

RODNEY F. STICH
P.O. Box 5
Alamo, California 94507
Telephone: (415) 820-7250
Appellant in pro se

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,)	NO. 88-1410
)	CR. No. 124 RAR
Plaintiff/Appellee,)	E.D. California
)	
v.)	
)	
RODNEY F. STICH,)	
)	
Defendant/Appellant.)	
_____)	

REPLY BRIEF FOR APPELLANT

On Appeal From the United States District Court
For the Northern District of California

Judge Raul Ramirez

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Exhibit "A" : Clerk's transcript.

Exhibit "B" : Front page of Appellant's Motion To Correct Illegal
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Exhibit "C": Picture of member of the public who paid for the misconduct described within these pages.

INTRODUCTION

The issues relating to the present action did not start with appellant's filing two federal actions identifying a major air disaster scandal, and the attempts to sequester its exposure. The bottom line is that appellant has been accused of a crime for exercising rights under the laws and Constitution of the United States, for seeking relief for those yet to die in air disasters arising from graft, corruption, misconduct, cover-up, and for seeking relief from terminal destruction of protected rights. These destructions were part of the air disaster and superimposed Justice Department and judicial scandal. Over a thousand persons perished as a result of this misconduct on the airline program for which appellant had air safety responsibilities. Many more died in other air tragedies that were caused, or permitted to occur, by the misconduct.

The issues that are part of this action to punish appellant commenced in the 1960's, when appellant uncovered hard-core criminal acts related to a series of fatal air tragedies. Appellant had been a government air safety investigator for the Federal Aviation Administration, responsible for the air safety activities at the most crash-plagued airline, where Federal Aviation Administration graft and corruption was rampant. Every conceivable obstruction has been placed into appellant's path to obstruct the government's air safety responsibilities, by obstructing appellant's reporting and correction of the tragedy-riddled misconduct.

The air safety felonies and misconduct primarily occurred in the higher echelons of the FAA. The wrongful acts included (a) obstructing inspector's air safety functions by harassment, threats, taking job actions, against government inspectors, to obstruct the official reporting of air safety violations and problems; (b) removal of air safety violation reports from the official government files; (c) protecting industry officials responsible for air safety violations; (d) FAA legal and management staff using criminal means to protect the air safety violations and felons from exposure during an FAA air safety hearing forced upon the government agency by appellant. Perjury, subornation of perjury, fraud, at a government air safety hearing forced upon the FAA by appellant (EFAA-20G), to cover up and obstruct correction of the crash-causing violations; (e) engaging in criminal activities that had already, and would continue, to result in air tragedies with heavy loss of life.

DISCOVERY OF JUSTICE DEPARTMENT'S INVOLVEMENT IN THE SCANDAL

The gravity of the misconduct, the number of deaths that had already occurred due to its existence, and the obstructions placed in appellant's path to comply with the government's air safety functions, forced appellant to make formal complaints, as a government air safety investigator, with the United States Department of Justice. These complaints commenced in 1965, and continued thereafter. Never once did the Justice Department ask appellant for further information, or for the supporting evidence to prove the relationship between hard-core criminal acts and the hundreds of related deaths, even though appellant had the official government responsibility for making such determinations.

Appellant discovered that the legal staff of the Justice Department was protecting those committing the air safety felonies and misconduct. The Justice Department refused to conduct an investigation, even though they had a legal responsibility to do so. The Justice Department blocked appellant's attempts to circumvent the Justice Department cover-up, by thwarting and tampering with a Denver Grand Jury investigation. Appellant attempted to circumvent the powerful government block by filing federal actions against the Federal Aviation Administration and National Transportation Safety Board.¹

The truthfulness of appellant's allegations is implied by (a) appellant's many years of piloting experience, commencing with a Naval Aviator in 1942; (b) his many air safety recommendations; (c) his official responsibilities as a government air safety investigator for the FAA, assigned the air safety responsibilities for the most crash-plagued airline in the United States; (d) admission by numerous members of the United States Senate and House of the seriousness of appellant's

¹ *Stich v. United States, et al.*, 554 F.2d 1070 (9th Cir.) (table), *cert. denied*, 434 U.S. 920 (1977)(addressed hard-core air safety misconduct, violations of federal air safety laws, threats against government inspectors not to report safety violations and misconduct); *Stich v. National Transportation Safety Board*, 685 F.2d 446 (9th Cir.)(table), *cert. denied*, 459 U.S. 861 (1982))(addressed repeated criminal falsification of official airline accident reports, omitting highly sensitive air safety misconduct, making possible repeated crashes from the same sequestered problems); Amicus curiae brief filed on July 17, 1975, in the Paris DC-10 multi-district litigation, *Flanagan v. McDonnell Douglas Corporation and United States of America*, Civil Action 74-808-PH, MDL 172, Central District California.(addressing the long standing FAA misconduct, of which the cover-up of the DC-10 cargo door problem was one of repeated instances of tragedy related misconduct); U.S. v. Department of Justice, District of Columbia, Nos. 86-2523, 87-2214, and other actions filed by claimant seeking to expose and correct the powerful and covert air disaster misconduct.

allegations; (e) the admission by an assistant U.S. Attorney who responded to appellant's action against the NTSB, who admitted the gravity of appellant's allegations, and stated to appellant that he was recommending to Washington that appellant's demands be accepted; (f) the admission by federal judges Schnacke and Wiegel, and the justices of the Ninth Circuit Court of Appeals, who admitted the gravity of appellant's allegations as they dismissed his actions against the FAA and NTSB; (g) the large number of crashes on the airline for which he had air safety responsibilities (United Airlines), and where he and other government inspectors uncovered major air safety misconduct and felonies; (h) the large number of airline crashes throughout industry, that could be expected to result from the existence of the alleged misconduct.

OBSTRUCTION OF JUSTICE BY FEDERAL JUDGES AND JUSTICES

Appellant's knowledge of federal judicial involvement in the scandal commenced after appellant filed the first federal action in 1974 against the Federal Aviation Administration. The federal judges and justices obstructed every attempt to expose what had become the free world's worst, ongoing, air disaster scandal.

Each of these obstructive actions occurred with full realization that the air safety violations and problems would continue, and with their continuation, air tragedies would continue to occur, made possible by the cover-up. The crashes did occur, and their relationship to the cover-up easily identifiable. One such identifiable tragedy took the lives of 346 foreign citizens, as the FAA misconduct caused the continuation of a known dangerous cargo door defect, even after engineers wrote that the disaster would occur.

APPELLANT'S CIRCUMVENTION OF THE GOVERNMENT, JUSTICE DEPARTMENT, AND JUDICIAL OBSTRUCTION OF JUSTICE

As the tragedies continued to increase, year after year, many of them related to the deeply ingrained air safety misconduct, made possible by the cover-up, appellant sought to reduce the number of tragedies by going directly to the public via published books (*Unfriendly Skies, an aviation Watergate*), and appearing as air safety activist on hundreds of radio and television shows.

These activities included describing the cover-up by the Justice Department and federal judges, threatening those guilty of the misconduct making possible some of the nation's worst air tragedies.

To reduce the number of air tragedies caused or permitted to occur by the deeply ingrained misconduct, appellant made official complaints to (a) the National Transportation Safety Board (who admitted knowing of the misconduct during telephone conversations, and then covered up); (b) to members of the U.S. Senate and House (who admitted the gravity of the allegations, and then covered up for the felons and felonies); (c) to the U.S. Department of Justice, who refused to contact appellant for further details of the alleged misconduct, and refused to examine appellant's evidence of such crash-related misconduct. These cover-ups, or complicity of silence, continued the misconduct, and made possible numerous air tragedies that could have been prevented by an exposure, and forced corrective actions.

Among the many tragedies made possible by the cover-up was a DC-10 crash near Paris in which 346 persons, mostly citizens of other countries, lost their lives. The crash was caused by a known defective cargo door, that the FAA knew to exist; that was forewarned in reports to be the cause for air tragedies. Corrective actions were obstructed by the same FAA section that appellant had discovered involved with earlier crashes. One of hundreds of fraud-related victims is pictured in Exhibit "C."

Seeking to circumvent the high government block, appellant exercised federal remedies, and filed mandamus actions against the Federal Aviation Administration and the National Transportation Safety Board.² In both of these actions federal judges Schnacke and Wiegel, and the justices of the Ninth Circuit Court of Appeals, admitted the gravity of the allegations, recognizing the deaths that would follow if they dismissed the actions.

Despite the fact that over 1000 persons perished solely on the airline program for which appellant had air safety responsibilities, on which appellant discovered hard evidence of criminal misconduct,

² *Stich v. United States, et al.*, 554 F.2d 1070 (9th Cir.) (table), cert. denied, 434 U.S. 920 (1977); *Stich v. National Transportation Safety Board*, 685 F.2d 446 (9th Cir.) (table), cert. denied, 459 U.S. 861 (1982)). Amicus curiae brief filed on July 17, 1975, in the Paris DC-10 multi-district litigation, *Flanagan v. McDonnell Douglas Corporation and United States of America*, Civil Action 74-808-PH, MDL 172, Central District California.).

and despite the fact that federal causes of action were raised, prohibiting the dismissal of the actions, they were dismissed. In the action against the NTSB, the assistant U.S. Attorney admitted to appellant during a telephone call that the allegations justified supporting appellant's request to order the NTSB to reopen the accident investigations in which the NTSB sequestered evidence of hard-core misconduct related to a series of fatal air tragedies. The assistant U.S. Attorney advised appellant that he had recommended to his superiors in Washington that the government support appellant's position.

Unknown to the assistant U.S. Attorney, the Justice Department had already committed obstruction of justice for the past ten years, protecting the air safety felons while sacrificing hundreds of lives that were subsequently lost. Granting the relief requested in appellant's mandamus action risked exposing to the American public and foreign governments and citizens criminal misconduct that played a major role in some of the nation's, and even the world's, worst air tragedies. The Department of Justice argued that the action against the FAA, and the NTSB, be dismissed. The federal judges and justices of the Ninth Circuit accommodated the Justice Department, dismissed the actions, and in the process sacrificed the hundreds and thousands of lives that were subsequently lost. The Paris DC-10 tragedy is only one of many that appellant has documented as arising from the criminal misuse of government facilities by persons misusing the Justice Department and federal judiciary.

Seeking to circumvent this powerful and all-encompassing misconduct by persons misusing their government positions, appellant published two exposé books (Unfriendly Skies, an aviation Watergate, and appeared as guest air safety expert on hundreds of radio and television shows. These appearances threatened to expose what was a worsening scandal, that today constitutes the free world's worst, on-going, air disaster scandal, upon which has been superimposed a government and judicial scandal of monumental proportions.

THE JUDICIAL SCHEME TO SILENCE APPELLANT'S HIGHLY SENSITIVE EXPOSURE ACTIVITIES

A judicial scheme commenced in 1982 to silence appellant, by destroying his assets which funded his exposure activities. The cause of action attacked appellant's personal and property rights arising from a 1966 bilateral consent divorce, and the personal and property rights acquired under lawful and constitutional means during 22 years of divorced status. The cause of action held that the 1966 divorce judgment was void on the basis that the court exercised personal jurisdiction upon the basis of residence, rather than requiring the subjective mental thought processes of domicile, and prohibiting granting a divorce to any party unless they intended to reside forever, or for long periods of time, in the divorce court jurisdiction.

That argument, and cause of action, had been held unconstitutional by the U.S. Supreme Court for the past half century, and which was prohibited by dozens of California statutes, rules of court, doctrines of law, California Supreme Court decisions, superseding federal statutory and case law, and fundamental constitutional rights and protections. To make the scheme succeed, every single relevant protection in substantive and procedural law was violated for the next seven years by the cooperating California judges.

Appellant's personal and property rights were established in the 1966 divorce judgment rendered by a court foreign to California, to residents of such foreign jurisdiction, and subsequently entered as a California confirmed judgment when appellant exercised his constitution right to unabridged interstate travel. This California confirmed judgment was then entered into the courts of Nevada, Oklahoma, and Texas, for recognition as local judgments. Each of these judgments established appellant's personal and property rights on the January 31, 1966 divorce date. The laws and Constitution of the United States then protected the property rights appellant acquired thereafter as a divorced person. But the California action, based upon the clearly unconstitutional argument that residence is not a recognized basis for exercising jurisdiction, sought to void these judgments.

The California judges and justices placed a solid judicial due process gridlock in appellant's pat. The Court of Appeal justices (Hanning, Low, King) approved every illegal and unconstitutional action by the lower California courts; obstructed appellant's procedural due process remedies; reversed the legal definition of frivolous, and placed a frivolous label upon the exercise of specific

procedural remedies; and aided and abetted those committing the multitude of repeated civil and constitutional violations. The justices of the California Supreme Court cooperated in the violations. Appellant was judicially gridlocked in the California courts, in which the laws and Constitution of the United States were suspended.

The California lawsuit was filed by the law firm of Friedman, Sloan, and Ross, who had close ties to those threatened by appellant's exposure activities. Their wrongful acts were protected by the California judges, and then by every federal judge.

Appellant exercised the only remedy existing when state judges repeatedly render orders without personal and without subject matter jurisdiction, when they repeatedly violate clear and settled state law, and rights and protections in superseding federal law and fundamental constitutional rights. Appellant filed actions under (a) the Civil Rights Act, Title 42 U.S.C. §§ 1983, 1985, 1986; (b) the RICO Act, title 18 U.S.C. §§ 1961, 1962; (c) directly under the Constitution; (d) under *Bivens* claims; (e) under declaratory judgment statute, to determine whether the five preexisting divorce judgments showing the parties divorced as of 1966 were controlling, or the actions by the California judges violating dozens of rights and protections in law.

DUPLICATION OF CALIFORNIA JUDICIAL GRIDLOCK IN FEDERAL COURTS

Unaware of the extent of the conspiracy, and where it originated--in the federal court system, appellant's attorney, who taught civil and constitutional law, James Reed, filed the first of several actions in the U.S. District Court at Sacramento. (C 84-0048 RAR) The standard tactic used by federal judges to strip appellant of all due process then commenced. The legal definition of frivolous, as defined by the U.S. Supreme Court³ precluded placing a frivolous label on the multiple federal

³ *Haines v. Kerner*, 404 U.S. 519, 521-522 (1972); *Anders v. California* (1967) 386 U.S. 738 ("An appeal [or complaint] is not frivolous if "any of the legal points [are] arguable on their merits ..."); *Christiansburg Garment Company v. EEOC*, 434 U.S. 412, 416-416 (1978) ("where the alleged claim under the Constitution or federal statutes clear appears to be immaterial ... where such a claim is wholly insubstantial and frivolous" where absence of a defense is obvious from the pleadings"); "so clearly and palpably bad and insufficient as to require no argument or illustration to show the character as indicative of bad faith upon a bare inspection." *Strong v. Sproul*, 53 NYU 497, 499. "A suit without purpose to determine an actual controversy, as where the parties control by interest both sides of the litigation." 1 Am J2d Actions § 56."; California Code of Civil Procedure § 907 ("Frivolous" means (A) totally and completely without merit ..."); *In re Marriage of Flaherty* (1982) 31 Cal.3d 637 ("whether any reasonable person would agree that the point is totally and completely devoid of merit, and therefore, frivolous ... an appeal is not frivolous if 'any of the legal points [are] arguable on their merits' ... [i]f it can be said that 'any reasonable person would agree that [it is] totally and

causes of action. The federal judges openly violated this important due process protection, fraudulently reversing its meaning so as to suspend appellant's rights and protections under the laws and Constitution of the United States, and judicially gridlock appellant from the system of law in the United States. He became a person without a country insofar as recognized human right protections were concerned.

Federal rules of civil procedure 12 and 56 and related case law were repeatedly violated, to effect dismissal of federal causes of action, violating Fifth Amendment due process and equal protection, property rights, right to unbridged interstate travel, privilege and immunities clause, and other important protections.

Appellant had argued in good faith, stating controlling law, not recognizing he faced Kangaroo Courts in which there was no hopes of prevailing. The Ninth Circuit federal courts protected this judicial misconduct. They protected the massive numbers of civil and constitutional violations occurring in the state courts, and then gave the same protection to those violating these rights in the federal courts. Eventually the evidence became overwhelming, that appellant was the target of a judicial scheme and conspiracy to silence his reporting of the air disaster misconduct, and that the state and federal judiciary were misused to accomplish this goal.

As the federal judges learned that appellant recognized the extent of the judicial actions, illegal and unconstitutional injunctive orders were rendered in an obvious conspiracy of various federal judges, forever barring appellant from identifying the air disaster and superimposed Justice Department and judicial scandal; barring appellant from seeking relief for those victims in the air disaster scandal; barring appellant from protecting himself through use of constitutional and federal remedies; and protecting the Friedman law firm that acted as the "front" in the scheme, and the cooperating California and federal judges. Simultaneously, the injunctive orders encouraged those committing the violations to escalate the frequency and severity of the attacks and protecting them

completely devoid of merit ..."); "For the purposes of determining whether a complaint is "frivolous, the court presumes that the plaintiff's allegations are true." Franklin, 745 F.2d at 1228. In addition, courts must construe allegations in pro se complaints liberally. *Shapley v. Nevada Bd. of State Prison Comm'rs*, 766 F.2d 404, 408 (9th Cir. 1985)." *Hernandez v. Denton*, 88 C.D.O.S. 8132, 9th Cir, 1988.

while committing the violations.

Appellant appealed the injunctive orders, and recognized them as illegal, unconstitutional, and of criminal intent, with the consequence that innocent persons would continue to suffer horror and deaths in air tragedies made possible by the misconduct appellant was seeking to expose. Appellant researched the law, and found that (a) the nature of the injunctive order was outside the authority of any federal judge; (b) a party cannot be punished for exercising a right that would otherwise be lost by statute of limitations or mootness when the damage is irreversible; that filing notice of appeal deprived the court of jurisdiction. Further, appellant recognized the injunctive order as part of a scheme subverting our form of government, and subverting the laws and Constitution of the United States. The horror and deaths suffered by little children and others, made possible by the corrupt actions of federal judges seeking to cover up for the world's worst, ongoing, air disaster scandal, and the nation's worst judicial scandal, put the national interest, and the lives of innocent persons, above a corrupt judiciary.

EXERCISING PROTECTED REMEDIES AVAILABLE TO ALL CITIZENS

As the air tragedies increased in frequency, many caused or permitted to occur by the nature of the air safety misconduct, and made possible by the actions taken to silence appellant, federal remedies were exercised. Appellant filed an action in the United States District Court, District of Columbia (86-2523), naming the Department of Justice, the FAA, and Judge Schwartz, as defendants, identifying the mechanics of the air disaster felonies and misconduct, in which legal personnel in the Justice Department had been involved since 1965. Appellant filed another federal action in the U.S. District Court at San Francisco, seeking relief from the onslaught of major civil and constitutional rights that were destroying appellant's protected human rights.

Judge Schwartz and the Department of Justice conspired to put appellant in prison, hoping that his age and heart problems would cause a fatal reaction. The scheme commenced with an Order to show cause for civil contempt, rendered by Judge Schwarz. Later collaboration with the Justice Department changed the plans. Judge Schwartz's senior law clerk, Jo Anne Speers, telephoned to Appellant and spent 15 minutes encouraging him not to personally appear, but to appear by legal

counsel. When appellant complied, he was promptly charged with criminal contempt.

Appellant was eventually charged with criminal contempt and arraigned. At the arraignment, appellant's legal counsel, without appellant's knowledge due to appellant's hearing problems, waived a trial in the district court, and agreed to a trial before a U.S. Magistrate, whose employment and retention depended upon placating the Justice Department and federal judges threatened by appellant's exposure activities. The waiver included a provision that appellant receive a jury trial, totally isolated from any other provision for jury trials.

The jury trial was then denied to appellant, and he was prosecuted and tried by the very groups who were threatened with the greatest scandal in the country's history, if appellant's exposures reached the public. Many judges and justices, up to and including the Justices of the U.S. Supreme Court, faced impeachment and criminal actions if the facts of this scandal were exposed, and the block by the Justice Department circumvented. Obviously, appellant faced a Kangaroo Court proceeding, in which there was no possible hope of receiving the constitutional right to a fair and impartial trial.

Every protection was violated. Appellant was denied the mandatory right to a stay pending appeal. He was denied statements of decisions addressing the multiple issues. Appellant's motion for reconsideration was ignored by the court.

Simultaneously, the onslaught of civil and constitutional rights had halted appellant's business, his income, and forced him to seek relief in chapter 11 bankruptcy from the wrongful acts of the California and federal judges. The conspiracy then widened, and appellant's multi-million dollar assets were seized, violating the constitutional requirement of due process, and violating the statutory and case law (11 U.S.C. § 1104) requiring a noticed hearing, legally recognized cause, and supporting evidence. The bankruptcy judges then duplicated the actions of the state and federal judges, suspended due process and the protection of law, and protected those committing the violations.

Orders were rendered by the bankruptcy judges, and especially bankruptcy judge Edward Jellen of Oakland, barring appellant from filing appeals, oppositions, or any other papers relating to the

corrupt, illegal, and unconstitutional seizure of appellant's properties, which were then being liquidated. Appellant was converted from a multi-millionaire to a state of poverty, by the corruption of the Justice Department and the federal judiciary, reflecting a subversive force within the United States that constituted as grave a threat to our nation as Adolph Hitler posed to the German people many years ago.

DISCUSSION

I. APPELLANT RELIES UPON THE FOLLOWING RIGHTS AND PROTECTIONS UNDER THE LAWS AND CONSTITUTION OF THE UNITED STATES

A. **The Injunctive Order Had a Criminal Intent.** The intent of the injunctive order barring appellant from reporting government and judicial misconduct, barring exposure of the air safety felonies and felons, and the Justice Department and judicial cover-up, was an illegal motive. This was the motive, as shown by (a) charging appellant with a crime for filing a federal action (D.C. 86-2523) that had as the primary purpose identifying the mechanics of the air disaster scandal, and the Justice Department and judicial cover-up, all of which played a key role in the brutal deaths of American citizens and citizens of foreign countries. The Justice Department and federal judiciary has obstructed appellant's reporting and exposure of this scandal, obstructing every attempt to force an investigation to occur. The Justice Department legal staff commenced the cover-up in 1965, and made possible some of the world's worst air tragedies, with wholesale numbers of brutal deaths. The federal judiciary commenced the cover-up with the 1974 filing of the action against the Federal Aviation Administration, and continues to do so to this date. Without the complicity of silence by federal judges, up to and including the Justices of the U.S. Supreme Court,⁴ the corrupt air safety practices could have been addressed, the crash-causing or permitting problems corrected, and numerous crashes and deaths prevented. In continuing this solid cover-up, the Justice Department and federal courts continued the cover-up, by charging appellant with a crime for performing a

⁴ They became aware of the widespread tragedy causing scandal with the petition for writ of certiorari following the Ninth Circuit dismissal of the appeal relating to the law suit against the Federal Aviation Administration.

constitutional and federal right, and a public service, seeking to halt the deaths that the cover-up was making possible. Those committing the cover-up now seek to imprison the person who identified their crimes, and protect themselves by misuse of the awesome powers of government.

B. **The Injunctive Order exceeded judge Schwartz's jurisdiction.** The injunctive order, suspending the rights and protections under the laws and Constitution of the United States, is illegal, unconstitutional, and beyond the authority of any federal judge. The underlying cover-up intent makes the motive a crime, which is also outside the jurisdiction of a federal judge to commit under color of federal law.

C. **The Injunctive Order Sought Support In Earlier Illegal Orders**

Seeking "support" for the injunctive order, Judge Schwartz wrongfully dismissed the underlying action (86-210 MLS) by violating (aa) Fifth Amendment due process and equal protection; (bb) first amendment rights to the courts; Supreme Court decisions and federal rules of civil procedures prohibiting such dismissal if federal causes of action are alleged in the complaint; (cc) reversing the Supreme Court's frivolous doctrine, and fraudulently placing a frivolous label on serious federal causes of action that cannot possibly be misinterpreted by anyone, as being frivolous, and fraudulent reversing the frivolous doctrine to violate a multitude of federal question rights; (dd) violating rights and protections in such federal statutes and rights protections (aaa) under Bivens; (bbb) rights under the U.S. Constitution; (ccc) rights and protections under Title 42 U.S.C. §§ 1983, 1985, 1986; (ddd) rights and protections under declaratory judgment and injunctive relief provisions of federal law.

D. **The injunctive order violated rights and protections under the laws and Constitution of the United States.**

1. **Privileges and Immunities Clauses.** Appellant was prevented from seeking relief from violations of numerous rights protected by the Federal Supremacy Clause, including the rights and protections in (a) Privileges and Immunities Clause of the Fourteenth Amendment and the contours of Article IV, § 2, cl. 1. being the assurance of equality for all citizens within any State. Appellant has been stripped of his properties, his liberties, his personal status, by the devious tactic of refusing to recognize the adjudication of these rights 22 years earlier, and property rights acquired as a

divorced person during 22 years of divorced status, on the sham holding that California judges will not recognize the exercise of jurisdiction by other courts, and residents of such other courts, when exercised on the universal residence basis. It is time to bring the California courts into the twentieth century.

2. Declaratory Judgment Statutes. To declare federal question rights violated by state judges after exercising constitutional right to unabridged interstate travel.

3. Civil Rights Act, Bivens Act, Constitutional Causes of Action. Providing for mandatory federal jurisdiction and relief when state judges, acting under color of state law, cause great and irreparable harm, acting without jurisdiction, violating state laws, violating federal laws and constitutional rights.

4. RICO Act. Defendants in underlying action engaged in criminal conspiracy arising from attempt to silence appellant's exposure of the air disaster and superimposed Justice Department and judicial cover-up.

5. Federal Rules of Court. Rights and privileges to file federal actions, to recognize allegations as true to avoid dismissal, protection against sua sponte dismissal, and others, were violated.

E. The Injunctive Order Reversed the Requirement That the Beneficiary Be Suffering Irreparable Harm

An injunctive order requires that a party requesting the order be suffering irreparable harm, and that there be no financial remedy for the harm. Just as he perverted and inverted the legal definition of frivolous, Judge Schwartz reversed this requirement, by barring the person suffering the irreparable harm from seeking relief, and rewarding those committing the harm. The legal minds in control of the Justice Department, purveyors of deceit and death, misstates this requirement. [p.7]

MORE REVERSALS OF CLEAR LAW

The Justice group argues [p.7] that " The usual prerequisite for the entry of a preliminary injunction is irreparable harm to the applicant." That is true. Judge Schwartz rendered the injunctive order not to protect the party suffering the great and irreparable harm, but instead, to deprive the

party suffering the harm from defending himself, and encouraging those committing the repeated violations causing the harm to continue their vicious attacks!

II. **APPELLANT'S JUSTICE DEPARTMENT ADVERSARY MISSTATES THE LAW AND THE FACTS**

REFUSING TO ADDRESS KEY ISSUES, BY DECEPTION

Refusing to address the multiple key issues raised in appellant's defenses, fraudulently stating they were never raised, the Justice group argues [p.1] "that many of these issues deal with matters that are totally irrelevant to the appeal, are based on allegations that were never raised or addressed in the trial court, are not supported by the record, and should, as the district court observed, be disregarded by this court." That statement is incorrect.

Appellant raised the issues in his 59 page brief (with declarations) entitled: MOTION FOR RECONSIDERATION OR NEW TRIAL, filed on October 27, 1987, [CT document 16].

The clerk's transcript shows the following notations reflecting the filing of that motion for reconsideration:

10-27 16 Deft Stich's mot for reconsideration or new trial (filed by deft in pro per -- crt to do a min ord indicating this was filed improperly.

11-3 19 Order: pltfs mot/reconsideration will not be considered as it was not filed by cnsl of record.

11-4 JUDGMENT: defts mot/new trial DENIED; deft to serve 6 mos as to cts. 1 & 2 concur; deft to surr 1-15-8; \$50 SA; ct. 3 dism deft advised that he has 10 days to appeal.

The part-time magistrate had no authority to refuse to receive that brief. Appellant had no legal counsel. Former legal counsel, Joel Pegg, refused to file the motion, and refused to file a substitution of attorney. Appellant sought to circumvent this obstruction by filing his own brief. Under these conditions, refusal to recognize the judgment deprived appellant of due process.

Another description of the issues is found in appellant's December 14, 1989 MOTION TO CORRECT ILLEGAL SENTENCE FOR FILING AIR SAFETY ACTION. This 60-page document, and 32 pages of declarations, constituted part of the record. The cover sheet is attached as Exhibit "B."

APPELLANT'S REPLY BRIEF

The Justice group argues that rights and privileges under the laws and Constitution of the United States can be suspended by a federal judge by the simple rendering of an injunctive order, seeking authority for it by unconstitutional and corrupt reversal of the frivolous doctrine, dismissal of federal causes of action, reversal of the requirement for irreparable harm (granting the injunction to those committing the harm rather to the party suffering the harm), and obstruction to the reporting of criminal acts related to a series of fatal air tragedies. Appellant argues that the Justice group is also reversing its responsibilities under law, by protecting, aiding and abetting, the violations of these rights, rather than protecting them.

As part of the scheme by the Justice group, they fraudulent argue, and cite for support, the injunctive order rendered in Wood v. Santa Barbara Chamber of Commerce, Inc., [p.9]. Wood did not suspend due process. It provides no support for the injunctive order or the Justice Department's position. The issues in the Wood case were relatively minor. Woods was a photographer who brought an action against publishers and others alleging copyright infringement, and multiple actions arising from the same single event. Obviously, there is no relationship to a single past event. There did not exist ongoing, repeated, violations of serious civil and constitutional rights. There did not exist ongoing terminal destruction of human rights, loss of protected liberty and property interests, as appellant was suffering. There did not exist the ongoing deaths of innocent victims in fraud-related air tragedies, as was alleged in appellant's complaint.

Totally distinguished from these two cases, appellant's complaints were filed under the protection of civil right violation authority; stated facts clearly showing repeated violations by a state court judge of clear and important state laws, knowingly and repeatedly acting without personal jurisdiction, acting without subject matter jurisdiction, acting in bad faith, violating federal statutory and decisional law and federal question rights, and violating fundamental constitutional rights, knowingly inflicting severe, great and irreparable, harm upon plaintiff.

The *Wood* court stated the narrowness of its injunctive order:

To understand the narrowness of our present decision, it is important to understand the scope and nature of Wood's litigiousness." The court then made reference to an "employment dispute"

The *Wood* court sought support for its limited order in *Kerotest Manufacturing Co. v. C-O-Two Fire Equipment Co.*, 343 U.S. 180 (1952), which was an employee dispute. Neither *Wood* nor *Kerotest* raised the serious civil and constitutional issues, the ongoing great and irreparable harm, the harm to the national issues and the deaths of innocent persons, or the unconscionable destruction of protected rights that appellant suffered.

ARGUING IN SUPPORT OF PERVERSION OF THE LAW

The Justice Department argues [p.9] that irregardless of the illegality, unconstitutionality, of a judicial order, and by implications, irregardless of the horror and deaths suffered by citizens victimized by the air disaster and government misconduct, and irregardless of the total judicial gridlock preventing an exposure of this scandal, no citizen has the right to prevent these deaths by exercising judicial remedies when those in control of the judicial process, have rendered orders barring exposure.

This mentality is further shown by the clear fact that appellant has been sentenced to prison for refusing to continue the cover-up. Since 1965, when appellant made formal complaints as a government air safety investigator, to the Justice Department, the legal staff at the Justice Department has engaged in a cover-up, with heavy loss of life to American citizens, and citizens of foreign countries who suffered the same fate. The Paris DC-10 cargo door scandal is a classic example of how citizens of foreign countries have their lives sacrificed to protect the air safety misconduct, made possible by the obstruction of justice by the Justice Department legal staff.

ARGUING IN SUPPORT OF SUBVERSIVE UNDERMINING OF THE LAW

The Justice groups' arguments seek to uphold lawlessness, continuing its criminal cover-up since 1965 of the crash-causing air safety felonies. Orders that are void, illegal, unconstitutional, outside the authority and jurisdiction of the federal judge, such as Judge Schwartz's injunctive order, are void. An order that exceeds the jurisdiction of the court, is void, or voidable, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (See *Rose v. Himely* (1808) 4 *Cranch* 241, 2 L ed 608; *Pennoyer v. Neff* (1877) 95 US 714, 24 L ed 565; *Thompson v.*

Whitman (1873) 18 Wall 457, 21 1 ED 897; *Windsor v. McVeigh* (1876) 93 US 274, 23 L ed 914;
McDonald v. Mabee (1917) 243 US 90, 37 Sct 343, 61 L ed 608;

In *Jordon v. Gilligan*, 500 F.2d 701, 707 (6th Cir. 1974), the court held:

"a void judgment is no judgment at all and is without legal effect. *Lubben v. Selective Service System Local Bd. No. 27*, 453 F.2d 645 (1st Cir. 1972). A party cannot be precluded from raising the issue of voidness in a direct or collateral attack because of the failure to object prior to, or at the time of, entry of the judgment. ... a court must vacate any judgment entered in excess of its jurisdiction.

A void judgment is not entitled to the respect accorded a valid adjudication, but may be entirely disregarded, or declared inoperative by any tribunal in which effect is sought to be given to it. It is attended by none of the consequences of a valid adjudication. It has no legal or binding force or efficacy for any purpose or at any place. ... It is not entitled to enforcement ... All proceedings founded on the void judgment are themselves regarded as invalid. 30A Am Jur Judgments §§ 44, 45.

Other cases addressing void judgments include *Jordan v. Gilligan* (CA6th, 1974) 500 F2d 701, 18 FR Serv2d 1280, cert denied 421 US 991, 95 S Ct 1996, 44 L ed2d 481; *Wyman v. Newhouse* (CAA2d, 1937) 93 F2d 313, 115 ALR 460, cert denied (1938) 303 US 664, 58 S Ct 831, 82 L ed 1122; *Bass v. Hoagland* (CA5th, 1949) 172 F2d 205 (1949) 338 US 816; *Graciette v. Star Guidance, Inc.* (SD NY 1975) 66 FRD 424, 19 FR Serv2d 1429, citing Treatise. A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include *Kalb v. Feuerstein* (1940) 308 US 433, 60 S Ct 343, 84 L ed 370.

In *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982) the Court addressed the absence of effect of illegal orders and their liability, holding that "government officials ... [are liable for civil damages if for damages if] ... their conduct violate[s] established statutory or constitutional rights of which a reasonable person would have known."

In *Rankin v. Howard*, 633 F.2d 844, 849 (9th Cir. 1980) the Ninth Circuit held:

... when a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes or case law expressly depriving him of jurisdiction, judicial immunity is lost. *Bradley v. Fisher*, 80 U.S. (13 Wall.) at 351. ("when the want of jurisdiction is known to the judge, no excuse is permissible"); *Turner v. Raynes*, 611 F.2d 92, 95 (5th Cir. 1980) (*Stump* is consistent with the view that "a clearly inordinate exercise of unconferrred jurisdiction by a judge--one so crass as to establish that he embarked on it either knowingly or recklessly--subjects him to personal liability").

The Ninth Circuit addressed the invalidity of orders rendered that exceeded the authority of a judge in *U.S. v. Holtzman*, 762 F.2d 720 (9th Cir. 1985):

Portion of judgment directing defendant not to import vehicles without first obtaining approval ... was not appropriately limited in duration and, thus, district court abused its discretion by not vacating it as being prospectively inequitable." *Id* at 722.

CALIFORNIA LAW RELATING TO ORDERS ILLEGALLY RENDERED

California law, as well as rights and protections under federal and Constitutional law, holds that an order rendered in violation of law, or without jurisdiction, is a nullity. *Forbes v. Hyde* 31 C. 343; *People v. Greene*, 74 C.400; *In re Estate of Pusey*, 180 C.368, 181 P 648; *Lang v. Lang*, 182 C. 764, 190 P 181; *Carter v. Carter*, 148 CA2d 845, 307 P2d 630; *Sato v. Hall* 191 C. 510, 217 P 520; a void judgment is not rendered valid by a mere affirmance on appeal. *Pioneer Land Co. v. Maddux*, 109 C.633, 42 P 295; Where the record shows that a judgment was rendered without personal or subject matter jurisdiction it is void and subject to collateral attack. *Armstrong v. Armstrong*, 15 C.3d 942, 126 Cal.Rptr 805, 544 P2d 941; If a court grants relief it has no authority to grant under any circumstances, its judgment to that extent is void. *People v. Good*, 223 CA2d 298, 35 Cal.Rptr 825; A personal judgment in an action in which no jurisdiction over the person has been acquired is void and ineffective. *Brown v. Campbell*, 100 C.635, 35 P 433; *1st Natl. Bank v. Eastman*, 144 C. 487, 77 P. 1043.

ANARCHY, BUT BY WHOM!

Enlarging on this deceit, the DOJ attorney argues in its brief:

If everyone was free to disobey lawful court orders until the orders were ratified by some other tribunal, the result would be anarchy and disorder ... [T]he purpose of criminal contempt is to vindicate the court's authority in the face of such contumacious acts.

The arguments stated in appellant's briefs indicate anarchy by the legal staff of the Justice Department, reflecting the position of the U.S. Attorney General, and federal judges. The anarchy deliberately sacrificed the lives of innocent persons. If laid end to end, these unfortunates, who were no match for the legal talent in this great conspiracy, would measure miles of misery. There would be hard to find, a more graphic example of anarchy than the conduct stated herein, and the scene of

miles of end to end sacrificed victims.

To protect their own criminal cover-up since 1965, and the scheme perpetrated first through the California courts and then the federal courts, ending with the sham injunctive order and then the criminal contempt charge for seeking relief, is hardly lawful conduct, or the intent under law of contempt proceedings. A more fitting description of the action by the Justice group and the cooperating federal judges is the anarchy phrase reversed by in the Justice groups' arguments.

The Justice group argues that the "validity of the order is irrelevant." [P. 8] In plain language: orders rendered by a corrupt judge, violating clear and settled law and fundamental constitutional rights, making possible the continued deaths of fraud related victims, and the destruction of appellant, is without remedies under their interpretation of the laws and Constitution of the United States.

WAITING FOR APPEAL REMEDIES THAT WILL NEVER COME

The Justice group argues that appellant could have waited before filing the two actions. They ignore the fact that (a) the lives that were lost by air safety felonies--and the cover-up of such felonies by the Justice group, cannot be brought back to life; (b) the irreversible losses experienced by appellant cannot be returned; (c) the statute of limitations cannot be waived by Judge Schwartz; (d) the justices of the Ninth Circuit have repeatedly protected the violations and the violators, and are themselves a party to the deaths of countless victims following their cover-up of the 1974 and 1980 actions against the FAA and NTSB.

IN SUPPORT OF SUSPENSION OF LAW AND CONSTITUTION

The Justice Department argues [p.2] that the injunctive order barred appellant from filing "any more lawsuits," or seeking relief from the ongoing and worsening civil right violations that were killing off innocent persons and destroying appellant. The injunctive order sought support by the placement of a frivolous label by Judge Schwartz upon the complaint seeking relief from the multiple federal causes of action. The Injunctive order barred appellant

"from filing any action or actions in any United States District Court, or in any state court, until his current state court action ... becomes final and he has exhausted all his state court appellate remedies against defendants ... after the judgment in that state action has become final and all [state]

APPELLANT'S REPLY BRIEF

appellate processes have been exhausted, this bar to further actions shall still apply to any and all claims precluded by the doctrines of res judicata and/or collateral estoppel."

This order prevented appellant from addressing the continuing new causes of action caused by the increasing frequency and severity of additional violations of federally protected rights. This order violates the responsibilities of federal judges to provide relief from state judge violation of federal question rights. The order disregards the four years of continuous violations of multiple federal question rights by the state judges, and the total absence of relief. This order strips appellant of access to federal courts, on federal claims, including the federal question rights that would occur in the final decisions of the corrupt state judges.

The injunctive order suspended the rights and protections under the constitution, under Title 42 U.S.C. §§ 1983, 1985, 1986; Title 28 U.S.C. §§ 2201 and 2202; actions under Title 28 U.S.C. § 1343, under a *Bivens* action; under 42 U.S.C. §§ 1961 and 1962; and under whistleblower case law and statutes, relating to government misconduct in a continuing air disaster scandal.

The injunctive orders effectively suspends the rights and protections of legislated statutes, Supreme Court decisions, the Constitution, and in its place substitutes the corrupt acts of a corrupt judge, trampling the rights--and the lives--of innocent American citizens, as well as making possible the deaths of foreign citizens who are unaware of the rampant corruption within the government of the United States.

Continuing the same trite, the Department of Justice lawyers argued [p.6]

Stich could easily have complied with the order until the appeal was concluded without sacrificing any of his rights. If his appeal had been successful, the district court's injunction would have been vacated and Stich could have filed these same lawsuits with no detriment to himself.

Without sacrificing any rights? One lawsuit for which Stich is charged with a crime addressed the air disaster felonies that were continuing to cause or allow air disasters of the most brutal nature. The Justice Department, whose criminal cover-up since 1965 made possible some of the world's most brutal air tragedies, argues that appellant should continue to remain silent, allow little children and

others to suffer the horrors and deaths associated with air tragedies, none of whom were any match for the conspiracy within the legal fraternity, including the bright boys corrupting the Justice Department and the federal judiciary. Those same bright lads in the Justice Department, and Judge Schwartz, willingly sacrificed the lives that were lost, obstructing appellant's exposure and attempted correction of what has now become the free-world's worst, ongoing air disaster scandal.

The Justice Department argues that appellant could have sought a stay of the order or an expedited appeal. First, the Ninth Circuit justices have covered up for the misconduct since the 1974 appeal of the dismissal of the action against the FAA. The Ninth Circuit justices have approved every major violation of civil and constitutional rights committed by the conspirators in the attacks upon appellant in the California courts. The Ninth Circuit justices have violated every due process right to which appellant was entitled. The Ninth Circuit justices are so deeply intertwined in the scandal that they must continue the cover-up and violation of massive numbers of civil and constitutional protections.

COVERING UP FOR THE JURY STIPULATION

The U.S. Attorney covers up [p.14] for the typed document in his possession during the sentencing hearing before magistrate Moulds. Appellant saw the document, saw the typed-in printing clearly showing what is shown in less defined terms on the written order, that waiver of the trial before the U.S. District Court was based upon a jury trial. The U.S. attorney lies and says this does not exist. Appellant saw the document. He requested of judge Ramirez that it be ordered produced, and this was denied. Appellant is prejudiced by this lying, and this sequestering of the document. However, the written stipulation provides for the jury trial, that is not waived, or affected, by any other condition.

COVERING UP FOR THE REFUSAL TO RENDER FINDINGS ON CONTROVERTED ISSUES

Judge Ramirez refused to render timely requested findings on the many issues raised by appellant. Part-time magistrate Moulds refused to render findings on appellant's motion for reconsideration. It was obvious to them, that the appeal would raise these issues, and that the appeal

court, if it had any intention to reach the issues, could not do so, without findings of fact and law.

III. APPELLANT IS WITHOUT LEGAL COUNSEL, WITHOUT THE TRANSCRIPT, AND WITHOUT THE RECORD AT HIS DISPOSAL

Appellant is without legal counsel. This has come about by a pattern of corruption: (a) Misusing the federal courts and the federal trustee (under the Justice group's control), to corruptly seize appellant's assets, denying him funds for legal counsel; (b) influencing every counsel appellant paid, which resulted in outrageous sabotage, protected by the courts; (c) assigning legal counsel, under the control of the Justice group, that openly protected the Justice Department and federal judiciary; (d) refusing to appoint legal counsel that will represent appellant, and refusing to receive briefs filed by appellant in pro se.

SUMMARY

The Ninth Circuit courts have been a part of the cover-up since the 1974 dismissal of the action against the FAA. The cover-up that this improper dismissal represented, made possible some of the nation's worst air tragedies. The Ninth Circuit has protected the massive numbers of gross and crass civil and constitutional and RICO violations arising in the sham California action that was part of a scheme to silence appellant. The Ninth Circuit has protected the gross violations of rights and protections by the federal judges. They have made possible the nation's worst judicial scandal, that if exposed, would require impeachment of a large percentage of judges and justices in the Ninth Circuit.

It is to the benefit of the Ninth Circuit justices to have appellant languish in prison, possible die, and while there, finish off the other constitutional outrages including the corrupt seizure of his multi-million dollar assets by the coalition of the Justice Department legal staff and the legal staffs in the federal judiciary.

Knowledge of this great scandal is already well distributed. The news blackout, the criminal cover-up by members of the U.S. Senate and House, may someday be broken. The terrible tragedy to the citizens of the United States (and even of other countries), and the hard-core harm to our form of government, may yet be corrected.

This court is advised, by appellant, considered one of this nation's most qualified air safety experts, that further cover-up, further support of the Justice Department misconduct and that of the trial judges, will positively make possible more air tragedies that could be prevented if this court exercised the responsibilities for which it is paid, and entrusted. Refusal to do so, knowingly sacrifices the lives that were lost when this same Ninth Circuit commenced the cover-up after the dismissal of the 1974 FAA cause of action, and the dozen or more appeals and petitions that the Ninth Circuit received since then.

Appellant requests a statement of decision to the controverted issues, and publication of this decision.

Additionally, appellant requests a stay pending certiorari to the U.S. Supreme Court, so that they too can be a part of this scheme.

Dated: May 26, 1989.

Rodney F. Stich
Appellant in pro se