

No. 03-6244

UNITED STATES COURT OF APPEALS

For the Southern District of New York

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RODNEY F. STICH, Plaintiff—Appellant

v.

UNITED STATES GOVERNMENT, Defendant--Appellee

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APPELLANT'S REPLY BRIEF

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Rodney Stich  
POB 5  
Alamo, CA 94507  
Tel: 925-944-1930

Appellant submits this Reply Brief in response to the Appellee brief filed by the U.S. Attorney. The major federal offenses stated in Appellant’s Complaint, and highlighted in this Reply Brief, have caused to be inflicted great and irreparably personal and financial harm upon Appellant—and catastrophic consequences upon the United States.

The effect—and the purpose—of these violations were to halt Appellant’s attempts to report and expose criminal and subversive activities that he *initially* discovered while he was a key aviation safety agent. Later, as he discovered criminal activities in other government areas, the violations of federally-protected rights escalated. These corrupt and criminal activities—and the cover-up of them—have inflicted great harm upon national security and other national interests.

Throughout this period while Appellant attempted to report these federal crimes—starting while Appellant held a key position within the government’s aviation safety offices, Justice Department lawyers repeatedly blocked the reports, making possible the occurrence of catastrophic consequences.

### **Combining Violations of Federally Protected Rights with Obstruction of Justice**

All of the issues raised in this appeal relate to the various attempts by known and unknown people to halt Appellant’s exposure and reporting of criminal activities<sup>1</sup> that Appellant and his group of other government agents discovered. The gross numbers of violations of federally protected rights arising from these parallel obstruction of justice tactics invoked numerous federal defenses, each of which had a defense in law.

Federal judges reacted to Appellant’s exposure activities by repeatedly blocking the reports being made under the federal crime reporting statute (18 U.S.C. § 4), while simultaneously blocking Appellant from exercising the legal and constitutional defenses.

The sham judicial tactics used to “justify” depriving Appellant of legal defenses included, among others, reversing the legal definitions of frivolous, vexatious litigant, failure to state a claim.

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<sup>1</sup> Criminal activities included those perpetrated by people in the government’s aviation safety offices, drug smuggling by and with the knowledge of people in government offices and government operations, massive corruption in the federal courts and especially the bankruptcy courts, and other offenses detailed in Appellant’s filings and in his informational books, *Unfriendly Skies*, *Drugging America*, *Defrauding America*.

## **Appellee Brief, filed by U.S. Attorney. Continues the Obstruction of Justice, the Conspiracy to Obstruct Justice, and the Related Due Process Violations**

The Appellee brief, filed by the U.S. attorney, contained page after page of an almost word-for-word misstatement of facts and law, half-truths, and outright lies, found in the sua sponte dismissal order. For instance:

- Deceptively stated, as it referred to Appellant’s attempts to report criminal activities, that Appellant was seeking relief against the government (pg 24).
  - Appellant clearly sought to report federal crimes to a federal court under the mandatory requirements of the federal crime reporting statute. Appellant never associated his attempts to report crimes against the United States with request for personal relief.
- Deceptively stated that title 18 U.S.C. § 4 “does not provide citizens with a private cause of action against the government.” (pg 25).
  - Appellant never considered the reporting of criminal activities as a cause of action against government. He merely sought to meet his duty as a citizen under the federal crime reporting statute. Further, to exercise his right as a citizen to report criminal activities of government personnel, as provided by 28 U.S.C. § 1361.
- Deceptively stated: “It is also well established that “there is ... no constitutional right to an investigation by government officials.” (pg 26)
  - Appellant never couched his attempts to report federal crimes under 18 U.S.C. § 4 as a constitutional right to an investigation by government officials, or to force an investigation. However, the closely associated catastrophic consequences on national security and other major national issues would have made cover-ups more difficult. In addition, federal judges had an obligation after receiving information of federal crimes to provide such information to federal officials who are not themselves already implicated in the offenses.

### **Direct and Indirect Tactics Involved in Blocking Crime Reports**

The tactics perpetrated to block Appellant from reporting the criminal and subversive

activities, which were being reported under the Title 18 U.S.C. § 4,<sup>2</sup> were direct and indirect.

The direct tactic to block Appellant and his group of other former government agents from reporting criminal activities were the repeated acts by federal judges blocking Appellant from reporting these federal offenses to a federal court, which Appellant sought to do under 18 U.S.C. § 4.

Federal judges and Justice Department prosecutors charged Appellant with criminal contempt of court for attempting to report criminal activities, and for exercising federal defenses against the violations of federally protected rights that were parallel efforts to block his exposure activities.<sup>3</sup>

To reveal the ugliness of the misconduct leading up to 9/11, (a) first recognize that the hijackings of four airliners were events for which people in the government's aviation safety offices had the responsibility to prevent; (b) that this was the area of corruption that Appellant first exposed; (c) and then examine the tactics used to prevent this information from being reported. The two primary areas of blame for the deaths of 3,000 would then be shown.

### **Extension of Prior Obstruction of Justice and Due Process Violations by Judge Mukasey**

Judge Mukasey's sua sponte dismissal duplicated prior deceptive, unlawful, and unconstitutional tactics. The most direct block was his refusal to perform his administrative duty to receive the reports, as clearly required by the clear wording of 18 U.S.C. § 4, using false arguments that were then repeated in the Appellee brief.

Another tactic was to hold that Appellant lacked standing (to report federal crimes) (CT 1:2-3)

*“Appellant's claim pursuant to 18 U.S.C. § 4 must be dismissed because he does not have standing to maintain such an action.”*

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2 Title 18 U.S.C. § 4. Misprision of felony. Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

3 The first instance of this retaliation occurred in the U.S. district court at Sacramento, California, and involved Judge Milton Schwartz and U.S. Attorney David Levi (who is now a federal judge in the same district). Other examples occurred in Oakland and San Francisco, involving Judges Marilyn Patel, and Edward Jellen, among others.

*Anyone* who knows of a federal crime has “standing” under the federal crime reporting statute to *report* federal crimes. And if any person fails to exercise that “standing,” he or she is guilty of misprision of felony, an offense for which federal judges have sentenced thousands of people over the years to federal prison.

Once Appellant has made these reports his obligation has ended, and must rely upon the level of honesty in government offices for other offices to proceed further. Further, any citizen has a right to report corruption in government offices. (28 U.S.C. § 1361).

As Plaintiff discovered other areas of criminal activities implicating other government personnel, some of which he discovered from other government agents<sup>4</sup> who contacted Appellant seeking to expose corruption, Appellant sought to report them under the federal crime reporting statute. Again, federal judges blocked every attempt to report these crimes.

In addition to blocking the reports of federal crimes, starting in 1986, federal judges issued the first in a long series of unlawful and unconstitutional orders permanently barring Appellant access to the federal courts. These orders not only violated the federal crime reporting statute by blocking reports of crimes against the United States, but also violated major due process and equal protection rights guaranteed by the laws and constitution of the United States.

**Same Deception Used by U.S. Attorney for Massive Civil Violations  
That were Parallel Tactics to Halt Exposure and Reporting Activities**

The Appellee brief used similar deception to cover up for the massive due process violations and violations of federal defenses against the record numbers of violations of federally protected rights:

- Continued the judicial tactic of mislabeled major federal causes of actions stated in Appellant’s complaints as frivolous.
  - Frivolous to report criminal activities, and frivolous for exercising specific federal remedies against massive violations of federally protected rights that converted

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4 Other agents who provided Appellant with information and evidence of criminal activities in government included agents of the CIA, FBI, DEA, Customs, Secret Service, government informants, former drug smugglers, mafia figures, and others.

Appellant from multi-millionaire to a state of poverty through repeated violations of large numbers of state and federal laws and constitutional protections.

- The gravity of Appellant’s charges was admitted by federal judges during district and appellate court hearings in two of Appellant’s first attempts to report the deep-seated corruption in the government’s aviation safety offices.<sup>5</sup>
- Losing \$10 million in assets through sham lawsuits that were barred by dozens of state and federal laws, and having assets seized without the constitutional right to a hearing, notice of hearing, and legally recognized cause (and then followed by orders barring filing objections).
  - Approved the unlawful and unconstitutional orders that terminated all legal and constitutional rights and defenses—which was one of multiple tactics to block Appellant’s reports of criminal activities.<sup>6</sup>
- Approved the sua sponte dismissal by Judge Mukasey that violated numerous due process rights, in addition to blatant obstruction of justice by blocking reports of criminal activities in government offices—which included federal judges and Justice Department lawyers.
- Mislabeled Appellant’s statements of facts in the complaint as conclusionary allegations.
- Deceptively referred to appellant’s reporting of facts as allegations of conspiracies.
- Deceptively stated that every issue had been previously adjudicated.
  - Never once were any issues allowed to be adjudicated. Examples: Appellant’s rights to a declaratory judgment under 28 U.S.C. §§ 2201, 2002, and FRCivP 57 is still pending to

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<sup>5</sup> *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 Stich seeking to expose and correct the powerful and covert air disaster misconduct.

<sup>6</sup> The requirement for Appellant to obtain off-the-record approval for federal court access violated due process and equal protection rights. Further, the mislabeling of major federal causes of actions as frivolous insured that Appellant would never get access to the courts. (Even when he did get access, every procedural and substantive due process was violated, while continuing to block the reporting of criminal activities.)

declare the validity of Appellant’s legal rights and obligations stated in five judgments, that were violated by California and federal judges working in unison with a CIA-front law firm. Nor was the issue of the unlawful and unconstitutional orders addressed that permanently terminated Appellant’s due process and equal protection to the courts—and which was one of the parallel tactics used to block Appellant’s reports under 18 U.S.C. § 4. Nor were the unlawful and unconstitutional orders seizing Appellant’s assets. Federal remedies that exist to this day are the void-judgment doctrine and several federal statutes as stated in Appellant’s brief.

***Indirect Parallel Tactics Consisting of Massive Civil and Constitutional Violations***

Indirect parallel tactics to block Appellant’s exposure and reporting efforts openly violated federally protected rights for which federal defenses exist in the laws and Constitution of the United States.<sup>7</sup> Similar judicial chicanery used to block reporting of federal crimes were used to block defenses in the laws and Constitution of the United States.

A CIA-front law firm filed a sham lawsuit against Appellant, targeting the \$10 million in assets that funded Appellant’s exposure activities. That lawsuit required ignoring five judgments that had adjudicated years earlier Appellant’s personal and property rights, and violated dozens of state and federal laws and constitutional protections.

Federal judges blocked every procedural and substantive protection under the laws and constitution of the United States. To cover up for their repeated violations, federal judges used such chicanery as reversing the legal definitions of frivolous filings, and vexatious litigant, protected the defendants from discovery processes such as admissions, and ordered Appellant to pay financial sanctions for exercising federal defenses. In this way, federal judges entrusted to protect the laws and constitution of the United States were subverting them—while simultaneously subverting national security and other national interests through blocking the reports of criminal and subversive activities.

These tactics have been continued by Judge Mukasey and the U.S. Attorney, despite knowing

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<sup>7</sup> Defenses denied to Appellant included the Civil Rights Act, *Bivens*, Declaratory Judgment Act, RICO, void judgment doctrine, constitutional due process and equal protection rights, among others.

of the catastrophic blowback consequences as the underlying criminal activities continue.

**Procedural Due process Violations that were Symbiotic with Obstruction of Justice**

Numerous procedural due process violations were perpetrated that were symbiotic with blocking reports of criminal activities. These procedural due process violations included:

- Violated the bar against sua sponte dismissal. *Wolff v. McDonnell* (1974) 418 U.S. 539. “The Court has consistently held that some kind of hearing is required before a person is finally deprived of his property interests.” No notice was given to Appellant in the lower court prior to dismissing the Complaint. Further, Judge Mukasey blocked the filing of that lawsuit for 13 months—while preparing his five-page sua sponte dismissal order addressing issues in the Complaint that were not even a matter of record until the Complaint was filed.
- Violated the bar to dismissal on the basis that any one of the federal cause of actions stated in the Complaint barred dismissal. The facts in Appellant’s complaint stated multiple federal causes of actions under (a) the federal crime reporting statute which the judge must receive; (b) the Civil Rights Act; (c) *Bivens*; (d) RICO; (e) FTCA; (f) Declaratory Judgment Act; (g) void judgment doctrine; (h) and the U.S. Constitution.
- Violated bar to dismissal under Federal Rule of Civil Procedure 12 for failure to state a claim upon which relief can be granted when factual allegations of the complaint state a claim and that the allegations must be taken as true at that stage of the proceedings. *Dennis v. Sparks* 449 U.S. 24 (1980)(“a section 1983 complaint should not be dismissed unless it appears that the Appellant can prove no set of facts which would entitle him to relief ... For the purposes of testing sufficiency of the complaint, the allegations of the complaint must be accepted as true.”
- Violated right to discovery, which is especially required by Federal Rules of Civil Procedure rules 12, 26, 36, 37, 38, 56, and 57.
- Violated right to jury trial on factual matters, including determination of conspiracy to obstruct justice and violate civil rights. FRCivP 38<sup>8</sup> and 57.<sup>9</sup> Appellant’s Complaint

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<sup>8</sup> FRCivP 38. Jury Trial of Right. (a) Right Preserved. The right of trial by jury as declared by the Seventh Amendment to the Constitution or as given by a statute of the United States shall be preserved to the parties inviolate.

demanded a jury trial, as provided by law. (CT 1:pg 1)

- Violated due process by making false conclusionary statements in dismissal order. The dismissal order falsely stated that every issue raised in Appellant’s Complaint had been previously adjudicated and found without merit. (CT:3:13-15):

*The Court notes that Appellant has brought numerous actions in the United States District Court for the Northern District of California and other Federal Courts containing similar allegations. All the actions were deemed to be without merit and all actions were summarily dismissed. After finding that Appellant “has overwhelmingly demonstrated that he is a vexatious litigant,” the United States District Court for the Northern District of California enjoined him “from filing any civil actions in federal court without leave of court. ... all the actions were deemed to be without merit.”*

Every attempt by Appellant to report the criminal activities had been blocked by federal judges and Justice Department lawyers. Every attempt to adjudicate the violations of federally protected rights for which federal defenses existed was blocked. These facts are clearly shown in numerous judicial records.

- Violated due process by reversing the legal definition of frivolous filing. The dismissal order reversed the legal definition of “frivolous.” It stated that Appellant’s Complaint (which attempted to report criminal activities and exercise federal defenses), was a frivolous filing. A frivolous filing is one totally devoid of any legal point, a statement that could never be made in *any* of Appellant’s filings. “An appeal [or complaint] is not frivolous if any of the legal points [are] arguable on their merits.” *Anders v. California* (1967) 386 U.S. 738.
- Violated due process by reversing the legal definition of vexatious litigant. The dismissal order stated of Appellant’s Complaint:

“[P]laintiff has overwhelmingly demonstrated that he is a vexatious litigant, ... Section 1915 ... authorizes courts to dismiss a frivolous or malicious action ...” (CT 2: pgs 3,4)

This claim expanded on the frivolous claim, stating Appellant was a vexatious litigant (for attempting to report the criminal activities and catastrophic consequences and exercising federal remedies against massive violations of federally protected rights), and was guilty of filing numerous lawsuits that have no arguable merit in law.

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9 The right to a jury trial is further stated in FRCivP Rule 57 as it relates to Appellant’s claim under the Declaratory Judgment Act

- Violated due process by mislabeling facts in Appellant’s Complaint as lacking “meritorious issue.” (CT 2:4) The facts stated in Appellant’s Complaint stated multiple federal causes of actions relating to matters of grave national significance.

**Record-Setting Substantive Due Process Violations**

- Civil Rights Act. (42 U.S.C. § 1983-1986), for repeated violations of federally protected rights occurring under color of state law.
- Bivens,<sup>10</sup> for repeated violations of federally protected rights occurring under color of federal law.
- RICO (Title 42 U.S.C. §§ 1961-1965), for multiple predicate acts, in a conspiracy, inflicting great harm upon Appellant, and adversely affecting interstate and international commerce—including the events of September 11, 2001.
- Declaratory Judgment Act (28 U.S.C. § 2201, 2202, FRCivP 57), to declare Appellant’s legal rights and obligations stated in five judgments, which were violated as part of the initial scheme by a CIA-front law firm<sup>11</sup> to seize the assets that funded Appellant’s exposure activities.
- Supreme Court’s void judgment doctrine,<sup>12</sup> to address orders that seized Appellant’s assets without notice, without a hearing, and without cause; and to reinstate Appellant’s due process and equal protection rights to federal court access.
- Federal Tort Claims Act (42 U.S.C. §§ 2671-2274), arising from the tortuous acts of federal employees as they retaliated against Appellant as part of the multiple actions taken to halt his exposure activities. The dismissal order relating to the FTCA claim deceptively claimed the U.S. government was totally immune on the basis of sovereign immunity.

“Appellant’s claim against the United States Government must be dismissed because the doctrine of sovereign immunity bars from federal court all suits grounded in tort against the United States absent its express consent.”

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10 *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

11 Friedman, Sloan, and Ross, San Francisco, and their participating lawyers.

12 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. (*Rose v. Himely* (1808) 4 Cranch 241, 2 L ed 608; *Pennoyer v. Neff* (1877) 95 US 714, 24; A judgment may not be rendered in violation of constitutional protections. The validity of a judgment may be affected by a failure to give the constitutionally required due process notice. *Earle v. McVeigh*, 91 US 503.

That statement contradicts the clear wording of the statutes, and the endless numbers of case law showing that Appellant did state a claim under FTCA. The lower court's decision also stated that Appellant had not exhausted his administrative remedies under the FTCA claim by filing an administrative claim. (CT 1: pg 2) Appellant *did file* administrative claims, only to be blocked by federal judges from court access. The sua sponte dismissal prevented Appellant from contradicting that and other false statements.

### **Calling Attempts to Halt Deadly Corruption, Delusional**

Judge Mukasey placed a delusional label on Appellant's efforts to report criminal activities in government offices, which included the documented corruption that created the conditions enabling hijackers to seize four airliners on 9/11:

“Although pro se litigants must be afforded special solicitude, court may dismiss “claims describing fantastic or delusional scenario. ... Fed.R.Civ.P. 12(b)(6) authorizes a district court to dismiss sua sponte a fee-paid complaint that is fantastic or delusional. [T]he court may dismiss claims describing fantastic or delusional scenarios.

Delusional? The relatives of those who perished on September 11, 2001, or those who jumped to their deaths out of the WTC, may differ with Judge Mukasey's interpretation of delusional. Appellant's former position as a key federal aviation safety agent, his highly detailed books, his appearance as guest and expert on over 3,000 radio and television shows, and his group of other former government agents, constitutes a probability that his charges are correct.. Even federal district and appellate judges in the past had admitted the gravity of Appellant's charges, including U.S. district judge Milton Schwartz—until he suddenly was caused to reverse his position. In addition, considerable case law<sup>13</sup> requires that the factual allegations in a complaint must be taken as true in barring dismissal.

- Violated due process by placing a “failure to state a claim” on multiple federal claims and issues of major national importance. (CT 2:pg 5)
  - The “claims” stated in Appellant's Complaint included reporting federal crimes under 18 U.S.C. § 4, exercising specific federal remedies to defend against the documented

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13 See *Scheuer v. Rhodes*, 416 U.S. 232, 236; *Conley v. Gibson*, 355 U.S. 41, 45-46

violations of federally protected rights, which included causes of action under (a) the Civil Rights Act for repeated violations of state and federal laws and constitutional protections under color of state law, in California court proceedings; (b) under *Bivens*, for repeated violations of state and federal laws and constitutional protections under color of federal law, in federal court proceedings; (c) under FTCA for repeated torts perpetrated against Appellant by employees of the U.S. government as part of the multiple schemes to halt his exposure and reporting of criminal activities in government offices; (d) under RICO for a series of multiple predicate acts against Appellant that inflicted great harm upon him and upon interstate commerce; (e) Supreme Court’s void judgment doctrine, related to the seizure and liquidation of Appellant’s life assets, and related to the judicial orders permanently terminating Appellant’s civil and constitutional rights through denial of access to federal district and appellate courts; (f) Declaratory Judgment Act (28 U.S.C. §§ 2201, 2202, and FRCivP57), related to Appellant’s legal rights and obligations established in five judgments that were subsequently violated in California and federal courts; (g) under multiple provisions of the U.S. Constitution; and (h) due process rights under Title 28 U.S.C. § 1331, 28 U.S.C. § 1343.

- Approved the felony retaliation against Appellant for attempting to report federal crimes under the federal crime reporting statute. [CT 1:pg 3].

*“Appellant has also been convicted of criminal contempt for violating a 1986 Order by Hon. Milton L. Schwartz of the United States District Court for the Eastern District of California. Stich v. Friedman, Sloan and Ross, P.C., et al., No. 90 C 2396, 1990 WL 159397, 2 (N.D. Ill. 1990).”*

That criminal contempt of court charge and prosecution was based upon Appellant’s attempts to report additional criminal activities.

In *Chambers*, 207 U.S. at 148, the court upheld that the right to court access

“In an organized society it is the right conservative of all other rights, and lies at the foundation of orderly government. It is one of the highest and most essential privileges of citizenship...”

Ironically, Judge Milton Schwartz acknowledged in open court at the first hearing the gravity of Appellant’s charges, suggesting that he obtain legal counsel to assist in proceeding with his

action. But then—as had happened several times—a week later he suddenly issued a sua sponte order dismissing the Complaint.

Appellant was even charged with criminal contempt of court for filing objections to the fraudulent, unlawful, and unconstitutional seizure and liquidation of his life assets by Oakland federal judge Edward Jellen!

It is a felony to inflict harm upon a former federal agent or witness for attempting to report criminal activities or for having done so. (Title 18 U.S.C. §§ 111, 1512, 1513)<sup>14</sup>

**Threat if Appellant Continues to Exercise the Responsibility, and a Citizen's Right, to Report Criminal Activities of Government Personnel**

Judge Mukasey enlarged upon his obstruction of justice by threatening Appellant if he continues his efforts to report the criminal and subversive activities, or exercise federal defenses against the parallel tactics used to block his reports. (CT 2:pg 4 of dismissal order):

Appellant is strongly cautioned that his continued abuse of the Court's resources will result in monetary sanctions.

It is a felony to threaten a former federal agent or witness seeking to exercise constitutional due process. (18 U. S.C. § 241). The warning not to file any papers in federal courts also violated the equal protection rights stated in the Fourteenth Amendment, Section 1, which also applies in federal courts.

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14 Title 18 U.S.C. § 111. Assaulting, resisting, or impeding certain officers or employees. (a) In general.—Whoever—(1) forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 114 of this title [federal agent] while engaged in or on account of the performance of official duties; or (2) forcibly assaults or intimidates any person who formerly served as a person designated in section 114 on account of the performance of official duties during such person's term of service, shall, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases, be fined under this title or imprisoned not more than three years, or both.

Title 18 U.S.C. § 1512. Tampering with a witness, victim, or an informant—(b) Whoever knowingly uses intimidation or physical force, or threatens another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to — (1) influence, delay or prevent the testimony of any person in an official proceeding; shall be fined ... or imprisoned ... or both. [1988 amended reading]

Title 18 U.S.C. § 1513. Retaliating against a witness, victim, or an informant. (a) Whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another person, or threatens to do so, with intent to retaliate against any person for—(1) the attendance of a witness or party at an official proceeding, or any testimony given or any record, document, or other object produced by a witness in an official proceeding; or (2) any information relating to the commission or possible commission of a Federal offense ...

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

### SUMMARY

This court has a statutory responsibility to address each and every issue raised in Appellant's complaint de novo, with some semblance of integrity. And if it fails to do so—and repeats the long history of prior appellate cover-ups—it will join the long list of people complicit in such catastrophic events as September 11, 2001.

The U.S. attorney argued that Appellant had engaged in frivolous and vexatious litigation, using that misstatement to justify blocking the reports of criminal and subversive activities.

Frivolous and vexatious? All that Appellant sought was, in addition to reporting the criminal activities that he was required to do—and had a right to do—was to halt the horrendous personal and financial harm inflicted upon him through a scheme that required violating dozens of state and federal laws and constitutional protections.

Multiple defenses existed in federal law that federal judges had a responsibility to provide. Instead, they engaged in a combination of obstruction of justice and massive fraudulent violations that inflicted such grievous harm upon Appellant that he can never be adequately compensated for these outrages.

While perpetrating these crimes, federal judges were simultaneously subverting national security, and the most recent example of these corrupt activities were the 3,000 deaths arising from the hijackings of four airliners on September 11, 2001.

To now protect themselves against the consequences of their documented corrupt acts, they continue the lying by calling all of Appellant's desperate seeking of relief—and reporting of criminal activities—as frivolous acts of a vexatious litigant! How much more corrupt can be seen the culture in federal judges and Justice Department lawyers!

Through this pattern of corruption Appellant has been converted from a multi-millionaire to a state of poverty, started by a sham lawsuit filed by a CIA-front law firm and aided and abetted by federal judges. That lawsuit violated and was barred by dozens of state and federal laws and constitutional protections. It would have been instantly stopped in its track if it had not been

aided and abetted by federal judges who terminated for Appellant every federal defense, substantive and procedural, guaranteed by the laws and Constitution of the United States.

For exercising federal defenses to halt these gross violations of federally protected rights, federal judges—and the U.S. attorney—accused Appellant of being a vexatious litigant. The U.S. attorney even accused Appellant of these charges for repeatedly attempting to report a worsening pattern of criminal activities that today has resulted in catastrophic consequences for the United States. Could there be a worse danger to the United States than from this type of corruption in the federal courts and the Justice Department!

Ironically and tragically, after this U.S. attorney charged Martha Stewart with obstruction of justice and conspiracy to obstruct justice.

### **The Judicial Corruption and 9/11**

The ugly, illegal, unconstitutional, and criminal nature of the corruption that Appellant sought to report and the cover-up corruption that he encountered can be best recognized by examining the deadly catastrophic events of September 11, 2001,<sup>15</sup> in reverse. (A) The hijackings of four airliners were aviation disasters for which people in certain government offices had the authority and responsibility to order the known preventative measures; (B) deep-seated corruption of people holding this authority and responsibility prevented those and many other preventative measures from being taken, the evidence of which is in Appellant's possession on the basis of his prior key position in the FAA; (C) that a key federal aviation safety agent sought to report these deadly federal offenses; (D) that federal judges repeatedly and feloniously blocked the reporting of these offenses despite their responsibility to receive such reports and despite the fact that the deadly consequences of such misconduct were

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<sup>15</sup> The successful terrorist attacks upon four airliners on 9-11 were caused by the failures and corruption that Appellant and his group of other former government agents had discovered. The primary and direct conditions enabling four groups of hijackers to seize four airliners were the conditions that existed for years, which allowed hijackers to seize airliners, which were the responsibility of people in key positions within the federal aviation safety agents. Appellant was a key member of this group; he had recognized the simple preventative measures; he had made recommendations to prevent the ongoing hijackings; and was blocked and suffered retaliation for attempting to make those reports and many others that were associated with a continuing series of aviation disasters. Secondary and strictly subordinate blame was corrupt personnel and culture by people responsible for intelligence in government. In addition, the people in key government positions who repeatedly blocked, and even inflicted great personal and financial harm upon Appellant, to halt his exposure of the personnel perpetrating these federal offenses.

repeatedly occurring; and (E) that federal judges became key participants in the corrupt misuse of the courts to halt Appellant's exposure activities.

**Appellant is Highly Qualified to Make Such Charges**

Appellant, a former federal aviation safety agent, given the assignment to correct the conditions causing the worst series of airline crashes in the nation's history, and acting the role of an independent prosecutor to document the relationship, plus his experience as an international airline captain and Navy Patrol Plane Commander in World War II, is superbly qualified to make such determination. He had become a confidant to many former and present government agents who also sought to report corruption of government personnel. Appellant's books<sup>16</sup> describing this corruption are highly detailed. He had also been called to appear as an expert on over 3,000 radio and television shows since 1978.

If any *one* of the many people implicated in these crimes had complied with the law, and not acted to obstruct justice, it is very probable that attention could have been focused on the areas of corruption that enabled hijackers to seize four airliners on September 11, 2001.

Appellant is now 81 years of age, and in failing health, and obviously unable to continue to single-handedly fight the powerful and corrupt forces that have taken over within the federal judiciary and the Justice Department. He leaves a judicial record, in the event that some patriotic and courageous person or group ever shows up.

Dated: June 3, 2004.

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Rodney F. Stich

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<sup>16</sup> Appellant's books include multiple editions of *Unfriendly Skies*; *Defrauding America*; *Drugging America*; *Terrorism Against America*; and *Blowback, 9/11, Iraq, Lies and Cover-ups*.

## DECLARATION OF SERVICE

CASE: Rodney F. Stich vs. United States government, Court of Appeals Nr. 03--6244

I, Rodney Stich, declare as follows:

I am over the age of 18 years. My mailing address is P.O. Box 5, Alamo, CA 94507.

On June 4, 2004, I served the following:

Appellant Reply Brief

By placing a true copy in an enveloped addressed to the person named below, at the address set out immediately next to his name, and by sealing and depositing the envelope in the United States mail at Walnut Creek, California, with postage fully prepaid, on June 4, 2004:

United States Attorney, Southern District of New York  
86 Chambers St, 5<sup>th</sup> floor  
New York, NY 10007

Executed on June 4, 2004, at Walnut Creek, California.

I declare under penalty of perjury that the foregoing is true and correct.

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Declarant