

Name of the Court  
District of Court

Federal, State or Local Government,	)	Case No:
	)	
Plaintiff	)	(1) Immediate cessation of
	)	any Mandatory Masking or
V	)	Vaccination Requirements
	)	or Identification of
Lloyd Austin Secretary Department of Defense;	)	Vaccination Requirements;
Xavier Becerra, Secretary of Health and Human	)	(2) Immediate cessation of
Services;	)	interference with the
David Franz, Former Commander Fort Detrick;	)	practice of medicine by
Alejandro Mayorkas, Secretary of the Department	)	Federal Agencies;
of Homeland Security;	)	(3) Immediate action to
Chris Hassell, Chairman of HHS P3CO Review	)	hold Executive and
Committee;	)	Legislative Branches of
Rochelle P. Walensky, Director of the Centers	)	the U.S. Government
Disease Control and Prevention;	)	accountable for violating
Janet Woodcock, Commissioner of the U.S.	)	their authority under the
Food and Drug Administration;	)	U.S. Constitution;
F. Fleming Crim, Chief Operating Officer National	)	(4) Immediate call for
Science Foundation;	)	investigation, indictment &
Francis Sellers Collins, Director National Institute	)	prosecution of those
of Health;	)	responsible for gain-of-
Anthony Stephen Fauci, Director National Institute	)	function research,
of Allergy and Infectious Diseases, Second Chief	)	development of SARS-
Medical Advisor to the President of the United States;	)	CoV-2, and consequential
Peter Daszak, EcoHealth Alliance;	)	deaths resulting from
Ralph S Baric, University of North Carolina Chapel Hill;	)	COVID-19.
Shi Zhengli, Wuahn Institute of Virology;	)	
William Henry Gates III, Bill and Melinda Gates	)	
Foundation.	)	
	)	
Defendants	)	

Dr. Richard M Fleming is a physicist, nuclear cardiologist, attorney who first presented the Inflammation and Cardiovascular Disease Theory at the 1994 American Heart Association meetings detailing how multiple factors including viruses can promote an InflammoThrombotic Response (ITR); an ITR that untreated can lead to inflammatory diseases including COVID-19. In 2017 he was issue a patent [#9566037]

for a method to quantitatively measure changes in tissue using regional metabolic and blood flow changes that defines such diseases as COVID-19. He has conducted research and published the result of diagnosing and treating SARS-CoV-2 and COVID-19 and investigated the origins of SARS-CoV-2 and the Gain-of-Function research that has been conducted by the United States for more than two decades. Dr. Fleming now files this Complaint with the Court to address the following concerns resulting from the intentional, knowing and malicious actions of the defendants.

First, addressing the Criminal alteration of naturally occurring viral pathogens to make a chimeric virus (SARS-CoV-2) capable of infecting humans. Once infected these viruses are then able to transmit by respiratory and gastrointestinal pathways. Left untreated, as the evidence will demonstrate, these viruses can kill people (COVID-19) by producing Inflammation and Blood Clotting (InflammoThrombotic Response; ITR). This untreated ITR is responsible for the death of more than 556,000 Americans with more than 30 million infected. The evidence will demonstrate that SARS-CoV-2 meets the definition of a BioWeapon and the development of this BioWeapon is a violation of U.S. Criminal Law responsible for the deaths of these Americans; as well as violations of the Biological Weapons Convention, The International Covenant on Civil and Political Rights, the American Medical Association Code of Medical Ethics, and the 1947 Nuremberg Code.

The evidence will show that the above named defendants are responsible for the funding and development of this BioWeapon, they have interfered with the treatment of individuals infected with this BioWeapon, they have promulgated the use of experimental drug vaccines that (a) exacerbate the ITR in individuals otherwise not adversely affected by the virus itself, and (b) use a drug technology that has repeatedly failed to successfully treat disease but has successfully been used to introduce altered genetic material into the human nucleus of cells.

The evidence will show that this interference of treatments of patients by physicians has resulted in the deaths of COVID-19 patients, while promoting an environment of fear and manipulation, with these individuals and the Federal and State Governments over reaching their legal authority as established by the U.S. and State

Constitutions.

The evidence will also show that these actions fit the definition of Crimes Against Humanity and accordingly the plaintiff asks for the investigation, indictment, prosecution and imprisonment of these individuals.

In addition to the follow facts Dr. Fleming provides (1) the link to accumulated material at [www.FlemingMethod.com](http://www.FlemingMethod.com), (2) the book “Is COVID-19 a Bioweapon” A Scientific and Forensic Investigation” ISBN 9781510770195 and (3) his deposition entitled “COVID CRIMES” <https://galleries.vidflow.co/awitness>.

## **I. Background Facts**

1. The United States Department of Health and Human Services (HHS) began funding Gain-of-Function (GoF) research on amplifying the infectivity of Corona Viruses using U.S. taxpayer monies.
2. By 21 May 2000 Dr. Ralph Baric at the University of North Carolina – Chapel Hill reported that he had successfully cloned SARS-CoV-Urbani using recombinant (chimeric) DNA to produce “an infectious, replication defective, coronairus.” This was paid for by a National Institutes of Health (NIH) grant.
3. By 2002 Dr. Shi Zhengli of the Wuhan Institute of Virology reported increasing the infectivity and transmissibility of corona viruses by inserting HIV pseudovirus into SARS-CoV-1.
4. In 2003 Dr. Ralph Baric receives additional NIH funding and begins working on synthetically altering Coronaviridae to increase their pathogenicity.
5. Between 2004 and 2020 Peter Daszak (EcoHealth) receives more than \$61 million in funding from the Department of Defense (DoD), Health and Human Services (HHS), the National Science Foundation (NSF), the U.S. Agency for International Development (USAID), the Department of Homeland Security (DHS), the Department of Commerce (DoC), the U.S. Department of Agriculture

(USDA) and the Department of the Interior (Dol).

6. The Department of Defense additionally provides Peter Daszak (EcoHealth) with a Policy Advisor (David Franz) – a former Commander for Fort Detrick; the Principal U.S. Government Bioware Facility.
7. U.S. Government funding of Gain-of-Function research continues to this day including but not limited to Universities in Texas, Washington, Iowa, Wisconsin, North Carolina, Maryland, Tennessee, and Georgia.
8. In 2007 the National Science Foundation (NSF) funds a study reporting that in the event of a pandemic, the first action to take in the immediate cessation of International Travel. In January of 2020 Dr. Fauci advises President Trump against cessation of International Travel.
9. In 2011 Gain-of-Function research at the University of Wisconsin and the Netherlands was working on trying to mutate a lethal H5N1 “bird flu” allowing the virus to easily transmit between ferrets – a model used to mimic human virus susceptibility.
10. The Middle East Respiratory Virus (MERES) outbreak occurs in Saudi Arabia (2014) and South Korea (2015). Animal research shows treatment of this corona virus must begin immediately upon symptomatic infection and requires multi-drug treatment.
11. In 2013 with funding from the NIH, Dr. Zhengli and the Wuhan Virology Team isolate 3 bat viruses with HKU4 spike proteins unable to infect humans. By 2015 Dr. Zhengli, et al, admit to having “reengineered (the) HKU4 spike aiming to build its capacity to mediate viral entry into human cells.” “To this end, we introduced two single mutations ... mutations in these motifs in coronavirus spikes have demonstrated dramatic effects on viral entry into human cells.”
12. From 2014 to 2018 Gain-of-Function research was placed on hold by the Obama Administration following concerns by the scientific community and yet

GoF monies still reached Peter Daszak (EcoHealth).

13. This Gain-of-Function research was halted due to concerns by the scientific community in response to the potential consequences of the development of such pathogens – particularly should they escape from laboratory conditions. These increased in 2014 following the accidental exposure of a CDC lab worker to anthrax and after shipping a deadly “flu” virus to a laboratory asking for a benign strain.
14. Despite these concerns Gain-of-Function research continued including the awarding of NIH grants to modify bat-based coronaviridae. These grants included monies to the Wuhan Institute of Virology. Grants that were not flagged by Dr. Anthony Fauci and the NIAID.
15. In 2018 Dr. Zhengli presents “Studies on Bat Coronavirus and its cross-species infection” at Shanghai Jiao Tong University on 14 November 2018. This, like the Wuhan Institute of Virology databank have been wiped clean prior to the first known cases of SARS-CoV-2 in September of 2019.
16. On 16 September 2019, Baric publishes a pre-print confirming that he and others at the University of North Carolina at Chapel Hill, the University of Texas in Galveston, Columbia University, the National Institute of Allergy and Infectious Diseases (NIAID) have combined the spike protein of one virus with the backbone of another virus to producing a MERS-Uganda chimeric virus capable of infecting humans involving trypsin (PRRA) which HHS with patent rights owned by the National Institutes of Health (NIH).
17. In 2020 President Trump placed restrictions GoF monies going to Peter Daszak at EcoHealth. Months later, these monies somehow found their way to Peter Daszak (EcoHealth).
18. In an interview on 19 May 2020, Peter Daszak (EcoHealth) admits to having funded Dr. Ralph Baric and Dr. Shi Zhengli, who admit to performing genetic

research on Coronaviridae – altering the spike protein. Daszak admits “You can manipulate them in the lab pretty easily,” Daszak said. “Spike protein drives a lot of what happens with the coronavirus. Zoonotic risk. So you can get the sequence, you can build the protein — and we work with Ralph Baric at [the University of North Carolina] to do this — and insert the backbone of another virus and do some work in the lab.”

19. On 11 November 2020, Dr. Ralph Baric admits that he and Dr. Shi Zhengli worked with the genetic code of Coronaviridae. Included in a documentary recorded by Italian Investigator is documentation of Drs Baric and Zhengli genetically altering Coronaviridae and warning the world in 2015 that they could produce a more virulent pathogen capable of causing a pandemic.
20. The US government says that a coronavirus, similar to SARS-2, first appeared in China in December 2019, and spread to the US in January 2020. It was named COVID-19 – Co for corona, vi for virus, D for disease, and '19 for the year of its emergence -- per the International Committee on Taxonomy of Viruses.
21. On January 31, 2020, US Health and Human Services Secretary Alex Azar declared a public health emergency, per the Public Health Service Act, sec 319, which allows HHS to declare emergency in the case of significant infectious diseases.
22. On March 13, 2020 President Trump issued two national emergency declarations. The first was based on the Stafford Act, and thus led to creation of a National Response Framework so the efforts of states can be coordinated. The Stafford Act was also the authority for appropriation of up to \$7 billion for long-term, low interest loans to small businesses hurt by the pandemic.
23. Also on March 13, President Trump invoked the very open-ended National Emergencies Act, section 201 and 301. This in turn allowed Secretary Azar to modify certain rules of Medicare and Medicaid.

24. On March 19, President Trump named FEMA, Federal Emergency Management Agency which is part of the Homeland Security Department, as the lead agency in Covid response.
25. On March 23, 2020, the World Health Organization advised all members of the United Nations to employ certain methods of controlling the virus: wear face masks, use social distancing of 6 feet, wash hands, and stay home as much as possible.
26. Governors, mayors, and others ordered closures of schools and businesses, the quarantining of some people, restrictions on travel, border closures, etc. Under the Stafford Act the president pledged billions in aid to the states, to be coordinated by FEMA.
27. On April 1, 2020, Google and Apple announced a joint effort: “Apple and Google will be launching a comprehensive solution that includes application programming interfaces (APIs) and operating system-level technology to assist in enabling contact tracing.”
28. On May 1, 2020, Rep Bobby Rush introduced HR 6666, the “TRACE” Act – the Testing, Reaching, and Contacting Everyone Act. It would award grants for testing and tracing. The bill has not been acted on, as of December 20, 2020.
29. On May 15, 2020, President Donald Trump announced Operation Warp Speed (OWS) and on that date Moncef Slaoui was appointed chief advisor, and General Gustave Perna chief operating officer, of Operation Warp Speed. OWS will also handle the distribution of the vaccine. The President announced that he would use the military to deliver the vaccines. Under a putative emergency (or martial law), he could presumably “declare” vaccination mandatory.
30. By December 12, 2020, the pharmaceutical giant Pfizer had its vaccine approved by the FDA – Food and Drug Administration. The standard time of four-to-five years for producing a vaccine was abandoned on the basis of the

pandemic being an emergency. On December 18, 2020 Moderna's vaccine received approval from the FDA. Full review of the Emergency Use Authorization (EUA) documents show that there is no statistically significant difference between those who received either of these drug vaccines and those who received placebo, and their subsequent development of COVID-19 (p=NS).

31. There was no published comparison of the health risks involved in getting vaccinated with the COVID vaccine versus the risk of getting COVID-19. This disease has 99.95% recovery rate in patients under age 70. Adverse effects of vaccination can be lifelong. Pediatrician Liz Mumper says, on a vimeo for the Children's Health Defense, that four billion dollars have been paid out in this century at the Vaccine Injury Court, despite a very high bar for qualifying. She also noted that doctors voluntarily report adverse effects (of tested vaccines) about 45,000 per year, and DHHS estimates this to be only 1% of the actual total.

32. On December 20, 2020, the CDC recommended that the vaccine now be given to frontline workers and people over age 75. In the Netherlands, Dr Elke De Clerk says that 87,000 Dutch nurses oppose taking the vaccine. Half of New York City firefighters say they will refuse.

33. The website [defense.gov](https://www.defense.gov) (retrieved on December 18, 2020) says: "Using the resources of the federal government and the U.S. private sector, Operation Warp Speed will accelerate the testing, supply, development, and distribution of safe and effective vaccines... receives its next shipment of vaccines from Pfizer. Phase 2... will cover the second dose for everyone who received their first dose this week, and with the remainder, we will move on to administering dose number one for additional healthcare workers."

34. Plaintiff objects to any government-enforced regime of vaccination, and will refuse to take a "COVID" vaccine for the following eight reasons: 1. The EUA PCR testing for COVID is unreliable. 2. COVID cases are not being accurately

reported. 3. The purpose of the Lockdown is apparently not for health but to terminate national economies. Quarantines by definition are for the expressed purpose of isolating the infected – not the healthy. 4. The vaccines have evaded standard safety testing including animal testing – in violation of International Laws/Treaties, The Nuremberg Code, and the American Medical Association Code of Medical Ethics. 5. Perfectly good treatments for SARS-CoV-2 and COVID-19 have been established using Randomized Clinical Trials (RCTs) as detailed below. 6. There is a little-understood connection between the consequences of mRNA or DNA vaccines and the potential impact on nuclear DNA. 7. There is a possible use of a vaccine passport or other identifier to be used to restrict travel and participation in personal activities protected by the U.S. Constitution including travel between the states, ability to enter public places, coerced restrictions by societal pressures, et cetera; implying surveillance, which would defeat plaintiff's Fourth and Fourteenth Amendment rights. 8. Scientific criticism is being censored and the plaintiff's documented readings of the EUAs of the Vaccines and scientific discussions with colleagues presented on social media sites, including but not limited to YouTube, have been removed by these social media sites, restricting and controlling the dissemination of scientific discourse on SARS-CoV-2 and COVID-19. These eight categories of Plaintiff's objections are briefly explained as follows:

**Reason 1: The testing for Covid is unreliable**

35. Kary Mullis received the Nobel Prize in 1993 for his “polymerase chain reaction” (PCR) method of amplifying a stretch of DNA. He advised against using it for diagnosis. But that is what hospitals are doing, with results that must be considered guesswork.

36. Pascal Sacre, an emergency room doctor in Belgium, is an expert on RT-PCR (real time polymerase chain reaction). He says that the number of cases reported by government is the number of persons who “test positive,” but that no clinician ever decides on the basis of a test exclusively – one must look at the

patient and know his symptoms.

37. The use of a positive PCR test – an EUA test – is being used as the first determinant of the outcomes of the Drug Vaccines. The presence of a positive PCR test and a cluster of symptoms that are symptoms seen with any viral prodrome as well as any bacterial or fungal infection, or for that matter many types of cancers is the second component used for determining the outcomes of drug vaccines. In other words, an EUA test – being used incorrectly as noted by the man who developed the PCR test - is being used to monitor an EUA drug.

38. Tanzania's president John Magufuli said the imported COVID test kits were faulty as they had returned positive results on a goat and a pawpaw fruit. In Austria, Michael Schnedlitz, MP performed the test live in Parliament and showed that a sample of Coca-Cola tested positive for COVID. He said he was performing the test live before Parliament: "so you can see how worthless and misguided these mass tests are."

### **Reason 2: COVID-19 cases are not being accurately reported**

39. In addition to the incorrect use of the PCR test, on 4 April 2020, the Centers for Disease Control and Prevention (CDC), sent instructions to physicians, telling them to report as "death with COVID" persons who also had other illnesses, or for whom the doctor only suspected COVID. Dr Annie Bukacek of Montana was one of the first practitioners to reveal this. This has led to over reporting of COVID deaths and underreporting of the usual range of illnesses. E.g. someone dying in a motorcycle accident with a positive PCR test did not die from COVID-19 – they died from the motorcycle accident.

40. So far, the death toll in any given month in 2020 is roughly the same as the death toll for that month in e.g. 2018. The website of the Vital Statistics of the state of Victoria, Australia compares, for example, the total deaths (from all

causes) in 2018 and 2020. In January 2018, the figure was 3541, and almost the same in January 2020: 3464. Then COVID began and there was an increase, in the month of April, from 2868 deaths (all causes) in April 2018, to 3585 in April 2020. In May, however, the number actually fell, from 3935, in May 2018, to 3271 in May 2020.

**Reason 3: The purpose of the Lockdown was apparently not for health but to terminate nations' economies.**

41. Klaus Schwab, director of the World Economic Forum (WEF) in Switzerland, has produced a book, with co-author Thierry Malleret, entitled "Covid-19: The Great Reset." They reveal that the new economy – which will be global – will not care about individual sovereign nations. Their book indicates that the motive behind the pandemic was to enable the transition to one world government.
42. To lockdown businesses, for an ostensibly good reason (e.g., quarantine), has made it possible for many small companies to be put out of business, where they would not have knowingly agreed to do it for the benefit of the globalizers. Millions are already impoverished from lack of jobs.
43. In September 2019, an "Event 201" was held at Johns Hopkins Center for Health Security, laying out plans for the Lockdown before COVID had even begun. Participants in this "desktop exercise" included the World Economic Forum and the Bill and Melinda Gates Foundation. Bill Gates often speaks as though he can make decisions for the whole human race.
44. The mainstream media cooperated in all of this from the beginning, showing us how to adapt to the new normal, never asking if any other kind of future is possible. It also looks as though the media helped the pandemic "theatre," with a barrage of advice about social distancing and mask-wearing. In Alberta, Canada, Dr Rod Hodkinson, FRCPC, said, on 13 November 2020: "There is utterly unfounded public hysteria driven by the media and politicians. It's outrageous. [COVID] should be thought of as nothing more than a bad flu

season. Masks are utterly useless. There is no evidence base for their effectiveness whatsoever.”

#### **Reason 4: The new vaccines have evaded standard safety testing**

45. The website [fda.gov](http://fda.gov) boasts: “Today, the FDA regulates \$1 trillion worth of products a year. It ensures ... the safety and effectiveness of all drugs, biological products (including ... vaccines...).... The Federal Food, Drug, and Cosmetic Act of 1938 completely overhauled the public health system.” Plaintiff states that is unconstitutional as Congress has no grant of power for health; this belongs to the states. Nonetheless, the COVID “emergency” caused the FDA to soften even its own unconstitutional power and permitted the vaccine manufacturers to evade normal safety testing.

46. As stated by attorney Robert F Kennedy, Jr for the Children’s Health Defense, “The Moderna vaccine skipped the animal testing altogether.... And it was tested on only 45 people – three people got so sick they had to be hospitalized... They are only giving these vaccines [tests] ... to the healthiest people.... You cannot be pregnant, you cannot be overweight, you must have never smoked a cigarette, you must have no respiratory problems in your family... you can’t have rheumatoid arthritis or any autoimmune disease. There has to be no history of seizure in the family. These are the people they’re testing the vaccine on.” Referring to four pharma giants, including Pfizer, RFK pointed out that “just in the last decade, those companies have paid 35 billion dollars in criminal penalties, damages, fines, for lying to doctors, for defrauding science, for falsifying science, for killing hundreds of thousands of Americans knowingly.”

47. Dr Sucharit Bhakdi is the retired Chair of Medical Microbiology at University of Mainz, Germany. He says: “As I understand it, Mrs. Merkel has reserved 54 million doses of this gene-based vaccine from the British company [Astra Zeneca, connected with Oxford].... This study [is] published in Lancet. What the

English did, in Oxford, because the side effects were so severe, from that point on, all ... were given a high dose of paracetamol. [Paracetamol] is a fever-reducing painkiller. In response to the vaccination? No. To prevent the reaction. That means they received the painkiller first and then the vaccination afterwards. Unbelievable.”

**Reason 5: Perfectly good treatments for SARS-CoV-2 and COVID-19 have been established using Randomized Clinical Trials (RCTs) as detailed below.**

48. On 22 May 2020, Newsmax published an article entitled “Breakthrough Drug: Ivermectin Shows ‘Astounding’ Results against Corona Virus.” It says: “Physicians who participated in the study report that patients’ viral loads began declining almost immediately after they began administering Ivermectin, a widely available prescription drug approved to combat parasites, scabies and head lice. Emergency medical physician Dr. Peter H. Hibberd of Florida said ‘There’s a common denominator here, this drug is salvaging people from their death bed’.... At the Broward Health Medical Center some 250 coronavirus patients were involved [in a trial] ... The blood oxygen level of the first patient treated in early April was 70% and dropped to just 50% within hours. After receiving the Ivermectin, the patient stabilized within 24 hours.... Doctors in Bangladesh administered a combination of ivermectin and doxycycline, a common antibiotic, to 60 coronavirus patients there ... and by the fourth day, they had recovered.”

49. Professor Thomas Brody, medical director of Australia’s Center for Digestive Disease spoke to Sky News on 7 August 2020 about Ivermectin. He said: “There are a number of studies that are amazingly successful. We’re talking close to 100%. In fact, we haven’t seen a result yet under 100%. It looks like corona is very simple to kill. It’s available as a prescription medication. You wouldn’t use it alone ... but you add two other things to it such as doxycycline and zinc.”

50. Ivermectin is now forbidden in Australia. It even appears to have been taken off

the shelf for farmers' use on livestock. Such an abnormal response calls into question the sincerity of the race for a COVID treatment.

51. There is also a cure reported consisting of a combination of hydroxychloroquine (HCQ), zinc, and the antibiotic azithromycin. Dr Zev Zelenko, speaking to Barry Shaw on Israel National News, said “The idea is like this, and this one’s based on data that came out of the Far East, specifically South Korea, and also the work of Dr. Raoul from Marseille, France.... The main element of this treatment approach is zinc. Zinc inhibits a very important enzyme called RNA dependent RNA polymerase. It basically stops the virus from replicating or copying its genetic material, essentially reducing the amount of virus.” “However, zinc doesn't get into the cell of the viruses, they need a way to get the zinc into the cell, and that's the role of hydroxychloroquine....”

52. Harvey Risch, professor of Epidemiology at Yale, also speaking to Barry Shaw, said “there were two papers published in the New England Journal in The Lancet that were fraudulent, and this shut down the discussion about hydroxychloroquine.” He pointed out that in the AIDS crisis, Dr Tony Fauci refused to support the helpful, cheap medicine, bactrim. “And you see exactly the same pattern in the last six months of the FDA in concert with Dr. Fauci and the NIH panels that he's arranged to discuss his various drugs, remdesivir and hydroxychloroquine, and they've done exactly the same thing. The panels have had major conflicts of interest; a panel with 54 scientists on it and had 18 with financial ties to pharma manufacturers. They went and approved the patent medication and they disapproved the generic medication hydroxychloroquine.”

53. On December 8, 2020, Dr Pierre Kory, a pulmonologist, spoke at a hearing of the US Senate Homeland Security Committee. He wants clearance for the drug Ivermectin that has been used for decades to treat parasites. Kory said: "All I ask is for the NIH to review our data that we've compiled of all of the emerging data -- we have almost 30 studies. Everyone is reliably and reproducibly positive showing the dramatic impacts of Ivermectin. Please, I'm just asking that they

review our manuscript. Mountains of data have emerged from many centers and countries around the world, showing the miraculous effectiveness of Ivermectin. It basically obliterates transmission of this virus. If you take it, you will not get sick.”

54. On 8 February 2021, the plaintiff a Nuclear Cardiologist and Physicist published research demonstrating several treatments that were successful in both the Outpatient and Inpatient setting, following the Inflammation and Vascular Disease Theory he originally published in 1994 detailing the role viruses play in InflammoThrombotic Response (ITR)/Disease that include COVID-19. These treatments were measured using FMTVDM – a method for quantitatively measuring disease resulting from changes in tissue blood flow and metabolism associated with infections diseases and the ITR of SARS-CoV-2. Treatments were successful 99.83% of the time in people infected with SARS-CoV-2 and those critically ill with COVID-19. (Fleming RM, Fleming MR. FMTVDM Quantitative Nuclear Imaging finds Three Treatments for SARS-CoV-2. Biomed J Sci & Tech Res. 2021;33(4):26041-26083.

<https://biomedres.us/fulltexts/BJSTR.MS.ID.005443.php>

DOI:10.26717/BJSTR.2021.33.005443.) This is discussed in further detail on <https://www.flemingmethod.com/copy-of-publications>

55. The documentations of successful treatments for SARS-CoV-2 and COVID-19 remove the fourth requirement for the unconstitutional emergency use authorization (EUA) mechanism being applied for the promotion of PCR testing and drug vaccines. That fourth requirement is that there are no known drug treatments for SARS-CoV-2 and/or COVID-19. Given these known treatments, the EUA fails as does the use of PCR testing and these drug vaccines.

**Reason 6: There is a little-understood connection between vaccination and DNA**

56. Dr Suchari Bhakdi of Germany says: “Maybe I am wrong...but as I understand it, one of vaccines is a packaged fragment of viral mRNA. This is injected into the muscle where that fragment is translated into a viral protein fragment that stimulates an antibody response and should attack the virus. Does anybody, I mean anybody, realize how many things can go wrong with this? Certainly, one possibility is a massive NONSPECIFIC autoimmune response. “The Moderna ‘vaccine’ is designed to be a transfection vaccine, meaning it literally is meant to genetically modify your cells.... Genetic material codes for proteins in your body. That's what DNA and rRNA do. Your body creates the proteins that build your body. Proteins are unique to the organism. They are also the basis for recognizing self from not self..... So when your body has foreign DNA injected into it, or when foreign particles like nano-particles (Pfizer vaccine) are introduced, there is a risk that your body will literally start to attack itself. ... Catastrophe awaits.”

57. The data now shows that the Lipid Nanoparticle (LNP) vaccines produced by Pfizer and Moderna do not remain at the site of injection and have been found throughout the body – including the brain, bone marrow, heart, liver, lungs and other vital organs.

58. The data also shows that the mRNA of SARS-CoV-2 enters the nucleus of human cells making it available for reverse transcription into nuclear DNA. The Janssen (Johnson and Johnson) drug vaccine is a DNA injection requiring entry into the nucleus of human cells to begin the process of making (transcribing) mRNA following by the production (translation) of spike protein molecules – spike proteins that are identical to the Gain-of-Function (GoF) spike proteins made by Baric, Zhengli, Daszak, et al discussed *supra*.

**Reason 7: There is a possible use of a vaccine passport or other identifier**

59. Bill Gates, the founder of Microsoft, has been involved with vaccination for a

long time, particularly in the Third World, and owns patents for vaccines. Gates is the largest donor of money to the World Health Organization. Although not medically trained, he is focused on getting all 8 billion humans vaccinated for COVID, and has declared that we won't be able to get back to normal until everyone is vaccinated.

60. On 30 November 2020, Fox News reported that the International Air Transport Association is in the process of finalizing a "digital Covid-19 passport" that will record the person's COVID tests and vaccinations.

61. The CEO of Qantas Airline has said that as of now he will not fly anyone who is not vaccinated. For decades, airlines have refused to fly persons lacking proof of vaccination if the laws of the destination country demanded it. Now we have businesspersons setting health policy and seeming to make laws. Is the authority of "law" passing into the hands of private corporations? This would be an extreme undermining of democratic government.

62. Bill Gates is working with Massachusetts Institute of Technology to develop the "Human Implantable Quantum Dot Microneedle Vaccination Delivery System." It is also called a hand tattoo, and can be read, as it is luminescent. Quantum Materials Corp says: "quantum dots are nano-particles made up of semiconductor materials." Such dots could store data, and be updated by transmission of new information – such as one's bank balance.

#### **Reason 8: Scientific debate is being forbidden by censors within the media**

63. In Germany, more than 500 doctors and scientists have signed up as members of a Corona Extra-Parliamentary Inquiry Committee. Their investigation, led by Dr. Heiko Schöning, is to fill a lacuna -- no government inquiry has been held or is scheduled to be held as to the validity of COVID pandemic or the proportionality of government response. But mainstream media won't cover this Inquiry group.

64. On 10 July 2020 during the German Corona Investigative Committee testimony, Attorney Dr. Reiner Fuellmich published his testimony call for those responsible for the “Corona Scandal” to be criminally prosecuted for Crimes Against Humanity. Plaintiff echoes that call for the investigation, indictment, prosecution and imprisonment of those who have been involved in the Gain-of-Function research, interference with clinicians prescribing treatments for SARS-CoV-2 and COVID-19, and the vaccination of individuals with an experimental vaccine – particularly in the absence of true informed consent.
65. An editorial in the British Medical Journal, of 13 November 2020, states: “Politicians and governments are suppressing science. They do so in the public interest, they say, to accelerate availability of diagnostics and treatments [and] to bring products to market at unprecedented speed. Both of these reasons are partly plausible... But ... the pandemic has revealed how the medical-political complex can be manipulated in an emergency.... Researchers from Public Health England and collaborating institutions sensibly pushed to publish their study findings before the government committed to buying a million of these tests but were blocked by the health department and the prime minister’s office.”
66. The “Event 201” meeting discussed “controlling the narrative.” The participants, many of them scientists, stressed the importance of censoring “conspiracy theories” and even preventing debate with doctors who disagreed about COVID. Typically, scientists have published even radical ideas in journals and waited for response from peers. This new turnaround is very telling. The owners of social media further confuse the public by deleting, from Facebook and YouTube, any criticism of, or skepticism about, the pandemic – saying that it “violates community guidelines.” This has included material published by the plaintiff.

## **II. Necessary Intervention by the Federal Courts to Guarantee U.S. Citizen Constitutional Rights.**

67. In the foregoing discussion, Plaintiff has shown that the testing for COVID is unreliable, that COVID cases are not being accurately reported, that the purpose of the Lockdown is apparently not for health but to terminate national economies, that the emergency vaccines have evaded standard safety testing, that there is a little-understood connection between vaccination and DNA, that successful treatments for SARS-CoV-2 and COVID-19 exist. Withholding treatments to people infected and those seeking medical treatment casts considerable doubt on the sincerity of the race for a COVID vaccine and the motives of those engaged in the Spike Protein Gain-of-Function research, blockade of treatment and pressure to coerce people into taking experimental drug vaccines. It also casts doubts upon the implementation of societal lockdowns, the use of vaccine passports, the restriction/removal of U.S. Constitutional freedoms, and the harassment of those engaged in the scientific debate of this virus and its treatments.

68. Because of so many deviations from normal medical practice, Plaintiff is willing to consider that the vaccine may be related to an agenda other than health. One likely agenda behind the vaccine is surveillance. Hence, mandatory vaccination would defeat Plaintiff's Fourth and Fourteenth Amendment rights. That is, by accepting a vaccine, he may be accepting permanent invasion of privacy, even if only in regard to his location and health history.

69. By accepting a vaccine, Plaintiff would also be entering into a state of concern including unpredictable side effects that would appear later. In many cases where a person has received a vaccine injury, the effects did not appear for months or years. Given the data that is available, there is scientific information to indicate long-term sequelae related to neurologic damage as well as down regulation of the p53 system responsible for protecting people from the development of cancer.

70. By accepting mandatory vaccination, Plaintiff believes he would be complicit in the overthrow of our legitimate constitutional government, at both state and

federal level, and our highly prized Bill of Rights.

71. Plaintiff is concerned that mandatory vaccination, interference with patient care as agreed to by the patient-physician informed consent, and the Gain-of-Function (GoF) research, smacks of Dr. Mengele, the Tuskegee Airmen, and other violations of the U.S. Constitution, the Nuremberg Code, the BWC Treaty, the ICCPR Treaty, and the AMA Code of Ethics; all of which are in place to protect U.S. Citizens.

72. Plaintiff is concerned that mandatory vaccination, the prevention of physicians practicing medicine, and the GoF research all resemble a military state or potential for police violence; something that is anathema to the American citizen. It was also anathema to French citizens. In August 2020, there were huge protests of the Lockdown on the streets of Paris, with police acting in a respectful manner. Then a violent crackdown on protestors began, and as of November 2020, the photographing of police violence was criminalized.

73. Plaintiff will not willingly submit to the vaccination. If it is to be done to him, it will have to be done by force. It will be an assault upon his body and a continued violation of the rule of law.

74. Although there is currently no such law requiring Plaintiff to be mandatorily injected, events are moving quickly and, somewhat aside, there is talk of martial law. During the course of martial law, courts do not function, thus people cannot pursue their constitutional rights.

### **III. A call for Action by the Federal and State Judiciaries**

75. Plaintiff believes that the world has changed greatly since the 1962 and that the ruling in Baker v Carr is no longer good law. In this pleading, Plaintiff emphasizes that, in addition to seeking personal injunctive relief against vaccination; vaccine passports – or equivalent actions akin to the wearing of a

Jewish Star in Nazi Germany; the right to receive medical treatment based upon the consent of himself and clinician; and the investigation, indictment and prosecution of those involved with the Gain-of-Function research, interference with medical treatments and coercion of drug vaccination; plaintiff is asking the court to stretch its jurisdiction to the legal limit, given the dire situation of the nation and in deed the world. It is only by way of such a case that a person can engage the help of the Third Branch of the U.S. Federal Government. This is such a case.

76. Justice Clarence Thomas recently wrote, in a dissent joined by Samuel Alito and Neil Gorsuch, about a 2020 presidential election case, Republican Party of Pennsylvania v. Degraffenreid: “One wonders what the Court waits for. We failed to settle this dispute before the election, and thus provide clear rules. Now we again fail to provide clear rules for future elections.... By doing nothing, we invite further confusion .... Our fellow citizens deserve better and expect more of us.”

77. Plaintiff here below identifies assaults on the US Constitution, stemming from, or prompted by, the COVID pandemic, in the areas of the enumeration of Congress’s powers, the National Emergencies Act, the FDA, the Fourth and Fourteenth Amendment, in addition to States’ rights, and the attack upon the nation’s sovereignty.

#### **IV. Enumeration of Congress’s Powers Under Article I of the U.S. Constitution**

78. The federal government is increasingly getting involved in the area of health. But health is strictly the prerogative of the state. Article I, § 8 enumerates all of the 18 areas in which the Framers of the Constitution gave Congress the power to legislate. None of the 18 has even a slight connection to health or medicine. In McCullough v Maryland (1819), Chief Justice Marshall wrote: “This government is acknowledged by all, to be one of enumerated powers. The principle, that it can exercise only the powers granted to it, would seem too apparent, to have required to be enforced by all those arguments, which its

enlightened friends, while it was depending before the people, found it necessary to urge; that principle is now universally admitted.”

79. There is an entity called the National Institutes of Health. Its website, NIH.gov, says: “NIH is the primary federal agency conducting and supporting basic, clinical, and translational medical research, and is investigating the causes, treatments, and cures for both common and rare diseases.” Plaintiff does not think that poses a challenge to the separation of powers as the entity does not purport to control anyone’s health, but only to be a scientific locus for study.

80. Nevertheless, since the COVID-19 pandemic began (or was announced to have begun) in March 2020, Dr Anthony Fauci, the head of one of the NIH institutes, the National Institute for Allergy and Infectious Diseases, NIAID, has been seen as a health decision maker. It is Dr Fauci who seems to issue the calls for mask-wearing, social distancing and quarantining.

81. Although it is really state governors, or municipalities, that are issuing those orders, and the lockdowns, some governors indicate that they bow to the national experts such as Dr Fauci. There is no support in the Constitution for Dr Fauci to issue any commands.

82. Plaintiff sees the stage being set for the federal government to mandate vaccination, as it has already usurped the power of physicians to prescribe treatments to their patients. The public has long accepted without question that the Centers for Disease Control and Prevention, the CDC, has a right to determine the schedule of all childhood vaccinations.

83. Actually, the CDC has no such authority. Rather it is the AMA that directs doctors to follow the CDC schedule. A main reason why a physician allows himself to be dictated to is that he needs liability insurance, and the AMA provides it to him, so many join the AMA. The AMA also determines physician billing codes for reimbursement of goods and services; hence, physicians are under considerable influence from the AMA and those who direct and control

the AMA.

84. Although it may actually be the state legislatures, lobbied by the AMA, that have created this power for the AMA; the effect is that the CDC does indeed determine which vaccinations children and adults get. Although a well-informed citizen may disagree with the number or type of vaccinations recommended, e.g. the Hep-B shot which is given within an hour of birth; most people do not know both sides of the story, with the media controlling much of the narrative. Today any negatives about vaccination are being rapidly deleted from the Internet, including those by doctors.

85. Most parents are coerced into the vaccine regime by the fact that a not-fully-vaccinated child may be refused entry to school. The same is currently happening for children whose parents would prefer their children not wear masks. These same children and their parents may even be refused health care; with many doctors now removing vaccination refuseniks from their practice.

86. Plaintiff notes that the Constitution should remain the guide as to which elements of government hold power legitimately in the United States. Unfortunately very few people understand the U.S. or State Constitutions. During the pandemic, Americans started to accept an 'inevitable' increase in authoritarian governance. Therefore, a ruling by a federal court that any vaccine mandate, or interference in the physician-patient decision making process on treatments, by the government is unconstitutional; as well as an order to initiate the investigation, indictment and prosecution of those involved in Gain-of-Function research, would help American citizens get past the confusion described above.

### **Category 1: National Emergency Law of 1976**

87. The correct relationship of "emergency" to the Constitution is expressed in the 1931 precedent in Home Building v Blaisdell. The court said: "Emergency does not create power. Emergency does not increase granted power.... The

Constitution was adopted in a period of grave emergency. Its grants of power... were not altered by emergency.”

88. The US had no emergency law until the Flood Control Act in 1944 and then the Civil Defense Act in 1950, and then the 1976 National Emergencies Act. In 1979 President Carter wrote EO 12148, illegally delegating some presidential powers to FEMA. FEMA was subsequently legislated for, in the 2002 Homeland Security Act.
89. The law invoked by President Trump during the 2020 pandemic is the 1976 National Emergencies Act. It is unconstitutional in that it gives the president power to deal as he sees fit – with no Legislative challenge for 6 months. This may be the law on which a president would rely to justify mandatory vaccination.
90. It is not surprising that people allow officials to overstep their legal authority in a crisis. It is a natural state of mind in a panic. This was seen during Hurricane Katrina in 2005 and the World Trade Center attacks in 2001. On both of those occasions the US government violated the Constitution and got away with it.
91. Plaintiff observes a loss of societal awareness of what used to be the security of the Republic. Each person was expected to give his/her best and take maximum responsibility. Culturally, and in education curricula, this has not been instilled as it once was. Thus we are endangered.
92. There is also the matter of society becoming resigned to massive lying and the ridiculing of the value of truth. This alone jeopardizes the Constitution. It takes resolve to support a Republic and if one is drowning in misinformation, one cannot do what is needed. The Framers were clear thinkers, no nonsense. Plaintiff believes that solemn words emanating from the Court now would be restorative.

## **Category 2: The FDA**

93. Many citizens assume, because of the existence of a U.S. Food and Drug Administration, the FDA, that the federal government has a right to control the production or sale of drugs or medical devices. But Clause 3 of Article I, § 8 states only that Congress shall have Power the power “to regulate Commerce among the several States.”
94. The website FDA.gov (retrieved March 28, 2021) has as its opening headline “FDA Takes Action To Address Corona Virus Disease (Covid-19).” It says that, per its emergency usage authorization, it will allow “the Janssen COVID-19 Vaccine to be distributed in the U.S. for use in individuals 18 years of age and older.”
95. That website implies that the federal government, through the FDA, is thus entering into states’ territory, as though FDA has evaluated the vaccine for its suitability as a treatment for COVID-19. The FDA has not. The public is misled. It thinks the federal government, as such, has used some medical wisdom to recommend a good treatment – and so may trust it.
96. The Food, Drug, and Cosmetic Act of 1938 allows this agency only to vouch that what is shown on the label correctly reflects what is in the product. For example, as codified at 42 USC 246 : “(1) No person shall introduce or deliver for introduction into interstate commerce any biological product unless— (A) a biologics license under this subsection or subsection (k) is in effect for the biological product; and (B) each package of the biological product is plainly marked with (i) the proper name of the biological product contained in the package....”
97. At FDA.gov, we see this question: “What data did the FDA review when deciding to authorize Janssen COVID-19 Vaccine for emergency use?” The answer provided is: “The FDA evaluated and analyzed the safety and effectiveness data from clinical trials conducted in over 40,000 thousand study participants and manufacturing information submitted by Janssen Biotech, Inc.” In other words,

it was the company applying for approval, Janssen, that handed in the proof of its safety and effectiveness! No medical research was engaged in by the FDA.

98. The above answer goes on to say: “The FDA has determined that the totality of the available data provides clear evidence that Janssen COVID-19 Vaccine may be effective in preventing COVID-19. The data also show that that the known and potential benefits outweigh the known and potential risks of the vaccine’s use in millions of people 18 years of age and older, including healthy individuals.” Plaintiff disagrees that “unknown potential risks” can be weighed. Plaintiff also disagrees with the statements made by the FDA, and by Janssen, Pfizer, and Moderna, in and through their EUA documents filed with the FDA, that any of the three currently emergency use authorizations for these Drug Vaccines have demonstrated a statistically significant reduction in COVID-19 compared with the results seen in individuals not vaccinated ( $p=NS$ ) 7-days after the second injection for Pfizer, 14-days after the second injection for Moderna, and 28-days after the injection for the Janssen drug vaccines.

99. It appears to Plaintiff that the self-serving nature of the arrangement makes it possible for a vaccine manufacturer to use the good offices of the U.S. to promote particular vaccines.

100. Another question displayed at FDA.gov is: “What side effects (adverse events) must be reported to the FDA by vaccination providers and Janssen Biotech, Inc?” The answer given is: “It is mandatory for Janssen Biotech, Inc. and vaccination providers to report the following to the Vaccine Adverse Event Reporting System (VAERS) for Janssen COVID-19 Vaccine: Serious adverse events, Cases of Multisystem Inflammatory Syndrome (MIS) [and] Cases of COVID-19 that result in hospitalization or death.” No punishment for failure to report is listed. The US Criminal Code does not list any penalties. The same is true for the Pfizer and Moderna drug vaccines.

101. The VAERS comes under a different federal bureaucracy, the Department

of Health and Human Services, DHHS, which has no support in Article I, section 8's enumeration of Congress's powers. The very first Congress (1789-1791) passed "An Act for the Relief of Sick and Disabled Seamen," establishing a Marine Hospital Service for merchant seamen. Soon this hospital was renamed US Public Health Service. It had a surgeon general, and in due course that office was transmogrified into "the US Surgeon General."

102. At the website of the National Institutes of Health, one finds this report dated 23 March 2021: "Late Monday, the Data and Safety Monitoring Board (DSMB) notified NIAID, BARDA, and AstraZeneca that it was concerned by information released by AstraZeneca on initial data from its COVID-19 vaccine clinical trial. The DSMB expressed concern that AstraZeneca may have included outdated information from that trial, which may have provided an incomplete view of the efficacy data."

103. The relevant disciplining of AstraZeneca consisted merely of the following "urging": "We urge the company to work with the DSMB to review the efficacy data and ensure the most accurate, up-to-date efficacy data be made public as quickly as possible."

### **Category 3: The Fourth & Fourteenth Amendments**

104. Plaintiff's request for a restraining order against mandatory vaccination finds sufficient basis in the Fourth and Fourteenth Amendments, both in regard to freedom from bodily invasion (by the COVID injection) and freedom from search by a proposed "vaccine tattoo" or "vaccine passport." The tattoo or passport would store information in or on one's body that would be accessible by many unaccountable people such as shopkeepers.

105. As reported in the New York Times on 18 February 2021, the government of Israel "is making leisure activities accessible only to people who are fully vaccinated or recovered starting Sunday. Two weeks later, restaurants, event

halls and conferences will be allowed to operate under those rules. Customers and attendees will have to carry a certificate of vaccination....” Also, many common carriers are restricting travel to persons who have a vaccine passport.

106. The potential for use of a vaccine passport, inserted under the skin, is very real. As Plaintiff stated in Paragraph 59 of these pleadings, Bill Gates is working with MIT to develop a Microneedle Delivery System, a luminescent hand tattoo. The quantum dots could store data and be updated by transmission of new information – such as one’s bank balance.

107. It is now known that such things were on the drawing board before the pandemic, and it is reasonable to consider that the pandemic was made to happen as a step in the direction of total surveillance. Cameras are everywhere now, and conversations get automatically recorded.

108. In regard to a case of surveillance in the Army, Laird v Tatum (1972), a dissenting opinion written by Justice William Douglas and joined by Justice Thurgood Marshall said: “This case involves a cancer in our body politic. It is a measure of the disease which afflicts us. Army surveillance, ... is at war with the principles of the First Amendment. Those who already walk submissively will say there is no cause for alarm. But submissiveness is not our heritage. The First Amendment was designed to allow rebellion to remain as our heritage. The Constitution was designed to keep government off the backs of the people. ...The aim was to allow men to be free and independent and to assert their rights against government.”

109. The Fourth Amendment, and all 10 amendments in the Bill of Rights, are protectors of dignity. Dignity alone is a reason to veto forcible vaccination. The Fourteenth Amendment applies those same rights to the Citizens of the Individual States. In Western Australia, the relevant law specifies that police can forcibly remove underwear when injecting an unwilling subject. In China, an anal swab is the type of COVID-19 test now required of all visitors, against which

Japan is loudly complaining. Plaintiff dreads the downhill ride toward complete abandonment of the Bill of Rights. That would also be the surrender of America.

#### **Category 4: States' Rights**

110. In Mack and Printz v US (1998), Justice Antonin Scalia, writing for the Court, said “This separation of the two spheres [state and federal government] is one of the Constitution’s structural protections of liberty, a healthy balance of power will reduce the risk of tyranny and abuse from either front.... Hence a double security arises to the rights of the people. The different governments will control each other.”
111. On 29 March 2021, Florida’s Governor DeSantis said he may sue the CDC for its cruise-ship no-sail order, which hurts tourism in Florida. He apparently does not know that his state does not have to obey such an “order.”
112. Plaintiff believes that, of the five players in the Constitution – the legislature, the executive, the judiciary, the states, and the people -- two upset the balance of powers by grabbing extra power, namely, the legislature and the executive. Two others, the judiciary and the states, upset the balance by not curtailing the other two. Thus, it falls upon “*We the People*”.
113. A people’s group, “Make Americans Free” asks people to sign “I want to the freedom to accept or reject medical treatments, including vaccinations, for myself and my minor children.” Of course we already have that, via the Bill of Rights. Still, in Massachusetts, Governor Baker mandated that all students, age 12-30, take the Covid shot by late February 2021. This mandate was lifted thanks to public protest. Even against a state order of forcible vaccination, the Bill of Rights protects us. The precedent in Jacobson v Massachusetts (1905) does not alter that. Mr Jacobson had to pay a fine, but he did not have to undergo vaccination.
114. Not only Congress but the 50 sates have shown weakness against the

pharmaceutical giants. In 1986 Congress passed the National Childhood Vaccine Injury Act, that deprives citizens of their common law right to sue a tortfeasor for vaccine injury. That Act also violates the 7<sup>th</sup> Amendment right to trial by jury for suits greater than \$20. The states do not have to continue to allow this to happen. They can interpose, as in Jefferson's Kentucky Resolution of 1798.

### **Category 5: The Attack on National Sovereignty and Crimes Against Humanity**

115. Plaintiff's plea for a constitutional validation of his rights to receive treatments agreed to by plaintiff and physician, and not to be mandatorily vaccinated, is also a plea for a constitutional validation of America's sovereignty. The pandemic, being worldwide, has made many people think we are under a world government. Just as many Americans incorrectly think that Dr Fauci, or the CDC or the FDA, have legitimate authority over health matters, so too do they think the UN and WHO speaks as boss to the US.
116. Some Americans, such as members of the Council on Foreign Relations, which is a private organization, have for a century encouraged a One World Government. So have some presidents, notably George HW Bush. Of course, the U.S. cannot hand any power to foreign entities without cancelling the Constitution. Such a prospect is clearly "on the table" today.
117. Another factor against sovereignty is the power of huge global businesses. This led to a strange spectacle in January 2021 when a private communication business, Twitter, deprived the US President Trump of his tweeting to the citizenry. Even Trump seemed to take it lying down. This is another reason why the judiciary should take every opportunity to build up the power of the Constitution. Plaintiff thinks the Constitution is our only weapon against the globalizers.

118. It is highly possible that the goal of declaring a pandemic in March 2020 was to justify a lockdown that has by now put an end to hundreds of thousands of small businesses. Klaus Schwab, head of the World Economic Forum and veteran IMF decision maker, has given the bold name “Covid-19: The Great Reset” to his book, co-authored by Thierry Malleret. Schwab is openly pleased about the lockdown and does not intend to return the world to “normal.”
119. There is a separate issue involving the power of an employer to prevent an unvaccinated worker from keeping his job. Workers in Los Angeles Unified School District (LAUSD) are seeking from a local court the right to say No to vaccination and still remain employed. Their union, Teamsters union 572, said: “We asked the District why they didn’t first offer vaccinations to those employees who want to be vaccinated, making it voluntary. They responded by noting that they want all employees vaccinated because a single person who is unvaccinated can pose a threat to everyone at their worksite.” Of course that can’t be true; the vaccinated are “safe”. Surprisingly the union supports the mandate. If the vaccine at LAUSD, namely, Moderna mRNA, causes injury, Teamsters 752 says: “The District believes that Workers Comp Leave is the most appropriate benefit time to be used for adverse reactions.”
120. A group in Israel has gone to the International Criminal Court (ICC) to complain of a breach of the Nuremberg Code that outlaws human experimentation without informed consent. The ICC will probably not help. Nevertheless, such a move by Israelis has important symbolic value.
121. In the US, 21 CFR 50.20 says “no informed consent, whether oral or written, may include any exculpatory language through which the subject or the representative is made to waive or appear to waive any of the subject’s legal rights....” When FDA issues “EUA” – emergency use approval -- the drug or vaccine has not been properly tested, so it is by definition experimental.
122. By virtue of the Gain-of-Function spike protein having been funded by

NIH, DOD, NIAID and other Federal Agencies, these agencies and those involved have violated the Biological Weapons Convention (BWC) Treaty which specifically stipulates in the Seventh BWC Review Conference held December 2001 under the Final Declaration document that “under all circumstances the use of bacteriological (biological) and toxin weapons is effectively prohibited by the Convention and affirms the determination of States to condemn any use of biological agents or toxins other than for peaceful purposes, by anyone at any time.”

123. By virtue of these experimental vaccines being used on the population without having conducted prior animal studies to determine their efficacy and safety, and in the absence of informed consent, those individuals responsible for the distribution and testing of these experimental drugs, have violated the 1947 Nuremberg Code.

124. By virtue of these experimental vaccines being used on the population without having conducted prior animal studies to determine their efficacy and safety, and in the absence of informed consent, those individuals responsible for the distribution and testing of these experimental drugs, have violated Article 7 of The International Covenant on Civil and Political Rights (ICCPR) Treaty as signed and ratified by the U.S. Congress, wherein Article 7 stipulates that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

125. It is a violation of the American Medical Association (AMA) Code of Ethics, to not provide Informed Consent pursuant to 2.2.2 of the Code of Ethics as provided on the AMA website. <https://www.ama-assn.org/delivering-care/ethics/informed-consent>

126. People are told that if they take the vaccine they cannot then get the disease, yet medical science knows this is an incorrect statement. The purpose

of a drug vaccine is to elicit an immune response to reduce the time for that immune response to occur when the individual becomes infected – in this instance by human-to-human transmission.

127. The First Amendment right to assemble is voided by the lockdown. A man holding no government position, Bill Gates, seems to call the shots. And he is set to reap a huge profit in royalties from the vaccine and related technologies.

128. Plaintiff thinks the wording of Baker and Carr belongs in a museum. Given the aforementioned murkiness, it is hard to bring a clear case to court. There is most certainly a violation of rights being addressed in his pleadings, whether or not he achieved a picture of “concrete adverseness.” There is an undisputed Fourth and Fourteenth Amendment right to not have one’s body invaded.

129. There is also the right to keep the whole Constitution in force, it being our weapon against tyranny. Plaintiff stated in Paragraph 67 of his pleadings that by accepting a mandated vaccination he would “feel complicit in the overthrow of our legitimate constitutional government.” This is no offbeat concept. Per Article VI of the Constitution “The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution....”

130. Plaintiff presents a clear case for which a US district court has subject-matter jurisdiction. Per the US Supreme Court ruling in Marbury v Madison (1803) “It is emphatically the province and duty of the Judicial Department to state what the law is.” Plaintiff seeks not just a restraining order against federally mandated vaccination, the interference of physician practice of medicine, but also declaratory relief and legal action to be taken upon those responsible for the Gain-of-Function research resulting in this pandemic. There is also the law

maxim Judicandum est legibus, non exemplis. “We should judge by the laws, not precedents.”

131. Referring to the First Circuit Court’s understanding of Lujan v Wildlife, as seen in the case of Katz v Pershing, the District Judge wrote: “It is not enough that the harm could conceivably occur ‘at some future time;’ rather, an ‘actual or imminent injury’ demands that ‘the harm has either happened or is sufficiently threatening’.” Plaintiff avers that if the injury is defined not as the injecting of the vaccine but as the lead-up to it, the harm has happened. Plaintiff argues that the harm of vaccinations currently taking place are being documented in real time on the VAERS website. Plaintiff argues that the interference of physicians treatment of patients with SARS-CoV-2 and COVID-19 have resulted in more than 500,000 deaths in the U.S. and are continuing to occur real time. Plaintiff argues that the pandemic resulting from the Gain-of-Function research has had a dramatic effect upon the populace of the United States and the world and continues to accrue real time. The damage and harm are happening as we speak, and while there is at this moment no law directing Plaintiff to be mandatorily injected, events are moving quickly. And there is talk of martial law. During the course of martial law, courts do not function, thus people cannot pursue their constitutional rights. Thus, contra Lujan v Wildlife, action by the judicial branch has to be anticipatory.

## **V. Summary**

In and through the collective actions of the above named individuals – both individually and/or in their official positions and capacities designated and controlled under the United States Constitution - and Federal agencies as outlined above, the defendants have illegally usurped power not authorized to them or their office under the United States Constitution.

They have participated in and are the direct cause of the development of SARS-CoV-2

through gain-of-function research; have interfered with the medical diagnosis and treatment of patients either infected with SARS-CoV-2 and/or the consequential development of the InflammoThrombotic Response (ITR) disease COVID-19 resulting in the deaths of more than 560,000 Americans and more than 2.9 million people Worldwide.

They have promulgated the use of experimental drugs (drug vaccines) that provide no statistically significant benefit as demonstrated by the Emergency Use Authorization (EUA) documents, upon the populace of the United States – a vaccination program that has not undergone rigorous scientific review and study including necessary animal models as promulgated.

They have threatened the citizens of the United States with restrictions of civil liberties guaranteed under the U.S. Constitution should the citizens not surrender their civil liberties and do as directed. We need look no further than the Nuremberg Trials of 1947 and listen to the words of Göring who said:

... it is the leaders of the country who determine the policy and it is always a simple matter to drag the people along, whether it is a democracy or a fascist dictatorship or a Parliament or a Communist dictatorship.”

**These statements were recorded in Gustave Gilbert's transcriptions of conversations with many of the Nazi leaders during the War Crimes Trials at Nuremberg, and later published in Gilbert's Nuremberg Diary(1947).**

- **The victor will always be the judge, and the vanquished the accused.**
- **After the United States gobbled up California and half of Mexico, and we were stripped down to nothing, territorial expansion suddenly becomes a crime. It's been going on for centuries, and it will still go on.**
- **Göring:** Why, of course, the people don't want war. Why would some poor slob on a farm want to risk his life in a war when the best that he can get out of it is to come back to his farm in one piece. Naturally, the common people don't want war; neither in Russia nor in England nor in America, nor for that matter in Germany. That is understood. But, after all, it is the leaders of the country who determine the policy and it is always a simple matter to drag the people along, whether it is a democracy or a fascist dictatorship or a Parliament or a Communist dictatorship. **Gilbert:** There is one difference. In a democracy, the people have some say in the matter through their elected representatives, and in the United States only Congress can declare wars. **Göring:** Oh, that is all well and good, but, voice or no voice, the people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked and denounce the pacifists for lack of patriotism and exposing the country to danger. It works the same way in any country.

...voice or no voice, the people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked and denounce the

pacifists for lack of patriotism and exposing the country to danger. It works the same way in any country.

Thus we can see through the defiant words of Hermann Wilhelm Göring, German political leader, head of the Sturmabteilung, and Hitler's declared successor Reichsmarschall des Grossdeutschen Reiches, a declaration of the result of consequential actions taken by those usurping power – even or perhaps especially in countries like the United States - and the resulting consequences when individuals who believe they can conduct experiments upon other people as they chose – people such as Josef Mengele Doctor of the Schutzstaffel and those usurping power today under the color of authority which they do not legally have under the U.S. Constitution.

Actions that have violated the Biological Weapons Convention Treaty, the International Covenant on Civil and Political Rights Treaty, The 1947 Nuremberg Code, and the Medical Code of Ethics promulgated by the American Medical Association.

## **VI. Prayer for Relief**

The Article III Courts were the last component of the Federal Government balance of powers reduced to writing within our Founding Principles laid out in the United States Constitution. The Article I Legislative elected officials and their designated appointees have failed to address these grievances, while the Article II Executive Branch with its appointees have promulgated an abuse of powers and the violation of U.S. Citizen and States rights.

This filing is therefore a plea for the Federal Courts to take up their responsibility under Article III to defend the nation against enemies both foreign and domestic. Should you not take up this case and preserve the U.S. Constitutional rights of the people, you provide the inoculum for the loss of the rights of all the people as there will be nothing between the tyranny of history and today's.

Plaintiff asks the Court to order the investigation, indictment and prosecution of those involved in gain-of-function research and vaccine drugs associated with SARS-CoV-2 and COVID-19.

Plaintiff asks for the protection of clinicians to practice medicine according to their training, experience, and published research, in accord with their sworn oaths; without the interference of Federal and State agencies that have not been given this authority under the U.S. Constitution or State Constitutions.

Plaintiff asks for the immediate discontinuation of the use of experimental drugs including vaccines upon the people of the United States that violate the Biological Weapons Convention, The 1947 Nuremberg Code, The International Covenant on Civil and Political Rights (ICCPR), and the Medical Ethics of the American Medical Association.

Plaintiff asks for the immediate discontinuation of unlawful actions being taken by the Federal Government resulting in the loss of personal freedoms protected by the U.S. Constitution, including the Amendments to the Constitution; including but not limited to forced masking, forced vaccination, interference with family members being present in hospital and extended living settings with those who are hospitalized or under the care of such facilities.

Plaintiff asks for the transparency of material for the public and world record and that the Court be held accountable for making certain all of the evidence is presented to the jury and the world in contrast to Courts that have previously decided that the “jury doesn’t need to know the whole truth” and that “the wool (isn’t) pulled over the eyes (of the people)”. Where liberties are lost for some, liberties are lost for all.

Failure to do so would place the Citizens of the United States, and the Citizens of the Individual States, in the precarious position of recalling the words of *Het Plakkaat van*

*Verlatinge (1581) en de Declaration of Independenee (1776).*

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people. Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

These words ring just as true today as they did 4 July 1776. You need but change the names of the parties involved, just as Jefferson did when he took this Flemish Document and translated it to English.

Accordingly, I respectfully submit this Document to the Grand Jury for Indictment of the above-named individuals

**Affidavit**

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and is based upon published research and published patents.

Executed on 15 March 2022.

*Richard M Fleming, PhD, MD, JD*

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