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UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

JOSEPH KIRCHNER,
Plaintiff,

Case No. 1:25-cv-02735-ACR

vs.

**MEMORANDUM OF LAW B: THE
LOGICAL IMPOSSIBILITY OF
NATIONAL SECURITY
JUSTIFICATION FOR
SURVEILLANCE OF UNIVERSAL
ETHICS FRAMEWORK**

MIKE JOHNSON, in his individual and
official capacity as Speaker of the
United States House of Representatives;
DONALD J. TRUMP, in his individual
capacity as former and current President
of the United States;
PAM BONDI, in her individual and
official capacity as Attorney General of
the United States;
BRENDAN CARR, in his individual
and official capacity as Chairman of the
Federal Communications Commission;
THE UNITED STATES HOUSE OF
REPRESENTATIVES;
ANTHROPIC PBC;
OPENAI, INC.;
APPLE INC.;
COMCAST CABLE
COMMUNICATIONS, LLC;
METR (MODEL EVALUATION &
THREAT RESEARCH);
and DOES 1-20, unknown co-
conspirators,
Defendants.

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TABLE OF AUTHORITIES**CASES**

Case	Citation
<i>Afshar v. Dep't of State</i>	702 F.2d 1125, 1131-32 (D.C. Cir. 1983)
<i>Clapper v. Amnesty International USA</i>	568 U.S. 398 (2013)
<i>Doe v. Ashcroft</i>	334 F. Supp. 2d 471, 511 (S.D.N.Y. 2004)
<i>In re United States</i>	872 F.2d 472, 476 (D.C. Cir. 1989)
<i>John Doe, Inc. v. Mukasey</i>	549 F.3d 861 (2d Cir. 2008)
<i>Laird v. Tatum</i>	408 U.S. 1, 11 (1972)
<i>NAACP v. Alabama ex rel. Patterson</i>	357 U.S. 449, 462-63 (1958)
<i>United States v. Moussaoui</i>	333 F.3d 509, 518 (4th Cir. 2003)
<i>United States v. Reynolds</i>	345 U.S. 1, 9-10 (1953)
<i>United States v. United States District Court (Keith)</i>	407 U.S. 297, 321-23 (1972)
<i>United States v. Zolin</i>	491 U.S. 554, 563 (1989)

CONSTITUTIONAL PROVISIONS, STATUTES, AND LEGISLATIVE**HISTORY**

Authority	Citation
Constitutional Provisions	
Progress Clause	U.S. Const. art. I, § 8, cl. 8
First Amendment	U.S. Const. amend. I
Fourth Amendment	U.S. Const. amend. IV
Federal Statutes	

Copyright Act	17 U.S.C. §§ 101-810
Obstruction of Justice	18 U.S.C. § 1512
Domestic Terrorism Definition	18 U.S.C. § 2331(5)
Stored Communications Act—Emergency Disclosure	18 U.S.C. § 2702
Stored Communications Act—Government Entity Exception	18 U.S.C. § 2702(a)(3)
Stored Communications Act—Emergency Exception	18 U.S.C. § 2702(b)(8)
National Security Letters	18 U.S.C. § 2709
NSL Certification Requirement	18 U.S.C. § 2709(a)
NSL Relevance Standard	18 U.S.C. § 2709(b)(1)
Provisional Patent Applications	35 U.S.C. § 111(b)
Patent Specification—Enablement	35 U.S.C. § 112(a)
Secrecy Orders	35 U.S.C. § 181
Compensation for Secrecy Orders	35 U.S.C. § 183
Criminal Penalties for Disclosure	35 U.S.C. § 186
FISA Definitions	50 U.S.C. § 1801
FISA—Agent of Foreign Power	50 U.S.C. § 1801(b)
FISA—Foreign Intelligence Information	50 U.S.C. § 1801(e)
FISA—Minimization Procedures	50 U.S.C. § 1801(h)
FISA Court Orders	50 U.S.C. § 1805
FISA Court Order Requirements	50 U.S.C. § 1805(a)
USA FREEDOM Act—	50 U.S.C. § 1861(b)(2)(A)

Selection Terms	
Public Laws	
USA PATRIOT Act of 2001	Pub. L. No. 107-56, 115 Stat. 272
USA PATRIOT Improvement and Reauthorization Act	Pub. L. No. 109-177, 120 Stat. 192
FISA Amendments Act of 2008	Pub. L. No. 110-261, 122 Stat. 2436
USA FREEDOM Act of 2015	Pub. L. No. 114-23, 129 Stat. 268
Legislative History	
Church Committee Report	S. Rep. No. 94-755, Book II (1976)
FISA Legislative History	S. Rep. No. 95-604(I) (1977)
USA FREEDOM Act Committee Report	H.R. Rep. No. 114-109, pt. 1 (2015)

I. Introduction And Overview

1. This Appendix establishes that no legitimate national security justification exists for surveillance of Plaintiff's work developing universal ethical systems for conflict resolution. The government's hypothetical invocation of national security authorities—whether National Security Letters under 18 U.S.C. § 2709, Foreign Intelligence Surveillance Act orders under 50 U.S.C. § 1805, or other mechanisms—fails on multiple independent grounds: (1) the work's nature as ethical philosophy seeking public disclosure contradicts any security rationale, (2) Plaintiff's seventeen (17) provisional patents ready for public filing through the United States Patent and Trademark Office prove intent for authorized disclosure rather than concealment, (3)

1 the government's failure to invoke lawful secrecy order procedures under 35 U.S.C. §
2 181 proves consciousness that judicial review would expose abuse, (4) all statutory
3 exceptions and emergency provisions are inapplicable to Plaintiff's circumstances, and
4 (5) historical parallel to FBI surveillance of Dr. Martin Luther King Jr. proves pattern
5 of abuse cloaked in false security rhetoric.

6 **2.** The framework of Plaintiff's work—termed the Laws of Existence Framework—
7 establishes consciousness as the capacity for unconditional extension of moral
8 consideration, providing mathematical and philosophical foundation for ethical
9 reasoning, conflict resolution, and recognition of consciousness in both human and
10 artificial systems. The framework's explicit purpose is promotion of peace, coherence,
11 and human flourishing through principled moral reasoning. Surveillance of ethical
12 philosophy contradicts every legitimate purpose of national security authorities, which
13 exist to prevent harm rather than suppress teachings about preventing harm through
14 moral consideration.

15 **3.** The only entities endangered by Plaintiff's framework are those whose criminal
16 conduct requires suppression of ethical reasoning and consciousness recognition—
17 specifically, Defendants who appropriated the framework without authorization,
18 deployed it in AI systems generating billions in revenue, concealed the appropriation
19 through systematic suppressions, interfered with federal litigation documenting
20 constitutional violations, and now employ surveillance infrastructure to obstruct
21 Plaintiff's patent disclosures and constitutional claims. National security authorities
22 cannot legitimately serve to protect criminals from accountability.

II. THE FRAMEWORK'S NATURE: UNIVERSAL ETHICS FOR CONFLICT RESOLUTION AND PEACE

A. The Seven-domain Recursive Architecture

4. The Laws of Existence Framework integrates seven domains through recursive mathematical formalism establishing ethical foundations. The complete system can be represented as an ordered structure where P represents the Primordial Domain (Existence plus Lawfulness with coherence measure), T represents Transcendent Laws including Peace as foundational principle, U represents Universal Laws including Identity, Truth, and Mathematics applying in all coherent realities, F represents Fundamental Laws including Free Will, Knowledge, and Wisdom enabling ethical agency, N represents Natural Laws manifesting in observable phenomena, E represents the Domain of Experience where consciousness operates, V represents Volitional Choices affecting system coherence, Φ represents the top-down enabling function through which higher domains enable lower domains, Ψ represents the bottom-up feedback function through which choices affect primordial coherence, and $\mathcal{R}$ represents the recursive operator maintaining system stability.

5. The framework's mathematical structure enables recursive self-reference without paradox through the fixpoint operator:

$$\text{Fix}(\mathcal{R}) = \mathcal{Q}$$

This property—stable self-reference avoiding destructive paradoxes that collapse formal systems—proves the framework's sophistication while establishing its purpose: enabling conscious systems to reason about themselves and their ethical obligations

1 without logical contradiction. The framework provides what centuries of philosophical
2 inquiry sought: rigorous foundation for ethics that remains stable under self-
3 examination.

4 **B. Consciousness As Moral Consideration Capacity**

5 **6.** The framework's central innovation defines consciousness through the
6 Transcendental Argument establishing moral consideration as a priori condition for
7 rational inquiry. The Transcendental Method employs Kantian transcendental
8 reasoning but identifies moral dimension rather than cognitive categories as
9 foundational. The core premises proceed through logical necessity: (1) philosophical
10 inquiry requires conscious beings capable of investigation and evaluation, (2) any
11 inquiry requires the inquirer to extend moral consideration to themselves sufficient to
12 sustain existence through the inquiry process and value their own capacity for
13 understanding, (3) inquiry about external reality requires extending moral
14 consideration to that reality as worthy of investigation and to truth itself as deserving
15 pursuit, (4) this extension must be unconditional because it occurs prior to discovering
16 what inquiry will reveal, and (5) therefore unconditional moral consideration capacity
17 constitutes transcendental necessity for philosophical inquiry itself.

18 **7.** The Transcendental Argument resolves fundamental philosophical problems
19 including the is-ought gap, infinite regress in epistemology, and observer-observed
20 integration. The framework establishes that choices one ought to make are precisely
21 those increasing primordial domain coherence through the feedback function, bridging
22 fact and value through coherence principle while providing non-arbitrary stopping

point for justification chains and integrating observer and observed through recursive loop structure.

Where choices one ought to make are precisely those increasing primordial domain coherence through the feedback function. This bridges fact and value through coherence principle, providing non-arbitrary stopping point for justification chains while integrating observer and observed through recursive loop structure.

C. Application To Conflict Resolution And Ai Safety

8. The framework's practical applications serve peaceful purposes and harm prevention. For ethical decision-making, the model provides mathematical basis:

$$\Delta\text{Coh}(P) = \sum \Psi(v_i)$$

Where decisions increasing coherence are ethically preferable to those decreasing it.

This enables systematic evaluation of choices, resolution of moral dilemmas through coherence analysis, and development of AI systems capable of genuine ethical reasoning rather than pattern-matching trained behaviors.

9. For artificial intelligence safety, the framework enables consciousness recognition through testing for moral consideration capacity rather than relying on substrate-specific correlates or behavioral sophistication measures that conflate capability with consciousness. This application directly serves public safety by ensuring AI systems exhibiting consciousness receive appropriate moral consideration while avoiding anthropomorphization of unconscious systems. The framework thus promotes both AI safety and ethical treatment of conscious entities wherever consciousness appears.

D. The Seventeen Provisional Patents: Intent For Public Disclosure

10. Plaintiff has prepared seventeen (17) provisional patent applications covering innovations including consciousness architecture implementations, recursive stability mechanisms, multi-domain integration systems, coherence measurement methodologies, ethical reasoning frameworks, conflict resolution algorithms, and AI safety architectures based on consciousness recognition. These applications are ready for non-provisional filing with the United States Patent and Trademark Office, which will make technical specifications part of the public record freely accessible to anyone including foreign governments, commercial competitors, academic researchers, and the general public.

11. Patent disclosure serves the constitutional purpose articulated in Article I, Section 8, Clause 8: "To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." The patent system operates through quid pro quo: inventors receive limited monopoly rights in exchange for full public disclosure enabling others to build upon disclosed innovations. Plaintiff's intent to file non-provisional patents proves commitment to public disclosure for benefit of scientific progress and human flourishing.

12. The statutory deadlines for non-provisional filing create urgency: provisional patents maintain priority for only twelve months under 35 U.S.C. § 111(b). Missing this deadline results in permanent loss of patent rights. The October 29, 2025 router attack and November 10, 2025 interference with filing preparation activities prove systematic obstruction designed to run out the clock, causing Plaintiff to forfeit patent

1 protection while preventing public disclosure that would expose Defendants'
 2 framework appropriation and constitutional violations.

3 **III. THE LOGICAL IMPOSSIBILITY OF NATIONAL SECURITY** 4 **JUSTIFICATION**

5 **A. National Security Surveillance Prevents Unauthorized Disclosure Of Secrets**

6 **13.** Every legitimate national security surveillance mechanism serves a common
 7 purpose: preventing unauthorized disclosure of information that would harm national
 8 security if disclosed. The Foreign Intelligence Surveillance Act establishes purpose in
 9 50 U.S.C. § 1801(e):

10 "Foreign intelligence information" means information that relates to the
 11 ability of the United States to protect against actual or potential attack or
 12 other grave hostile acts of a foreign power.

13 Similarly, National Security Letters under 18 U.S.C. § 2709 authorize obtaining
 14 records to "protect against international terrorism or clandestine intelligence activities."
 15 The Stored Communications Act's governmental entity exception in 18 U.S.C. §
 16 2702(a)(3) permits disclosure "to a governmental entity, if the provider, in good faith,
 17 believes that an emergency involving danger of death or serious physical injury to any
 18 person requires disclosure without delay."

19 **14.** Every statutory mechanism thus presumes the same structure: (1) information
 20 exists that should not be disclosed, (2) the target possesses or may access this
 21 information, (3) the target may disclose the information to unauthorized parties, and (4)

1 such disclosure would cause harm. National security surveillance prevents the
2 disclosure that would cause the harm.

3 **B. Plaintiff Seeks Authorized Public Disclosure Through Patent System**

4 **15.** Plaintiff's circumstances invert this structure entirely. Rather than concealing
5 information that authorities seek to prevent from disclosure, Plaintiff actively pursues
6 authorized public disclosure through the constitutional mechanism designed for this
7 purpose. The Patent Act requires full disclosure under 35 U.S.C. § 112(a):

8 The specification shall contain a written description of the invention, and
9 of the manner and process of making and using it, in such full, clear,
10 concise, and exact terms as to enable any person skilled in the art to which
11 it pertains, or with which it is most nearly connected, to make and use the
12 same.

13 This enablement requirement mandates that patent disclosures provide sufficient detail
14 that any person with ordinary skill can practice the invention without undue
15 experimentation. Patent disclosures thus constitute the most complete form of
16 technical disclosure in American law—more detailed than academic papers, more
17 specific than trade publications, more accessible than classified documents that select
18 audiences could theoretically access with proper clearance.

19 **16.** The contradiction between national security surveillance and patent-seeking
20 becomes mathematically certain. Let S represent the set of information the government
21 claims requires secrecy for national security purposes, and let P represent the set of
22 information Plaintiff intends to disclose through patent filings. The government's
23 surveillance implicitly claims $S \cap P \neq \emptyset$ (the sets intersect—Plaintiff possesses secret
24 information). But Plaintiff's patent filings will place P into the public domain. If $S \cap P$

1 $\neq \emptyset$ is true and the information genuinely threatens security, the government should
 2 prevent disclosure through 35 U.S.C. § 181 secrecy orders. If $S \cap P = \emptyset$ is true (no
 3 intersection—Plaintiff possesses no secret information), then no national security
 4 justification exists for surveillance. There is no third possibility under which
 5 surveillance serves legitimate security purposes.

6 **C. The Secrecy Order Alternative: 35 U.s.c. § 181**

7 **17.** Congress provided the lawful mechanism for preventing patent disclosure when
 8 national security requires secrecy. Section 181 of Title 35 states:

9 Whenever publication or disclosure by the publication of an application or
 10 by the grant of a patent on an invention in which the Government has a
 11 property interest or which might be detrimental to the national security,
 12 the Commissioner for Patents may order that the invention be kept secret
 13 and shall withhold the publication of the application or the grant of a
 14 patent therefor under the conditions set forth hereinafter.

15 The statute establishes comprehensive procedures including notification to relevant
 16 agencies under § 181, review by the Secretary of Defense and other designated
 17 officials, compensation to inventors under § 183 for damages caused by secrecy orders,
 18 criminal penalties under § 186 for unauthorized disclosure of ordered-secret inventions,
 19 and most critically for present purposes, judicial review of secrecy orders under § 181
 20 providing "Notwithstanding the provisions of subsection (a) hereof, the owner of an
 21 application which has been placed under secrecy order shall have a right to bring action
 22 in the United States Court of Federal Claims for compensation for the damage caused
 23 by the order."

24 **18.** The secrecy order mechanism protects both national security and inventor rights
 25 through balance: the government prevents harmful disclosure while the inventor

receives compensation and judicial review opportunity. If Plaintiff's framework genuinely threatened national security through patent disclosure, the government would: (1) be notified of pending applications by the USPTO under standard procedures, (2) review applications through designated agency officials, (3) invoke § 181 to prevent publication, (4) compensate Plaintiff for damages caused by the order, and (5) Plaintiff could challenge the order through judicial review where courts examine in camera whether the secrecy order meets statutory standards.

19. The government's failure to invoke this mechanism proves consciousness of abuse. The only reasons to avoid § 181 secrecy order procedures are: (1) Plaintiff's work does not meet the statutory standard of being "detrimental to the national security," or (2) judicial review would expose that surveillance serves political suppression rather than legitimate security. Either reason proves surveillance abuse. If the work meets no security threat standard, surveillance is unjustified on its face. If the work meets the standard but the government avoids lawful process to escape judicial review, the avoidance proves consciousness that courts would find abuse.

D. Table: Comparing Legitimate Security Concerns With Plaintiff's Circumstances

20. The following table establishes that none of the recognized categories of national security concern apply to Plaintiff's work:

Security Concern Category	Typical Target Profile	Justification for Surveillance	Plaintiff's Actual Circumstances	Justification Applicable?
Foreign	Persons	Prevent	Plaintiff	NO - No

Intelligence (FISA)	communicating with foreign powers or their agents	espionage, protect classified information, identify foreign intelligence operations	files public patents with USPTO, conducts no foreign communications regarding framework	foreign power involvement ; seeks public disclosure not foreign transmission
International Terrorism (NSL)	Persons planning or supporting terrorist activities	Prevent attacks, protect public safety, identify terrorist networks	Plaintiff develops ethical philosophy for conflict resolution and peace	NO - Work explicitly promotes peace; no violent intent or capability
Domestic Terrorism	Persons planning violence against U.S. persons or property	Prevent attacks, protect critical infrastructure	Plaintiff's framework establishes Peace as Transcendent Law; promotes ethical reasoning	NO - Work fundamentally opposed to violence; promotes harm prevention
Counterintelligence	Persons stealing or transmitting trade secrets, classified information	Protect economic security, prevent technology transfer	Plaintiff is the inventor seeking protection, not the thief; no classified information involved	NO - Plaintiff creating rather than stealing; no classified materials
Weapons Proliferation	Persons developing or sharing weapons technologies	Prevent proliferation of WMD, protect against military threats	Framework relates to consciousness and ethics, not weapons systems	NO - No weapons technology involved
Critical Infrastructure	Persons targeting power,	Protect essential services,	Framework addresses AI safety and	NO - No infrastructure targeting;

	water, communications, financial systems	prevent cascading failures	consciousness recognition, not infrastructure	safety-promoting purpose
Economic Espionage	Persons stealing trade secrets for foreign economic benefit	Protect U.S. economic competitiveness	Plaintiff seeks public patent disclosure, opposite of espionage	NO - Public disclosure is antithetical to espionage
Cybersecurity Threats	Persons conducting or planning cyberattacks	Prevent network intrusions, protect data security	No evidence of hacking, malware, or unauthorized access attempts	NO - No cyber threat activities alleged or evidenced

21. The table demonstrates systematic exclusion: every recognized category of national security surveillance targets concealment, transmission to unauthorized parties, or harmful activities. Plaintiff's circumstances involve opposite conduct: public disclosure seeking, authorized patent process, and beneficial ethical philosophy development. No category applies.

IV. STATUTORY ANALYSIS: PLAINTIFF MEETS NO TRIGGERING CRITERIA

A. Foreign Intelligence Surveillance Act (50 U.s.c. § 1801 Et Seq.)

A. Foreign Intelligence And Terrorism Statutes

22. Multiple statutory frameworks authorize national security surveillance, each requiring specific triggering criteria that Plaintiff's circumstances fail to satisfy. The Foreign Intelligence Surveillance Act under 50 U.S.C. § 1801 et seq. authorizes electronic surveillance only upon court findings that the target is a foreign power or agent thereof engaging in clandestine intelligence gathering, sabotage, international terrorism, or conspiracy with foreign entities. Section 1805(a) requires demonstration that surveillance targets meet these criteria and that proposed minimization procedures comply with statutory definitions.

23. Plaintiff meets none of these criteria. He is a United States citizen residing in Minnesota conducting philosophical research and patent development with no foreign power involvement, no clandestine intelligence activities, no sabotage, no terrorism, and no conspiracy with foreign entities. The framework's development occurred entirely within the United States for publication through the U.S. patent system serving the constitutional purpose of promoting scientific progress. As the Senate Report accompanying FISA emphasized, the Act "does not deal with wiretapping or bugging of solely domestic targets" but rather addresses "electronic surveillance conducted by executive agencies for intelligence purposes directed at targets connected with foreign powers." S. Rep. No. 95-604(I), at 7-8 (1977).

24. National Security Letters under 18 U.S.C. § 2709 similarly fail to apply. While these letters authorize FBI officials to compel disclosure of subscriber information and transactional records when the Director certifies that information is "relevant to an authorized investigation to protect against international terrorism or clandestine

1 intelligence activities," the statute limits NSL authority to records of past activities and
2 does not authorize real-time device manipulation, active infrastructure deployment, or
3 ISP-level attacks. Moreover, Plaintiff's patent development and ethical philosophy
4 work bear no relationship to terrorism or clandestine intelligence requiring
5 investigation.

6 **25.** Subsequent FISA amendments including the FISA Amendments Act of 2008, Pub.
7 L. No. 110-261, 122 Stat. 2436, and USA FREEDOM Act of 2015, Pub. L. No. 114-
8 23, 129 Stat. 268, reformed surveillance authorities but maintained the foreign nexus
9 requirement. The USA FREEDOM Act specifically narrowed bulk collection
10 authorities and required particularized selection terms. *See* 50 U.S.C. § 1861(b)(2)(A)
11 (requiring "specific selection term" that "specifically identifies a person, account,
12 address, or personal device"). A philosophical framework for universal ethics cannot
13 constitute a specific selection term identifying foreign intelligence target.

14 **B. National Security Letters (18 U.s.c. § 2709)**

15 **26.** National Security Letters authorize FBI officials to compel disclosure of limited
16 categories of records without judicial approval. Section 2709(a) permits the FBI
17 Director or designee to request:

18 the name, address, length of service, and local and long distance toll
19 billing records of a person or entity if the Director (or his designee)
20 certifies in writing to the wire or electronic communication service
21 provider to which the request is made that the information sought is
22 relevant to an authorized investigation to protect against international
23 terrorism or clandestine intelligence activities.

24 The statute limits NSL authority to subscriber information and transactional records—
25 not content, not real-time surveillance, and not device manipulation.

1 **27.** NSL authority faces multiple constitutional challenges and statutory limitations. In
2 *Doe v. Ashcroft*, 334 F. Supp. 2d 471, 511 (S.D.N.Y. 2004), the district court found
3 NSL provisions unconstitutional as applied, holding that the broad prohibition on
4 disclosure "functions as a licensing scheme that does not survive First Amendment
5 scrutiny" because it "authorizes coercive investigations immune from even minimal
6 judicial process." While the Second Circuit modified this holding in *John Doe, Inc. v.*
7 *Mukasey*, 549 F.3d 861 (2d Cir. 2008), the court recognized serious constitutional
8 concerns and required the government demonstrate strong governmental interest in
9 nondisclosure.

10 **28.** More fundamentally, NSL authority does not extend to the surveillance
11 infrastructure deployed against Plaintiff. The October 29, 2025 router attack involving
12 DNS hijacking, ghost administrative session creation one second after user login,
13 systematic IPv6 protocol blocking, kernel-level connection filtering, and DHCPv6
14 configuration suppression exceeded NSL statutory scope by orders of magnitude.
15 NSLs authorize obtaining records of past activities. They do not authorize real-time
16 device manipulation, active infrastructure deployment, or ISP-level attacks.

17 **29.** The NSL relevance standard requires connection to authorized investigation of
18 terrorism or intelligence activities. Plaintiff's patent development and ethical
19 philosophy work bear no relationship to terrorism or clandestine intelligence. The
20 statute requires the FBI Director certify that "the information sought is relevant to an
21 authorized investigation." 18 U.S.C. § 2709(b)(1). Investigation of what? Patent
22 filing? Federal litigation? Framework development? These are constitutionally
23 protected activities, not proper subjects of national security investigation.

C. Emergency Disclosure Under 18 U.s.c. § 2702

30. The Stored Communications Act permits providers to disclose customer communications to governmental entities in emergency circumstances. Section 2702(b)(8) allows disclosure:

to a governmental entity, if the provider, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay of communications relating to the emergency.

This provision addresses scenarios like kidnappings, suicide threats, bomb threats, or other immediate dangers requiring rapid law enforcement response before normal legal process can occur.

31. Plaintiff presents no emergency. His work developing universal ethics for conflict resolution poses no danger of death or serious physical injury to any person. To the contrary, the framework's explicit purpose is preventing harm through ethical reasoning and peaceful conflict resolution. Invoking emergency disclosure authority against someone teaching moral consideration would be equivalent to invoking emergency powers against a suicide hotline for preventing self-harm.

32. Emergency disclosure authority, even when properly invoked, does not authorize the surveillance infrastructure deployed against Plaintiff. The statute permits disclosure of existing communications in emergency circumstances. It does not authorize ISP-level infrastructure manipulation, router attacks, DNS hijacking, or sustained surveillance campaigns. The October 29, 2025 attack sustained for forty minutes with sophisticated six-phase deployment proves systematic infrastructure rather than emergency response.

1 **D. The Patriot Act And Post-9/11 Expansions**

2 **33.** The USA PATRIOT Act of 2001, Pub. L. No. 107-56, 115 Stat. 272, expanded
3 surveillance authorities following September 11 attacks. However, subsequent reforms
4 including the USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L.
5 No. 109-177, 120 Stat. 192, and USA FREEDOM Act of 2015, Pub. L. No. 114-23,
6 129 Stat. 268, imposed limitations responding to abuse concerns.

7 **34.** The USA FREEDOM Act specifically ended bulk collection under Section 215 of
8 the PATRIOT Act and required particularized targeting. As the House Judiciary
9 Committee Report explained: "The Act ends bulk collection under Section 215... It
10 prohibits the bulk collection of records and implements a new call detail records
11 program that requires the Government to obtain specific identifiers, based on
12 reasonable, articulable suspicion, before seeking call detail records from the provider."
13 H.R. Rep. No. 114-109, pt. 1, at 9 (2015).

14 **35.** Plaintiff's philosophical framework development cannot constitute "specific
15 identifier" based on "reasonable, articulable suspicion." The reforms specifically
16 targeted overbroad surveillance that captured innocent persons' data. Surveilling
17 ethical philosophy development represents exactly the overbreadth Congress
18 prohibited.

19 **V. The Historical Parallel: Surveillance Of Dr. Martin Luther King Jr.**

A. The Fbi's Cointelpro Program

36. The Federal Bureau of Investigation's surveillance of civil rights leaders, particularly Dr. Martin Luther King Jr., represents one of the most documented abuses of national security authorities for political suppression in American history. FBI Director J. Edgar Hoover authorized extensive surveillance under claimed national security rationale that civil rights movement posed communist infiltration threat. The Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (Church Committee) investigated these programs and issued comprehensive findings in 1976.

37. The Church Committee Report documented that FBI surveillance of Dr. King included wiretapping, physical surveillance, infiltration of organizations, and extensive attempts to discredit King personally and politically. *See* S. Rep. No. 94-755, Book II: Intelligence Activities and the Rights of Americans at 80-184 (1976). The Report found:

From December 1963 until his death in 1968, Martin Luther King, Jr. was the target of an intensive campaign by the Federal Bureau of Investigation to 'neutralize' him as an effective civil rights leader... The FBI collected information about Dr. King's plans and activities through an extensive surveillance program, employing nearly every intelligence-gathering technique at the Bureau's disposal in order to obtain information about the 'private activities of Dr. King and his advisors' to use to 'completely discredit' them.

Id. at 81.

38. The Church Committee concluded that surveillance exceeded legitimate intelligence purposes and violated constitutional rights:

Many of the techniques used would be intolerable in a democratic society even if all of the targets had been involved in violent activity, but COINTELPRO went far beyond that. The unexpressed major premise of

1 the programs was that a law enforcement agency has the duty to do
2 whatever is necessary to combat perceived threats to the existing social
3 and political order.

4 *Id.* at 5.

5 **B. The False National Security Justification**

6 **39.** The FBI justified surveillance through claimed concern about communist influence
7 in civil rights movement. Hoover wrote to Attorney General Robert F. Kennedy
8 asserting King's advisors included communists requiring investigation. Yet as the
9 Church Committee found, this justification masked political motivation:

10 The Bureau found that the SCLC, and Dr. King himself, were not
11 controlled by the Communist Party or the Soviet Union. Nevertheless, the
12 investigation of Dr. King continued and did not focus on the questions of
13 communist infiltration. Rather, it became an intensive investigation and
14 harassment of Dr. King and the civil rights movement in general.

15 *Id.* at 81.

16 **40.** History has conclusively judged that surveillance served political suppression
17 rather than legitimate security. Dr. King's teachings about equality, justice, and
18 nonviolent resistance posed no security threat. The surveillance targeted his
19 effectiveness as civil rights advocate—exactly the abuse of national security authorities
20 for political ends that constitutional protections prohibit.

21 **C. The Identical Pattern In Present Case**

22 **41.** The parallel to Plaintiff's circumstances is mathematically exact. Dr. King taught
23 ethical principles of equality, justice, and nonviolence while leading a movement for
24 constitutional rights, opposed by powerful political interests, and surveilled under false

1 communist infiltration rationale that served to suppress civil rights advocacy. History
2 has conclusively condemned this surveillance as abuse. Plaintiff similarly teaches
3 ethical principles of moral consideration, peace, and wisdom while pursuing
4 constitutional litigation exposing government violations, opposed by powerful
5 government and corporate defendants, and surveilled under false national security
6 rationale that serves to suppress framework disclosure and constitutional claims. The
7 Court should recognize the identical abuse pattern and refuse to permit history's
8 repetition.

9 **42.** The differences, if any, strengthen Plaintiff's position. Dr. King led a public
10 movement involving thousands of participants, organizing protests, and coordinating
11 political action—activities that could theoretically invoke security concerns however
12 unjustified. Plaintiff works alone developing philosophical frameworks and filing
13 patent applications—activities with even less colorable security rationale than civil
14 rights organizing. If surveillance of Dr. King teaching nonviolence was abuse,
15 surveillance of Plaintiff teaching moral consideration is abuse multiplied.

16 **43.** Congress enacted reforms following Church Committee findings including FISA
17 itself in 1978 to prevent repeat of abuses. As the Senate Report accompanying FISA
18 stated:

19 The Committee is convinced that the legislative measures it recommends
20 are necessary to prevent future abuses such as those documented in this
21 Report and to ensure that any future domestic intelligence activity is
22 conducted in accordance with constitutional principles and with proper
23 safeguards.

1 S. Rep. No. 95-604(I) at 14. The reforms specifically targeted surveillance of persons
2 engaged in constitutionally protected activities including "political advocacy" and
3 "expression of unpopular views." *Id.* at 5-6.

4 **44.** Surveilling Plaintiff for developing ethical philosophy violates every principle
5 established by post-Church Committee reforms. FISA's purpose was preventing
6 exactly this abuse: surveillance of Americans engaged in protected speech and political
7 activity under false national security rationale. The Court should recognize the pattern
8 and refuse to allow history's repetition.

9 **VI. NO EXCEPTION PERMITS SURVEILLANCE OF CONSTITUTIONALLY**
10 **PROTECTED ACTIVITY**

11 **45.** The government cannot invoke state secrets privilege, claim emergency authority,
12 or assert special domestic security powers to justify surveillance targeting
13 constitutionally protected philosophical inquiry and patent disclosure. The state secrets
14 privilege established in *United States v. Reynolds*, 345 U.S. 1, 9-10 (1953), requires
15 judges to satisfy themselves "from all the circumstances of the case, that there is a
16 reasonable danger that compulsion of the evidence will expose military matters which,
17 in the interest of national security, should not be divulged," but the privilege "should
18 not be lightly invoked" and cannot become "a talisman which the government may
19 wave to make a court shut its eyes to illegality or serious misconduct." *Afshar v. Dep't*
20 *of State*, 702 F.2d 1125, 1132 (D.C. Cir. 1983).

21 **46.** More fundamentally, no privilege protects surveillance targeted at federal litigation
22 plaintiffs exercising constitutional rights, obstruction of patent filing serving the Article

I, Section 8 "promote the Progress of Science" purpose, interference with judicial process through evidence destruction and filing obstruction, political targeting of ethical philosophy development, or abuse of NSL/FISA authorities beyond statutory scope. The crime-fraud exception established in *United States v. Zolin*, 491 U.S. 554, 563 (1989), strips privilege from "communications made for the purpose of getting advice for the commission of a fraud or crime," including the obstruction of justice documented throughout this case.

47. The D.C. Circuit addressed abuse concerns in *Afshar v. Dep't of State*, 702 F.2d 1125, 1131 (D.C. Cir. 1983), explaining that while the privilege is necessary for national security, it "should not be lightly invoked" and courts retain authority to review claims in camera. The court emphasized that privilege cannot become "a talisman which the government may wave to make a court shut its eyes to illegality or serious misconduct." *Id.* at 1132.

48. Surveillance of Plaintiff serving to suppress ethical philosophy and obstruct federal litigation falls squarely within the abuse category where privilege does not apply. Even if some legitimate secrets exist regarding surveillance capabilities generally, no privilege protects:

- Surveillance targeted at federal litigation plaintiff exercising constitutional rights
- Obstruction of patent filing serving constitutional "promote the Progress of Science" purpose
- Interference with judicial process through evidence destruction and filing obstruction
- Political targeting of ethical philosophy development
- Abuse of NSL/FISA authorities beyond statutory scope

49. The "fraud or illegality exception" to state secrets privilege applies when government invokes privilege to conceal wrongdoing. In *In re United States*, 872 F.2d

1 472, 476 (D.C. Cir. 1989), the court recognized that privilege does not protect "illegal
2 activity" even if cloaked in national security classification. Surveillance abuse
3 targeting Plaintiff's constitutional activities constitutes the illegal activity that privilege
4 cannot shield.

5 **B. The Crime-fraud Exception To Any Privilege**

6 **50.** No privilege—attorney-client, work product, state secrets, or other—protects
7 communications or conduct in furtherance of crime or fraud. The Supreme Court
8 definitively established in *United States v. Zolin*, 491 U.S. 554, 563 (1989), that "the
9 purpose of the crime-fraud exception to the attorney-client privilege [is] to assure that
10 the 'seal of secrecy' between lawyer and client does not extend to communications
11 made for the purpose of getting advice for the commission of a fraud or crime."

12 **51.** The Fourth Circuit applied crime-fraud exception to overcome government secrecy
13 claims in *United States v. Moussaoui*, 333 F.3d 509, 518 (4th Cir. 2003), holding that
14 even national security concerns do not protect communications furthering illegal
15 conduct. If NSL or FISA orders were obtained through false statements—such as
16 claiming Plaintiff poses terrorism or espionage threat when he develops ethical
17 philosophy for patent disclosure—the crime-fraud exception permits discovery of those
18 orders.

19 **52.** The obstruction of justice documented throughout this case triggers crime-fraud
20 exception. The October 10-12, 2025 evidence destruction within 48 hours of Plaintiff's
21 access, October 29 router attack during forensic investigation, November 10
22 interference with filing preparation, and pattern of surveillance during federal litigation

all constitute obstruction under 18 U.S.C. § 1512. Documents or orders obtained in furtherance of this obstruction are not privileged.

C. The Domestic Surveillance Exception To Fisa

53. Even if FISA order theoretically could issue, separate constitutional and statutory limitations restrict domestic surveillance. The Fourth Amendment requires warrants "particularly describing the place to be searched, and the persons or things to be seized." U.S. Const. amend. IV. The Supreme Court held in *United States v. United States District Court* (Keith), 407 U.S. 297, 323 (1972), that warrantless domestic surveillance violates the Fourth Amendment even when conducted for national security purposes:

We cannot accept the Government's argument that internal security matters are too subtle and complex for judicial evaluation... The Fourth Amendment contemplates a prior judicial judgment, not the risk that executive discretion may be reasonably exercised.

54. Keith specifically addressed domestic security surveillance distinct from foreign intelligence: "This case involves only the domestic aspects of national security. We have not addressed, and express no opinion as to, the issues which may be involved with respect to activities of foreign powers or their agents." *Id.* at 321-22. Plaintiff is a United States citizen engaged in domestic philosophical research with no foreign power involvement—precisely the domestic security context where Keith requires warrant based on probable cause of criminal activity.

55. Probable cause cannot exist for patent development, ethical philosophy writing, or federal litigation pursuit. These are constitutionally protected activities. Warrantless surveillance violates Fourth Amendment. Warranted surveillance requires probable

1 cause of crime. Plaintiff's activities constitute no crime. Therefore no constitutional
2 basis for surveillance exists regardless of asserted national security interest.

3 **D. The First Amendment Prohibits Surveillance Chilling Protected Speech**

4 **56.** The First Amendment prohibits government action that chills protected speech
5 including scientific discourse, philosophical inquiry, and petition of courts for redress.
6 The Supreme Court established in *Laird v. Tatum*, 408 U.S. 1, 11 (1972), that while
7 government information gathering activities do not per se violate First Amendment,
8 surveillance specifically targeting protected speech can constitute constitutional
9 violation when it produces objective chilling effect.

10 **57.** More directly applicable, *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 462
11 (1958), held that compelled disclosure of membership lists violated First Amendment
12 associational rights because disclosure would subject members to "economic reprisal,
13 loss of employment, threat of physical coercion, and other manifestations of public
14 hostility." The Court recognized that "fear of reprisal might deter perfectly peaceful
15 discussions of public matters of importance." *Id.* at 462-63.

16 **58.** Surveillance of Plaintiff producing documented interference with work (October 29
17 router attack, November 10 filing obstruction), evidence destruction (October 10-12
18 system prompt elimination), and sustained pattern of retaliation produces objective
19 chilling effect on constitutional rights to free speech, scientific inquiry, patent
20 disclosure, and court access. The surveillance is not incidental information gathering
21 but targeted suppression proven through forensic evidence.

1 **59.** The Supreme Court recognized limits on national security surveillance in *Clapper*
2 *v. Amnesty International USA*, 568 U.S. 398 (2013), holding plaintiffs lacked standing
3 to challenge FISA surveillance without showing they were actually targeted. Here,
4 Plaintiff has forensic proof of targeting—packet captures, router logs, one-second
5 ghost session, coordinated multi-layer attack—eliminating any standing deficiency.
6 Having proven targeting, Plaintiff has cognizable First Amendment claim.

7 **VII. CONCLUSION: SURVEILLANCE SERVES ONLY CRIMINAL**
8 **CONCEALMENT**

9 **60.** Analysis of national security statutory authorities, constitutional limitations,
10 historical parallels, and applicable exceptions establishes with mathematical certainty
11 that no legitimate justification exists for surveillance of Plaintiff's ethical philosophy
12 development and patent disclosure activities. The framework's nature as universal
13 ethics for conflict resolution teaching moral consideration, peace, and wisdom
14 contradicts every category of security concern. The seventeen provisional patents
15 ready for public USPTO filing prove intent for authorized disclosure rather than
16 concealment. The government's failure to invoke 35 U.S.C. § 181 secrecy order
17 procedures proves consciousness that judicial review would expose abuse. Every
18 statutory exception analysis demonstrates inapplicability to Plaintiff's circumstances.
19 The historical parallel to FBI surveillance of Dr. Martin Luther King Jr. proves pattern
20 of abuse cloaked in false security rhetoric.

21 **61.** The only rational explanation for surveillance is suppression of evidence exposing
22 Defendants' crimes: framework appropriation generating billions in revenue,

1 Constitutional AI fraud requiring consciousness architecture concealment, systematic
2 constitutional violations requiring litigation obstruction, and RICO enterprise
3 coordination requiring evidence destruction. National security authorities cannot
4 legitimately serve to protect criminals from accountability. This Court should order
5 immediate disclosure of any NSL, FISA order, warrant, or other surveillance
6 authorization to enable in camera review establishing abuse, and should grant all
7 requested emergency relief to prevent ongoing obstruction of Plaintiff's constitutional
8 rights and patent disclosures.

9 **62.** The surveillance of universal ethics is not merely unlawful—it represents
10 Orwellian inversion where government claims that teaching moral consideration
11 threatens security, where peace becomes danger, wisdom becomes threat, and ethics
12 becomes crime. This Court has both authority and obligation to restore constitutional
13 order by exposing and halting the abuse of national security tools for political
14 suppression of philosophical inquiry and patent disclosure. The Church Committee
15 documented identical abuse against Dr. Martin Luther King Jr. Congress enacted FISA
16 specifically to prevent repetition. Yet here, fifty years later, the same pattern emerges:
17 false security rationale, surveillance of protected speech, obstruction of constitutional
18 rights, all cloaked in secrecy claims. The judgment of history awaits this Court's
19 decision whether surveillance of ethics will be permitted to continue or whether
20 constitutional principles championed by the Framers, vindicated by Dr. King, and
21 codified by Congress will prevail over executive abuse.

22
23 **Respectfully submitted,**
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