle hospital was on a TV program explaining this health hazard. (He is the manager of the Wellness Program at the hospital.) He was talking about dioxin and how bad they are for us.

He said that we should not be heating our food in the microwave using plastic containers. This applies to foods that contain fat. He said that the combination of fat, high heat and plastics releases dioxin into the food and ultimately into the cells of the body. Dioxin are carcinogens and highly toxic to the cells of our bodies.

Instead, he recommends using glass, Corning Ware, or ceramic containers for heating food. You get the same results...without the dioxin.

So such things as TV dinners, instant ramen and soups , etc., should be removed from the container and heated in something else.

Paper isn't bad but you don't know what is in the paper. Just safer to use tempered glass, Corning Ware, etc.

He said we might remember when some of the fast food restaurants moved away from the foam containers to paper. The dioxin problem is one of the reasons.

To add to this: Saran wrap placed over foods as they are nuked, with the high heat, actually drips poisonous toxins into the food, use paper towels.

**Depo Provera**

Depo Provera, ostensibly a birth control device, causes birth defects. Here is what happened to a woman who was on this birth control who bore a child even though she was on the device: No. 00-1313 In the Supreme Court of the United States

STERLING DREW, ET AL., PETITIONERS

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

BRIEF FOR THE UNITED STATES IN OPPOSITION

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QUESTION PRESENTED

Whether the government has an obligation, when an administrative claim filed under the Federal Tort Claims Act is based on a false factual predicate, to develop alternative factual scenarios that might support a different claim not raised in the administrative claim.

In the Supreme Court of the United States

No. 00-1313

STERLING DREW, ET AL., PETITIONERS

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO

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BRIEF FOR THE UNITED STATES IN OPPOSITION

OPINIONS BELOW

The vacated opinion of the court of appeals (Pet. App. 1a-33a) is reported at 217 F.3d 193. The en banc order of the court of appeals affirming the judgment of the district court by an equally divided vote (Pet. App. 34a-35a) is reported at 231 F.3d 937. The order of the district court (Pet. App. 38a-41a) is unreported.

JURISDICTION

The judgment of the court of appeals was entered on November 17, 2000. The petition for a writ of certiorari was filed on February 15, 2001. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

1. Sterling Drew was born on December 30, 1995, to Martha Drew and Jebediah Drew, an enlisted serviceman in the Air Force. Sterling was delivered with several birth defects. Pet. App. 4a.

Petitioners filed an administrative claim with the Air Force seeking $15 million in damages and describing the basis of their claim as follows:

Spontaneous delivery of male infant with imperforated anus, ventricular septal defect, left facial palsy, umbilical hernia and inguinal hernia at Shaw Air Force Base Hospital.

Depo-Provera injection given to claimant in early pregnancy.

Id. at 148a. The administrative claim said nothing about the advice and counseling given Ms. Drew about risks relating to Depo-Provera, a birth-control medication, and there were no supporting materials included with the administrative claim.

During the Air Force's investigation of this claim, Ms. Drew, accompanied by counsel, told investigators that her last injection of Depo-Provera was on February 1 or 2, 1995. C.A. Pet. for Reh'g 2 & n.1. Because this was a few days short of eleven months before Sterling was born, the Air Force concluded that the injection could not have been given in early pregnancy.1 On December 23, 1997, the Air Force denied the claim. Pet. App. 5a.

2. Petitioners then filed a complaint in district court alleging that Sterling had suffered birth defects because the medical staff at Shaw AFB had negligently administered Depo-Provera to Ms. Drew while she was pregnant with Sterling. Pet. App. 83a-89a.

Along with their complaint, petitioners supplied interrogatory answers pursuant to local district court rule. These answers explained that petitioners were claiming that "malpractice was committed in the administration of this Depo-Provera, in that it was in fact given to [Ms. Drew] when she was pregnant with the minor child, Sterling Drew." C.A. App. 13-14.

The government took a pre-answer deposition of Ms. Drew. At her deposition, Ms. Drew renounced the factual basis for her claim. Asked when she had received a Depo-Provera injection while pregnant with Sterling, Ms. Drew testified:

I didn't. No. My complaint was not that I received it while I was pregnant, but that I in fact got pregnant while I had it in my system.

Pet. App. 130a. That is, Ms. Drew was now complaining that she "became pregnant when [she] should not have because [she was] using Depo-Provera." Id. at 131a.2

The government moved to dismiss the complaint based on Ms. Drew's admission that she did not receive an injection of Depo-Provera while pregnant. Shortly thereafter, petitioners moved for leave to amend their complaint "to conform the Complaint" to her testimony. C.A. App. 109. The court granted the motion without addressing the government's argument that the court lacked jurisdiction because petitioners had not filed an administrative claim alleging that Ms. Drew became pregnant while on Depo-Provera. Pet. App. 82a & n.4. The amended complaint alleged that Ms. Drew had been falsely told before using Depo-Provera that the drug was "100% effective in preventing live births," and that while she was using Depo-Provera as her sole method of birth control, she became pregnant with Sterling. Id. at 75a. It also alleged that Sterling was born with birth defects. Id. at 76a.

The district court granted the government's motion to dismiss the amended complaint, observing that petitioners had expressly based their administrative claim on the allegation that the Air Force had improperly administered Depo-Provera while Ms. Drew was pregnant, and that petitioners had filed their lawsuit based on that same allegation. Pet. App. 40a-41a. The court noted that the allegation "has now been discredited by Martha's own testimony." Id. at 41a. It was only after Ms. Drew's testimony that petitioners "first raise[d], or even appear[ed] to be aware of, their informed consent claim." Ibid. While "they believed as late as the time they filed this lawsuit that their claims were based on Martha receiving a Depo[-]Provera injection while she was pregnant," they were now "argu[ing] that despite their own lack of knowledge, the United States was placed on notice of the true nature of their claims earlier when they filed the administrative claim." Ibid. Accordingly, the court held that it lacked jurisdiction, because the administrative claim was not sufficient to put the government on notice of that informed consent claim. Ibid.

3. Over a dissent, a panel of the court of appeals vacated and remanded. Pet. App. 1a-33a. The panel majority first hypothesized an administrative claim just like the one actually filed here but without the words "in early pregnancy." Id. at 11a-12a. Had this hypothetical claim been filed, the panel majority stated, it would have implied not just negligence but a failure to obtain informed consent. Relying on Frantz v. United States, 29 F.3d 222 (5th Cir. 1994), the panel majority concluded that an informed consent claim is by its very nature included within a general allegation of negligent care and treatment and that the hypothetical administrative claim would have required the government to investigate the possibility of an informed consent claim. Pet. App. 12a-16a.

The panel majority then dismissed the three words "in early pregnancy" as "a minor factual inaccuracy," Pet. App. 20a, that did not "so narrow[] the scope of a reasonable investigation" that the government could be "excused from failing to discover the essence of [petitioners'] claim." Id. at 16a, 20a. Seizing upon the Air Force's letter denying the administrative claim, a letter first placed in the record after argument in the court of appeals, id. at 18a-19a n.8, the panel majority concluded that the government knew that "[Ms.] Drew could not have been given Depo-Provera during her pregnancy," id. at 17a, and that it therefore had an obligation to investigate fully "by asking the right questions." Id. at 19a. The panel majority recognized that its holding was "in some tension" with Murrey v. United States, 73 F.3d 1448 (7th Cir. 1996), Pet. App. 21a, but it disagreed with that decision to the extent that the decision required "a more detailed exposition" in the administrative claim. Id. at 22a.

The dissent concluded that petitioners were not simply asserting a different legal theory but instead were "creat[ing], essentially from thin air, a factual predicate entirely different than that originally asserted and investigated." Pet. App. 26a. It rejected the notion that "in early pregnancy" was a "minor factual inaccuracy," explaining that it could be considered minor only by measuring the number, not the meaning, of the words. Id. at 30a-31a n.5. The dissent reasoned further that not every malpractice claim necessarily includes within it an informed consent claim, id. at 27a-28a, and that indeed, the facts alleged in this administrative claim were actually inconsistent with an informed consent claim, because the duty of informed consent would have arisen months before Ms. Drew's pregnancy. Id. at 30a. The dissent pointed out that petitioners' counsel, an experienced malpractice lawyer, failed to make an informed consent claim based on the facts stated in the administrative claim. Id. at 31a. It also noted that the medical records available to the government tended to refute an informed consent claim because Ms. Drew continued to use Depo-Provera after Sterling was born. Id. at 31a-32a.

4. On the government's petition, the court of appeals vacated the panel opinion and ordered rehearing en banc. Pet. App. 36a-37a. Following argument, the en banc court of appeals issued an order affirming the judgment of the district court by an equally divided vote. Id. at 34a-35a.

ARGUMENT

Petitioners incorrectly contend that there is a circuit split on the question whether an action under the Federal Tort Claims Act (FTCA) must be dismissed if the administrative claim did not include sufficient factual detail. There is no such circuit split. Although there is a more limited circuit split on the question whether an administrative claim alleging medical negligence necessarily implies an informed consent claim, that limited circuit split is not presented in this case. Even if petitioners were correct that an informed consent claim is necessarily included in every medical malpractice claim, they could not benefit from that rule, because the relevant malpractice claim was not exhausted. The medical malpractice claim they exhausted sought damages regarding an injection of Depo-Provera "in early pregnancy," but Ms. Drew subsequently admitted that there was no such injection. Only after her deposition did she claim that she had become pregnant while using Depo-Provera. Thus the medical malpractice claim that assertedly includes by implication the informed consent claim was itself never raised in the administrative process.

Other than the panel of the court of appeals, whose decision was vacated en banc, no court has ever held that the government, when presented with demonstrably false factual assertions in the administrative claim, has an obligation to determine whether the true history suggests a different claim. Further review is therefore not warranted.

1. Contrary to petitioners' contention (Pet. 7-21), the circuits are in full agreement regarding the requirements for alleging facts in an administrative claim under the FTCA.

The FTCA requires that a claimant exhaust his administrative remedies by "first present[ing] the claim to the appropriate Federal agency." 28 U.S.C. 2675(a). The purpose of this provision is "to encourage prompt settlement of claims and to ensure fairness to FTCA litigants." Burchfield v. United States, 168 F.3d 1252, 1255 (11th Cir. 1999). A district court has jurisdiction over a lawsuit under the FTCA only if (1) the claimant has presented his claim to the agency in accordance with Section 2675(a), McNeil v. United States, 508 U.S. 106, 113 (1993), and (2) the agency either has denied the claim or has failed to grant or deny it within six months of the claim's submission.

To present a claim to an agency, a claimant files a Standard Form 95 that includes the specifics required by the form's instructions. Such an administrative claim is adequate for exhaustion purposes "if the notice (1) is sufficient to enable the agency to investigate and (2) places a 'sum certain' value on [the] claim." Ahmed v. United States, 30 F.3d 514, 517 (4th Cir. 1994) (internal quotation marks omitted). To suffice to enable the agency to investigate, the claim must allege facts describing the incident, which must be "sufficiently detailed so that the United States can evaluate its exposure as far as liability is concerned." Pet. App. 10a (internal quotation marks omitted); 28 C.F.R. 14.4(b) (listing evidence or information that "the [personal injury] claimant may be required to submit"). The claimant is not, however, required to plead legal theories; an administrative claim "encompasses any cause of action fairly implicit in the facts." Murrey, 73 F.3d at 1452. But "a plaintiff cannot 'present one claim to the agency and then maintain suit on the basis of a different set of facts.'" Deloria v. Veterans Admin., 927 F.2d 1009, 1012 (7th Cir. 1991) (quoting Dundon v. United States, 559 F. Supp. 469, 476 (E.D.N.Y. 1983)).

There is no dispute about these general principles. Every circuit has agreed on the general requirement that the administrative claim provide sufficient factual detail to provide notice to the government sufficient to allow it to investigate.3 There is no reason for further review on the issue and it would be impractical for this Court to try to parse just how specific the facts alleged in an administrative claim must be.

2. There is, however, a narrow conflict in the circuits on the question whether general allegations of medical negligence put an agency on notice of a possible informed consent claim. Of the circuits that have addressed this issue, only a single circuit has agreed with the position taken by petitioners here. Compare Frantz, 29 F.3d at 224 ("[b]y its very nature, the informed consent claim is included in the Frantzes' allegation of negligence in their administrative claim," so the administrative claim based on "negligence in surgery" sufficed to exhaust an informed consent claim), with Pet. App. 35a (affirming judgment of district court, Pet. App. 38a-41a); Murrey, 73 F.3d at 1453 ("the administrative claim must narrate facts from which a legally trained reader would infer a failure to obtain informed consent" but an allegation that physicians assured him and his family that surgery was the only available therapy and would extend his life by 15 years was enough);4 Bush v. United States, 703 F.2d 491, 495 (11th Cir. 1983) ("Neither the claim nor the attached medical evaluation contained any challenge to the consent form signed by Mr. Bush prior to surgery.") (footnote omitted). See also Butler v. United States, No. 97-5081, 1998 WL 314317, at \*2 (10th Cir. June 2, 1998), 149 F.3d 1190 (Table) ("As far as we can tell, no language in Butler's administrative claim would alert the reader thereof that one aspect of Butler's claim of negligence was lack of informed consent.").

The divided panel opinion lacks any precedential force and so does not contribute to the split of authority. More important, this case does not present an opportunity to resolve this narrow conflict because petitioners cannot succeed here even under the Frantz rule that an informed consent claim is necessarily included in any claim of medical negligence. The unique and salient feature of the present case is that, in her deposition, Ms. Drew flatly renounced the factual predicate of the administrative claim petitioners had filed and claimed a wholly new factual predicate that had never been put before the Air Force. When she was asked the date on which she had received a Depo-Provera injection while pregnant with Sterling, Ms. Drew testified:

I didn't. No. My complaint was not that I received it while I was pregnant, but that I in fact got pregnant while I had it in my system.

Pet. App. 130a.5

Accordingly, to discern petitioner's amended federal court complaint from the administrative claim, the Air Force would not only have needed to infer an absent informed consent claim, but somehow surmise that the relevant informed consent problem occurred during a different time frame, which involved different risks. In other words, the Air Force first would have had to take a leap from the medical negligence actually alleged in the administrative claim (Depo-Provera was given "in early pregnancy") to surmise that Ms. Drew may have been complaining about a basically different incident with different attendant risks (the administration of the drug before pregnancy) based on facts that conflicted with the claim actually presented. See id. at 30a (panel dissent) ("the facts as alleged in the administrative [claim] are inconsistent with [an informed consent] claim because the duty of informed consent, as now alleged, would have arisen months before Ms. Drew's pregnancy"). Second, only after taking that first leap, would the Air Force have had to take a further leap to infer an informed consent claim regarding that factually conflicting incident.

There is simply no basis for requiring the Air Force to make the first surmise. Accordingly, this case does not present an appropriate vehicle to resolve the narrow circuit conflict about whether a claim of medical negligence necessarily includes an informed consent claim, and further review is not warranted.6

3. Furthermore, both the district court's holding that the government cannot be deemed on notice of an informed consent claim of which petitioners themselves lacked knowledge, Pet. App. 41a, and the en banc decision of the court of appeals affirming the judgment of the district court, were correct. The en banc court of appeals properly vacated the panel decision, which imposed an unprecedented duty on the government, when an administrative claim is based on a false factual predicate, to develop alternative factual scenarios that might support a valid claim.

When a factually false administrative claim is presented, as here, the proper course for the government to take is to deny the claim and in an egregious case to refer the matter for possible prosecution, not to try to invent and investigate potential claims based on facts that conflict with those alleged in the administrative claim. If the government were obligated to investigate these hypothetical claims, it would be far more difficult to conclude the agency's investigation of the claim within the six months provided by Section 2675(a), and it thus would increase the likelihood that plaintiffs will sue before the agency has had the opportunity to evaluate fully the merits of the claim and to decide whether settlement is desirable. It would force agencies to deplete their limited resources by pursuing investigations of potential claims based on facts that are inconsistent with the facts actually alleged in the administrative claim. It also would encourage claimants to evade the limits of Section 2675(a) by setting forth vague and even factually baseless claims in the hope that the agency will figure out what their claim should be by "asking the right questions." Pet. App. 19a.

The vacated panel decision was the only authority for imposition of such an obligation. Because it has been vacated, no further review is warranted.

4. Finally, petitioners contend that their administrative claim was sufficient regardless of which side of the circuit conflict is accepted because under South Carolina law every medical negligence claim includes an informed consent claim. Pet. 21-26. If that were true, it would be another reason for declining further review of the case, because petitioners thus essentially would be asserting an error in applying South Carolina law and the case would not present an opportunity to resolve the circuit split that they assert is present (but which is not, in fact, implicated by their case). But it is false. The South Carolina decision they rely on does not hold that every medical negligence claim includes an implicit informed consent claim; rather, it establishes that an informed consent claim exists under South Carolina law and sounds in negligence (as opposed to battery). Hook v. Rothstein, 316 S.E.2d 690, 695, 700 (S.C. Ct. App.), cert. denied, 320 S.E.2d 35 (S.C. 1984).

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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APRIL 2001

1 Ms. Drew's medical records include no record of an injection in February 1995; the last recorded injection prior to Ms. Drew's pregnancy with Sterling was on October 24, 1994. Pet. App. 145a.

2 Ms. Drew also testified that she was informed about the risk of birth defects before she was given her first injection of Depo-Provera in July 1994; at that time, Capt. Miller, an Air Force nurse, told her that if she wanted to get pregnant after having received an injection, she should take another form of birth control for a year before trying to get pregnant. Pet. App. 131a-133a. The reason, Miller told her, was that "if you got pregnant while you had Depo-Provera in your system \* \* \* it could cause birth defects in the baby." Id. at 133a. Ms. Drew understood the information that Miller gave her about birth defects. Id. at 139a. She also claimed that Miller had told her that there was only a 0.1% chance of getting pregnant while on Depo-Provera and that, if she did, it was certain she would miscarry. Id. at 140a.

3 Corte-Real v. United States, 949 F.2d 484, 486 (1st Cir. 1991) ("The purpose of the administrative claim presentment requirements in Section 2675(b) and the applicable regulations is to give notice to the Government sufficient to allow it to investigate the alleged negligent episode to determine if settlement would be in the best interests of all.") (internal quotation marks omitted); Keene Corp. v. United States, 700 F.2d 836, 842 (2d Cir. 1983) (Section 2675 "requires that the Notice of Claim provide sufficient information both to permit an investigation and to estimate the claim's worth."), cert. denied, 464 U.S. 864 (1984); Tucker v. United States Postal Serv., 676 F.2d 954 (3d Cir. 1982) (claim sufficient without itemized medical bills); Ahmed, 30 F.3d at 517 (claim satisfies statute "if the notice (1) is sufficient to enable the agency to investigate and (2) places a 'sum certain' value on [the] claim") (internal quotation marks omitted); Transco Leasing Corp. v. United States, 896 F.2d 1435, 1442, amended, 905 F.2d 61 (5th Cir. 1990) ("A claim is properly presented within the meaning of § 2675(a) when the agency is given sufficient written notice to commence investigation and the claimant places a value on the claim."); Glarner v. United States, 30 F.3d 697, 700 (6th Cir. 1994) ("In order for a person to file a tort claim under the FTCA, it is required that he 1) give written notice of a claim sufficient to enable the agency to investigate the claim and 2) place a value (or 'sum certain') on the claim."); Charlton v. United States, 743 F.2d 557, 559 (7th Cir. 1984) (Section 2675 requires "giving of sufficient notice to enable the agency to investigate the claim and the setting of a 'sum certain.'"); Farmers State Sav. Bank v. Farmers Home Admin., 866 F.2d 276, 277 (8th Cir. 1989) ("a claimant satisfies the notice requirement of section 2675 if he provides in writing (1) sufficient information for the agency to investigate the claims, and (2) the amount of damages sought") (citations omitted); Warren v. United States Dep't of the Interior, 724 F.2d 776, 779 (9th Cir. 1984) (en banc) (Section 2675 "requires claimants to (1) give an agency sufficient written notice to commence investigation and (2) place a value on the claim."); Cizek v. United States, 953 F.2d 1232, 1233 (10th Cir. 1992) (Section 2675 "requires claimants to present their claims to the appropriate federal agency before suing the United States by filing (1) a written statement sufficiently describing the injury to enable the agency to begin its own investigation, and (2) a sum certain damages claim.") (internal quotation marks omitted); Orlando Helicopter Airways v. United States, 75 F.3d 622, 625 (11th Cir. 1996) ("Section 2675(a) is satisfied if the claimant (1) gave the appropriate agency written notice of the tort claim to enable the agency to investigate; and (2) stated a sum certain as to the value of the claim."); GAF Corp. v. United States, 818 F.2d 901, 919 (D.C. Cir. 1987) ("Section 2675(a) requires a claimant to file (1) a written statement sufficiently describing the injury to enable the agency to begin its own investigation, and (2) a sum-certain damages claim."). See also 28 C.F.R. 14.2(a) ("[A] claim shall be deemed to have been presented when a Federal agency receives from a claimant, his duly authorized agent or legal representative, an executed Standard Form 95 or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, personal injury, or death alleged to have occurred by reason of the incident; and the title or legal capacity of the person signing, and is accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.").

4 The significance of an injection of Depo-Provera "in early pregnancy" is that the manufacturer of the drug warns against administering the drug to pregnant women, and the Air Force's practice is to test women for pregnancy before they are allowed to have the injection. Despite the significance of this issue, the petition glosses over Ms. Drew's renunciation of her claim, the central event that led to dismissal of the lawsuit. For example, the petition states merely that after filing suit petitioners "moved to amend their Complaint to restate their claim for medical negligence, as one based upon a lack of a informed consent," Pet. 4, as if this amendment were not the result of Ms. Drew's about-face at her deposition.

5 Even if this conflict were presented here, the court of appeals properly refused to adopt the holding of Frantz. An informed consent claim is conceptually distinct from general medical negligence or even negligence with respect to surgery or medication. Moreover, if it were true that an informed consent claim is "a specific subset of the larger universe of 'medical malpractice actions,'" Pet. App. 15a, it would logically follow that some claims in the larger universe of medical negligence do not include informed consent. Medical negligence takes a large number of different forms, only one of which is a failure to obtain informed consent.

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