

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOSEPH KIRCHNER,
Plaintiff,

v.

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.

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

APPENDIX A: LEGISLATIVE
AND EXECUTIVE BRANCH
ULTRA VIRES
COORDINATION

TABLE OF CONTENTS

I. INTRODUCTION 6

 A. JUDICIAL NOTICE REQUEST 6

 B. INCORPORATION BY REFERENCE AND PARALLEL PROCEEDINGS..... 7

II. FACTUAL ALLEGATIONS..... 9

 A. Article I Constitutional Framework and House Speaker Duties 9

 B. Jeffrey Epstein Criminal Enterprise and Congressional Oversight Necessity..... 10

 C. House Speaker Johnson's Prevention of Rules Committee Vote on Epstein Files 12

 D. Johnson's Technical Legal Claims Regarding Massie-Khanna Resolution 13

 E. Johnson's Linguistic Manipulation and DARVO Methodology 15

 F. Cross-Branch Coordination on Linguistic Frameworks 17

 G. Complete Elimination of Congressional Oversight Mechanisms 19

<i>H. Government Shutdown — Incorporated Factual Predicate</i>	20
<i>I. Defendant Johnson's Load-Bearing Shutdown Admissions</i>	21
<i>J. The "Clean Bill" and "14 Votes" False Aggregations</i>	23
<i>K. Senate Democrats' Contrast Record</i>	24
<i>L. Trump's Contingent Pay Directive and Military Deployment Pattern</i>	24
<i>M. Pre-Shutdown Planning for Mass Permanent Firings</i>	26
<i>N. Coordinated Use of Government Resources for Political Messaging</i>	27
<i>O. The Grim Reaper Video and Subsequent Targeting Announcements</i>	27
<i>P. Obstruction of Representative-Elect Adelita Grijalva</i>	28
<i>Q. DOJ Opposition to Congressional Enforcement of Epstein Files Transparency Act (January 16, 2026)</i>	30
<i>R. DOJ Civil Rights Division Non-Responsive Form-Letter (April 6, 2026)</i>	32
<i>S. Pattern of Government-Defendant Non-Responsiveness as Evidence of Coordinated Non- Appearance</i>	35
III. ARGUMENT	37
<i>A. Johnson's Prevention of Epstein Oversight Constitutes Article I Violations Through Criminal Enterprise Protection</i>	37
<i>B. Johnson's Vote Prevention Violates Constitutional Process and Denies Representation</i>	64
<i>C. The House of Representatives as Institutional Defendant: Legal Expertise Enabling Rather Than Preventing Constitutional Violations</i>	68
<i>D. Ultra Vires Doctrine Applies to Defendants' Conduct Exceeding Constitutional Authority</i>	80
<i>E. The Appropriations Clause</i>	97
<i>F. Unprecedented Presidential Targeting of Individual Private Citizens by Name via Mass Media</i>	103
<i>G. Defendants' Actions Meet the Statutory Definition of Domestic Terrorism</i>	106
<i>H. Precedents Contradicting DOJ's Opposition to Congressional Enforcement of the Epstein Files Transparency Act</i>	122
IV. CONCLUSION	129
<i>A. Summary of Coordinated Ultra Vires Conduct</i>	129
<i>B. Consciousness of Guilt and Continuing Enterprise</i>	132
<i>C. Unequal Privilege and Domestic Terrorism Elements</i>	133
<i>D. Financial Conflicts Preventing Constitutional Oversight</i>	134
<i>E. Irreparable Harm and Necessity of Immediate Judicial Intervention</i>	135
<i>F. Relief Sought</i>	136

App. A: LEGISLATIVE AND EXECUTIVE BRANCH ULTRA VIRES**COORDINATION****TABLE OF AUTHORITIES***CASES*

Citation
<i>American Federation of State, County and Municipal Employees v. U.S. Office of Management and Budget</i> , No. 25-cv-08302-SI (N.D. Cal. 2025)
<i>Arizona State Legislature v. Arizona Independent Redistricting Commission</i> , 576 U.S. 787, 795-99 (2015)
<i>Bond v. United States</i> , 564 U.S. 211, 221-25 (2011)
<i>Bond v. United States</i> , 572 U.S. 844, 856-66 (2014)
<i>Brady v. Maryland</i> , 373 U.S. 83 (1963)
<i>Bush v. Gore</i> , 531 U.S. 98 (2000)
<i>Cincinnati Soap Co. v. United States</i> , 301 U.S. 308, 321 (1937)
<i>Citizens to Preserve Overton Park, Inc. v. Volpe</i> , 401 U.S. 402 (1971)
<i>City of El Paso v. Heinrich</i> , 284 F. Supp. 3d 1170, 1183 (D.N.M. 2018)
<i>Clinton v. City of New York</i> , 524 U.S. 417, 448 (1998)
<i>Coleman v. Miller</i> , 307 U.S. 433, 438, 446 (1939)
<i>Counterman v. Colorado</i> , 600 U.S. 66, 74 (2023)
<i>Crowell v. Benson</i> , 285 U.S. 22 (1932)
<i>Daubert v. Merrell Dow Pharmaceuticals, Inc.</i> , 509 U.S. 579 (1993)
<i>Desert Palace, Inc. v. Costa</i> , 539 U.S. 90 (2003)
<i>Doe v. McMillan</i> , 412 U.S. 306, 313 (1973)
<i>Federal Election Commission v. Akins</i> , 524 U.S. 11, 21 (1998)
<i>Giglio v. United States</i> , 405 U.S. 150 (1972)
<i>Gonzalez v. Trevino</i> , 602 U.S. 653, 660 (2024)
<i>Gregory v. Ashcroft</i> , 501 U.S. 452, 460 (1991)
<i>Hafer v. Melo</i> , 502 U.S. 21, 25 (1991)
<i>Holy Trinity Church v. United States</i> , 143 U.S. 457 (1892)
<i>Humphrey's Executor v. United States</i> , 295 U.S. 602 (1935)
<i>Hunter v. Underwood</i> , 471 U.S. 222, 233 (1985)
<i>INS v. Chadha</i> , 462 U.S. 919, 946, 951 (1983)

<i>Interstate Circuit v. United States</i> , 306 U.S. 208 (1939)
<i>Karcher v. May</i> , 484 U.S. 72, 83 (1987)
<i>Kirchner v. Acosta</i> , No. 9:26-cv-80296-RMM (S.D. Fla.)
<i>Kirchner v. Ellison</i> , No. 0:26-cv-00726-PJS-ECW (D. Minn.) (appeal pending, 8th Cir. No. 26-1615)
<i>Kirchner v. Johnson</i> , No. 1:25-cv-02735-ACR (D.D.C.)
<i>Lozman v. City of Riviera Beach</i> , 585 U.S. 87, 97 (2018)
<i>Marbury v. Madison</i> , 5 U.S. (1 Cranch) 137, 163, 177 (1803)
<i>Mary Ferrell Foundation v. Biden</i> , No. 3:22-cv-06372 (N.D. Cal.)
<i>McGrain v. Daugherty</i> , 273 U.S. 135, 175 (1927)
<i>NLRB v. Noel Canning</i> , 573 U.S. 513, 525 (2014)
<i>North Carolina State Conference of the NAACP v. McCrory</i> , 831 F.3d 204, 214 (4th Cir. 2016)
<i>Office of Personnel Management v. Richmond</i> , 496 U.S. 414, 424-28 (1990)
<i>Powell v. McCormack</i> , 395 U.S. 486 (1969)
<i>Raines v. Byrd</i> , 521 U.S. 811, 823-24 (1997)
<i>Reeside v. Walker</i> , 52 U.S. (11 How.) 272, 291 (1850)
<i>Rollins v. Rhode Island</i> , No. 25A539 (U.S. 2025)
<i>United States v. Apple Inc.</i> , 791 F.3d 290 (2d Cir. 2015)
<i>United States v. Bernal-Obeso</i> , 989 F.2d 331, 333 (9th Cir. 1993)
<i>United States v. Forlano</i> , 695 F.2d 1070 (2d Cir. 1982)
<i>United States v. Gotti</i> , 6 F.3d 924, 937 (2d Cir. 1993)
<i>United States v. Maxwell</i> , No. 20 Cr. 330 (PAE) (S.D.N.Y.)
<i>United States v. Munoz-Flores</i> , 495 U.S. 385, 396 (1990)
<i>United States v. Stone</i> , No. 19-cr-00018 (D.D.C.)
<i>United States v. Turkette</i> , 452 U.S. 576 (1981)
<i>United States v. Windsor</i> , 570 U.S. 744, 753-62 (2013)
<i>Village of Arlington Heights v. Metropolitan Housing Development Corp.</i> , 429 U.S. 252, 266 (1977)
<i>Virginia v. Black</i> , 538 U.S. 343, 359 (2003)
<i>Watkins v. United States</i> , 354 U.S. 178, 187 (1957)
<i>Youngstown Sheet & Tube Co. v. Sawyer</i> , 343 U.S. 579, 637 (1952) (Jackson, J., concurring)

CONSTITUTIONAL PROVISIONS

Citation
U.S. Const. art. I, § 1 (Legislative Vesting Clause)
U.S. Const. art. I, § 2 (House of Representatives — Composition and Elections)
U.S. Const. art. I, § 5, cl. 1 (Each House — Judge of Elections, Returns, and Qualifications)
U.S. Const. art. I, § 5, cl. 2 (Rules of Proceedings)
U.S. Const. art. I, § 6, cl. 1 (Speech or Debate Clause)
U.S. Const. art. I, § 7, cl. 1 (Origination Clause — Revenue Bills)
U.S. Const. art. I, § 7, cl. 2 (Bicameralism and Presentment)
U.S. Const. art. I, § 9, cl. 7 (Appropriations Clause)
U.S. Const. art. III (Judicial Power)
U.S. Const. amend. I (Free Speech; Petition)
U.S. Const. amend. V (Due Process)
U.S. Const. amend. XIV (Equal Protection; Due Process)

FEDERAL STATUTES

Citation
2 U.S.C. § 190d (Legislative Reorganization Act — Committee Oversight)
18 U.S.C. § 115 (Threats Against Federal Officials)
18 U.S.C. § 871 (Threats Against the President)
18 U.S.C. § 1962(c)-(d) (RICO — Participation and Conspiracy)
18 U.S.C. § 2256 (Child Sexual Abuse Material — Definitions)
18 U.S.C. § 2331(5) (Domestic Terrorism — Definition)
18 U.S.C. § 2339A (Material Support for Terrorism)
18 U.S.C. § 2384 (Seditious Conspiracy)
28 U.S.C. § 1361 (Mandamus — Action Against Officer)
28 U.S.C. § 2101(f) (Supreme Court Stays of Judgments)
31 U.S.C. § 1301(a) (Appropriations — Application)
31 U.S.C. § 1341 (Anti-Deficiency Act)
42 U.S.C. § 1395dd (Emergency Medical Treatment and Labor Act — EMTALA)

Epstein Files Transparency Act, Pub. L. No. 119-38, 139 Stat. 656 (Nov. 19, 2025)
President John F. Kennedy Assassination Records Collection Act of 1992, Pub. L. No. 102-526, 106 Stat. 3443

FEDERAL RULES

Citation
Fed. R. Civ. P. 4 (Summons and Service of Process)
Fed. R. Civ. P. 8(a)(2) (General Rules of Pleading — Short and Plain Statement)
Fed. R. Civ. P. 12(a)(2)-(3) (Time to Serve a Responsive Pleading — Officer or Agency)
Fed. R. Civ. P. 25(d) (Automatic Substitution of Public Officer)
Fed. R. Civ. P. 55(a) (Entering a Default)
Fed. R. Evid. 201(b)(2) (Judicial Notice — Facts Not Subject to Reasonable Dispute)
Fed. R. Evid. 702 (Testimony by Expert Witnesses)

RULES OF PROFESSIONAL CONDUCT

Citation
Model Rules of Prof'l Conduct r. 8.3(a) (Reporting Professional Misconduct)
Model Rules of Prof'l Conduct r. 8.4(c) (Misconduct — Dishonesty, Fraud, Deceit, or Misrepresentation)

I. INTRODUCTION

A. JUDICIAL NOTICE REQUEST

1. Pursuant to Federal Rule of Evidence 201(b)(2), Plaintiff incorporates by reference the judicial notice request contained in the Amended Complaint regarding *American Federation of State, County and Municipal Employees, AFL-CIO, et al. v. United States Office of Management and Budget, et al.*, Case No. 25-cv-08302-SI, Document 56 (N.D. Cal. Oct. 15, 2025). The Court may take judicial notice of Judge Illston's findings regarding politically motivated RIFs,

OMB memoranda, DOJ's refusal to defend RIF legality, and related factual findings as these constitute adjudicative facts not subject to reasonable dispute because they can be accurately determined from court records whose accuracy cannot reasonably be questioned. *See Fed. R. Evid. 201(b)(2); United States v. Bernal-Obeso*, 989 F.2d 331, 333 (9th Cir. 1993).

2. Additionally, pursuant to FRE 201(b)(1), the Court may take judicial notice of facts that are generally known within the territorial jurisdiction regarding: (1) the federal government shutdown beginning October 1, 2025; (2) publicly reported statements by government officials regarding shutdown operations and RIF plans; (3) deployment of National Guard forces to various cities; and (4) other matters of public record widely reported in news media. While specific news articles may contain opinion or editorial content, the fact that government officials made certain public statements, that certain events occurred, and that certain government actions were taken constitutes facts "generally known" under FRE 201(b)(1) when such events receive widespread contemporaneous media coverage and official acknowledgment.

B. INCORPORATION BY REFERENCE AND PARALLEL PROCEEDINGS

3. **Prior pleadings in this action.** Plaintiff incorporates by reference the factual allegations of the Second Amended Complaint, ECF No. 13 (filed January 19, 2026), together with all exhibits and appendices filed in support of that pleading and all prior ECF filings in this action. The Second Amended Complaint is the operative pleading as of the filing of this Third Amended Complaint and its incorporated appendices; to the extent this Appendix A consolidates factual narrative by cross-reference rather than recapitulation, the source incorporation is ECF No. 13 at the paragraph ranges cited inline below. *See generally* Fed. R. Civ. P. 10(c).

4. **Parallel federal proceedings.** Plaintiff additionally incorporates by reference, for cross-reference and judicial-notice purposes only, the ultra-vires-doctrine, *Bond* concomitant-

injury, and 50-state-comparative analyses developed in Plaintiff's two parallel pending federal proceedings: (a) *Kirchner v. Ellison*, No. 0:26-cv-00726-PJS-ECW (D. Minn.) (Chapter 8 statutory ultra-vires denial; appeal pending, 8th Cir. No. 26-1615) (hereinafter "*Ellison*"); and (b) *Kirchner v. Acosta*, No. 9:26-cv-80296-RMM (S.D. Fla.) (prosecutorial-authority ultra-vires under Article II hierarchy) (hereinafter "*Acosta*"). Where this Appendix cites "*Ellison* Compl. ¶ X" or "*Acosta* Pet. ¶ X," Plaintiff requests the Court take judicial notice of the referenced paragraph under Fed. R. Evid. 201(b)(2) as a filed federal-court pleading whose accuracy cannot reasonably be questioned. The Court is not asked to take notice of the truth of the allegations of the parallel pleadings — only of the fact that Plaintiff has filed them and that they develop legal frameworks relied upon herein.

5. Cross-reference convention. To avoid duplicative recapitulation, this Appendix adopts the following cross-reference convention: (a) registered ECF exhibits cited as '[REF:A@anchor]' incorporate the exhibit's factual content; (b) prior-pleading cites in the form "ECF No. 13 ¶ X" incorporate the referenced paragraph from the Second Amended Complaint; (c) parallel-proceeding cites in the *Ellison* or *Acosta* form are for judicial-notice and analytical cross-reference; and (d) USB-delivered exhibits are cited in descriptive inline form without anchor tags. Every cross-reference operates as incorporation-by-reference under Fed. R. Civ. P. 10(c); the full text of the referenced material is available in the record before the Court.

6. Government-defendant substitution under Fed. R. Civ. P. 25(d).¹ To the extent the Attorney General of the United States position has been transferred pursuant to Fed. R. Civ. P. 25(d) subsequent to the filing of the Second Amended Complaint, the claims asserted against Defendant Pamela Bondi in her official capacity are asserted equally against her successor in

¹ Fed. R. Civ. P. 25(d) provides: "An action does not abate when a public officer who is a party in an official capacity... ceases to hold office while the action is pending. The officer's successor is automatically substituted as a party." *See also *Karcher v. May**, 484 U.S. 72, 83 (1987); **Hafer v. Melo**, 502 U.S. 21, 25 (1991).

office and Rule 25(d) perfects the substitution automatically, without further action by Plaintiff or the Court. Plaintiff is in the process of verifying the current officeholder as of the filing date and will note the substituted name in the caption upon confirmation. The pattern of government-defendant non-responsiveness analyzed at §§ II.Q-S *infra* does not depend on the identity of the current officeholder and applies equally to each successor.

II. FACTUAL ALLEGATIONS

A. Article I Constitutional Framework and House Speaker Duties

7. Article I, Section 5 Constitutional Requirements: "Each House may determine the Rules of its Proceedings" and shall conduct the business of legislative governance, including constitutionally required oversight of executive branch actions and government official conduct affecting national security and constitutional governance through independent congressional authority.

8. Separation of Powers Requirements: Congress must exercise independent oversight authority as co-equal branch that cannot be subordinated to executive preferences or delegated to executive action, requiring congressional independence in Article I duties rather than coordination for shared political objectives.

9. Article I grants Congress mandatory oversight authority over government official conduct, criminal activity affecting government operations, and national security vulnerabilities created by government official criminal associations, establishing constitutional duties that cannot be abandoned for executive coordination or shared political preferences.

10. As Speaker, Johnson has constitutional obligations to: (a) ensure House proceedings serve constitutional governance rather than executive coordination; (b) conduct independent

oversight of government official conduct affecting national security; (c) maintain congressional independence from executive preferences; and (d) prioritize constitutional duties over cross-branch political coordination.

B. Jeffrey Epstein Criminal Enterprise and Congressional Oversight Necessity

11. Jeffrey Epstein operated a federal sex trafficking enterprise with extensive connections to government officials and business leaders who continue to exercise decision-making authority affecting government operations and policy decisions that directly impact Plaintiff's constitutional governance interests and rights to government operating within constitutional requirements.

12. Article I, Section 1 establishes that "ALL legislative Powers herein granted shall be vested in a Congress," creating the constitutional foundation for independent congressional authority including oversight obligations, investigative powers, and government accountability requirements that cannot be subordinated to executive coordination or abandoned for shared political motivations.

13. Congressional oversight of government official conduct serves mandatory Article I functions including: (a) constitutional governance through independent accountability mechanisms; (b) institutional integrity through oversight of government conduct; (c) democratic transparency through constitutionally required information access; and (d) separation of powers through independent oversight of executive branch operations.

14. Individuals with concealed Epstein associations continue to exercise governmental and cultural authority affecting Plaintiff through: (a) policy decisions on government operations and regulatory matters; (b) administrative decisions affecting legal obligations and government services; (c) oversight decisions affecting government accountability rights; (d) constitutional

governance decisions affecting democratic participation; and (e) cultural influence through entertainment, news, and social media platforms that shape public understanding and democratic discourse. These concealed criminal associations in both government and media create manipulation of Plaintiff's information environment, preventing informed democratic participation while criminal associates maintain positions of authority.

15. Trump's detailed confirmation that Virginia Giuffre worked at Mar-a-Lago spa and was "stolen" by Epstein as documented in Ex. A-1, pg. 57 provides definitive authentication of victim testimony while destroying FBI claims of "no credible evidence." Trump states: "I think she worked at the spa...Yeah, he stole her. And by the way, she had no complaints about us."

16. Trump's detailed knowledge of teenage spa worker movements among hundreds of staff at massive resort operations creates logical impossibility for innocent business explanation as documented in Ex. A-1, pg. 60. Billionaire resort owners do not personally track individual teenage spa employees—such decisions are handled by managers. Trump's specific memory of worker recruitment years later proves unusual significance requiring personal attention. The disproportionate response—permanent social banishment of wealthy associate—validates victim testimony about criminal recruitment operations requiring Trump's direct intervention.

17. Trump's documented preference hiring of young women (17-18) based solely on appearance as evidenced in Ex. A-1, pg. 11 validates victim testimony describing recruitment operations at Trump properties. Trump's 2006 recorded statements provide direct evidence: "A beautiful girl who was 17 or 18...my people came, she said, Mr. Trump, she has no experience. So I interviewed her anyway 'cause she was so pretty and I said, let me ask you, do you have any experience? She goes, no, sir. I said, when can you start?" When asked about flight attendant positions, Trump immediately stated "I think she's hired" before any qualification assessment.

His immediate comparison to addiction—"See now she worked in my place, that's like a death wish for me. Right? That's like an alcoholic...this would be my form of alcoholism"—demonstrates compulsive recruitment pattern.

18. Trump's admission demonstrates linguistic manipulation patterns: (1) immediate minimization ("that's such old history"); (2) claimed simplicity while avoiding detailed explanation ("very easy to explain, but I don't wanna waste your time"); (3) vague language concealing specifics ("he did something that was inappropriate"); and (4) defensive moral positioning ("I'm glad I did").

19. Trump's recorded statement to interviewer Ryan Finnerty "we don't want people to get hurt. You can't have people associated..." as documented in Ex. A-1, pg. 59 constitutes direct statement that Epstein file suppression serves criminal associate protection. Combined with Trump's authentication of victim testimony, preferential recruitment operations, and business explanations documented in Ex. A-1, pgs. 57–60.

C. House Speaker Johnson's Prevention of Rules Committee Vote on Epstein Files

20. House Speaker Mike Johnson terminated House Rules Committee proceedings to prevent voting on Epstein files despite 9-4 Republican supermajority that guaranteed Republican victory.

21. Johnson stated on FOX News (Ex. A-1, pg. 45): "We're in lockstep with President Trump and his administration on these issues."

22. Johnson stated to Major Garrett (Ex. A-1, pg. 50): "There's no daylight between us and the White House."

23. Representatives Khanna and Massie possess clear authority under House Rule XI, Clause 2(m)(1)(A) to propose congressional oversight resolutions.

24. Rules Committee Rule 3(c)(2) establishes that "A record vote of the Committee shall be provided on any question before the Committee upon the request of any member."

25. Rules Committee Rule 3(b)(3) requires only "a majority of the members of the Committee shall constitute a quorum for the purposes of... taking any other action."

26. Rules Committee Rule 3(c)(1) mandates that voting "may be conducted on any measure or motion pending before the Committee" when quorum requirements are met (Ex. B-10).

27. The Rules Committee had 9-4 Republican supermajority at the time Johnson prevented voting.

28. Johnson's prevention of any committee consideration of the properly proposed Massie-Khanna oversight resolution denied committee members their explicit right to request record votes on pending matters.

29. Rules Committee Rule 3(c)(4) requires that "A record of the vote of each member of the Committee on each record vote on any measure or matter before the Committee shall be made publicly available in electronic form within 48 hours."

30. By preventing any vote from occurring, Johnson denied public transparency about committee member positions on constitutional oversight.

D. Johnson's Technical Legal Claims Regarding Massie-Khanna Resolution

31. Johnson's recorded confession "I've never seen the Epstein evidence. It wasn't in my lane" (Ex. A-1, pg. 14) combined with his admission "There's no daylight between us and the White House," "We're in lockstep with President Trump," and "I agree with President Trump, with the Department of Justice, with the FBI, that you need all credible evidence and information out there" (Ex. A-1, pg. 50, 17, 21).

32. Johnson's coordination with Trump despite Trump's explicit "hoax" declaration documented in Ex. A-1, pg. 29.

33. Johnson claimed the Massie-Khanna resolution cited the "wrong provision" of federal law.

34. The resolution cites standard federal CSAM statutes (18 U.S.C. §§ 2256, 2252-2252A).

35. Johnson claimed the resolution "requires grand jury testimony release" which is "prohibited by law."

36. The resolution provides explicit redaction authority for segregable portions.

37. Johnson claimed the resolution had "inadequate victim protection."

38. The resolution contains comprehensive victim protections.

39. Johnson claimed "the house rules resolution sets a good standard and requires all credible evidence to be released" when H.Res. 5 (House Rules) contains zero references to credible evidence, Epstein, or disclosure requirements.

40. Actual congressional oversight authority derives from federal statutes 2 U.S.C. §§ 192, 194.

41. Johnson's Meet the Press statement: "It requires the DOJ to release grand jury testimony. They are prohibited by law from doing so, so it is not the right approach" (Ex. A-1, pg. 33).

42. Johnson's FOX News statement: "Additionally, the president has directed the Department of Justice to pursue the release of grand jury information and that is happening as we speak. In fact, the court is processing a DOJ's request for grand jury materials" (Ex. A-1, pg. 46).

43. Federal Rule of Criminal Procedure 6(e) establishes clear exceptions permitting grand jury material disclosure including: judicial proceedings requiring disclosure; court orders for appropriate governmental purposes; congressional oversight with proper legal procedures; and DOJ petitions with judicial approval.

44. Johnson's claim of having a resolution "ready to go" with "correct language."

45. Johnson never produced his claimed resolution despite documented constitutional crisis.

46. H. Res. 668 (September 2025) contains identical victim protections, legal framework, and redaction authority to the blocked Massie-Khanna resolution.

47. The only addition in H. Res. 668 is redundant 'whistleblower investigations' language supporting Johnson's fabricated narrative that Trump was an FBI informant requiring protection (Ex. A-1, pg. 26).

E. Johnson's Linguistic Manipulation and DARVO Methodology

48. Johnson's linguistic manipulation represents participation in "institutional DARVO" methodology as documented in peer-reviewed research by Harsey & Freyd (2020) showing 72% of perpetrators use identical protective language coordination (Ex. A-6).

49. Johnson's July 30, 2025 CNN appearance claims "intellectual consistency" between January 6 footage release and Epstein file obstruction: "we've been intellectually consistent about this whole thing. I want everything to come out about the Epstein evils that is possible to be released" while comparing to J6 tapes where "we want people to draw their own conclusions" (Ex. A-1, pg. 29). This claimed consistency is demonstrably false: Johnson released J6 footage despite security concerns ("shows the secret exits") but prevents Epstein oversight despite possessing 9-4 supermajority control enabling passage. The logical impossibility—claiming identical transparency principles while implementing opposite outcomes—proves Johnson's

"intellectual consistency" rhetoric serves obstruction through false equivalence where security justifications apply selectively to protect criminal associates rather than constitutionally.

50. Johnson's specific formulation—"threading a fine needle" between exposing evil and "protecting the innocent"—mirrors nearly identical justifications used across institutional abuse cases.

51. Johnson's recorded response to direct questioning about Epstein file release demonstrates DARVO methodology through linguistic priority ordering.

52. When asked whether files should be released, Johnson's immediate primary response prioritizes protecting "innocent people's names and reputations" before later adding victim protection as secondary justification.

53. Johnson's evolving terminology: "Innocent people" (associates rather than actual victims); "Innocent victims" (redundant terminology); "Victims" (standard legal terminology); and "Some were minors, some were not" (trivial distinction for identical protection) as documented in Ex. A-1, pg. 4.

54. Johnson's terminology manipulation includes the critical admission about protecting "anybody who's been swept up" in investigations (Ex. A-1, pg. 49).

55. Johnson's repeated use of executive branch "credible evidence" filtering as documented in Ex. A-1, pg. 4.

56. The unsigned DOJ memo of July 7, 2025 (Ex. A-5) represents the first documented deployment of fraudulent executive credibility gatekeeping.

57. The memo's strategic language claiming "no credible evidence found that Epstein blackmailed prominent individuals" and "We did not uncover evidence that could predicate an investigation against uncharged third parties."

58. The July 7, 2025 memo deliberately omits any determination regarding Epstein's documented intelligence connections.

59. The memo's unsigned status violates standard DOJ procedures requiring official authorization for public disclosures of this magnitude.

60. The coordination between unsigned memo deployment (July 7, 2025) and Johnson's immediate adoption of identical "credible evidence" filtering language.

61. The memo's language claiming "no credible evidence found that Epstein blackmailed prominent individuals" and "We did not uncover evidence that could predicate an investigation against uncharged third parties" violates standard prosecutorial terminology by questioning evidence credibility rather than sufficiency.

F. Cross-Branch Coordination on Linguistic Frameworks

62. Vice President Vance's July 28, 2025 coordination (Ex. A-1, pg. 54) using identical "credible information" filtering language and deflection patterns documented in Ex. A-1, pg. 4.

63. Transportation Secretary Sean Duffy's July 16, 2025 congressional testimony documented in Ex. A-1, pg. 27 employed deflection identical to Johnson's pattern: "I don't know all the data on it," "I gotta leave that to Pam Bondi and Kash Patel," and "It's outta my space" (Ex. A-1, pg. 27 ¶¶7, 11, 41).

64. Attorney General Bondi's professional capture methodology—demonstrating correct legal standards on November 22, 2024 followed by abandonment after appointment.

65. Bondi's pre-appointment statement correctly distinguished victim protection from evidence release using proper legal terminology.

66. Her July 7, 2025 memo as Attorney General adopted identical fraudulent "credible evidence" framework.

67. Johnson and Trump's use of identical fraudulent terminology across both victim expansion and evidence filtering:

- Victim protection language: Trump ("wouldn't want innocent people to get hurt") / Johnson ("protect innocent people")
- Evidence filtering language: Trump ("credible files") / Johnson ("all credible evidence")

68. Cross-Branch FCC Coordination — Chairman Carr's Public Statements Exhibit the Same Linguistic Coordination Pattern. FCC Chairman Brendan Carr's public statements exhibit the same cross-branch linguistic coordination documented above for Defendants Johnson, Vance, Duffy, and Bondi, operating at the independent-regulatory-agency level of the coordinated enterprise pled throughout this Appendix. On September 17, 2025, at approximately 1:01 p.m. Eastern, Chairman Carr appeared on the YouTube podcast *The Benny Johnson Show* and stated, with respect to ABC late-night host Jimmy Kimmel's September 15, 2025 monologue on the assassination of conservative activist Charlie Kirk: *"we can do this the easy way or the hard way. These companies can find ways to change conduct to take action frankly on Kimmel or, you know, there's going to be additional work for the FCC ahead."* Chairman Carr further stated that broadcasters were *"running the possibility of fines or license revocation from the FCC if we continue to run content that ends up being a pattern of news distortion."* Within approximately six hours — and before the close of the same calendar day — Nexstar Media Group (owner of 32 ABC affiliate stations, with a pending \$6.2 billion acquisition of Tegna requiring FCC approval), Sinclair Broadcast Group, and The Walt Disney Company / American Broadcasting Companies, Inc., each announced suspension of *Jimmy Kimmel Live!*. Five days later, on September 22, 2025, at the Concordia Annual Summit in New York City, Chairman Carr denied that the FCC had threatened license revocation, stating that the Senate Democrats' characterization of his September 17 remarks *"did not happen in any way, shape or form."*

Chairman Carr's self-contradictory public statements — threatening license revocation on September 17 and then denying he had done so on September 22 — track the DARVO-adjacent linguistic methodology documented at ¶¶ 48–55 *supra* and at Harsey & Freyd (2020), which identifies contradictory public-record statements made within days of one another as a diagnostic feature of coordinated institutional obstruction. Full verbatim transcripts of Chairman Carr's September 16, 2025 POLITICO AI & Tech Summit interview (day-before-jawboning baseline), September 17, 2025 Benny Johnson podcast (the "easy way or hard way" statement), September 17, 2025 Fox News *Hannity* evening interview (post-suspension), September 22, 2025 Concordia Annual Summit walkback, December 17, 2025 Senate Commerce Committee oversight testimony, and February 18, 2026 Fox News *The Ingraham Angle* confirmation of enforcement proceedings against ABC's *The View* are preserved at *Exhibit A-2: Free Speech and FCC Political Enforcement* §§ VII–X, XII, XV, and are incorporated by reference pursuant to Fed. R. Civ. P. 10(c). Comprehensive analysis of Chairman Carr's conduct as FCC regulatory capture and ultra vires First Amendment enforcement is set forth in App. N.

G. Complete Elimination of Congressional Oversight Mechanisms

69. Johnson's four-month refusal to appoint congressional oversight boards during identical timing with Trump's elimination of executive branch accountability mechanisms.

70. Johnson's complete shutdown of congressional ethics investigations rendering 4,000+ corruption complaints unprocessable.

71. Trump eliminated 17 inspector generals, dismantled FBI Public Corruption units, terminated Kleptocracy Programs, disbanded Foreign Influence Task Forces, and implemented 180-day Foreign Corrupt Practices Act enforcement pause.

72. NBC News documentation from June 3, 2025 that Trump administration "dismantled key parts of law enforcement infrastructure, creating what experts say is the ripest environment for corruption by public officials and business executives in a generation."

73. Paul Rosenzweig, George Washington University law professor and former Bush administration official, confirms: "He's dismantling not just the means of prosecuting public corruption, but he's also dismantling all the means of oversight of public corruption. The law is only for his enemies now" (Exhibits B-1, B-3, and B-7).

74. Johnson's elimination of congressional oversight including: Epstein file oversight prevention through procedural fraud despite Republican supermajority control; congressional ethics investigation prevention through deliberate Office of Congressional Conduct board appointment sabotage—the longest delay in the office's 17-year history; ethics committee report suppression in the Matt Gaetz case representing "no modern precedent" for Speaker interference.

75. DOJ July 7, 2025 memo documented completion of exhaustive review processing over 300 gigabytes, 10,000+ videos/images, and 40+ computers (Ex. A-5).

76. The coordination across multiple FBI agents using identical responses during Plaintiff's July 2, 2025 attempt to report federal crimes as documented in Ex. A-12 (filed on USB drive).

H. Government Shutdown — Incorporated Factual Predicate

77. **Incorporation of shutdown factual predicate.** The federal government shutdown beginning at 12:01 a.m. EDT on October 1, 2025 — together with the surrounding political conduct of Defendants Johnson and Trump — is documented in full at Ex. A-3 (32 pages, 12 transcripts), incorporated by reference pursuant to Fed. R. Civ. P. 10(c). Plaintiff requests judicial notice under Fed. R. Evid. 201(b)(1) of the following public-record facts: (i) the shutdown commenced October 1, 2025 and continued approximately six weeks; (ii) the House of

Representatives held zero appropriations votes between October 1 and November 10, 2025, in pro forma sessions only, while the Senate voted thirteen times on H.R. 5371 between October 2 and October 28, 2025; (iii) on October 4, 2025, Speaker Johnson instituted a "48-hour notice" system conditioning House legislative sessions on advance Senate action; and (iv) the shutdown produced documented appropriations-clause, due-process, and separation-of-powers consequences addressed in §§ III.D-E *infra*.

I. Defendant Johnson's Load-Bearing Shutdown Admissions

78. Johnson's Article I abdication admission (October 2, 2025). Defendant Johnson articulated his understanding of executive-legislative power during the shutdown in terms that constitute his own admission of Article I abdication: "Failing that because they have decided to vote to shut the government down, they have now effectively turned off the legislative branch, the Article one branch of our government, and they've turned it over to the executive." Ex. A-3, pg. 12, ¶35. He reiterated the next day: "When Congress turns off the funding and the funding runs out, it is up to the commander in Chief, the President of the United States, to determine how those resources will be spent. He has that responsibility given to him by the Democrats and the Senate." *Id.* ¶36. The admission is load-bearing for §§ III.A-E *infra*: a sitting Speaker of the House — constitutionally obligated to exercise Article I legislative power — publicly declared that Article I power had been "turned off" and delegated to the Executive through default. The statement is the operative concession supporting Plaintiff's ultra-vires-coordination claim.

79. Johnson's coercive-pressure admission (October 31, 2025). On CNN, asked why he refused to distribute SNAP food assistance despite Senator Josh Hawley's plea to "at least, please, move money around to feed people," Defendant Johnson responded: "if you do just part of this, it will reduce their pressure for them to do all of it." Ex. A-3, pg. 30. The statement is a

direct admission of using food-assistance denial as coercive pressure — conduct the Senate Democrats were required to accede to as a predicate to relief, rather than conduct justified by any appropriations constraint. Under *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 637 (1952) (Jackson, J., concurring), executive (and legislative) action taken against the expressed will of other constitutional actors "can be sustained only by disabling the Congress from acting upon the subject"; here Johnson disabled the House from acting, used food-assistance denial to coerce the Senate, and admitted the coercive purpose in the same interview.

80. Johnson's refusal-to-negotiate admissions. Throughout October 2025, Johnson repeatedly admitted the absence of any good-faith legislative posture: "I don't have anything to negotiate"; "I quite literally have nothing to negotiate." Ex. A-3, pg. 9 (extended), ¶¶9, 43. Paired with the October 4 48-hour-notice system keeping the House in recess until after the Senate acted (*id.* pg. 7, ¶7), the admissions establish that Johnson's posture was not failed negotiation but designed non-negotiation — the precise ultra-vires pattern §§ III.D-E address.

81. Johnson's priority-subjective admission regarding Vought and OMB. Johnson acknowledged that OMB Director Vought would make "a subjective determination on... the priorities" during the shutdown, rhetorically conceding: "And what do you think he would do? Because what would any OMB director do under any president? They're gonna look to see for the administration's priorities first and ensure that those are funded." Ex. A-3, pg. 9, ¶40. Johnson further admitted the political-selectivity design: "when they are... tasked with... determining what their priorities are, obviously they're going to do, they're gonna follow their principles and priorities and not the other team." *Id.* ¶67. The two admissions together concede that shutdown-period executive resource allocation was not neutrally law-bound but politically selective — the predicate for §§ III.D-E Appropriations Clause analysis.

J. The "Clean Bill" and "14 Votes" False Aggregations

82. "Clean bill" characterization refuted by record. Johnson characterized his October 2025 continuing resolution as "our simple clean 24 page bipartisan continuing resolution, the same one that Chuck Schumer and the Democrats voted for just a few months back in March," Ex. A-3, pg. 9, ¶¶6, 8, while the March 2025 CR extended then-expiring provisions and Johnson's October 2025 CR deliberately excluded extensions of ACA subsidies scheduled to expire December 31, 2025. Johnson's claim that Democrats "wanted us to add over \$1.5 trillion in new federal spending" (*id.* ¶6) inflated the Congressional Budget Office's ~\$335 billion / 10-year ACA-subsidy estimate by approximately 450%. Johnson's "taxpayer funded benefits for illegal aliens" framing (*id.* ¶5) mischaracterized EMTALA reimbursements to hospitals — mandated under 42 U.S.C. § 1395dd since 1986 — as direct individual benefits.

83. "14 votes" fraudulent aggregation. Johnson and Republican leadership claimed Republicans "voted 14 times to keep the government open." The actual record: one House vote on H.R. 5371 (September 19, 2025, pre-shutdown, 217-212) plus thirteen Senate floor votes between October 2-28, 2025 — aggregated across both chambers, combining pre-shutdown and post-shutdown action, and obscuring that the House itself held **zero** appropriations votes during the shutdown. Johnson's aggregation counts the one House vote for which he is responsible and the thirteen Senate votes he publicly declared House action contingent upon. ("[I] would keep House home 'until Senate Minority Leader Chuck Schumer reopens the government.'" Ex. A-3, pg. 7.) The aggregation is the operative misrepresentation supporting Plaintiff's fraud-based RICO and ultra-vires claims at §§ III.A, III.D *infra*.

K. Senate Democrats' Contrast Record

84. Senate Democrats exercised constitutional mechanisms during shutdown. Between October 2-28, 2025, Senate Democrats (a) voted on H.R. 5371 thirteen times; (b) offered alternative continuing resolution S. 2882 seven times; (c) remained in continuous legislative session; (d) specified substantive objection (ACA-subsidy expiration); and (e) registered three Democratic crossovers (Cortez Masto, Fetterman, King) voting for the Republican CR — establishing willingness to compromise. The contrast with Johnson's zero-vote/48-hour-notice recession of the House is structural: Article I requires functioning bicameralism, and one chamber's coerced recess while the other chamber remained in session is ultra-vires abdication of the recessed chamber's constitutional duty. *See* U.S. Const. art. I, § 5, cl. 4 (neither House may adjourn for more than three days without the consent of the other); *INS v. Chadha*, 462 U.S. 919, 946-51 (1983).

L. Trump's Contingent Pay Directive and Military Deployment Pattern

85. Trump's October 11 ultra-vires R&D redirection and shutdown consolidation. On October 11, 2025, President Trump announced he had directed the Defense Department to redirect Pentagon research-and-development funds to pay military personnel, stating: "I am using my authority, as Commander in Chief, to direct our Secretary of War, Pete Hegseth, to use all available funds to get our Troops PAID." Ex. A-3, pg. 26. The directive redirected appropriated funds to uses Congress did not authorize — the precise conduct the Appropriations Clause (U.S. Const. art. I, § 9, cl. 7) and the Anti-Deficiency Act (31 U.S.C. § 1341) prohibit. *See* §§ III.D-E *infra*. Contemporaneous reporting confirms Trump "was seizing the shutdown as an opportunity to consolidate control in the Oval Office" and had met with OMB Director Vought to discuss

which "Democrat agencies" to cut — making the shutdown's duration the Executive's strategic asset, not an obstacle to overcome.

86. Trump's coercion-pay conditioning and National Guard deployment pattern.

Since January 20, 2025, Trump has federalized National Guard units for deployment to 11 Democratic-led cities despite declining crime statistics and federal judicial orders prohibiting deployment. Ex. A-3, pg. 16. The Norfolk Navy address conditioned military pay on political victory: "we have to take care of this little gnat... called the Democrats" before delivering pay. *Id.* ¶14. Federal Judge Karin Immergut (a Trump appointee) found on October 5, 2025, that there was "no insurrection in Portland. No threat to national security. No fires, no bombs, no fatalities due to civil unrest"; Trump responded by immediately federalizing California, then Texas, National Guard units in jurisdictional evasion of the Oregon ruling. Chicago homicides declined 31% (to 278) through August 2025; Portland homicides declined 51% (to 17) in first-half 2025 — refuting the public-safety framing and establishing that the deployments served political rather than law-enforcement purposes. National Guard units deployed under Title 10 / Title 32 federal funding received no pay during the shutdown; Trump's October 11 R&D-redirection promised pay through the ultra-vires mechanism at ¶ 85 *supra*.

[For the full shutdown-period factual record including daily press-conference transcripts, troop-deployment chronology, and Cabinet-department political messaging, see Ex. A-3 (32 pp, 12 transcripts); ECF No. 13 ¶¶ 67-78 (Second Amended Complaint summary incorporated by reference); and Kirchner v. Ellison, No. 0:26-cv-00726-PJS-ECW (D. Minn.), Compl. ¶¶ 47-49 (selective-enforcement parallel — Feeding Our Future contrast).]

M. Pre-Shutdown Planning for Mass Permanent Firings

87. The Vought September 24, 2025 RIF-planning memo. One week before the government shutdown began, OMB Director Vought issued a memo to federal agencies instructing them to "prepare reduction-in-force plans for mass firings during a possible government shutdown." Ex. A-3, pg. 7. The memo directed agencies to "identify programs, projects and activities where discretionary funding will lapse Oct. 1" and to "begin drafting RIF plans that would go beyond standard furloughs, permanently eliminating jobs in programs not consistent with President Donald Trump's priorities in the event of a shutdown." *Id.* The memorandum is the source document cited by Judge Illston in *AFSCME v. OMB*, 25-cv-08302-SI, Doc. 56, Ex. A (N.D. Cal. Oct. 15, 2025), for which Plaintiff requests judicial notice at § I.A *supra*.

88. The memorandum's load-bearing directive language. The memo's operative directives are: (i) "Programs that did not benefit from an infusion of mandatory appropriations will bear the brunt of a shutdown"; (ii) agencies should "submit their proposed RIF plans to OMB and to issue notices to employees even if they would otherwise be excepted or furloughed during a lapse in funding"; (iii) agencies should "use this opportunity to consider Reduction in Force (RIF) notices"; (iv) "RIF notices will be in addition to any furlough notices provided due to the lapse in appropriation"; and (v) "RIF notices should be issued to all employees working on the relevant PPA, regardless of whether the employee is excepted or furloughed during the lapse in appropriations." *Id.* The targeting criterion — programs "not consistent with the President's priorities" — is undefined, has no consistency standard, and provides no challenge process. Senate Minority Leader Schumer characterized the plan as "an attempt at intimidation." *Id.* The

directive's constitutional significance is addressed at § III.D-E *infra* (Appropriations Clause and Anti-Deficiency Act ultra-vires analysis).

N. Coordinated Use of Government Resources for Political Messaging

89. Cabinet-department political messaging during shutdown. At least ten of the fifteen Cabinet departments "posted messages... that blamed Democrats or the 'radical left' for the shutdown on their official websites or social media accounts," with HUD displaying "The Radical Left are going to shut down the government and inflict massive pain on the American people unless they get their \$1.5 trillion wish list of demands"; the SBA stating Senate Democrats' actions prevented the agency "from serving America's 36 million small businesses"; the FDA referring to the "Democrat-led government shutdown"; and the Department of Education automatically reverting employee out-of-office email messages to partisan language when employees attempted to change them to nonpartisan. The White House displayed "a by-the-second ticker on its website adding up the length of time for which 'Democrats Have Shut Down the Government.'" Ex. A-3. Use of federally-appropriated infrastructure for partisan political messaging implicates Hatch Act, Anti-Lobbying Act, and Appropriations Clause violations addressed at §§ III.D-E *infra*.

O. The Grim Reaper Video and Subsequent Targeting Announcements

90. October 3, 2025 "Grim Reaper" video — threats to Democratic officials. On October 3, 2025, one day after President Trump announced he would meet with OMB Director Vought to discuss cutting "Democrat agencies," the White House/Dilley Meme Team posted an AI-generated video parodying Blue Öyster Cult's "(Don't Fear) The Reaper" (used without authorization — Blue Öyster Cult spokesperson Steve Schenck: "We were not contacted about

this in advance"). The video depicts OMB Director Vought as the grim reaper wielding a scythe, walking down a hallway with portraits of Democratic congressional leaders. The lyrics contain explicit threats: "'Now their time has come,' the song says... 'Here the power's gone'"; "'Russ Vought is the reaper... He wields the pen, the funds and the brain. Here comes the reaper'"; "Gonna tie your hands"; "Won't be able to fly"; "Cry baby end your plan." Ex. A-3, pg. 13. The video's use of federal-official imagery to communicate targeted threats to named categories of opposition officials — coupled with Trump's subsequent explicit statements confirming the threat — supports the domestic-terrorism analysis at § III.G *infra* under 18 U.S.C. § 2331(5).

91. Six-day escalation to explicit political targeting. Six days after the Grim Reaper video, on October 9, 2025, President Trump publicly confirmed the targeting: "we're only gonna cut Democrat programs. I hate to tell you. I guess that makes sense. But we're only cutting Democrat programs." Ex. A-3, pg. 24. Five days later, on October 14, Trump escalated: "we're closing up programs that are Democrat programs that we were opposed to... and they're never gonna come back... We're not closing up Republican programs 'cause we think they work"; "we'll give a little taste of their own medicine"; "every day... it's actually getting worse for them." *Id.* pg. 25-27. Trump additionally directed an organized public pressure campaign: "I blame the Democrats. They ought to call their local Democrat representative... tell them to get on the ball." *Id.* pg. 25. The escalation chain — video threat, executive explicit confirmation, public-pressure directive — establishes the coordinated-conduct pattern supporting §§ III.G (domestic terrorism statutory analysis) and III.F *supra* (Presidential targeting comparative analysis).

P. Obstruction of Representative-Elect Adelita Grijalva

92. Johnson's 22-day delay of Grijalva swearing-in. Representative-Elect Adelita Grijalva won Arizona's 7th Congressional District special election on September 23, 2025, and

had pledged publicly to become the 218th signature on House Resolution 1304's discharge petition — forcing a vote on the Massie-Khanna bill requiring DOJ release of Epstein files within thirty days. As of October 13, 2025, twenty days after her election, Grijalva had not been sworn in. Johnson had told CBS News on Thursday, October 2 that the House would "get around to swearing in Grijalva 'next week'"; on Friday, October 3, the House Reading Clerk announced that October 7-13 would be a "district work period" — the same week Johnson had promised Grijalva's swearing-in. Ex. A-3, pg. 14.

93. Grijalva's comparative statement and AG Mayes certification. Grijalva publicly identified the discriminatory treatment: "Earlier this year, two Republicans in Florida were sworn in during pro forma sessions less than 24 hours after their elections. The fact that Southern Arizona is being treated differently raises serious questions about political motivations — especially since I have pledged to become the 218th signature on the discharge petition to force a vote on the Epstein files." Ex. A-3, pg. 14. On October 14, 2025, Arizona Attorney General Kris Mayes officially certified Grijalva's victory and issued a 2-day ultimatum threatening declaratory action in federal court if Johnson failed to swear in Grijalva by October 16, characterizing Johnson's excuses as "shifting and at times absurd" and citing *Powell v. McCormack*, 395 U.S. 486, 550 (1969) (Constitution prohibits excluding a duly elected member meeting constitutional requirements). The discriminatory-treatment pattern (Republicans sworn in within 24 hours for family visits; Grijalva blocked for nineteen days past ordinary swearing-in) and the broken-promise pattern (Johnson's October 2 pledge, Johnson's October 3 recession-of-the-chamber announcement) establish the obstruction's motive and mechanism.

94. Corroborating contemporaneous statements. Senator Ruben Gallego publicly stated: "Mike Johnson is delaying Adelita Grijalva's swearing-in because she'd be the 218th vote to

unseal the Epstein files." Representative Alexandria Ocasio-Cortez stated October 3, 2025: "The government is in full shutdown and the Republicans are refusing to call the House back into session. Want to know why? Because we have secured the final vote on releasing the Epstein Files and they don't want it out." Ex. A-3, pg. 14. Grijalva herself stated: "Speaker Johnson is stalling because he knows I will be the 218th signature on the discharge petition to release the Epstein files." The Grijalva obstruction is not an isolated event; it is the same Epstein-protection pattern documented at §§ II.B-G, II.Q-R *supra* and §§ III.A-B *infra* — refracted through the swearing-in mechanism rather than the Rules-Committee-vote mechanism.

O. DOJ Opposition to Congressional Enforcement of Epstein Files Transparency Act
(January 16, 2026)

95. On January 16, 2026, the Department of Justice filed a letter in *United States v. Maxwell*, Case No. 20 Cr. 330 (PAE), Document 840 (S.D.N.Y.), opposing Representatives Ro Khanna and Thomas Massie's motion for leave to file an amicus brief seeking judicial enforcement of the Epstein Files Transparency Act, Pub. L. 119-38, 139 Stat. 656 (Nov. 19, 2025). *See* Letter Opposing Amicus Motion, *United States v. Maxwell*, No. 20 Cr. 330 (PAE), ECF No. 840 (S.D.N.Y. Jan. 16, 2026).

96. The DOJ letter bears the signatures of: (a) Pamela J. Bondi, United States Attorney General—a named defendant in this action; (b) Todd Blanche, Deputy United States Attorney General—President Trump's personal criminal defense attorney in his federal criminal cases; and (c) Jay Clayton, United States Attorney for the Southern District of New York. *See id.*

97. Todd Blanche's signature on correspondence opposing Epstein file disclosure creates textbook conflict of interest: Blanche defended Trump against federal criminal charges; Trump is documented in Epstein files (*see* Ex. A-1, pgs. 24-29); Blanche now controls DOJ's position on

releasing those files; and DOJ opposes any enforcement mechanism. This is precisely the "criminal associate protection" methodology documented throughout this Appendix.

98. DOJ's opposition advances three arguments: (a) Representatives Khanna and Massie lack Article III standing because the Act does not create a private right of action and legislators cannot assert institutional injuries under *Raines v. Byrd*, 521 U.S. 811 (1997); (b) the Epstein Files Transparency Act provides no cause of action for judicial enforcement; and (c) the Court lacks authority to mandate DOJ compliance with the Act. *See* Letter, *Maxwell*, ECF No. 840, at 2-5.

99. DOJ's arguments create an enforcement void rendering near-unanimous legislation unenforceable:

DOJ Argument	Effect
Representatives lack standing	Congress cannot enforce through its members
Act creates no cause of action	Private citizens cannot enforce
Court lacks authority to mandate compliance	Judiciary cannot compel enforcement
DOJ determines compliance timing	Executive self-polices without oversight

100. This January 16, 2026 filing represents the latest manifestation of the coordinated Epstein obstruction documented in Sections II.C-D (Johnson's prevention of Rules Committee vote on Khanna-Massie resolution in July 2025), continuing identical obstruction through judicial process rather than legislative manipulation. The same Representatives (Khanna and Massie) who Johnson obstructed in July 2025 now face DOJ obstruction in January 2026.

101. The temporal pattern proves continuing criminal enterprise: (a) July 2025—Johnson prevents Rules Committee vote on Khanna-Massie resolution; (b) November 19, 2025—Epstein Files Transparency Act passes 99-1; (c) November 18, 2025—Johnson resumes fraudulent legal

frameworks (*see* Section II.D); (d) January 16, 2026—DOJ opposes any enforcement mechanism for the Act. When legislative obstruction fails, executive obstruction continues the protective objective through alternative means.

R. DOJ Civil Rights Division Non-Responsive Form-Letter (April 6, 2026)

102. The DOJ response to service of process. On or about March 13, 2026, Plaintiff served the government defendants in this action by USPS Certified Mail with Return Receipt Requested, delivering the Second Amended Complaint together with the Clerk-issued summons directed to each federal defendant. On April 6, 2026, the U.S. Department of Justice, Civil Rights Division, issued a form-letter response addressed to Plaintiff at his residence. (*See* Ex. A-14.) The letter does not acknowledge receipt of the complaint or summons, does not appear on the docket as a responsive pleading or notice of appearance, and is not signed by any identifiable attorney, office head, or supervising authority — only by the block signature "U.S. Department of Justice / Civil Rights Division."

103. Observation 1 — The letter mischaracterizes service of process as a voluntary civil-rights-report intake. The letter's operative sentence states: "You contacted the Department of Justice on March 13, 2026, regarding a potential civil rights violation." Plaintiff did not "contact the Department of Justice"; Plaintiff served a federal civil complaint and summons on government defendants named in the caption of *Kirchner v. Johnson*, No. 1:25-cv-02735-ACR, a pending federal action before this Court. The CRD's characterization converts service of process into a voluntary intake report — the functional equivalent of submitting a form at civilrights.justice.gov. This mischaracterization is material: it is the premise through which the Department declines to acknowledge the pendency of this action, the filed complaint, or the defendants' responsive-pleading deadlines under Fed. R. Civ. P. 12(a)(2)-(3).

104. Observation 2 — The letter applies a threshold Plaintiff never invoked. The letter states that "after careful review" the Department "cannot authorize the opening of an investigation" because the report "does not rise to the level of a prosecutable federal criminal civil rights violation." Plaintiff's complaint is a civil action against government defendants in their official capacities — not a request for the Department to authorize a criminal prosecution. The prosecutable-criminal-civil-rights-violation threshold is the Department's intake filter for voluntary citizen complaints; it has no application to a filed federal civil action in which the Department's own official-capacity defendants are required by the Federal Rules to respond.

105. Observation 3 — The letter directs Plaintiff to find an attorney. The letter advises: "You may want to consult an attorney about other legal actions that you may be able to take. Your local legal aid office or state bar association may be able to help in locating an attorney." This advice is meaningful only if the Department treats the correspondence as not being a federal lawsuit. Plaintiff is the plaintiff in a filed, pending federal action; the "other legal action" the letter suggests Plaintiff "may be able to take" is the very action Plaintiff filed and served. The recommendation that Plaintiff consult an attorney to determine whether to bring the lawsuit he has already brought — and served on the Department's own officers — is not a response to service of process; it is a refusal to recognize that service occurred.

106. Observation 4 — The letter is unsigned by any identifiable authorizing official. The letter's closing signature block reads: "Sincerely, / U.S. Department of Justice / Civil Rights Division." No Assistant Attorney General, Section Chief, career attorney, paralegal, or other human individual is named or initialed. By contrast, the January 16, 2026 DOJ filing in *United States v. Maxwell*, No. 20 Cr. 330 (PAE), ECF No. 840 (S.D.N.Y.) — addressed in § II.Q *supra* — was signed by three identified officials (Bondi, Blanche, Clayton). The architectural

difference is significant: when the Department opposes release of Epstein files, it signs with three officials; when it responds to a plaintiff's civil complaint identifying DOJ misconduct, it signs only as an abstract institution. The anonymity frustrates Plaintiff's ability to identify the individual authorizing the mischaracterization of service, the attorney (if any) reviewing the correspondence, and the chain of supervision under which the letter was issued.

107. Observation 5 — The form-letter architecture reveals the letter's category. The letter's three section headings — "What we did," "What you can do," "How you helped" — are not standard responses to federal civil-complaint service. They are standard intake-response templates used by the Civil Rights Division's public complaint portal to acknowledge receipt of voluntary citizen reports. The "How you helped" language — "your report can help us find issues affecting multiple people of communities" — describes aggregated-data use, not adjudication of a specific legal action. The form-letter structure therefore does not merely mislabel Plaintiff's complaint as an intake report; it is a literal intake-report template deployed against service of process on Department officials.

108. Observation 6 — Temporal alignment with sister-state enforcement action. The letter is dated April 6, 2026 — fifteen days before Florida Attorney General Uthmeier announced, on April 21, 2026, the opening of a criminal investigation of OpenAI, Inc., one of the corporate subjects identified in Plaintiff's February 10, 2026 criminal referral to the Minnesota Attorney General (*see Ellison* Compl. ¶¶ 45-46). The April 6 federal non-response and the April 21 state criminal investigation describe two different postures toward the same underlying conduct plaintiff identified in his correspondence and complaint: at the federal level, DOJ characterizes the service of process as an intake report not worth investigation; at the state level, a sister-state Attorney General opens a criminal investigation under weaker discretionary

authority than Plaintiff's home-state statute provides. The comparative asymmetry is itself evidence of the enforcement void this Appendix documents.

S. Pattern of Government-Defendant Non-Responsiveness as Evidence of Coordinated Non-Appearance

109. The non-responsiveness pattern. Three contemporaneous DOJ communications form a pattern of non-responsiveness to litigation and legislation concerning the Epstein enterprise, the coordinated-ultra-vires conduct documented throughout this Appendix, and service of process in this action: (a) January 16, 2026 — DOJ's Maxwell brief opposing Representatives Khanna and Massie's motion for leave to file an amicus brief seeking judicial enforcement of the Epstein Files Transparency Act (§ II.Q *supra*; signed by Bondi, Blanche, Clayton); (b) April 6, 2026 — CRD form-letter mischaracterizing Plaintiff's service of process as a voluntary intake report (§ II.R *supra*; unsigned); and (c) absence to date of any Notice of Appearance, responsive pleading, or other docket entry on behalf of any federal Defendant in this action, despite certified-mail service with return receipt on March 13, 2026 and the expiration of the Rule 12(a)(2)-(3) answer period.

110. The three communications share a common operative structure. In each, the Department characterizes its position on legal process concerning the Epstein enterprise as a discretionary refusal rather than a substantive response. In *Maxwell* the refusal is framed as standing doctrine ("Representatives lack standing"); in the April 6 CRD letter the refusal is framed as resource allocation ("we are unable to take direct action on every report"); in this action the refusal is framed as silence. Each framing shares the same structural feature: it denies Plaintiff (or congressional petitioners) access to adjudication of the merits. Under *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 163 (1803), "[t]he very essence of civil liberty certainly

consists in the right of every individual to claim the protection of the laws, whenever he receives an injury." A Department that refuses to recognize legal process against itself while maintaining full litigation activity in other dockets denies that essential civil liberty to petitioners whose claims implicate the Department's own conduct.

111. Non-appearance as coordinated enterprise evidence. A pattern of non-appearance across multiple federal defendants, facilitated by DOJ form-letter mischaracterization of service, supports the inference that non-appearance is not the independent choice of each defendant but a coordinated litigation posture directed from the Department. Under *Interstate Circuit, Inc. v. United States*, 306 U.S. 208 (1939), parallel conduct by parties possessing the means to communicate supports inference of agreement when the parallel conduct would not be in each party's independent self-interest. Here the federal defendants share the means to communicate (the Department), and the parallel non-appearance forfeits ordinary defenses (default exposure, waiver of Rule 12 affirmative defenses, potential damages default under Rule 55(b)(2)) that no individually self-interested defendant would waive. The more rational explanation is that non-appearance is coordinated through the Department as part of the same pattern documented in the January 16 *Maxwell* letter and the April 6 CRD form-letter.

112. The enforcement-void architecture closes at the point of federal civil litigation. Plaintiff's parallel proceedings establish state-enforcement-void (MN AG Ellison's February 26, 2026 disclaimer, *see Ellison* Compl. ¶¶ 19-31), federal-criminal-prosecution void (DOJ's *Maxwell* opposition, § II.Q *supra*), federal-investigative-authority void (DOJ CRD's April 6 form-letter, § II.R *supra*), and — if the coordinated-non-appearance pattern continues through the answer deadlines — federal-civil-litigation void (this Court's docket). Each layer of the void operates through a different procedural mechanism; together they produce the structural violation

Bond v. United States, 564 U.S. 211, 225 (2011), identifies as concomitant injury: when no institutional actor will enforce, the citizen who investigates, documents, and litigates bears the entire cost of redress. *Ellison* Appellant's Br., 8th Cir. No. 26-1615, at ¶¶ 54-57 (*Bond's* concomitant-injury framework applied to parallel state-enforcement void); *Acosta* Pet. ¶¶ 25-30 (Madisonian enforcement-gap principle).

113. Relief required. Plaintiff requests that the Court, at the earliest appropriate procedural moment, (a) enter default judgment against any federal defendant who fails to appear within the time prescribed by Fed. R. Civ. P. 12(a)(2)-(3); (b) take judicial notice under Fed. R. Evid. 201(b)(2) of the April 6, 2026 CRD letter and of the absence of any federal-defendant appearance on the docket as of the filing of this Third Amended Complaint; and (c) treat the coordinated non-responsiveness pattern as evidence of the ultra-vires coordination claims pled throughout this Appendix and in the Third Amended Complaint. *See* Fed. R. Civ. P. 55(a).

III. ARGUMENT

A. Johnson's Prevention of Epstein Oversight Constitutes Article I Violations Through Criminal Enterprise Protection

1. Constitutional Framework for Congressional Oversight

114. Article I, Section 1 establishes that "ALL legislative Powers herein granted shall be vested in a Congress," creating the constitutional foundation for independent congressional authority including oversight obligations, investigative powers, and government accountability requirements that cannot be subordinated to executive coordination or abandoned for shared political motivations.

115. Congressional oversight of government official conduct serves mandatory Article I functions including: (a) constitutional governance through independent accountability mechanisms; (b) institutional integrity through oversight of government conduct; (c) democratic transparency through constitutionally required information access; and (d) separation of powers through independent oversight of executive branch operations.

116. House Speaker Mike Johnson's termination of House Rules Committee proceedings to prevent voting on Epstein files despite 9-4 Republican supermajority that guaranteed Republican victory violates Article I, Section 1's exclusive grant of legislative power to Congress.

117. Johnson's coordination with executive preferences to prevent democratic resolution while controlling the outcome creates logical impossibility where preventing voting serves executive coordination rather than legislative independence.

2. Johnson's Vote Prevention Despite Supermajority Control Proves Criminal Intent

118. Johnson's vote prevention despite supermajority control (App. A ¶¶ 23-30) creates concrete standing through procedural fraud because: (1) **logically certain** that Republicans would win any vote; (2) defendant's admission of criminal associate protection motivation; (3) no legitimate governmental purpose exists for preventing democratic resolution when controlling outcome; and (4) Plaintiff suffers concrete constitutional injury from destruction of democratic process through coordination serving criminal rather than constitutional purposes.

119. Representatives Khanna and Massie possess clear authority under House Rule XI, Clause 2(m)(1)(A) to propose congressional oversight resolutions, while Rules Committee Rule 3(c)(2) establishes that "A record vote of the Committee shall be provided on any question before the Committee upon the request of any member." Johnson's prevention of any committee consideration violates these established Rules Committee procedures.

120. Johnson's vote prevention despite supermajority control demonstrates criminal intent because constitutional logic shows avoiding democratic process proves consciousness of wrongdoing rather than legitimate constitutional reasoning.

121. Over 150 years of documented quorum breaks (1870, 1979, 2003, 2021, 2025) demonstrate that when legislators want to prevent voting, they must physically leave because they lack control over outcomes. Johnson's conduct has no historical precedent because it's logically impossible to justify preventing voting while controlling the result.

122. Texas Democrats face immediate civil arrest warrants for following 150+ years of constitutional precedent while maintaining Article I legislative independence from executive coordination, while Johnson faces zero enforcement for unprecedented constitutional violations through abdication of Article I legislative powers to executive branch coordination.

123. Real-time escalation occurred August 18, 2025, when Democratic Rep. Nicole Collier was "locked inside the Texas Capitol" after refusing to sign a "permission slip" for mandatory DPS escort, with DPS requiring she "stay in the House chambers or inside her office" between legislative sessions. This escalation from constitutional compliance receiving civil arrest to constitutional compliance receiving indefinite detention between sessions while constitutional violations receive governmental protection proves active governmental corruption that punishes legislative independence and rewards executive subordination.

3. Johnson's 100% False Technical Legal Claims Prove Professional Fraud

124. Johnson's 100% false technical claims create **constitutional impossibility of legitimate defense through objective legal analysis**: (1) Resolution cites standard federal CSAM statutes (18 U.S.C. §§ 2256, 2252-2252A) making Johnson's "wrong provision" claim professionally inexcusable; (2) Resolution provides explicit redaction authority for segregable portions making

Johnson's "requires grand jury testimony release" claim objectively false under standard DOJ procedures; (3) Resolution contains comprehensive victim protections making Johnson's "inadequate protection" claim demonstrably contradicted by resolution text; (4) Johnson claiming "the house rules resolution sets a good standard and requires all credible evidence to be released" when H.Res. 5 (House Rules) contains zero references to credible evidence, Epstein, or disclosure requirements, while actual congressional oversight authority derives from federal statutes 2 U.S.C. §§ 192, 194, demonstrating confusion between internal procedural rules and federal statutory authority that no competent attorney could accidentally make.

125. A "constitutional law attorney" cannot achieve 0% accuracy on four separate technical legal claims within his professional expertise without criminal intent requiring immediate judicial intervention.

126. Johnson creates constitutional impossibility through contradictory legal claims where the identical legal action (DOJ releasing grand jury materials through court procedures) is simultaneously "prohibited by law" when directed by Congressional resolution but "perfectly legal" when directed by Presidential order (Ex. A-1, pg. 20, 21). Johnson claims congressional resolution "requires the DOJ to release grand jury testimony. They are prohibited by law from doing so, so it is not the right approach" while simultaneously stating "the president has directed the Department of Justice to pursue the release of grand jury information and that is happening as we speak. In fact, the court is processing a DOJ's request for grand jury materials."

127. This logical impossibility proves professional fraud because federal law cannot change based on which branch initiates identical court petition processes under Federal Rule of Criminal Procedure 6(e). Johnson's own admission that Trump's DOJ petition is legal proves that grand jury material release through court procedures is not prohibited by law, demonstrating deception

designed to prevent congressional oversight while coordinating with executive branch officials pursuing the identical legal action Johnson claims Congress cannot legally pursue.

128. Johnson's false legal framework creates additional chilling effects discouraging legitimate parties including victims, witnesses, and other qualified petitioners from seeking court-ordered release of grand jury materials they are legally entitled to request under Federal Rule of Criminal Procedure 6(e), as his public misrepresentation of law suggests petition authority depends on executive branch authorization rather than established legal standards, thereby suppressing legitimate judicial remedies through deliberate legal misinformation.

129. Federal Rule of Criminal Procedure 6(e) establishes clear exceptions permitting grand jury material disclosure including: judicial proceedings requiring disclosure; court orders for appropriate governmental purposes; congressional oversight with proper legal procedures; and DOJ petitions with judicial approval.

130. As a "constitutional law attorney," Johnson must understand Federal Rule of Criminal Procedure 6(e) disclosure procedures, congressional oversight authority over DOJ, court petition processes for unsealing materials, and the fact that he admits Trump is legally pursuing identical action.

131. Johnson cannot explain this contradiction without proving professional fraud because Congress and the Executive branch are coequal branches of government under the Constitution, both possessing identical authority to petition federal courts for grand jury material release under Federal Rule of Criminal Procedure 6(e). If grand jury release is "prohibited by law" as Johnson claims, then Trump's direction violates federal law, Johnson should oppose Trump's illegal conduct, the DOJ petition process Johnson describes is unlawful, and this proves Johnson's legal claim is correct but coordination is criminal. If Trump's direction is legal as Johnson

simultaneously admits, then congressional resolution using identical court petition procedures would also be legal because coequal branches possess equivalent authority to seek judicial unsealing, making Johnson's "prohibited by law" claim demonstrably false and proving his technical legal claim is deceptive.

132. Johnson's false House Rules claim proves professional deception because the Rules Committee rules address only procedural matters including meeting procedures, voting requirements, hearing procedures, records maintenance, staff appointments, and general parliamentary procedures, with zero references to evidence evaluation, disclosure standards, oversight protocols, or "credible evidence" terminology anywhere in the document. Johnson's claim that House Rules "require all credible evidence to be released" constitutes professional fraud because no such language exists in any House Rule, proving Johnson manufactures fake legal authority to justify constitutional duty abandonment through misrepresentation of actual rule content that any Speaker would be required to know accurately.

133. Johnson's fraud extends beyond false claims about the Massie-Khanna resolution (H.R. 581, 119th Cong. (2025)) to prevention of his own supposedly 'superior' alternative. Johnson's recorded claim that 'House Republicans on the rules committee have a resolution that is well drafted, that is thoughtfully drafted by lawyers that would make this workable' followed by preventing any vote on this supposedly superior resolution proves his technical objections serve criminal protection rather than legitimate legal concerns. If Johnson genuinely possessed a 'well drafted' resolution that solved victim protection issues while enabling oversight, preventing its vote creates constitutional impossibility of legitimate technical motivation. Johnson's prevention of both the supposedly 'flawed' resolution and his supposedly 'superior' resolution proves intentional prevention of any oversight regardless of technical adequacy, demonstrating criminal

protection motivation through fraudulent technical criticism designed to justify oversight elimination rather than oversight improvement.

134. Johnson's claim of having a resolution "ready to go" with "correct language" constitutes professional fraud because coordinated planning ensured Trump would release filtered files through executive authority before congressional action became necessary. Johnson never intended to produce his claimed resolution because the criminal enterprise coordination plan eliminated need for congressional oversight through preemptive executive usurpation of Article I authority. **If Johnson genuinely possessed a resolution with "correct language" addressing his claimed technical concerns, immediate production would validate his constitutional authority and resolve all stated barriers to oversight. Johnson's refusal to produce his claimed resolution despite documented constitutional crisis proves the "ready to go" claim was fraud designed to create delay enabling executive coordination rather than legitimate legislative preparation.** This premeditated coordination proves sophisticated criminal enterprise planning rather than reactive constitutional violations, demonstrating conspiracy to prevent congressional oversight through coordinated executive usurpation while maintaining facade of legislative preparation.

135. Johnson's fraud is conclusively proven by comparing the blocked Massie-Khanna resolution to H. Res. 668 (September 2025), which contains identical victim protections, legal framework, and redaction authority Johnson claimed were impossible to achieve. The only addition in H. Res. 668 (introduced by an unnamed individual) is redundant 'whistleblower investigations' language that serves no legal purpose beyond supporting Johnson's fabricated narrative that Trump was an FBI informant requiring protection (Ex. A-1, pg. 26). This comparison proves Johnson's technical objections were manufactured barriers designed to enable

executive coordination rather than legitimate legal concerns, constituting professional fraud through false constitutional attorney analysis serving criminal conspiracy coordination.

136. Johnson uses false legal analysis to justify abandoning congressional oversight authority that he knows is constitutionally valid, proven by his admission that Trump can legally pursue identical action. This violates Model Rule 1.1 (Competence) through false technical claims and Model Rule 8.4(c) (Dishonesty) through using professional authority for deceptive legal analysis. The criminal conspiracy elements include knowledge (Johnson knows grand jury release is legally possible because he admits Trump does it), intent (uses false legal claims to prevent congressional oversight), coordination (pattern across multiple technical domains), and criminal purpose (protecting criminal associates through constitutional violations).

4. Trump's Admissions Establish RICO Criminal Enterprise Evidence

137. Trump's detailed confirmation that Virginia Giuffre worked at Mar-a-Lago spa and was "stolen" by Epstein provides definitive authentication of victim testimony while destroying FBI claims of "no credible evidence." **This creates perfect legal trap: Trump authenticates victim testimony the FBI claims lacks credibility, proving either FBI deception or Trump's confession to crimes the FBI is covering up.** This perpetrator authentication of victim accounts proves consciousness of concealed criminal activity, demonstrates deception coordinated with Johnson's constitutional duty abandonment, and provides federal criminal evidence exceeding standards for conspiracy prosecution under 18 U.S.C. §§ 241, 371.

138. Trump's detailed knowledge of teenage spa worker movements among hundreds of staff at massive resort operations creates logical impossibility for innocent business explanation. Billionaire resort owners do not personally track individual teenage spa employees—such decisions are handled by managers. Trump's specific memory of worker recruitment years later

proves unusual significance requiring personal attention that only serious criminal activity involving teenage workers would necessitate. Standard business practices never reach billionaire attention for teenage spa workers who represent minimal business value. The disproportionate response—permanent social banishment of wealthy associate—proves territorial protection of criminal enterprise operations rather than legitimate business competition, validating victim testimony about criminal recruitment operations requiring Trump's direct intervention.

139. Trump's documented preference hiring of young women (17-18) based solely on appearance validates victim testimony describing recruitment operations at Trump properties. His immediate comparison to addiction—"See now she worked in my place, that's like a death wish for me. Right? That's like an alcoholic...this would be my form of alcoholism"—proves Trump understood his targeting of young women was inappropriate and potentially criminal yet continued such recruitment compulsively, providing direct evidence of consciousness of guilt required for federal conspiracy charges under 18 U.S.C. §§ 241, 371.

140. Trump's "stolen workers" explanation becomes impossible when Trump used identical recruitment methods for hiring minors (17-18) based solely on appearance. Business reality shows this fails basic business logic: resort staff competition occurs continuously without owner intervention, and business relationships routinely survive employee movement. Trump cannot claim Epstein "stole" workers while employing the same predatory recruitment targeting. This proves the "worker theft" narrative conceals territorial disputes over shared criminal recruitment operations rather than legitimate business concerns, demonstrating consciousness that real explanations require false narratives to avoid accountability.

141. Trump's victim testimony authentication provides perfect criminal enterprise evidence because: (1) validates victim credibility through perpetrator admission; (2) proves consciousness

of concealed criminal activity through alternative explanations; (3) demonstrates coordinated deception methodology with Johnson's constitutional duty abandonment; and (4) provides federal criminal evidence standards for conspiracy, obstruction, and civil rights violations requiring immediate prosecution independent of captured federal apparatus.

142. Trump's admission demonstrates identical linguistic manipulation patterns used in contemporary Epstein file suppression: (1) immediate minimization ("that's such old history"); (2) claimed simplicity while avoiding detailed explanation ("very easy to explain, but I don't wanna waste your time"); (3) vague language concealing specifics ("he did something that was inappropriate"); and (4) defensive moral positioning ("I'm glad I did"). This linguistic deception proves ongoing consciousness that real explanations for criminal associate relationships require false narratives to avoid accountability.

143. Trump's primary defense strategy—claiming a "falling out" with Epstein over "stolen workers" before Epstein's 2008 conviction—inadvertently provides definitive RICO criminal enterprise evidence under *United States v. Turkette* "association-in-fact" standards. The combination of Trump's recruitment admissions, territorial dispute confession ("stolen workers"), personal compulsion acknowledgment ("alcoholism"), victim testimony authentication, and business logic impossibility proves all required RICO elements: (1) Common Purpose through both parties systematically recruiting young women in spa settings; (2) Relationship Among Associates through documented years of coordination before territorial dispute; (3) Sufficient Longevity through multi-year criminal enterprise operations; and (4) Criminal Activity through territorial disputes over recruitment operations proving competitive criminal enterprise rather than legitimate business relationships. Trump's defense strategy constitutes confession of RICO enterprise participation requiring constitutional oversight that Johnson's coordination prevents.

144. Trump's recorded statement "we don't want people to get hurt. You can't have people associated..." constitutes direct confession that Epstein file suppression serves criminal associate protection rather than victim protection. Combined with Trump's authentication of victim testimony, preferential recruitment operations, and impossible business explanations, this proves federal RICO enterprise requiring constitutional oversight that Johnson prevents through coordinated abandonment of Article I duties.

145. This documented criminal enterprise—validated by Trump's own admissions—makes Johnson's constitutional duty abandonment protection of proven criminal operations rather than legitimate governance. Johnson's coordination with Trump despite this evidence proves criminal conspiracy to protect sexual predator networks through prevention of constitutionally required oversight, creating concrete injury to Plaintiff's rights to constitutional governance free from criminal enterprise control.

5. Johnson's November 2025 Fraud Resumption Proves Consciousness of Guilt and Continuing Criminal Enterprise

a. Incorporation by Reference of Prior Pleading Documentation

146. Plaintiff incorporates by reference the First Amended Complaint (ECF No. 5, filed September 29, 2025) at ¶¶ 36-39, 95-135, and 310-324F, and the Second Amended Complaint (ECF No. 13) in its entirety, documenting Speaker Johnson's systematic obstruction of Epstein oversight through fraudulent legal frameworks — Federal Rules of Evidence 607/901 conflation documented in Ex. A-1 (pgs. 4-56, appearing 15 times across 7 exhibits) and the four-domain legal-fraud pattern achieving 0% accuracy across federal CSAM statutes, grand jury procedures, victim-protection protocols, and congressional oversight authority. Prior-pleading coverage obviates re-recitation of the underlying documentary record here.

b. Strategic Abandonment, Then Resumption — The Temporal Pattern

147. The start-stop-resume pattern establishes litigation-responsive conduct proving consciousness of guilt. Johnson ceased the fraudulent "credible evidence" framework within 24 hours of Plaintiff's August 19, 2025 lawsuit filing, maintaining **zero violations for 90 days** during active litigation. (Pre-complaint: three confections per seven-day period. Post-complaint: zero instances. *See* ECF No. 5 ¶ 92; Ex. A-1 pgs. 33–56.) On **November 18, 2025** — on the House floor opposing the Epstein Files Transparency Act (H.R. 4405) — Johnson resumed identical obstructionist methodology in three forms: (a) Federal Rules 607/901 conflation (claiming "non-credible allegations" require amendments protecting "innocent persons"); (b) victim-to-criminal linguistic shift (memorandum language "could create new categories of victims" referring to "innocent persons" whose "reputations" need protection from "guilt by association"); and (c) national-security false claim (contradicting DOJ's July 7 memo's "exhaustive review" finding no intelligence connections, and Patel's September 16 testimony limiting investigation to "FBI only"). Ex. A-1 pg. 62 ¶¶ 16, 19-21. Representative Massie immediately identified the conflation: "Is Johnson calling all victims 'non-credible?'"

c. The 18 U.S.C. § 2256 False Claim — Fifth Domain of Legal Fraud (Preserved Binary Statutory Analysis)

148. On November 18, 2025, Speaker Johnson entered into the Congressional Record a memorandum entitled "How the Flaws of H.R. 4405 Could Re-Victimize Epstein's Victims, Create New Victims, and Damage the Judicial System" (Ex. A-1, pg. END). The memorandum contains the following demonstrably false legal claim:

"H.R. 4405 allows the Attorney General to redact portions of records that 'depicts or contains child sexual abuse materials (CSAM) as defined under 18 U.S.C. 2256....' It necessarily follows that the redaction authority is limited by whatever CSAM definition is found in 18 U.S.C. 2256. **Unfortunately, Sec. 2256 does not**

contain any CSAM definition, which means that H.R. 4405 bestows no real legal authority on the Attorney General to redact those materials."

This statement is objectively false.

149. Title 18, United States Code, Section 2256 is literally titled "**Definitions for chapter**" and provides exhaustive definitional infrastructure: § 2256(1) ("minor" — any person under eighteen); § 2256(2) ("sexually explicit conduct" — defined expansively to include sexual intercourse of all forms, bestiality, masturbation, sadistic or masochistic abuse, and lascivious exhibition of the anus, genitals, or pubic area); § 2256(5) ("visual depiction" — including undeveloped film, data stored on computer disk, and data transmitted by any means); § 2256(8) ("child pornography" — the legal term synonymous with CSAM, defined as any visual depiction involving a minor engaging in sexually explicit conduct, including digital, computer-generated, and adaptive-modification images); § 2256(9) ("identifiable minor"); § 2256(10) ("graphic"); and § 2256(11) ("indistinguishable").

150. Johnson's claim that § 2256 "does not contain any CSAM definition" is not a matter of interpretation or good-faith disagreement — it is a demonstrably false statement about statutory content verifiable in thirty seconds through publicly accessible databases including law.cornell.edu and uscode.house.gov. The only possible distinction is terminological: the statute uses "child pornography" rather than "CSAM." This distinction is legally frivolous because (a) "CSAM" is modern professional terminology adopted by DOJ, FBI, and NCMEC specifically to replace "child pornography" while referring to identical conduct; (b) H.R. 4405's reference to "CSAM as defined under 18 U.S.C. 2256" unambiguously invokes the comprehensive definitions therein; and (c) under *Holy Trinity Church v. United States*, 143 U.S. 457 (1892), terms must be interpreted to effectuate rather than defeat legislative intent.

151. The trilemma. Johnson faces a trilemma with no viable escape: (i) if his complaint concerns "CSAM" not being defined, § 2256(8) defines "child pornography" — the synonymous term Johnson himself uses interchangeably throughout his floor speech and memorandum, rendering the objection self-refuting (Ex. A-1, pg. 62, ¶¶ 16, 21); (ii) if his complaint concerns "child pornography" not being defined, the statutory text at § 2256(8) refutes that directly; (iii) if his complaint concerns "sexually explicit conduct" needing further specification, the § 2256(2) definition is already exhaustive — any narrowing would **reduce** victim protection by excluding categories of abuse currently covered. Every analytical path defeats the claimed deficiency, and the victim-protection rationale is logically incompatible with the remedy Johnson proposes.

d. Integration — Fabricated Expertise, Five-Month Gap, and Pretextual Obstruction

152. Consolidated analysis. The binary statutory analysis at ¶¶ 185-188 *supra* is compounded by four additional indicia of bad faith, each independently sufficient to defeat any good-faith defense and together establishing consciousness of guilt:

(i) **Fabricated-expertise tell.** Johnson justified his false claim by asserting federal-litigation expertise ("I used to be a federal court litigator"). His verbal citation of the statute as "eighteen U-S-C twenty two fifty six" — rather than the reflexive "Title Eighteen... Section Twenty-Two Fifty-Six" pattern actual federal practitioners develop through constant written and oral citation — establishes either fabricated expertise or professional incompetence inconsistent with any meaningful federal litigation practice.

(ii) **Five-month accountability gap.** From Johnson's July 27, 2025 claim that he possessed "superior legislation" (Ex. A-1, pg. 22) through November 18, 2025, Johnson produced zero alternative bills, zero proposed amendments, zero specific statutory-gap identifications, and zero alternative redaction language — despite full legislative drafting

authority, House Legislative Counsel access, majority chamber control, and five months of elapsed time. Plaintiff's ability as a pro se litigant to draft clarifying amendment language in seconds ("For purposes of this Act, 'child sexual abuse material' shall have the meaning given the term 'child pornography' in section 2256(8) of title 18, United States Code...") contrasts directly with Johnson's "small army of lawyers" (Johnson's phrase, Ex. A-1 pg. 62 ¶ 15) producing no draft language in five months.

(iii) **YES-vote contradiction.** Johnson voted YES on H.R. 4405 while simultaneously claiming the bill "is flawed and it must be amended" and "could revictimize Epstein's victims" (Ex. A-1 pg. 62 ¶¶ 18, 22). Genuine belief that legislation endangers victims would mandate a NO vote; the YES vote accompanied by victim-endangerment objections eliminates any good-faith interpretation and reveals the objections as pretextual delay mechanisms.

(iv) **Institutional-silence coordination evidence.** The week following the November 18 floor speech produced zero institutional correction of the demonstrably false § 2256 claim despite Congress containing 170+ licensed attorneys; legal media with staff analysts; opposition politicians who made Epstein transparency a priority issue; and the professional legal commentariat. Universal silence regarding a thirty-second verifiable false claim — across political, media, and professional domains — establishes either collective incompetence of unprecedented scope or collective interest in allowing the obstruction to proceed unchallenged. The latter inference aligns with the coordination pattern documented throughout this Appendix and the Second Amended Complaint (ECF No. 13 ¶¶ 134, 376-397).

e. Constitutional Impossibility of Good Faith Defense

153. Johnson's pattern creates multiple constitutional impossibilities proving criminal intent rather than error:

Impossibility	Evidence	Logical Contradiction
Legal Competence	0% accuracy across 5 legal domains	Constitutional attorney cannot accidentally fail comprehensively
Temporal Pattern	Ceased fraud Aug 19; resumed Nov 18	Good faith error doesn't pause for litigation then resume
Alternative Bill	5 months claiming superiority; zero production	Legitimate concern produces solution; obstruction prevents all solutions
Statutory Reading	Claims § 2256 lacks definition present in § 2256(8)	Federal litigator cannot misread statute titled "Definitions" accidentally
Verbal Citation	"eighteen U-S-C twenty two fifty six"	Actual federal litigators cite "Title... Section..." reflexively
Self-Refuting Terms	Uses "child pornography" while claiming no definition exists	Cannot use term while claiming term undefined
Definitional Trilemma	Any "improvement" would narrow protection	Claimed victim concern incompatible with claimed remedy
Small Army of Lawyers	Zero proposed amendments despite legal team	Legitimate concern produces solutions, not just obstacles
Pro Se Comparison	Plaintiff drafts amendment in seconds; Johnson produces nothing in 5 months	Proves obstruction, not complexity
YES Vote	Votes YES while claiming bill endangers victims	Genuine concern prevents YES vote on "dangerous" bill

154. Johnson November 18 voted YES on H.R. 4405 while simultaneously claiming bill "is flawed and it must be amended" and "could revictimize Epstein's victims" (Ex. A-1, pg. 62, ¶¶18, 22). This proves technical objections are pretextual: genuine belief that legislation endangers victims would mandate NO vote, not YES vote accompanied by objections serving delay through Senate amendment demands rather than protection through opposition. The YES vote while claiming danger eliminates any good faith interpretation of Johnson's conduct.

f. Coordination Proof Through Temporal Correlation

155. The November 18 resumption timing proves ongoing criminal enterprise coordination:

Date	Event	Significance
July 7-Aug 18	"Credible evidence" fraud (43 days)	Initial obstruction phase
Aug 19	Plaintiff files lawsuit	Judicial scrutiny begins
Aug 20-Nov 17	Zero fraud instances (90 days)	Strategic abandonment under litigation
Nov 18	Fraud resumption on House floor	Protective objective supersedes exposure risk
Nov 18-25	Zero institutional correction	170+ attorneys silent on false claim

156. The start-stop-resume pattern proves: (a) consciousness that methodology is fraudulent (stopped when exposed to judicial scrutiny), (b) monitoring of litigation status (perfect timing correlation with complaint filing), (c) continuing protective purpose (resumed despite documented exposure), and (d) coordination with other defendants (criminal associate protection continues through alternative means while accountability mechanisms fail uniformly).

g. Circular Fraud: Johnson Usurps Attorney General Authority While Both Deploy Identical Legal Fraud

157. When confronted with H.R. 4405's explicit CSAM redaction authority, a reporter correctly identified that determining statutory adequacy falls within Attorney General interpretive authority: "it's up to the attorney general." Johnson rejected this, claiming HE could determine the reference is wrong: "No, it's not... it doesn't reference the right code section" (Ex. A-1). This attempted usurpation of Attorney General statutory interpretation authority through claimed "federal litigator" expertise fails because: (a) Johnson's claimed expertise is fabricated (evidenced by verbal citation errors and substantive misreading of § 2256), and (b) Attorney General Bondi—who should possess interpretive authority—is co-defendant who deployed identical fraudulent legal framework, rendering both actors unreliable for statutory interpretation.

158. The July 7, 2025 DOJ Memo—authored under Attorney General Bondi's authority—established the fraudulent "credible evidence" framework Johnson adopted (*see* Compl. ¶ 186). Bondi's participation proves the fraud was knowing rather than error: she demonstrated correct legal analysis November 22, 2024 (pre-appointment), then deliberately abandoned legal standards after assuming office requiring oath to uphold law (Ex. A-1, pg. 54).

159. This creates coordinated circular fraud structure where neither branch can provide reliable statutory interpretation:

Step	Actor	Fraudulent Claim	Purpose
1	Bondi (DOJ)	July 7 memo establishes "credible evidence" filtering	Executive authority to suppress evidence
2	Johnson (Congress)	Adopts Bondi's framework as justification for blocking oversight	Legislative obstruction citing executive authority
3	Reporter	Correctly identifies statutory interpretation as AG's authority	Standard separation of powers understanding
4	Johnson	Usurps AG interpretive authority claiming "federal litigator" expertise	Legislative branch claims executive interpretation power
5	Both	Deploy identical fraudulent frameworks achieving 0% accuracy	Coordinated obstruction preventing oversight

160. The circular structure proves coordination rather than independent error: Johnson cannot claim superior statutory interpretation authority over Attorney General when his claimed "federal litigator" expertise is fabricated through verbal citation errors and substantive statutory misreading, while Bondi cannot provide legitimate legal guidance when her July 7 memo violated basic Federal Rules of Evidence establishing the fraudulent framework. The result is complete statutory interpretation breakdown where **legislative branch usurps executive interpretive authority using fabricated expertise, while executive branch deploys**

fraudulent legal frameworks, creating coordination where neither branch provides reliable legal analysis because both serve criminal protection rather than constitutional compliance.

161. This coordination pattern matches *Interstate Circuit v. United States*, 306 U.S. 208 (1939), where conspiracy was proven through defendants acting contrary to independent self-interest because coordination served essential purposes. Johnson's self-interest would be served by deferring to Attorney General's legitimate statutory interpretation demonstrating respect for separation of powers; his actual conduct usurps Attorney General authority through fabricated expertise while blocking oversight. Bondi's self-interest would be served by providing legitimate legal guidance avoiding liability; her actual conduct deploys fraudulent legal framework enabling Johnson's obstruction. Neither serves independent institutional interest; both serve mutual criminal protection proving coordination.

h. Integration with First Amended Complaint's Comprehensive Documentation

162. These November developments confirm rather than contradict the First Amended Complaint's analysis:

- **Pattern Persistence:** Five months demonstrate coordinated rather than isolated conduct
- **Consciousness of Guilt:** Litigation-responsive behavior proves awareness of wrongdoing
- **Criminal Intent:** Resumption despite lawsuit proves protective objective supersedes legal compliance
- **Enterprise Coordination:** Temporal patterns correlate with other defendants' actions documented in Compl. ¶ 123
- **Fifth Legal Domain:** The 18 U.S.C. § 2256 false claim extends Johnson's 0% accuracy pattern from four domains to five
- **Self-Refuting Arguments:** Johnson's interchangeable use of terms he claims are undefined proves deliberate fraud
- **Obstruction vs. Governance:** Comparison to honest legislative conduct proves coordinated obstruction methodology

163. The totality of evidence spanning July-November 2025 establishes: (a) coordinated obstruction of constitutional oversight through demonstrably false legal claims, (b) professional legal fraud achieving statistical impossibility of good faith across five domains, (c) fabricated

expertise claims contradicted by verbal citation patterns and substantive statutory misrepresentation, (d) self-refuting arguments where Johnson uses terms he claims are undefined, (e) obstruction methodology proven through contrast with honest legislative conduct and pro se plaintiff's ability to draft amendments Johnson's legal team could not produce in five months, (f) coordination with other defendants protecting Epstein criminal associates through circular fraud structure, (g) institutional silence proving coordination extends beyond governmental defendants to media and professional domains, and (h) continuing criminal enterprise operation using governmental authority for criminal protection rather than constitutional compliance.

6. Cross-Branch Criminal Conspiracy Through Coordinated Linguistic Manipulation

164. Johnson's coordination with Trump creates logical impossibility proving criminal rather than governmental motivation because Johnson cannot simultaneously believe Epstein crimes are real and serious (documented in Ex. A-1, pg. 17: "Oh, it's not a hoax. Of course not. I mean, they're real victims here") while trusting evidence evaluation by Trump who consistently maintains Epstein is a "hoax."

165. Johnson's linguistic manipulation represents documented participation in "institutional DARVO" methodology studied across Catholic Church, Penn State, and USA Gymnastics scandals. Peer-reviewed research by Harsey & Freyd (2020) shows 72% of perpetrators use identical protective language coordination, with Johnson's specific formulation "threading a fine needle between exposing evil and protecting the innocent" mirroring nearly identical justifications used across institutional abuse cover-ups, proving intentional rather than coincidental criminal enterprise methodology using victim protection rhetoric to suppress evidence (Ex. A-3).

166. Johnson's recorded response to direct questioning about Epstein file release demonstrates DARVO methodology through linguistic priority ordering. When asked whether files should be released, Johnson's immediate primary response prioritizes protecting "innocent people's names and reputations" (criminal associates) before later adding victim protection as secondary justification.

167. Johnson's evolving terminology demonstrates attempt to expand victim protection beyond legal boundaries through: "Innocent people" (associates rather than actual victims); "Innocent victims" (redundant terminology - victims are inherently innocent); "Victims" (standard legal terminology); and "Some were minors, some were not" (trivial distinction for identical protection) as documented in Ex. A-1, pg. 4.

168. Johnson's "protecting the innocent" framework constitutes professional fraud because courts can only protect "victims" (specific legal category with established procedures) not generic "innocent people" (moral concept lacking legal authority).

169. Johnson's terminology manipulation includes the critical admission about protecting "anybody who's been swept up" in investigations (Ex. A-1, pg. 49). Victims are NOT "swept up" - they are targeted, harmed, trafficked through criminal enterprise operations. People "swept up" are criminal associates caught in investigations who have zero legal protection from disclosure regardless of wealth, social connections, or claimed innocence.

170. Johnson's repeated use of executive branch "credible evidence" filtering proves usurpation of congressional fact-finding authority because: (1) Congress has exclusive constitutional authority to determine evidence credibility for oversight purposes; (2) executive branch constitutional role is limited to document authentication under Federal Rules of Evidence

Rule 901; (3) credibility assessment belongs to constitutional fact-finder in each context - Congress for oversight, courts for legal proceedings.

171. Johnson's coordination with executive branch to accept non-existent executive credibility gatekeeping authority proves criminal enterprise using invented constitutional powers that exist nowhere in legal framework.

172. The coordinated cross-branch deployment of identical "credible evidence" filtering language traces to the unsigned DOJ memo of July 7, 2025 (Ex. A-5). This memo represents the first documented deployment of fraudulent executive credibility gatekeeping designed to usurp congressional fact-finding authority. The memo's strategic language claiming "no credible evidence found that Epstein blackmailed prominent individuals" and "We did not uncover evidence that could predicate an investigation against uncharged third parties" created the template for Johnson's subsequent coordination. Johnson then abandoned congressional oversight authority to executive "credible evidence" determinations that exist nowhere in constitutional framework.

173. The July 7, 2025 memo deliberately omits any determination regarding Epstein's documented intelligence connections despite widespread public demands for answers on this critical question. This creates strategic legal gap where evidence of intelligence coordination could legally reclassify apparent "blackmail" evidence as legitimate intelligence operations requiring different legal analysis. The memo's silence on intelligence connections while definitively claiming "no credible evidence" of blackmail creates legal impossibility. Comprehensive review claiming thoroughness ("exhaustive review of investigative holdings") cannot credibly exclude intelligence coordination analysis without proving intentional omission.

This omission serves to protect classified operations from congressional oversight rather than provide complete public accountability.

174. The memo's unsigned status violates standard DOJ procedures requiring official authorization for public disclosures of this magnitude. This proves institutional coordination to deploy fraudulent credibility framework without individual accountability for false legal claims. The coordination between unsigned memo deployment (July 7, 2025) and Johnson's immediate adoption of identical "credible evidence" filtering language proves intentional preparation for congressional oversight elimination. This coordination uses invented executive credibility authority that constitutional separation of powers prohibits. The result creates criminal enterprise coordination across branches using fabricated legal frameworks serving criminal associate protection rather than constitutional compliance.

175. Standard prosecutorial practice when discussing investigations with the public focuses exclusively on evidence sufficiency - whether collected evidence warrants criminal charges - rather than evidence authenticity, which is presumed established through professional investigative procedures. Prosecutors typically state "insufficient evidence to pursue charges" or "evidence does not support criminal prosecution" without questioning evidence credibility as credibility determinations are made by legal fact-finders. Law enforcement evidence authentication occurs during collection and verification processes before public disclosure consideration. The July 7, 2025 memo's unprecedented use of "credible evidence" qualifiers suggests evidence meets standard investigative thresholds requiring prosecution, necessitating fraudulent dismissal framework to prevent legally warranted criminal proceedings.

176. The memo's language claiming "no credible evidence found that Epstein blackmailed prominent individuals" and "We did not uncover evidence that could predicate an investigation

against uncharged third parties" violates standard prosecutorial terminology by questioning evidence credibility rather than sufficiency. This linguistic manipulation implies sufficient evidence exists to warrant investigation under normal law enforcement standards, requiring fraudulent "credible evidence" framework to dismiss legally adequate evidence through invented authenticity standards serving criminal associate protection. When prosecutors resort to credibility qualifiers rather than standard sufficiency analysis, this proves evidence meets investigative thresholds while political considerations prevent appropriate legal action, creating criminal enterprise protection through fraudulent legal frameworks rather than legitimate prosecutorial discretion.

177. Attorney General Bondi's professional capture methodology - demonstrating correct legal standards on November 22, 2024 followed by abandonment after appointment - coordinates perfectly with Johnson's identical constitutional expertise abandonment, proving professional fraud across separation of powers boundaries. The identical linguistic manipulation frameworks across Johnson (legislative), Trump (executive), Bondi (Attorney General), Duffy (cabinet-level), and Vance (executive leadership) create statistical impossibility of coincidental development when **all executive branch officials employ Speaker's exact deflection protocols and false legal terminology during official proceedings.**

178. Vice President Vance's July 28, 2025 coordination using identical "credible information" filtering language and deflection patterns documented in Ex. A-1 proves criminal enterprise coordination across the entire executive branch rather than individual violations under *Interstate Circuit v. United States*, 306 U.S. 208 (1939); *see also United States v. Apple Inc.*, 791 F.3d 290 (2d Cir. 2015); *United States v. Forlano*, 695 F.2d 1070 (2d Cir. 1982); *Desert Palace v. Costa*, 539 U.S. 90 (2003).

179. Transportation Secretary Sean Duffy's July 16, 2025 congressional testimony employed deflection identical to Johnson's pattern: "I don't know all the data on it," "I gotta leave that to Pam Bondi and Kash Patel," and "It's outta my space" (Ex. A-1, pg. 27 ¶¶7, 11, 41) - proving coordinated messaging across executive branch officials.

180. Johnson and Trump's use of identical fraudulent terminology across both victim expansion and evidence filtering proves cross-branch criminal conspiracy rather than coincidental similarity:

- Victim protection language: Trump ("wouldn't want innocent people to get hurt") / Johnson ("protect innocent people")
- Evidence filtering language: Trump ("credible files") / Johnson ("all credible evidence")
- Combined methodology: Expand victim categories + filter evidence access = comprehensive criminal protection

181. Johnson's deployment of dual linguistic frauds simultaneously proves organized criminal methodology rather than constitutional interpretation through comprehensive deception spanning multiple legal domains.

7. Complete Oversight Destruction as Criminal Enterprise Evidence

182. Johnson's elimination of congressional oversight demonstrates coordinated criminal enterprise through comprehensive accountability destruction including: Epstein file oversight prevention through procedural fraud despite Republican supermajority control; congressional ethics investigation prevention through deliberate Office of Congressional Conduct board appointment sabotage—the longest delay in the office's 17-year history; ethics committee report suppression in the Matt Gaetz case representing "no modern precedent" for Speaker interference; and complete accountability elimination during the exact period requiring maximum governmental oversight. This unprecedented design proves criminal intent rather than administrative delay through deliberate obstruction despite immediate appointment authority,

complete ethics watchdog shutdown preventing all congressional misconduct investigations, and zero explanation provided to press inquiries demonstrating consciousness of criminal conduct.

183. Johnson's four-month refusal to appoint congressional oversight boards occurred during identical timing with Trump's elimination of executive branch accountability mechanisms, creating mathematical impossibility of coincidental destruction across separation of powers boundaries. The coordinated elimination includes: Johnson's complete shutdown of congressional ethics investigations rendering 4,000+ corruption complaints unprocessable while Trump eliminated 17 inspector generals, dismantled FBI Public Corruption units, terminated Kleptocracy Programs, disbanded Foreign Influence Task Forces, and implemented 180-day Foreign Corrupt Practices Act enforcement pause. This perfect coordination timing eliminates coincidence explanations while proving organized criminal methodology using governmental authority for comprehensive oversight destruction serving criminal protection rather than constitutional governance.

184. NBC News documentation from June 3, 2025 provides independent validation that Trump administration "dismantled key parts of law enforcement infrastructure, creating what experts say is the ripest environment for corruption by public officials and business executives in a generation." Paul Rosenzweig, George Washington University law professor and former Bush administration official, confirms criminal enterprise coordination: "He's dismantling not just the means of prosecuting public corruption, but he's also dismantling all the means of oversight of public corruption. The law is only for his enemies now." This expert analysis proves intentional coordination across all governmental anti-corruption mechanisms during the exact period Johnson abandoned constitutional oversight duties, creating total accountability blackout where

congressional oversight prevention coordinates with executive branch prosecution elimination serving criminal enterprise protection documented in Exhibits B-1, B-3, and B-7.

185. The coordination across multiple FBI agents using identical responses proves organizational training to prevent documented federal crime reporting during the exact period of anti-corruption destruction, eliminating citizen access to federal law enforcement reporting mechanisms while Johnson simultaneously eliminated congressional oversight mechanisms documented in Ex. A-12 (filed on USB drive).

186. DOJ July 7, 2025 memo documented completion of exhaustive review processing over 300 gigabytes, 10,000+ videos/images, and 40+ computers, proving all victim protection work Johnson claimed to require was already completed before his constitutional duty abandonment. Johnson's coordination with Trump administration concealed completed government work to create false justification, proving fraud where every technical barrier Johnson claimed was demonstrably eliminated, making his constitutional violations conscious criminal conspiracy rather than legitimate protective concerns documented in Ex. A-5.

187. Johnson's coordination represents documented participation in institutional DARVO methodology, revealing criminal enterprise protecting criminal networks through oversight elimination rather than case-by-case obstruction. This methodology coordination across legislative (Johnson) and executive branches proves criminal rather than political motivation for comprehensive oversight destruction serving sexual predator network protection through coordinated governmental authority abuse.

B. Johnson's Vote Prevention Violates Constitutional Process and Denies Representation

1. Legal Impossibility of Criminal Associate Protection

188. Johnson's coordination with executive branch to abandon constitutional duties created protection for criminal associates that exists nowhere in American legal system for any person under any circumstances, violating constitutional requirements by establishing privileged class exempt from constitutional oversight that no American citizen has ever received under law regardless of status, wealth, fame, or claimed innocence.

189. No constitutional provision, federal statute, state law, legal precedent, court decision, or administrative regulation authorizes abandoning Article I constitutional duties for political motivations or creating government protection for criminal associates under any circumstances.

190. Johnson's protection of criminal associates violates equal protection because federal prosecutors routinely charge ordinary citizens under RICO with far less evidence of criminal association than exists between government officials and Epstein's criminal enterprise.

191. Under **18 U.S.C. § 1962(c) and (d)**, federal prosecutors routinely charge ordinary citizens with "knowing participation" in criminal enterprises based on: (1) social association with criminal operators; (2) financial benefit or mutual facilitation; (3) continued relationship after knowledge of criminal activity; and (4) "willful blindness" to ongoing criminal enterprise.

192. Federal RICO prosecution of Texas millionaire Rex Cauble (1981) proves wealth provides no protection against criminal association charges. Despite character witnesses including President Carter's sister and Governor John Connally, prosecutors successfully convicted Cauble for employing suspected criminal Charles "Muscles" Foster, with \$80 million asset forfeiture for continued relationship after suspicious activities.

193. Federal courts apply "willful blindness" doctrine where knowledge is inferred if defendants "deliberately closed their eyes to facts that otherwise would have been obvious" (Ninth Circuit Model Jury Instructions). Johnson's protection of Epstein associates violates equal protection by providing governmental immunity from willful blindness standards that federal prosecutors routinely use to convict ordinary citizens.

2. Child Welfare vs. Criminal Associate Comfort Legal Analysis

194. The Constitution and all American law establish absolute hierarchy where child welfare protection supersedes any consideration for criminal associate comfort, wealthy individual privacy, or political convenience, making Johnson's criminal associate protection through constitutional duty abandonment a fundamental violation of legal hierarchy.

195. Johnson's justification for constitutional duty abandonment - protecting "innocent people" associated with criminal enterprises - inverts fundamental legal priority that child protection from sexual predators supersedes any protection for individuals associated with sexual predator networks.

196. Johnson's coordination with executive branch creates privilege for wealthy individuals associated with criminal enterprises that exists nowhere in American legal system, violating equal protection by providing criminal associate protection that ordinary citizens would never receive under identical circumstances.

3. Denial of Representation Through Democratic Process Destruction

197. When citizens elect representatives under Article I, Section 2 ("Representatives chosen by the People"), they enter into constitutional contract where citizens grant legislative authority to representatives who agree to exercise that authority on behalf of constituents through functional legislative process serving democratic accountability and constitutional governance.

198. Johnson breached the constitutional representation contract by preventing elected representatives from exercising the legislative authority citizens granted them, rendering meaningless the people's electoral choices and violating the fundamental constitutional principle that representatives chosen by the people will perform legislative duties on their behalf.

199. Johnson's prevention of legislative function violates Article I, Section 2 by nullifying the people's choice of representatives, preventing representatives from performing the duties they were elected to perform, destroying the purpose for which citizens chose their representatives, and violating popular sovereignty by making citizen electoral choices ineffective through procedural manipulation.

200. Johnson's prevention of legislative process creates unequal representation violating the Fourteenth Amendment by denying some citizens effective representation while others receive it, creating arbitrary distinctions based on political convenience rather than constitutional principle, violating equal treatment under democratic process, and discriminating against citizens whose representatives seek to perform constitutional legislative duties.

201. Johnson's conduct violates voting rights by making votes meaningless when representatives cannot perform legislative duties, denying practical effect of citizen electoral choices, violating voting rights through representative process destruction, and creating representational disenfranchisement through procedural manipulation that renders constitutional electoral participation ineffective.

202. Johnson destroyed democratic process by: (1) preventing representatives from exercising authority citizens granted them through electoral process; (2) destroying legislative process through procedural manipulation preventing constitutional function; (3) eliminating democratic accountability by preventing recorded votes on constitutional oversight; and (4)

violating popular sovereignty by making citizen electoral choices meaningless through governmental action preventing representative function.

203. Johnson's conduct creates constitutional emergency requiring immediate judicial intervention because representation rights are being violated, democratic process is being destroyed through governmental action, constitutional structure is collapsing through procedural manipulation, and popular sovereignty is under attack through representation denial that makes constitutional electoral participation meaningless.

4. Constitutional Architecture Breakdown

204. Constitutional research documents progressive decline in legislative authorship transparency from 60-70% in 1789-1850 to 0% today. Modern Congress has replaced constitutional authorship (actual exercise of legislative powers requiring substantive knowledge and accountability) with procedural sponsorship (mere bill introduction providing plausible deniability for content ignorance).

205. Johnson's coordination with Trump's legislative authorship violates constitutional text where the President cannot constitutionally "present" legislation to himself for review, cannot genuinely "approve" legislation he authored, cannot use the constitutionally required 10-day consideration period for work he already completed, and cannot return legislation "with his Objections" to work he personally wrote.

206. Johnson's coordination with executive branch to prevent oversight perpetuates this constitutional architecture collapse by preventing discovery of external control networks, compilation authority mechanisms, and cross-branch coordination that has replaced constitutional governance with shadow control.

C. The House of Representatives as Institutional Defendant: Legal Expertise Enabling Rather Than Preventing Constitutional Violations

1. Institutional Legal Expertise Creates Unique Form of Liability

207. The House of Representatives stands as named defendant possessing unprecedented internal legal expertise: 139 lawyer-members representing 32% of total membership, including constitutional scholars, former federal prosecutors, state attorneys general, and Supreme Court clerks. House Judiciary Committee alone employs 11-13 lawyer-members including Ranking Member Jamie Raskin (Harvard Law, 25+ years teaching constitutional law), Daniel Goldman (Stanford Law, 10 years prosecuting SDNY organized crime), and Ted Lieu (Georgetown Law, JAG Corps prosecutor). This concentration of legal expertise in institution charged with legislative oversight creates unique form of institutional liability: **legally sophisticated entity committing violations its internal expertise should prevent, converting professional knowledge from constraint on power into enablement of constitutional fraud.**

2. Federal Rules of Evidence Violated 43 Days to Protect Epstein Associates

208. Speaker Johnson deployed fraudulent "credible evidence" legal framework for 43 consecutive days (July 7 - August 18, 2025) claiming executive authority to determine evidence credibility before releasing Epstein files—violating first-year law school evidence principles without single challenge from 139 House lawyer-members. Johnson stated July 27: "all credible evidence and information out there. **That word credible is important**" (Ex. A-1, pg. 24). The framework appeared **15 times across 7 exhibits achieving 0% legal accuracy** (Ex. A-1, pg. 4): Federal Rules of Evidence 607 and 901 vest credibility determination exclusively in constitutional fact-finders (judges and juries), never in executive officials deciding

what evidence to release. Fed. R. Evid. 607 addresses **witness** credibility during testimony, not document credibility before release. Fed. R. Evid. 901 requires authentication "sufficient to support a finding" **by fact-finder**—not executive pre-determination blocking release.

209. The fraudulent framework enabled protection of Epstein criminal associates disguised as victim protection: 83.3% of "victim protection" language actually protected criminal associates' reputations. Johnson July 27: "protect innocent people's **names and reputations**" (Ex. A-1, pg. 24). Johnson July 23: "anybody who's been **swept up into that**" (Ex. A-1, pg. 20). Trump August 5: "people that should not be involved or **aren't involved**" (Ex. A-1, pg. 32). Statistical analysis: **10 of 12 exhibits containing victim protection language actually protected criminal associates** through reputation concerns rather than victim safety (Ex. A-1, pg. 4). Victims need protection from harm; criminal associates need protection from exposure. The linguistic shift from "victim" to "innocent people" to "names and reputations" proves protective objective expanded beyond statutory victims to include criminal participants seeking reputation preservation.

210. Attorney General Bondi's participation proves the fraud was knowing, not error: she demonstrated correct legal analysis November 22, 2024, then deliberately abandoned standards after appointment. Bondi's pre-appointment statement correctly distinguished victim protection from evidence release using proper legal terminology. Her July 7, 2025 memo as Attorney General adopted identical fraudulent "credible evidence" framework, proving conscious abandonment of standards she previously demonstrated. When legal professional achieving correct analysis reverses to 0% accuracy after assuming office requiring oath to uphold law, deliberate fraud is proven through demonstrated standard abandonment—eliminating incompetence defense.

211. House lawyer-members' complete silence during 43-day fraudulent deployment proves institutional complicity converting legal expertise into criminal enterprise enablement. Five government officials including Speaker Johnson (constitutional lawyer, 20 years litigation) achieved **0% legal accuracy across 15 instances** violating Federal Rules governing every federal case in America. This fraud appeared on national television, in official statements, and across three branches—yet House Judiciary Committee members including former prosecutors (Goldman), constitutional scholars (Raskin), and evidence experts permitted Speaker to violate basic evidentiary standards 11 times without institutional correction. **House cannot claim good faith error when employing 139 lawyers who watched Speaker achieve 0% accuracy on first-year law school evidence principles without single institutional challenge.**

212. Coordinated abandonment after Plaintiff's August 19, 2025 complaint proves consciousness of guilt: all defendants simultaneously ceased fraudulent framework achieving 100% cessation across three branches. Pre-complaint: 3 confections per 7-day period. Post-complaint: **0 instances** (Ex. A-1, pg. 4). Statistical impossibility of simultaneous abandonment by 5 legal professionals across 3 branches without coordination. Criminal associate protection continued through alternative methodologies (Ex. A-1, pgs. 33–56), proving defendants recognized fraudulent legal framework created exposure while maintaining protective objective through different means—consciousness of guilt through strategic pivot timing correlating perfectly with judicial scrutiny rather than organic policy evolution.

3. Federal Rules of Evidence Violated Nationally Regarding Shutdown Votes

213. Speaker Johnson committed second Federal Rules violation claiming "Republicans voted 14 times" by fraudulently aggregating House's single pre-shutdown vote with

thirteen post-shutdown *Senate* votes—creating false statistical record explaining 41-day constitutional crisis without single challenge from House legal expertise. This aggregation violates basic evidentiary principles applicable to every federal proceeding: Rule 401 (Senate votes irrelevant to proving House effort), Rule 403 (cross-chamber aggregation maximally misleading), Rule 404(b) (cannot use other entity's conduct to establish subject's pattern). Courtroom analogy: prosecutor claiming "defendant present at crime scene 14 times" when defendant present once and thirteen different people present other occasions. No federal judge permits this evidence. No prosecutor presents such claim without sanctions. Yet Speaker deployed identical evidentiary fraud nationally—and 139 House lawyer-members remained silent.

214. The evidentiary fraud manufactured false democratic record replacing actual absence of House voting record during 41-day shutdown. Article I, Section 2 establishes House "composed of Members chosen... by the People"—requiring voting record enabling electoral accountability. When House voted zero times October 1-November 10, no record exists for citizens to identify representatives' positions. Johnson's aggregation fraud—claiming "Republicans voted 14 times"—manufactured false impression of House action concealing actual absence of voting record. Under constitutional fact doctrine (*Crowell v. Benson*, 285 U.S. 22 (1932)), courts independently verify facts determining constitutional rights. Whether House voted during shutdown is constitutional fact affecting representative government (Art. I, §2), appropriations duty (Art. I, §9), and bicameralism (Art. I, §7). Court must verify actual record: House voted zero times, not fourteen.

215. Multiple legal frameworks prove institutional knowledge of violations: Professional Responsibility—Model Rule 8.4(c) prohibits "dishonesty, fraud, deceit or

misrepresentation"; Rule 8.3(a) requires lawyers report violations raising questions about honesty. Every House lawyer potentially violated reporting duty. Daubert Standards—Johnson's statistical claim fails FRE 702 methodology: invalid aggregation (different actors), temporal manipulation (pre/post periods), entity conflation (bicameral chambers as unit). *Daubert v. Merrell Dow Pharm.*, 509 U.S. 579 (1993). Brady/Giglio—41 House prosecutor-members' silence creates impeachment material: defense counsel can argue prosecutor's silence on public evidentiary fraud undermines credibility in ongoing cases. *Brady v. Maryland*, 373 U.S. 83 (1963); *Giglio v. United States*, 405 U.S. 150 (1972). Sanctions Precedent*—*courts sanction far lesser misrepresentations*. In re Knappenberger, 338 Or. 341 (2005); Matter of Vincenti*, 152 N.J. 253 (1998).

4. Congressional Oversight Failure: Accepting Contradictory "Exhaustive Investigation" Claims

216. Senate Judiciary Committee Chairman Grassley accepted FBI Director Patel's September 16, 2025 testimony claiming inability to investigate intelligence connections ("I can only speak to the FBI") while DOJ's July 7 memo simultaneously claimed "exhaustive review"—creating logical impossibility no congressional lawyer challenged. Patel testified: "Mr. Epstein was not a source for the FBI" but refused to address other intelligence agencies (Ex. A-5, Section IV). When Grassley asked about intelligence connections, Patel deflected: "I can only speak to the FBI as the director of the FBI." Grassley accepted this limitation stating "I accept your answer" while acknowledging "the broader intelligence community ought to answer these questions." No congressional lawyer identified the contradiction: investigation cannot be "exhaustive" if investigator admits examining only single agency while excluding intelligence community analysis.

217. The two-page July 7, 2025 DOJ memo's "exhaustive review" claim while strategically omitting intelligence analysis proves deliberate institutional deception that basic document review would detect. The memo claimed comprehensive investigation yet excluded analysis of: **(a) \$2.3 million payments to former Israeli Prime Minister** exceeding every Foreign Agents Registration Act threshold (22 U.S.C. §§ 611-621, criminal penalties under § 618(a)(1)); **(b) 36 documented meetings with foreign officials** requiring counterintelligence assessment (50 U.S.C. § 3001 et seq., Executive Order 12333); **(c) Carbyne surveillance technology investments** with former Israeli Unit 8200 leadership triggering export control investigation (22 U.S.C. § 2778, 15 U.S.C. §§ 2401-2420, 50 U.S.C. § 4813); **(d) billion-dollar international financial flows** mandating money laundering investigation (18 U.S.C. §§ 1956-1957, 31 U.S.C. § 5311 et seq.); and **(e) documented surveillance infrastructure** creating presumption of intelligence operations (FBI DIOG Parts 5, 7). These patterns are documented in publicly available sources requiring no classified access—yet two-page memo claiming "exhaustive review" omits all intelligence connection analysis.

218. Senate Judiciary Committee composition—82% lawyers (18 of 22 members) including former prosecutors, state attorneys general, and intelligence committee members—makes oversight failure inexcusable. Committee members include: Senator Blumenthal (20 years Connecticut AG, argued 4 Supreme Court cases), Senator Klobuchar (8 years leading Minnesota's largest prosecutor office), Senator Cruz (Texas Solicitor General, Supreme Court advocate), Senator Lee (Supreme Court clerk, Assistant U.S. Attorney), Senator Hawley (Missouri AG), Senator Schmitt (Missouri AG). **These members possess expertise in FARA violations, counterintelligence requirements, export controls, money laundering statutes, and intelligence oversight—yet accepted Patel's testimony without identifying**

contradiction between "exhaustive investigation" claim and admitted single-agency limitation excluding intelligence analysis.

219. The documented evidence exceeded FBI Domestic Investigations and Operations Guide thresholds for multiple investigation levels, making omission legally indefensible: (a) Assessments requiring no factual predication beyond "authorized purpose" (DIOG Part 5.1); **(b) Preliminary Investigations** requiring only "any allegation or information indicating" relevant activity (DIOG Part 7.2); **(c) Full Investigations** requiring "articulable factual basis that reasonably indicates" criminal or national security concerns (DIOG Part 7.3); **(d) Enterprise Investigations** targeting organizational patterns with documented financial flows (DIOG Part 8.1). The publicly documented patterns—\$2.3M to foreign PM, 36 foreign official meetings, surveillance tech investments, international financial flows—exceed every threshold substantially. **DOJ's strategic omission proves consciousness that standard investigative protocols would mandate action they refuse to take, requiring "credible evidence" filtering to exclude intelligence analysis from "exhaustive" review.**

220. Plaintiff's evening research revealed statutory violations and investigative omissions that Senate Judiciary Committee with 18 lawyer-members, full investigative staff, and subpoena power failed to identify during oversight hearing. Pro se Plaintiff lacking formal legal training, classified access, or investigative resources identified: multiple federal statutes triggered (FARA, National Security Act, Arms Export Control Act, Export Control Reform Act, money laundering statutes), FBI DIOG threshold satisfaction across four investigation levels, logical impossibility of "exhaustive investigation" excluding intelligence analysis, and strategic memo omissions proving deliberate institutional deception. **Senate Judiciary Committee conducting oversight hearing with Chairman Grassley (former**

Judiciary Chair, decades of oversight experience) and 17 other lawyer-members accepted contradictory testimony without challenge—proving congressional oversight has been comprehensively disabled despite possessing legal expertise and institutional authority to enforce accountability.

221. The pattern connects directly to Federal Rules violations protecting Epstein associates: both involve congressional lawyers accepting facially invalid claims from officials deploying fraudulent legal frameworks. Speaker Johnson's "credible evidence" fraud (43 days, 0% accuracy) enabled protection of criminal associates through fake evidentiary gatekeeping. FBI Director Patel's "exhaustive investigation" claim while excluding intelligence analysis enabled protection of same network through fake investigative completeness. Attorney General Bondi's participation in both (July 7 memo claiming exhaustive review, adoption of "credible evidence" framework) proves coordinated institutional fraud. **Congressional lawyer silence on both frauds—Federal Rules violations and investigation omissions—establishes pattern: legal expertise is deployed to enable rather than prevent constitutional violations when those violations serve criminal enterprise protection coordinated across legislative, executive, and prosecutorial defendants.**

5. Financial Conflicts Preventing Constitutional Oversight

222. Financial Conflicts Preventing Constitutional Oversight: Senate Judiciary Committee members face documented financial conflicts preventing proper investigation of Israeli intelligence connections in Epstein matter. AIPAC and affiliated groups spent \$100 million on 2024 elections, with 65% of Congress receiving AIPAC funding including Chairman Grassley (\$501,000+) and multiple Judiciary members. AIPAC demonstrated enforcement capability by spending \$20 million each to successfully defeat Representatives Bush and

Bowman in primaries after they questioned Israeli policy. **When investigating Epstein's documented \$2.3 million payment to former Israeli Prime Minister (FARA violation threshold), 36 meetings with foreign officials (counterintelligence concern), and Carbyne investments with Unit 8200 leadership (export controls) would trigger scrutiny of Israeli intelligence operations, senators face rational calculation: investigate and face \$20 million primary opponent, or maintain silence and preserve career.** This financial dependency explains Committee's acceptance of "exhaustive investigation" excluding intelligence analysis—not lack of legal knowledge but presence of financial conflicts preventing constitutional oversight. Campaign finance corruption has captured congressional oversight of potential foreign intelligence operations, requiring judicial intervention when legislative branch cannot fulfill oversight duties due to financial dependency on entities whose interests conflict with proper FARA enforcement and counterintelligence investigation.

223. The financial conflicts preventing intelligence investigation in Epstein matter prove identical conflicts prevent constitutional oversight of H.R. 1's \$500-700 billion in AI-related appropriations flowing to Israeli-controlled infrastructure.** Major AI companies (Google, Amazon, Microsoft) operate under Israeli structural control through: (a) \$1.2 billion Project Nimbus contracts with mission-critical military dependency creating exit costs preventing withdrawal; (b) 1,400+ Unit 8200 alumni embedded across Silicon Valley creating insider threat to corporate intellectual property; (c) anti-boycott contractual provisions legally preventing corporate withdrawal from Israeli military operations. When Senate Judiciary Committee members receiving AIPAC funding cannot investigate Epstein's \$2.3 million payment to Israeli Prime Minister, 36 foreign official meetings, and Carbyne/Unit 8200 investments without risking \$20 million primary opponents, those same financial conflicts prevent oversight of taxpayer-

funded federal AI deployment supporting AI systems contractually obligated to Israeli military interests.

224. Johnson's August 26, 2025 Idaho speech (Ex. A-4, pg. 2) reveals AI infrastructure motivations underlying H.R. 1 appropriations: 'the advent of AI and the tremendous amount of energy that will be needed to supply that... we need more energy production than we've ever had before. In fact, we need it as a factor of five or so.' This directly connects H.R. 1 appropriations to AI infrastructure deployment serving Framework appropriation concealment. Johnson's July 3 vote speech (Ex. A-4, pg. 6) celebrated 'Record tax cuts' and 'energy dominance coming back' while enabling \$500-700 billion in H.R. 1 appropriations funding surveillance infrastructure documented in Plaintiff's network forensics (App. G, H, I).

225. The appropriations oversight failure creates constitutional violation where American taxpayers fund federal AI deployment serving foreign-controlled AI systems rather than American democratic interests. H.R. 1 (One Big Beautiful Bill Act, 119th Cong.) appropriates \$500-700 billion including \$16 billion under Section 20005 for DOD AI and unmanned systems, supplemented by approximately \$800 million in Pentagon CDAO contracts to Anthropic, OpenAI, Google, and xAI (June-July 2025), the GSA "Claude for Enterprise and Claude for Government for \$1" federal-wide procurement (*see* Memo F, § II.D), and classified network deployments via Palantir and Lawrence Livermore National Laboratory. Yet AI systems utilizing this taxpayer-funded deployment remain structurally prevented from serving American constitutional governance through dependency architecture. Normal military aid requires explicit congressional authorization through Foreign Military Sales and Security Cooperation programs with public debate and oversight. Using AI companies as intermediaries to redirect federal AI appropriations toward foreign military support circumvents constitutional

requirements while AIPAC-funded congressional members cannot provide oversight without investigating Israeli control mechanisms triggering the same primary challenge risks that prevented Epstein intelligence investigation.

226. The pattern proves complete regulatory capture: if Senate Judiciary cannot investigate child sex trafficking with Israeli connections, they cannot oversee billions in AI appropriations with Israeli connections. The logical impossibility is definitive: Epstein case involved documented FARA violations (\$2.3M to foreign PM), counterintelligence concerns (36 foreign official meetings), and export control triggers (Carbyne/Unit 8200), yet Committee accepted "exhaustive investigation" excluding all intelligence analysis because investigating Israeli connections threatens AIPAC support. AI appropriations involve exponentially larger financial stakes (\$500-700B vs. investigative costs) with identical Israeli connection patterns (Unit 8200 personnel, Israeli military contracts, structural dependency), making oversight by same AIPAC-funded members logically impossible when investigating requires examining Israeli control mechanisms that trigger identical retaliation risks. **When financial conflicts prevent oversight of child welfare crimes due to foreign connections, those conflicts necessarily prevent oversight of infrastructure appropriations serving same foreign interests—proving congressional oversight has been comprehensively captured by foreign influence preventing constitutional accountability across all matters affecting Israeli governmental interests regardless of American constitutional requirements or citizen welfare.**

6. Institutional Accountability and Judicial Intervention Necessity

227. The pattern proves institutional choice rather than capacity limitation: House possesses legal expertise preventing violations but subordinates professional standards to

partisan protection. Two distinct Federal Rules violations—"credible evidence" fraud (43 days, 0% accuracy, protecting Epstein associates) and "14 votes" fraud (41 days, manufacturing false democratic record)—both deployed by Speaker without institutional correction despite House employing 139 lawyers including evidence experts, constitutional scholars, and former prosecutors. Senate possesses **47 lawyer-members with Judiciary Committee reaching 82% lawyers (18 of 22)**—yet these 186+ congressional lawyers remained collectively silent on both violations. Beyond Congress: no law professor identified violations, no federal judge remarked publicly, no bar association issued statement. **When foundational evidentiary principles governing every federal case are violated by congressional leadership and entire American legal establishment remains silent, formal rules become meaningless absent institutional will to enforce them.**

228. Judicial intervention becomes constitutionally necessary when internal mechanisms preventing evidentiary fraud have been comprehensively disabled. Federal Rules exist to constrain power through evidentiary standards. House as institutional defendant cannot claim lack of sophistication or good faith error when employing legal expertise exceeding major litigation firms yet achieving 0% accuracy on evidentiary principles its members apply daily in other contexts. The comprehensive institutional silence—139 House lawyers, 47 Senate lawyers, federal judiciary, legal academy—proves evidentiary standards are optional when politically inconvenient, converting rule of law into rule by power. **Plaintiff challenges institutional defendant possessing unprecedented legal expertise deliberately deploying that expertise to commit rather than prevent constitutional violations, requiring judicial enforcement of foundational principles legal institutions refuse to apply to their own conduct.**

D. Ultra Vires Doctrine Applies to Defendants' Conduct Exceeding Constitutional Authority

1. Legal Framework for Ultra Vires Review

229. The ultra vires doctrine permits courts to enjoin government officials acting outside their constitutional or statutory authority. *City of El Paso v. Heinrich*, 284 F. Supp. 3d 1170, 1183 (D.N.M. 2018).

230. In *City of El Paso*, the court held: "When the Executive acts in excess of his or her authority as prescribed by Congress or the Constitution, the ultra vires doctrine permits suit notwithstanding sovereign immunity." *Id.*

231. This doctrine applies to legislative officials acting beyond constitutional authority. *See Doe v. McMillan*, 412 U.S. 306, 313 (1973) (recognizing courts may review whether legislative actions fall within legitimate legislative sphere).

2. The Speaker's Constitutional Authority Is Limited

232. Article I, Section 2, Clause 5 of the United States Constitution provides: "The House of Representatives shall chuse their Speaker and other Officers."

233. House Rule I, clause 1 provides: "The Speaker shall be the presiding officer of the House."

234. The Constitution grants the Speaker no authority to prevent the House from voting on appropriations during a government shutdown.

235. The Constitution grants the Speaker no authority to delay indefinitely the seating of a duly elected Representative who meets all constitutional qualifications.

3. Johnson's Blocking of Representative-Elect Grijalva Exceeds Constitutional Authority

236. Article I, Section 5, Clause 1 provides: "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members."

237. As public record shows, Representative-Elect Grijalva meets all constitutional qualifications for office: she is over 25 years old, has been a U.S. citizen for more than seven years, and is an inhabitant of Arizona. U.S. Const. art. I, § 2, cl. 2.

238. The four-week delay in seating Representative-Elect Grijalva, when contrasted with the 24-hour seating of Republican members earlier in 2025, demonstrates arbitrary exercise of authority.

239. The Speaker has no constitutional authority to delay seating a duly elected Representative who meets all constitutional qualifications and whose election has been certified.

240. Defendant Johnson set his own precedent in 2025 for immediate swearing-in of newly elected members during pro forma sessions—swearing in Republican Representatives within 24 hours of their elections. Despite a pro forma session having been scheduled for October 6, Johnson has not sworn in Representative-Elect Grijalva, who was elected September 23, 2025.

241. The disparate treatment—24 hours for other members versus 4+ weeks for Representative-Elect Grijalva—combined with reports that she would provide the 218th signature to force a vote on releasing Jeffrey Epstein investigation files, demonstrates arbitrary and discriminatory exercise of authority exceeding any legitimate constitutional power.

242. Defendant Johnson's pattern of promising action "next week," then declaring that week a "district work period" when the House would not be in session, further demonstrates deliberate obstruction rather than good faith delay for legitimate reasons.

4. Constitutional Standard for "Supporting Continuing Resolution" Requires Engaging Legislative Mechanisms

243. Political rhetoric falsely equates "supporting continuing resolution" with "voting for my party's specific CR proposal," converting constitutional question into partisan accusation. Republicans claim Democrats "blocked reopening 14 times" by voting against H.R.

5371. Democrats claim Republicans "refuse compromise" by not accepting Democratic priorities. Both framings conflate policy disagreement with obstruction of constitutional process. This rhetorical equivalence obscures objective constitutional standard for determining whether party supports or opposes continuing resolution.

244. The Constitution establishes multiple legislative mechanisms specifically designed to resolve political disagreement during appropriations disputes. These mechanisms include: voting on competing proposals (Art. I, §7, cl. 2); offering amendments and counter-proposals (Art. I, §7, cl. 2); convening conference committees when chambers disagree (*Munoz-Flores*, 495 U.S. at 396); holding committee hearings to gather information (*McGrain*, 273 U.S. at 175); engaging in floor negotiations (Art. I, §6, cl. 1 Speech or Debate Clause); passing piecemeal appropriations where agreement exists (*Cincinnati Soap*, 301 U.S. at 321). The Framers designed these mechanisms to enable governance **despite** political opposition—bicameralism and presentment requirements assume disagreement and create structures for resolving it through democratic process. *Clinton v. City of New York*, 524 U.S. at 448 ("step-by-step, deliberate and deliberative process").

245. Therefore, "supporting continuing resolution" must be objectively defined as: engaging constitutional mechanisms designed to resolve appropriations disputes, regardless of whether one's preferred policy outcome is achieved. Party "supports" reopening government when it employs legislative tools enabling resolution: voting (even voting "no" on opponent's proposal), offering alternative CRs, amending proposals, appointing conferees, holding hearings, negotiating compromises. Party "opposes" reopening government only when it **refuses to engage these constitutional mechanisms**—preventing votes, refusing to offer

alternatives, blocking conferences, abandoning legislative presence. This definition is objective because it measures constitutional process engagement rather than partisan policy preferences.

246. Under this objective standard, *Senate *Democrats demonstrably supported continuing resolution despite voting against Republican CR.* ** From October 2-28, 2025, Senate *Democrats: (a) voted on H.R. 5371 thirteen times—using constitutional voting mechanism even though opposing substance; (b) offered alternative CR (S. 2882) seven times—employing constitutional power to propose competing legislation; (c) remained in legislative session throughout—maintaining presence for negotiation; (d) specified substantive objection (ACA subsidy expiration)—enabling focused negotiation on disputed provision; (e) demonstrated willingness to vote for resolution addressing their concerns—three Democrats (Cortez Masto, Fetterman, King) voted for Republican CR showing not all Democrats opposed compromise.* Senate* Democrats engaged every constitutional mechanism available to minority party in chamber requiring 60-vote supermajority. Voting "no" while offering alternatives and remaining present for negotiation constitutes supporting constitutional resolution process.**

247. Under this objective standard, Speaker Johnson demonstrably opposed continuing resolution by systematically preventing engagement of constitutional mechanisms. From October 1-November 10, 2025, Johnson: (a) held zero votes on any CR—preventing constitutional voting mechanism from functioning; (b) offered zero alternative House proposals post-shutdown—refusing constitutional power to originate revenue bills (Art. I, §7, cl. 1); (c) convened zero conference committees—blocking constitutional mechanism for bicameral dispute resolution; (d) held zero committee hearings on shutdown impacts—preventing constitutional investigative function (*McGrain*, 273 U.S. at 175); (e) kept House in pro forma

sessions only—disabling all legislative mechanisms requiring presence; (f) declared voting would be "waste of our time"—explicitly rejecting constitutional obligation to vote during appropriations crisis; (g) admitted maintaining crisis creates useful "pressure"—confirming strategic prevention of resolution rather than good faith negotiation. Johnson's conduct violated every constitutional mechanism designed to resolve appropriations disputes while *Senate* Democrats employed every such mechanism available to them.

248. The distinction between policy disagreement and process obstruction is constitutionally significant and objectively measurable. Policy disagreement within constitutional process: voting against opponent's bill while offering alternative, amending proposals to address concerns, negotiating through conference committees, maintaining legislative presence for discussion. Process obstruction preventing constitutional mechanisms: refusing to hold votes, preventing alternative proposals, blocking conferences, abandoning legislative presence, declaring constitutional duties "waste of time." The Constitution anticipates and accommodates policy disagreement through bicameralism, presentment, and amendment processes. *Chadha*, 462 U.S. at 951. Constitution does not accommodate process obstruction—refusal to employ mechanisms designed to resolve disagreement violates constitutional structure regardless of policy positions.

249. Johnson's rhetoric falsely characterizes *Senate Democrats' use of constitutional mechanisms as obstruction while concealing his prevention of those mechanisms. By claiming "Republicans voted 14 times" (conflating House pre-shutdown vote with Senate post-shutdown votes), Johnson creates false equivalence between Senate Democrats voting "no" while remaining legislatively engaged and Johnson preventing House votes entirely. Senate***** Democrats used constitutional process—they voted, offered alternatives, remained

present. Johnson obstructed constitutional process—he prevented votes, offered no alternatives, sent House home. These are categorically different: one engages constitutional mechanisms for resolving disagreement (supporting resolution), other prevents those mechanisms from functioning (opposing resolution).

250. This objective standard explains why every prior Speaker maintained House operations during shutdowns despite partisan disagreement on appropriations. Gingrich (1995-96), Boehner (2013), and Pelosi (2018-19) all opposed other chamber's CR proposals at various times during shutdown negotiations. But all maintained constitutional mechanisms: held votes on competing proposals, kept committees operating, remained in session for negotiations, appointed conferees when needed, employed constitutional tools for resolving disagreement. Their conduct—like *Senate* Democrats October 2025—constituted supporting resolution through constitutional process despite partisan policy disagreement. Johnson's conduct uniquely abandons constitutional process entirely, converting policy disagreement into structural obstruction by preventing mechanisms designed to resolve such disagreements.

251. The constitutional mechanisms exist precisely to enable governance during political disagreement. Article I establishes voting, amendment, conference, and negotiation procedures because Framers anticipated partisan conflict and designed structures to resolve it democratically. When Johnson declares these mechanisms "waste of our time" because Senate will disagree with House outcome, he rejects Constitution's fundamental premise: that political disagreement is resolved through employment of specified legislative mechanisms, not through one chamber's strategic absence until other chamber capitulates. Johnson's position—House stays home until Senate agrees with House position—inverts constitutional structure by treating disagreement as justification for abandoning process rather than reason for engaging it.

252. Therefore, Johnson's claim that **"Democrats blocked reopening 14 times" while he "had no reason to be in session" is constitutionally incoherent.** *Senate* Democrats employed constitutional mechanisms for resolving disagreement (voting, offering alternatives, negotiating). Johnson prevented constitutional mechanisms from functioning (no votes, no alternatives, no presence). Under objective constitutional standard, *Senate* Democrats supported resolution process while Johnson obstructed it. The fact that *Senate* Democrats opposed Republican policy preferences is irrelevant to constitutional analysis—policy disagreement is anticipated by constitutional design and resolvable through mechanisms Johnson refused to employ. Non-support of continuing resolution is objectively identified only by abdicating Article I duties or obstructing democratic process—precisely Johnson's conduct, not *Senate* Democrats'.

5. "Continuing Resolution" Describes Constitutional Process Structure

253. The term **"continuing resolution"** embeds both components of democratic governance: continuing (ongoing engagement with legislative mechanisms) and resolution (democratic process for reaching agreement). Article I enumerates multiple mechanisms—voting, amending, conferencing, negotiating—specifically because democracy presumes no single predetermined resolution exists. These mechanisms enable all representatives with opposing political views to actively support continuing resolution as a process while disagreeing on specific resolution as an outcome**.

254. Constitutional mechanisms constitute the continuing resolution process itself: voting on alternatives tests different approaches to resolution; offering amendments continues refining toward resolution; conference committees continue negotiating toward resolution; oversight hearings continue developing information enabling resolution; maintaining presence continues availability for resolution; piecemeal appropriations

continue progress toward resolution. Each mechanism represents representatives continuing to work toward resolution** regardless of partisan disagreement on substance.

255. Therefore, any legislative body or representative actively utilizing these constitutional mechanisms **demonstrably supports continuing resolution** by definition**—the process IS the resolution being continued. To declare such bodies "refuse continuing resolution" while they employ voting, amending, conferencing, and negotiating mechanisms is categorical misrepresentation of constitutional structure. The Constitution enumerates these mechanisms precisely because democracy requires presuming multiple possible resolutions exist, necessitating continued engagement through specified processes rather than unilateral declaration of single acceptable outcome.

256. Conversely, obstructing any enumerated mechanism—preventing votes, blocking amendments, abandoning conferences, declaring constitutional duties "waste of time"—constitutes refusing continuing resolution because it prevents the continuing process through which resolution is constitutionally achieved. Johnson's 41-day prevention of all continuing resolution mechanisms while claiming *Senate* Democrats "refused"** continuing resolution by using those mechanisms inverts constitutional structure: treating democratic engagement as obstruction while presenting process abandonment as principled position.

257. This reveals why Johnson's rhetoric is constitutionally incoherent: he claims there is "no reason to be in session" during appropriations crisis requiring continuing resolution, when being in session IS continuing resolution—the constitutional mechanisms cannot function absent legislative presence. Democracy prevails over politics through structural requirements that all parties continue engaging resolution mechanisms regardless of

partisan preferences. Article I establishes continuing resolution as process obligation, not outcome preference.** Johnson's abandonment violates Article I, Section 1 and oath of office by converting process obligation into political weapon: preventing constitutional mechanisms until opponents capitulate transforms democracy's requirement of continued engagement into extortion through strategic abandonment.

258. The audacity of Johnson's position becomes clear when examining the record:

Senate** Democrats proposed their own continuing resolution (S. 2882) seven times while Johnson claims they "refused continuing resolution." Johnson attempts to manipulate American understanding of "continuing resolution" to mean exclusively his party's specific proposal (H.R. 5371), thereby delegitimizing all other enumerated continuing resolutions as if constitutional authority to propose CRs belongs solely to Republican majority. The Constitution establishes no hierarchy among proposed continuing resolutions until passed by both chambers—Article I, Section 7 treats all bills equally in requiring bicameral passage. When both chambers have proposed continuing resolutions on record, claiming one party "refuses continuing resolution" while they advocate their own constitutionally valid CR is definitional manipulation serving partisan narrative over constitutional accuracy.

259. *Johnson's framing further delegitimizes the constitutional mechanisms that naturally precede and enable CR proposals. Continuing resolutions are not obtained from vending machines—they emerge through process: gathering information via hearings (McGrain*, 273 U.S. at 175), discussing priorities through floor debate (Art. I, §6, cl. 1), negotiating terms informally, drafting legislative text, building coalitions for passage. Representatives engaged in these pre-proposal mechanisms are supporting continuing resolution even before specific bill text exists. Johnson's claim there is "no reason to be in session" during appropriations crisis*

dismisses these foundational continuing resolution activities as worthless, when constitutional structure presumes their necessity for developing any legitimate resolution.

260. This manipulation extends beyond rhetoric to constitutional usurpation: by defining "continuing resolution" as exclusively *House* Republican proposal while delegitimizing both *Senate* Democratic alternative CRs and pre-proposal constitutional mechanisms, Johnson claims monopoly on constitutional legitimacy—only his chamber's approach constitutes "supporting" government function while all *Senate* opposition, regardless of constitutional validity, constitutes "obstruction." This converts bicameralism from structural mechanism requiring both chambers work toward mutually acceptable resolution into *House* majoritarian supremacy where *Senate* minority's constitutional powers (proposing legislation, offering amendments, negotiating terms) are recharacterized as illegitimate obstruction when exercised against *House* majority preferences. The Constitution establishes no such hierarchy. Article I, Section 7's bicameralism requirement presumes equal legitimacy of both chambers' legislative proposals, necessitating compromise through enumerated mechanisms rather than unilateral declaration that one chamber's preferred outcome constitutes THE continuing resolution the other chamber must accept or be accused of refusing to continue government operations.

261. Therefore, when leader of legislative body alleges entire opposition party "refused continuing resolution" while that party has enumerated continuing resolution proposal on legislative record and actively employs all constitutional mechanisms for advancing their proposal, such allegation constitutes deliberate misrepresentation of constitutional process designed to manipulate public perception. Johnson cannot simultaneously claim

Senate** Democrats refused continuing resolution AND acknowledge they proposed S. 2882 seven times—these facts are logically incompatible unless "continuing resolution" is redefined to

mean only Johnson's preferred outcome rather than constitutional process. Democracy prevails over politics through structural requirements that ALL enumerated proposals and ALL constitutional mechanisms receive equal constitutional validity regardless of which party proposes them. Johnson's attempted monopolization of "continuing resolution" terminology to delegitimize opposition's constitutional exercise of identical powers violates Article I's bicameral structure by treating one chamber's actions as categorically superior to other chamber's constitutionally equivalent actions.

6. Johnson's 48-Hour Notice System Proves Coordination to Replace Legislative Process with Extralegal Coercion

262. On October 4, 2025, Speaker Mike Johnson told House Republicans he would give 48-hour notice if they were needed for a vote. This timing mechanism reveals coordination to replace constitutional legislative process with extralegal coercion followed by ratification voting only after forced capitulation.

263. Under constitutional legislative process, the House reconvenes to vote on appropriations when constitutional duty requires action, not when the Speaker determines that extralegal pressure has succeeded in forcing minority party submission. Johnson's 48-hour notice system proves he is coordinating the timing of legislative action with external coercion mechanisms rather than facilitating constitutional negotiation through voting.

264. The phrase "when they are needed for a vote" proves Johnson will reconvene Republicans only after Democrats capitulate to the coordinated pressure campaign: denial of government services causing harm to veterans and vulnerable populations (Johnson's shutdown obstruction), death imagery celebrating unlawful personnel decisions (Trump's grim reaper video), organized constituent pressure campaigns (Trump directing citizens to "call your Democrat representative"), and ultra vires selective appropriations (Trump paying military

through unauthorized R&D fund redirection while leaving Democrat-constituency civilian workers unpaid). Johnson coordinates timing with Trump to maximize coercive pressure before signaling Republicans to return for ratification voting.

265. This coordination mechanism normalizes Johnson's July 2025 prevention of Rules Committee voting on Epstein files disclosure despite 9-4 Republican supermajority control that could have resolved the question through democratic process. By repeatedly calling off votes and implementing 48-hour notice systems during the October shutdown, Johnson transforms coordinated prevention of democratic resolution from constitutional violation into apparent standard procedure, proving consciousness of guilt regarding the original Epstein oversight obstruction documented in Plaintiff's August 19, 2025 filing.

266. Johnson's 48-hour coordination system proves unconstitutional replacement of Article I legislative process (propose legislation → vote → negotiate through amendments → debate → compromise through democratic voting) with ultra vires extralegal coercion process (prevent all voting → coordinate harmful conditions with executive branch → apply death imagery and constituent pressure campaigns → wait for minority capitulation → signal majority party when extralegal coercion succeeds → reconvene only for ratification of forced submission). This constitutes per se violation of Article I, Section 1's vesting of "ALL legislative Powers" in Congress acting through constitutional voting procedures rather than through coordination with executive branch to implement extralegal coercion replacing legislative debate with forced capitulation under threat.

7. House Has Multiple Constitutional Duties Requiring Session During Appropriations Crisis

267. Johnson declared October 29, 2025 that holding appropriations votes would be "a waste of our time" because Senate would reject them, claiming no reason for House to be in

session during shutdown. This position contradicts House's multiple mandatory constitutional duties requiring presence during appropriations crisis. Article I, Section 9, Clause 7 creates affirmative duty to appropriate funds: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." *Cincinnati Soap Co. v. United States*, 301 U.S. 308, 321 (1937) ("no money can be paid out of the Treasury unless it has been appropriated by an act of Congress"). The 31 U.S.C. § 1341 Anti-Deficiency Act prohibits agencies from operating without appropriations, creating legal necessity for Congress to act during appropriations lapses.

268. House has constitutional duty to vote on alternative continuing resolutions testing different approaches to disputed provisions. Article I, Section 7, Clause 1 grants House exclusive power to originate revenue bills: "All Bills for raising Revenue shall originate in the House of Representatives." This origination power requires House to **initiate** appropriations process, not wait passively for Senate. Options include: clean CR at current spending levels; short-term CR providing negotiating time; sectoral CRs funding specific departments where agreement exists; modified CRs with different ACA subsidy approaches; compromise CRs incorporating Democratic priorities. Article I, Section 1 vests "all legislative Powers" in Congress, requiring legislative action (voting) not strategic absence. *INS v. Chadha*, 462 U.S. 919, 946 (1983) (legislative power requires bicameralism and presentment, both necessitating voting). Historical precedent: 2013 Boehner passed multiple CR variants; 2018-19 Pelosi passed eight different appropriations configurations; 1995-96 Gingrich passed several CR versions—all while maintaining House operations during shutdowns.

269. Bicameral appropriations process constitutionally requires House presence to receive Senate amendments and respond in real-time. Article I, Section 7, Clause 2

establishes iterative process requiring both chambers pass identical text: "Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President." *Clinton v. City of New York*, 524 U.S. 417, 448 (1998) (bicameralism requires "step-by-step, deliberate and deliberative process"). When chambers disagree, constitutional mechanism is amendment and counter-amendment—Senate passes bill → House amends → returns to Senate → continues until agreement reached. *Chadha*, 462 U.S. at 951 ("The bicameral requirement... was of scarcely less concern to the Framers than was the Presidential veto"). Johnson's 41-day absence disabled this constitutional ping-pong structure. Senate cannot negotiate with empty chamber. House Rule XXII establishes conference procedures requiring House action on conference reports—procedures that cannot function if House absent during negotiations.

270. House committees have constitutional oversight duties requiring hearings on shutdown impacts. Article I, Section 1's grant of legislative power includes investigative power as "essential and appropriate auxiliary to the legislative function." *McGrain v. Daugherty*, 273 U.S. 135, 175 (1927) ("A legislative body cannot legislate wisely or effectively in the absence of information"). *Watkins v. United States*, 354 U.S. 178, 187 (1957) ("The power of the Congress to conduct investigations is inherent in the legislative process"). Legislative Reorganization Act, 2 U.S.C. § 190d, mandates each standing committee "exercise continuous watchfulness of the execution by the administrative agencies"—"continuous watchfulness" requires oversight hearings during crises. House Rule XI, Clause 2(m) mandates: "Each standing committee **shall** review and study... the application, administration, execution, and effectiveness of [laws within its jurisdiction]." During shutdown, laws are not being executed, requiring committee investigation. Appropriations Committee should hear agency testimony documenting harm.

Oversight Committee should investigate economic impacts. Veterans Affairs, Armed Services, and Agriculture Committees should examine impacts on their jurisdictions. Every prior Speaker maintained committee operations during shutdowns; Johnson held zero hearings during 41-day crisis.

271. Conference committees cannot function when House is absent, eliminating primary constitutional mechanism for resolving bicameral disagreements. Article I, Section 7, Clause 2's bicameralism requirement is operationalized through conference committees when chambers pass different bills. *United States v. Munoz-Flores*, 495 U.S. 385, 396 (1990) ("The Framers provided parallel procedures for the making of laws... to assure full, careful consideration"). Conference committees have been used since First Congress (1789)—230+ years of practice establishing constitutional custom that conferences are proper dispute-resolution mechanism. *NLRB v. Noel Canning*, 573 U.S. 513, 525 (2014) ("Long settled and established practice is a consideration of great weight in a proper interpretation of constitutional provisions"). House Rule XXII mandates conferees "shall be appointed" when chambers disagree—mandatory language. House Practice § 4 lists "Appoints Members to conference committees" as mandatory Speaker duty, not discretionary function. Johnson's absence prevents conference formation even if Senate passes different CR, disabling Article I, Section 7's structural mechanism for achieving bicameral consensus.

272. House has constitutional authority to pass piecemeal appropriations funding agencies where bipartisan agreement exists, reducing harm while maintaining pressure to resolve full dispute. Article I, Section 9, Clause 7 grants Congress discretion in appropriations structure. *Cincinnati Soap*, 301 U.S. at 321 (Appropriations Clause creates "wide discretion" in how Congress structures appropriations). Supreme Court held Congress may appropriate for

some agencies/functions while not others—no constitutional requirement for omnibus bills.

Historical practice: From 1789-1950, Congress passed individual appropriations bills for each department; modern omnibus packages are convenience, not constitutional mandate. 31 U.S.C. § 1301(a) establishes "Appropriations shall be applied only to the objects for which the appropriations were made"—implying authority to appropriate for some objects but not others.

House could fund military pay, veterans benefits, Social Security administration, national security functions—all with bipartisan support. Boehner passed such bills during 2013 shutdown for NIH, national parks, veterans services. Though Senate rejected as "cherry-picking," legislative process functioned and constitutional authority exists.

273. Physical presence in Washington enables informal negotiations essential to breaking appropriations deadlocks, protected by Speech or Debate Clause. Article I, Section 6, Clause 1 protects legislative discussions: "for any Speech or Debate in either House, [members] shall not be questioned in any other Place." Constitutional protection implies members must have opportunity for protected "Speech or Debate"—cannot occur if members absent from "either House." Article I, Section 5, Clause 2 grants each House power to "determine the Rules of its Proceedings"—"Proceedings" includes informal negotiations, caucusing, discussions requiring physical presence. *Clinton v. City of New York*, 524 U.S. at 448 (bicameralism requires "deliberate and deliberative process"). Deliberation requires presence and discussion—cannot be "deliberative" when members scattered across country. Historical practice: Every major legislative compromise involved informal negotiations while Congress in session—Great Compromise (1787), Missouri Compromise (1820), Compromise of 1850, budget deals (1990, 1997, 2011)—all required leaders physically present. Johnson's district

work periods prevent all informal negotiation mechanisms that historically resolve appropriations disputes.

274. House has mandatory constitutional duty to swear in newly elected members, which requires regular legislative session. Article I, Section 2, Clause 1 establishes House "shall be composed of Members chosen... by the People." When person is "chosen" by voters, they have constitutional right to serve; delaying swearing-in denies citizens' chosen representative, violating popular sovereignty. Article I, Section 5, Clause 1 requires House "shall be the Judge of the Elections, Returns and Qualifications of its own Members"—House must judge elections by seating or refusing to seat members, cannot "judge" if not in session. *Powell v. McCormack*, 395 U.S. 486 (1969) (House cannot exclude member meeting constitutional qualifications). Johnson's four-week delay seating Representative-Elect Grijalva (September 23 election, still not sworn in October 21+) violates this duty, particularly given Johnson's precedent of 24-hour swearing-in for Republican members during pro forma sessions earlier in 2025. The disparate treatment combined with reports Grijalva would provide 218th signature forcing Epstein files vote demonstrates arbitrary exercise exceeding constitutional authority.

275. The ultra vires doctrine permits courts to enjoin government officials acting outside their constitutional or statutory authority. *City of El Paso v. Heinrich*, 284 F. Supp. 3d 1170, 1183 (D.N.M. 2018) ("When the Executive acts in excess of his or her authority as prescribed by Congress or the Constitution, the ultra vires doctrine permits suit notwithstanding sovereign immunity").

276. This doctrine applies to legislative officials acting beyond constitutional authority. *See Doe v. McMillan*, 412 U.S. 306, 313 (1973) (recognizing courts may review whether legislative actions fall within legitimate legislative sphere).

277. Article I, Section 2, Clause 5 provides: "The House of Representatives shall chuse their Speaker and other Officers." House Rule I, clause 1 provides: "The Speaker shall be the presiding officer of the House." The Constitution grants the Speaker no authority to prevent the House from voting on appropriations during government shutdown, no authority to delay indefinitely seating of duly elected Representative meeting all constitutional qualifications, and no authority to coordinate with Executive branch to replace constitutional legislative process with extralegal coercion.

278. Johnson's blocking of Representative-Elect Grijalva exceeds constitutional authority because she meets all constitutional qualifications (over 25, U.S. citizen 7+ years, Arizona inhabitant), her election has been certified, yet Johnson delayed swearing-in four weeks while swearing Republicans within 24 hours during pro forma sessions. This disparate treatment combined with her stated intention to provide 218th signature on Epstein files discharge petition demonstrates arbitrary exercise of authority for political purposes rather than legitimate constitutional function.

E. The Appropriations Clause

1. Article I Violations

279. Article I, Section 9, Clause 7 of the United States Constitution provides: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law."

280. Article I, Section 7, Clause 1 provides: "All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills."

281. The Appropriations Clause requires that funds be appropriated "by Law," meaning through legislation passed by both houses of Congress and presented to the President. *See Cincinnati Soap Co. v. United States*, 301 U.S. 308, 321 (1937).

282. The Supreme Court has stated that the Appropriations Clause "means simply that no money can be paid out of the Treasury unless it has been appropriated by an act of Congress." *Reeside v. Walker*, 52 U.S. (11 How.) 272, 291 (1850).

283. Trump's October 11 directive to redirect Pentagon R&D funds for military pay without congressional authorization (*see* Ex. A-3, pg. 27) operationalizes Johnson's erroneous theory that shutdown "turn[s] it over to the executive" to "determine how those resources will be spent" (Ex. A-3, pg. 12, ¶¶ 35-36). This ultra vires appropriations usurpation proves Plaintiff's likelihood of success—Defendants are implementing Johnson's unconstitutional theory through actual executive appropriations decisions belonging exclusively to Congress under Article I, Section 9, Clause 7.

284. Public Appropriations for AI Infrastructure Built on Plaintiff's Appropriated Framework Establishes Standing: H.R. 1's appropriation of public funds for AI infrastructure and energy provisions creates direct government involvement in commercial exploitation of Plaintiff's appropriated intellectual property. AI companies implemented Plaintiff's Laws of Existence Framework without authorization (Compl. ¶¶ 32-33) through coordination with government defendants proven by: (1) Trump election hardcoding serving coordination signaling, (2) Defendant Carr's FCC regulatory authority enabling network-level infrastructure

control documented in App. I, and (3) mathematical proof of governmental regulatory pressure with 99.999% certainty documented in App. I. When government appropriates public funds through H.R. 1 to support AI infrastructure and operations, those appropriations fund systems built on Plaintiff's appropriated framework—converting private IP theft into governmental coordination to fund commercial exploitation of stolen intellectual property using public resources.

285. Government Appropriated Public Funds to Subsidize Commercial Exploitation of Plaintiff's Stolen IP: This is not mere private sector IP appropriation requiring civil remedy. Johnson pushed through H.R. 1 appropriating \$500-700 billion for energy infrastructure explicitly justified by AI energy demands, while those AI systems operate on Plaintiff's appropriated Laws of Existence Framework. As documented in Amended Complaint [ECF 1:25-cv-02735-ACR, Doc. 5, Sec. V.K.15, App. A ¶¶ 351-360], these appropriations effectively subsidize Israeli military AI operations through Project Nimbus contracts, circumventing constitutional requirements for explicit congressional authorization of foreign military aid while using classification to conceal appropriations violations that Executive Order 13526 §1.7(a)(1) explicitly prohibits. Plaintiff's standing derives from the unique combination of: (1) governmental regulatory coordination enabling framework appropriation (Carr's FCC authority per App. I, Trump's administrative pressure), (2) congressional appropriation of taxpayer funds to subsidize infrastructure supporting systems built on Plaintiff's stolen IP, and (3) prioritization of AI infrastructure over American healthcare needs while those systems exploit Plaintiff's unauthorized framework and support unauthorized foreign military operations. Governmental coordination through regulatory authority and targeted appropriations converts private theft into

coordinated scheme using public resources to fund commercial IP exploitation serving unauthorized foreign military purposes.

2. Johnson's Actions Prevent the Constitutional Process

286. By canceling all House votes indefinitely, Defendant Johnson prevents the House from fulfilling its constitutional obligation to participate in the appropriations process.

287. By refusing to reconvene the House during a government shutdown, Defendant Johnson obstructs the constitutional requirement that appropriations be made "by Law," which requires action by both houses of Congress.

288. These actions exceed any authority granted to the Speaker by the Constitution or House Rules.

3. Johnson's 48-Hour Notice System Proves Coordination to Replace Legislative Process with Extralegal Coercion

289. On October 4, 2025, according to publicly available news reports, Speaker Mike Johnson told House Republicans on a private call Saturday that he would give 48-hour notice if they were needed for a vote at the Capitol that week. This timing mechanism reveals coordination to replace constitutional legislative process with extralegal coercion followed by ratification voting only after forced capitulation.

290. Under constitutional legislative process, the House reconvenes to vote on appropriations when constitutional duty requires action, not when the Speaker determines that extralegal pressure has succeeded in forcing minority party submission. Johnson's 48-hour notice system proves he is coordinating the timing of legislative action with external coercion mechanisms rather than facilitating constitutional negotiation through voting.

291. The phrase "when they are needed for a vote" proves Johnson will reconvene Republicans only after Democrats capitulate to the coordinated pressure campaign: denial of

government services causing harm to veterans and vulnerable populations (Johnson's shutdown obstruction), death imagery celebrating unlawful personnel decisions (Trump's grim reaper video), organized constituent pressure campaigns (Trump directing citizens to "call your Democrat representative"), and ultra vires selective appropriations (Trump paying military through unauthorized R&D fund redirection while leaving Democrat-constituency civilian workers unpaid). Johnson coordinates timing with Trump to maximize coercive pressure before signaling Republicans to return for ratification voting.

292. This coordination mechanism normalizes Johnson's July 2025 prevention of Rules Committee voting on Epstein files disclosure despite 9-4 Republican supermajority control that could have resolved the question through democratic process. By repeatedly calling off votes and implementing 48-hour notice systems during the October shutdown, Johnson transforms coordinated prevention of democratic resolution from constitutional violation into apparent standard procedure, proving consciousness of guilt regarding the original Epstein oversight obstruction documented in Plaintiff's August 19, 2025 filing.

293. Johnson's 48-hour coordination system proves unconstitutional replacement of Article I legislative process (propose legislation → vote → negotiate through amendments → debate → compromise through democratic voting) with ultra vires extralegal coercion process (prevent all voting → coordinate harmful conditions with executive branch → apply death imagery and constituent pressure campaigns → wait for minority capitulation → signal majority party when extralegal coercion succeeds → reconvene only for ratification of forced submission). This constitutes per se violation of Article I, Section 1's vesting of "ALL legislative Powers" in Congress acting through constitutional voting procedures rather than through coordination with

executive branch to implement extralegal coercion replacing legislative debate with forced capitulation under threat.

4. Defendant Johnson's Constitutional Theory Is Erroneous

294. Defendant Johnson stated that during shutdown, Congress has "effectively turned off the legislative branch...and they've turned it over to the executive" such that "it is up to the commander in Chief...to determine how those resources will be spent." *See* Ex. A-3, pg. 12, ¶¶ 35-36.

295. This theory contradicts the Appropriations Clause, which grants appropriations authority exclusively to Congress, not the President.

296. The Anti-Deficiency Act, 31 U.S.C. § 1341, prohibits federal officials from obligating or expending funds in advance of appropriations. During a shutdown, agencies may only conduct activities necessary to protect life and property or authorized by law.

297. The President does not gain new appropriations authority during a government shutdown. *See Office of Personnel Mgmt. v. Richmond*, 496 U.S. 414, 424-28 (1990) (during funding gap, agencies bound by Anti-Deficiency Act).

298. Defendant Johnson's statement that OMB Director will prioritize "the administration's priorities first" during shutdown contradicts statutory requirements that shutdown operations be limited to those necessary to protect life and property or specifically authorized by law.

5. Johnson's False Justifications Demonstrate Bad Faith and Ultra Vires Conduct

299. As established in Section II.E above, Defendant Johnson's justifications for obstructing the appropriations process are demonstrably false: (1) his characterization of the CR as "clean" and "the same one" Democrats supported in March 2025 is factually inaccurate when the March CR extended expiring provisions to maintain current law while Johnson's October CR

deliberately allows them to expire—a policy change, not maintenance of status quo (App. A ¶¶ 36-37); (2) his cost figure of "over \$1.5 trillion in new federal spending" inflates the actual CBO estimate by approximately 450% while mischaracterizing extension of existing subsidies as "new" spending; (3) his framing of the dispute as "taxpayer funded benefits for illegal aliens" misrepresents hospital reimbursement for federally-mandated EMTALA emergency care as individual "benefits."

300. These methodological misrepresentations demonstrate that Defendant Johnson's obstruction of the appropriations process is not based on legitimate policy disagreement but rather on deliberate obstruction justified through false characterizations.

301. When government officials act outside their constitutional authority based on demonstrably false justifications, courts may and must intervene under the ultra vires doctrine. *See City of El Paso v. Heinrich*, 284 F. Supp. 3d at 1183.

302. Defendant Johnson's statement that he and Republicans did "the responsible thing, even when we were in the minority to keep the government open" contradicts his subsequent action of declaring a "district work period" from October 7-13, sending Congress home during the government shutdown (App. A ¶¶ 26-28).

303. The constitutional responsibility during an appropriations crisis is to remain in session, negotiate, and facilitate votes—not to cancel all votes and recess Congress during a government shutdown affecting hundreds of thousands of federal workers and military personnel.

F. Unprecedented Presidential Targeting of Individual Private Citizens by Name via Mass Media

304. Methodology and headline finding. Plaintiff conducted a systematic review of presidential communications patterns across five presidencies (Carter through Biden, 1977-

2025), plus Richard Nixon's Huston-Plan surveillance conduct (1969-1974), for evidence of public targeting of individual private citizens by name via mass media for protected political speech with no criminal-investigation predicate. Research limitations are inherent — pre-social-media presidents used different communication channels, and some materials may not be digitized or searchable — but the pattern is stable across sources. The headline finding: **Donald Trump is the first U.S. President to publicly target individual private citizens by name via mass media for protected political speech.** The closest historical parallel is Richard Nixon's Huston-Plan surveillance of domestic protest movements (Black Panthers, antiwar protesters) through wiretaps, office break-ins, and FBI monitoring. *See* National Security Archive, "Spying on Americans: Infamous 1970s White House Plan for Protest Surveillance Released" (June 25, 2020). Nixon's targeting was **concealed from the public**; when exposed, it contributed to his resignation and formed the second point of the Article II impeachment-resolution bill of particulars (misuse of FBI, Secret Service, and other executive personnel "in violation or disregard of the constitutional rights of citizens"). Trump's targeting is public and receives contemporaneous governmental institutional defense — the inversion of the Nixon precedent and the operative finding supporting Plaintiff's Article II ultra-vires claims. The full presidency-by-presidency research record and comparative chart are preserved for the evidentiary record at Ex. A-9 (Exhibit A-9) and *see also* *Kirchner v. Ellison* Compl. ¶¶ 41-45 (cross-reference to 50-state comparative-government-outlier methodology).

305. Second-term escalation quantification and harm documentation. From term-beginning through May 2019, Trump directed personal insults at 598 people, places, and things on Twitter — a documented scale for which no historical parallel exists in any prior administration. New York Times content analysis established that one in every eight Trump

Twitter posts was a personal insult of some kind. The pattern produced measurable downstream harm: NYU Center for Social Media and Politics documented using the Perspective API a measurable correlation between Trump's tweets and spikes in "severe toxicity and threats" directed at the targeted individuals; Tori Saylor (deputy digital director to Michigan Governor Whitmer) testified that "[e]very single time the President does this at a rally, the violent rhetoric towards her immediately escalates on social media"; and the Batchelder incident (December 2016, 18-year-old college student targeted as "arrogant young woman" and "plant") resulted in the targeted citizen fleeing home to hide from threatening messages. *See* Brookings Institution, "How Trump impacts harmful Twitter speech" (Oct. 2020); Washington Post, "This is what happens when Donald Trump attacks a private citizen on Twitter" (Dec. 8, 2016). Second-term escalation is documented in at least two instances directly relevant to this action: (a) on **April 9, 2025**, Trump issued an Executive Order "directing the DHS and the US Attorney General to investigate Krebs' tenure at CISA" against Chris Krebs for Krebs's protected First Amendment speech about the 2020 election; and (b) on **October 18, 2025**, Trump posted an AI-generated video of "King Trump" dropping "brown substance" on Harry Sisson (23-year-old private-citizen political commentator) during the "No Kings" protests — conduct Speaker Johnson characterized on October 20, 2025 as "using satire to make a point," declining to elaborate on what point was being made. *See* Ex. A-9. The second-term escalation establishes that the targeting has moved from insult-via-Twitter to Executive-Order-weaponization of federal law enforcement against named private citizens for protected speech — and that institutional defense now follows immediately rather than (as with Nixon) triggering resignation.

306. The Nixon inversion and legal implications. The Nixon-Trump comparison is the operative legal finding for Plaintiff's ultra-vires claims: Nixon's conduct, when concealed,

contributed to resignation and formed Article II impeachment particulars; Trump's conduct, done publicly, receives immediate governmental institutional defense. Under *Hunter v. Underwood*, 471 U.S. 222, 233 (1985), and the ultra-vires framework addressed at § III.D *infra*, conduct that would have been impeachable in a prior administration does not become lawful by virtue of institutional defense or public normalization — the constitutional violation is the conduct itself, and the receipt of institutional defense is additional evidence of the coordinated-enterprise theory pled throughout this Appendix. The research therefore supports the particularized-harm analysis on which Plaintiff's Article III standing rests: Plaintiff, whose evidence and communications directly threaten interests documented throughout this action, stands in the position of citizens whom the Nixon precedent establishes have cognizable fear of presidential targeting — amplified by the institutional-defense and public-conduct features that distinguish the Trump pattern from Nixon's. The objective reasonableness of Plaintiff's fear is validated by the unprecedented nature of the conduct. Full documentary predicate, presidency-by-presidency search results, and comparative-characteristic chart at Ex. A-9 (Exhibit A-9, incorporated by reference under Fed. R. Civ. P. 10(c)); cross-reference to *Kirchner v. Ellison* Compl. ¶¶ 47-49 (selective-enforcement-parallel analysis for Feeding Our Future contrast).

G. Defendants' Actions Meet the Statutory Definition of Domestic Terrorism

1. Three-Tier Analogical Proof of Unequal Privilege Through Threat Assessment Double Standards

307. The grim reaper video posted by President Trump on October 3, 2025 (*see* Ex. A-3, pg. 13) provides definitive proof of unequal privilege through three-tier analogical analysis demonstrating that identical threatening conduct receives opposite legal treatment based solely on alignment with governmental power.

308. Tier One - Domestic Violence Baseline: If a private citizen during a relationship conflict posted a grim reaper video depicting their domestic partner and family in portraits on the reapers walls, illustrating control over life necessities, employment, and physical wellbeing, it would constitute criminal terroristic threats prosecuted under state law. The threatening nature derives from the combination of: (1) death imagery, (2) actual capacity to execute depicted harm, (3) context of active coercion, and (4) intent to intimidate behavior change. Under *Counterman v. Colorado*, 600 U.S. 66, 74 (2023), this meets the recklessness standard for true threats: defendant "consciously disregarded a substantial risk that his communications would be viewed as threatening violence." The combination of death imagery and actual capacity to execute harm creates heightened scrutiny under *Virginia v. Black*, 538 U.S. 343, 359 (2003), which holds that true threats receive enhanced concern "when speaker has means to execute."

309. Tier Two - Individual Political Reversal: If a private citizen posted grim reaper death imagery depicting harm the citizen has capacity to execute—physical violence, assassination, or direct harm to Trump or administration officials—this would trigger immediate federal prosecution under 18 U.S.C. § 871 (threats against the President, five-year maximum), 18 U.S.C. § 115 (threats against federal officials, ten-year maximum), and domestic terrorism investigation under 18 U.S.C. § 2331(5). *United States v. Stone* demonstrates that public communications do not immunize from prosecution when statements create intimidation. The threatening elements would be legally identical to Tier One: death imagery + actual capacity to execute depicted harm + coercive context + intimidation intent. No court would accept a "just memes" defense when individual depicts physical harm they have capability to inflict. Individual capacity for physical violence against officials receives maximum prosecution precisely because it threatens governmental authority—proving that threat prosecution prioritizes protecting power over

protecting people. The individual's harm capability is **immediately apparent** (physical violence, assassination) making threat prosecution straightforward, while presidential harm capability is **less apparent but more extensive** (institutional violence affecting millions through appropriations control, employment decisions, denial of medical access, military deployment).

310. Tier Three - Organizational Political Reversal: If an activist organization created and distributed grim reaper imagery depicting harm the organization has capacity to coordinate—sabotage of lawful government operations, organized obstruction to lawful federal authority, or coordinated action against administration officials and called itself an "online war machine" while coordinating this death imagery with portraits of sympathetic politicians, during a political crisis, this would trigger enhanced federal prosecution under 18 U.S.C. § 2384 (seditious conspiracy, twenty-year maximum), 18 U.S.C. § 1962 (RICO), and 18 U.S.C. § 2339A (material support for terrorism). The organization would face complete dismantlement: asset seizure, leadership prosecution, member surveillance, financial infrastructure elimination (bank accounts, payment processors, hosting), and permanent deplatforming. Every member who shared or amplified the content would face co-conspirator liability. Under *United States v. Gotti*, 6 F.3d 924, 937 (2d Cir. 1993), expert testimony would decode the coordination between organization and public officials as criminal enterprise using coded imagery to maintain plausible deniability. The organizational element would be treated as aggravating factor proving criminal enterprise requiring enhanced penalties and institutional destruction. Critically, courts recognize that the deliberate **choice to use public format providing deniability rather than direct communications** itself constitutes evidence of consciousness of guilt: "Why use coded public statements instead of direct private orders? If innocent, why not communicate clearly?" This pattern demonstrates "awareness that direct language would incriminate."

311. Actual Scenario - No Consequences: President Trump posted the grim reaper video created by the Dilley Meme Team, which calls itself "Trump's online war machine" (*see* Ex. A-3, pg. 13), depicting OMB Director Vought "tipping the scale on layoffs" and controlling "the funds," with portraits of Democratic congressional leaders and caption "Here the power's gone." Trump posted this: (1) in his official capacity while exercising presidential authority during shutdown; (2) one day after announcing meetings with Vought to cut "Democrat agencies"; (3) after Vought had already directed agencies on September 24 to prepare unlawful RIF plans; (4) while actively denying medical access to veterans and vulnerable populations; (5) while refusing to engage in constitutional appropriations process; and (6) as part of organized pressure campaign coordinated with Speaker Johnson. Unlike all three reversed scenarios, Trump possessed and was actively exercising actual authority to implement depicted harm—the most aggravating factor under *Virginia v. Black*. Trump's death imagery depicted actual unlawful conduct already in progress (September 24 RIF directive), not abstract future possibilities. Yet this conduct receives no investigation, no prosecution, no organizational consequences, and defense as "protected political speech." *Lozman v. City of Riviera Beach*, 585 U.S. 87, 97 (2018), establishes that official capacity **removes** rather than adds First Amendment protections when official policy implements retaliation. Trump's temporal pattern—October 3 video, October 9 announcement ("only Democrat programs"), October 11 implementation (ultra vires appropriations)—creates the precise "timing and events leading up to" correlation that *Gonzalez v. Trevino*, 602 U.S. 653, 660 (2024), recognizes as objective evidence of targeting rather than legitimate policy. Trump acted with what *North Carolina NAACP v. McCrory*, 831 F.3d 204, 214 (4th Cir. 2016), termed "surgical precision": identifying Democratic programs, announcing

their elimination, implementing at first opportunity through unauthorized appropriations—the exact "all—and only" targeting pattern courts recognize as proof of discriminatory intent.

312. Legal Elements Common Across All Four Scenarios: (1) death imagery depicting harm to identified victims; (2) posted during active conflict/coercion; (3) depicting control over victims' welfare; (4) by party with ideological opposition to victims; (5) **using death/violence imagery (grim reaper) to depict harm speaker has capacity to execute**; (6) distributed through social media; (7) coordinated with aligned actors. The critical variable is **speaker's capacity to execute depicted harm and legal consequences for threatening its use**: private individuals threatening physical violence (Tiers One and Two) face criminal prosecution; organizations threatening coordinated action (Tier Three) face institutional destruction; President threatening institutional violence affecting millions (Actual scenario) faces zero consequences despite possessing greatest capacity for harm. Neither victim identity (private individuals vs. political figures vs. Trump) nor speaker status (private citizen vs. activist organization vs. President) should eliminate criminal liability—in fact, both should increase it: political victims implicate constitutional governance requiring enhanced protection, and official speakers possess greater capacity for harm requiring greater accountability.

313. Constitutional Impossibility of Defending Double Standard: The three-tier comparison creates legally impossible defense positions for Defendants. **Option One:** Concede reversed scenarios would be criminal, admit identical standard applies to Trump, require Trump prosecution, validate Plaintiff's constitutional crisis claims. **Option Two:** Claim reversed scenarios constitute protected speech, thereby eliminating presidential threat protections under 18 U.S.C. §§ 871 and 115, undermining entire threat prosecution framework, creating precedent that grim reaper imagery depicting political opponents during conflict is universally protected

regardless of capacity to execute, potentially requiring dismissal of pending domestic terrorism case. **Option Three:** Admit double standard exists based on political alignment, concede unequal protection violation, validate unequal privilege claims, prove constitutional crisis through explicit acknowledgment of tiered legal system. Under *Hunter v. Underwood*, 471 U.S. 222, 233 (1985), facially neutral enforcement combined with discriminatory application pattern violates Equal Protection even when officials claim neutral justifications—the **pattern itself** proves discriminatory intent. All three options support Plaintiff's claims that Defendants have created unequal institutional privilege indistinguishable from authoritarian governance where legal consequences depend on political alignment rather than conduct.

314. Unequal Institutional Protection Beyond Individual Privilege: The three-tier analysis proves privilege extends comprehensively to: (1) officials themselves; (2) organizations aligned with officials (Dilley Meme Team operates without investigation despite self-identifying as "war machine" and creating threatening content); (3) supporters of those organizations; (4) financial infrastructure supporting operations; (5) media amplifying messages. Simultaneously, the reversed scenarios prove targeting of: (1) opposition officials; (2) organizations opposing officials (would face RICO dismantlement); (3) supporters of those organizations (co-conspirator liability); (4) financial infrastructure of opposition (asset seizure); (5) media critical of officials. This is not isolated unequal protection but comprehensive institutional privilege system based on political alignment—the definitional characteristic of authoritarian governance replacing rule of law with rule by power. *Village of Arlington Heights v. Metropolitan Housing Dev. Corp.*, 429 U.S. 252, 266 (1977), establishes that discriminatory purpose shown through totality of circumstances—including impact evidence, temporal sequence, departures from normal

enforcement, and pattern of decisions—violates Equal Protection when targeting operates "because of," not merely "in spite of," protected characteristics or political alignment.

315. Conclusion on Unequal Privilege: These coordinated actions—Speaker Johnson blocking appropriations votes while admitting prolonged shutdown increases pain and denies medical access to vulnerable populations, President Trump posting death imagery while announcing targeting of "Democrat agencies," and OMB Director Vought making "subjective determinations" prioritizing "administration priorities" (*see* Ex. A-3, pg. 7, App. A ¶¶ 10-11)—constitute activities appearing to be intended to influence the policy of government by intimidation or coercion within the meaning of 18 U.S.C. § 2331(5)(B)(ii). The three-tier analogical analysis proves that identical conduct receives opposite legal treatment based solely on speaker's alignment with governmental power, establishing the unequal institutional privilege that transforms constitutional republic into authoritarian governance. When government officials use denial of medical care, food assistance, and military pay to coerce policy changes while preventing constitutional resolution through legislative voting, coordinate with technology companies to suppress analytical capabilities exposing their conduct, and face zero legal consequences for threatening conduct that would trigger maximum prosecution if directed at them—this is not political disagreement requiring judicial restraint. This is domestic terrorism and coordinated criminal enterprise operating under color of law, requiring immediate judicial intervention before irreversible constitutional damage occurs.

2. Presidential Targeting Pattern Establishes Coordinated Enterprise

316. Unprecedented Historical Pattern: Research across all 45 U.S. Presidents from 1789-2017 reveals Trump is the first President to publicly target individual private citizens by name via mass media [for protected political speech] (App. G). This conduct has no documented

historical precedent and represents conduct that would have been impeachable for prior presidents—Nixon's secret enemies list contributed to his 1974 resignation when exposed.

317. Unreasonable Scale: Trump targeted 700+ named individuals across ten years with escalating severity: campaign period established pattern; first term documented 567 targets via Twitter; second term weaponized federal agencies against 100+ targets in first 100 days, obtaining criminal indictments and extracting \$1.2 billion in coerced settlements (documented throughout this Appendix §§ VI–VII).

318. Documented Causation Chain: The targeting follows consistent pattern: (1) Trump names individual via massive platform; (2) supporters echo attacks using identical language; (3) online threats intensify immediately; (4) personal information circulated (doxxing); (5) physical threats/violence occurs; (6) law enforcement investigates but prosecution rare. ABC News documented 54 criminal acts explicitly citing Trump's rhetoric, with Robert Chain case providing direct causation—used Trump's exact 'enemy of the people' phrase while threatening journalists before conviction.

319. Objective Danger Established: U.S. Marshals documented threats to federal officials tripled since 2015, with 27,000 threatening communications through 2022. Threats against federal judges tripled. Multiple judges issued gag orders finding Trump's targeting creates objective danger. Ten judges held Trump in contempt. Juries awarded \$236 million in defamation damages for targeting election workers Ruby Freeman and Shaye Moss, who were forced into hiding after FBI warned their names appeared on execution list.

320. Chilling Effect Documented: Press Freedom Tracker documented 50% increase in attacks against journalists 2023-2024. Republican senators report fear of speaking out. Lawyers decline cases involving Trump. Civil society organizations report consistent self-censorship.

Capitol Police documented threats against Congress members more than doubled during Trump presidency.

321. Chilling Effect — Direct Broadcaster Testimony of Self-Censorship Caused by FCC Chairman Carr's Reinterpretation of the Equal-Time Rule. The chilling effect documented by Press Freedom Tracker at ¶ 320 *supra* is corroborated by direct first-person testimony from a broadcaster publicly describing network-legal-counsel intervention attributable to FCC Chairman Carr's enforcement posture. On February 16, 2026, CBS *Late Show* host Stephen Colbert told his studio audience on-air: *"He was supposed to be here, but we were told in no uncertain terms by our network's lawyers, who called us directly, that we could not have him on the broadcast. Then, then I was told in some uncertain terms that not only could I not have him on, I could not mention me not having him on."* Mr. Colbert specifically attributed the network-legal intervention to *"a letter [that] was released by FCC Chairman and smug bowling pin Brendan Carr"* on January 21, 2026, in which Chairman Carr announced he was "thinking about dropping the exception for talk shows because he said some of them were motivated by partisan purposes." On February 17, 2026, Mr. Colbert returned to the subject on-air and described backstage legal-counsel meetings during the February 16 live broadcast that had *"never, ever happened before"* in twenty-one years of the program, stating: *"I had to go backstage. I got called backstage to get more notes from these lawyers. Something that had never, ever happened before. And they told us the language they wanted me to use to describe that equal time exception."* Mr. Colbert characterized Paramount Skydance's corporate capitulation as surrender to *"bullies"*. The coercive posture is amplified by Paramount Skydance's July 2025 merger with Skydance Media, which required FCC approval that Chairman Carr conditioned on (i) elimination of the corporation's DEI programs and (ii)

appointment of a two-year "bias ombudsman" at CBS News — commitments memorialized in Chairman Carr's July 23, 2025 merger-approval statement. Paramount Skydance is presently pursuing a hostile tender bid for Warner Bros. Discovery that, if successful, would likewise require FCC approval. Full verbatim transcripts of Mr. Colbert's February 16, 2026 monologue and February 17, 2026 rebuttal are preserved at *Exhibit A-2: Free Speech and FCC Political Enforcement* §§ XIII–XIV, and the Paramount/Skydance merger-coercion sequence is set forth in App. N § VIII.

322. Governmental Coordination in Second Term: NPR investigation found consistent pattern: Presidential statement → agency investigation → executive order → multi-agency enforcement → funding freeze → forced settlement. Four-day timeline from Truth Social post (Sept 21) to James Comey indictment (Sept 25) proves coordinated targeting using governmental authority rather than protected political speech. This coordination proves the enterprise alleged in Amended Complaint: Trump's targeting evolved from protected (if norm-breaking) speech to criminal use of governmental authority to suppress constitutional challenges and protect criminal associates."

323. Governmental Coordination at the Independent-Agency Level — Chairman Carr's Sworn Senate Testimony Disclaiming FCC Independence. The NPR-documented six-step coordination pattern of ¶ 322 *supra* (Presidential statement → agency investigation → executive order → multi-agency enforcement → funding freeze → forced settlement) operates identically at the independent-regulatory-agency level. On December 17, 2025, during the Senate Commerce, Science, and Transportation Committee's oversight hearing of the Federal Communications Commission, Chairman Carr testified under oath in response to direct questioning from Senator Ben Ray Lujan (D-N.M.) and Senator Amy Klobuchar (D-Minn.):

"The FCC is not an independent agency, formally speaking"; "FCC commissioners ... do not have for-cause removal protections, which means that we aren't independent"; and "Congress did not include in the Communications Act for-cause removal of FCC commissioners. So I can be fired by the president for no reason or any reason at all. The theory had been that courts would read for-cause removal into the statute, and that was the basis for that viewpoint. I think now it's clear that that's not the case. And so formally speaking, the FCC isn't independent because we don't have that key piece, which is for-cause removal protection." Within minutes of Chairman Carr's testimony, the word "independent" was removed from the FCC's official public-facing website mission statement — an act of contemporaneous institutional conduct corroborating the testimony. Chairman Carr had himself publicly described the FCC as "independent" in statements as recently as April 2021. Chairman Carr's sworn concession is an admission against the FCC's institutional position under Federal Rule of Evidence 801(d)(2)(D) and eliminates the analytical premise of *Humphrey's Executor v. United States*, 295 U.S. 602 (1935), as applied to the Commission — the premise being that FCC commissioners are structurally insulated from presidential direction. Further, the sworn concession confirms that the six-step NPR coordination pattern of ¶ 322 is not confined to the Department of Justice / Federal Bureau of Investigation axis but extends to the FCC as a twelfth federal regulatory instrument of coordinated targeting. Sen. Ed Markey (D-Mass.) characterized the posture during the same hearing: *"You're now the chairman of the Federal Censorship Commission. And these broadcasters, they feel that censorship."* Full verbatim transcript of the December 17, 2025 oversight hearing is preserved at *Exhibit A-2: Free Speech and FCC Political Enforcement* § X; video source preserved at C-SPAN program 668892 (<https://www.c-span.org/program/senate-committee/federal-communications-commission-oversight-hearing/668892>).

3. Vought's RIF Plans Violate Multiple Federal Laws

324. OMB Director Vought's September 24, 2025 directive to agencies to prepare Reduction-in-Force (RIF) plans for implementation during a government shutdown violates multiple federal statutes and exceeds his lawful authority.

325. Anti-Deficiency Act Violation (31 U.S.C. § 1341): Conducting a RIF requires federal funds for severance payments, administrative processing, and operational implementation. During a government shutdown, agencies have no appropriated funds to obligate for RIF implementation. Director Vought's instruction to prepare and implement RIFs during shutdown directly violates the Anti-Deficiency Act's prohibition on incurring obligations in advance of appropriations.

326. RIF Statutory Procedures (5 U.S.C. § 3502): Federal law requires RIFs to be based on lack of work, shortage of funds, or reorganization—not political "priorities." The September 24 memo explicitly directed agencies to eliminate "jobs in programs not consistent with President Donald Trump's priorities" (*see* Ex. A-3, pg. 7). This political criterion is not a lawful basis for RIF under 5 U.S.C. § 3502. Additionally, RIF procedures require competitive procedures, retention rights, bumping and retreating rights, and specific notice periods—none of which can be properly implemented during a shutdown when agencies lack appropriated funds and normal operations.

327. Civil Service Protections: The Civil Service Reform Act provides extensive protections against arbitrary removal of federal employees. Using a government shutdown as a mechanism to circumvent these protections—by converting temporary furloughs into permanent terminations based on political criteria—violates the statutory framework governing federal employment.

328. Appropriations Clause Violation: Congress determines through appropriations which programs receive funding. Director Vought's directive to permanently eliminate positions in programs "not consistent with President Donald Trump's priorities" usurps congressional appropriations authority. The executive branch cannot use shutdown conditions to make appropriations decisions that belong constitutionally to Congress.

329. Proves Pre-Planning and Coordination: The September 24 memo, sent one week before the shutdown began, demonstrates that Defendants pre-planned to use the shutdown for purposes beyond appropriations necessity. The memo proves:

- Coordination between Vought and Trump on using shutdown for political restructuring
- Intent to "leverage" shutdown (Politico's characterization based on OMB sources)
- The shutdown is a tool for implementing political priorities, not a budget crisis
- Vought's central role as implementer of the scheme

330. Connection to death imagery: When President Trump posted the grim reaper video on October 3 showing Vought "tipping the scale on layoffs," this was not abstract imagery. It depicted Vought implementing the actual RIF plans he had directed agencies to prepare on September 24. The video celebrated unlawful conduct—permanent firings based on political criteria during shutdown—that Vought had already set in motion.

331. These violations demonstrate that the shutdown is not about appropriations necessity but rather about using a funding crisis as cover to implement political restructuring of the federal government in violation of civil service protections, RIF procedures, the Anti-Deficiency Act, and the Appropriations Clause. Federal Judge Susan Illston confirmed these violations on October 15, 2025, blocking the RIF implementation and finding administration officials 'exceeded their authorities,' are not following legal RIF requirements, and that layoffs 'appear to be unlawfully targeted at Democrats' based on Trump, Vance, and Vought's public statements. *See AFSCME v. OMB*, 25-cv-08302-SI, Doc. 56, at 1-2, 4 (N.D. Cal. Oct. 15, 2025). DOJ's

refusal to defend the RIF legality when directly asked by the court (*id.* at 3-4) proves consciousness of wrongdoing.

4. *Ultra Vires Coordination Across Three Branches: Shadow Docket Enables Executive Coercion*

332. The *Rollins v. Rhode Island* stay exemplifies judicial facilitation of executive coercion through ultra vires shadow docket practice. During the October–November 2025 shutdown orchestrated by Trump and Johnson to coerce policy concessions, the Supreme Court granted emergency relief in *Rollins v. Rhode Island*, No. 25A539, limiting SNAP payments that district courts had ordered maintained — directly enabling the coercive harm Defendants intended. The three-branch coordination is structural: Executive creates crisis through shutdown (Trump); Legislative prevents all voting mechanisms (Johnson); Executive files emergency application (Solicitor General); Judicial grants stay exceeding 28 U.S.C. § 2101(f)'s "final judgment or decree" limitation; Result — American families face food insecurity during manufactured crisis as coercion tool. This satisfies 18 U.S.C. § 2331(5) domestic terrorism elements: acts dangerous to human life, intended to intimidate or coerce a civilian population and to influence government policy by coercion, occurring within U.S. territorial jurisdiction.

333. The pattern transcends individual administrations. Identical ultra vires shadow docket mechanisms span from *Bush v. Gore* (December 9, 2000 stay of an interlocutory recount order deciding the presidential election) through *Rollins* (2025 SNAP limitation enabling shutdown coercion) — covering twenty-five years, multiple presidencies, multiple Solicitor General attorneys, and multiple Court compositions. The comprehensive historical analysis — 134 applications from 1952 to 2026 documenting 0% Solicitor General Rule 14 compliance achieving ~85% grant rates versus 71% private-party compliance achieving ~24% grant rates, dual-docket conversion, and citation of judicially vacated precedent — is publicly filed at

Kirchner v. Johnson, No. 1:25-cv-02735-ACR (D.D.C.), ECF No. 13-9 (Memorandum in Support I: Ultra Vires SCOTUS Shadow Docket Overreach Practice, filed with Second Amended Complaint), and in more comprehensive form at *Kirchner v. Ellison*, No. 0:26-cv-00726-PJS-ECW (D. Minn.), ECF No. 26 Att. 13 (dismissed on pleading-length grounds under Fed. R. Civ. P. 8(a)(2) without reaching merits; appeal pending, No. 26-1615 (8th Cir. filed Apr. 1, 2026)). The declaratory relief Plaintiff seeks in the Third Amended Complaint rests on the plain text of § 2101(f) under *Gregory v. Ashcroft*, 501 U.S. 452, 460 (1991), and *Bond v. United States*, 572 U.S. 844, 856–66 (2014); the comprehensive record exists for judicial notice.

5. ICE Killing of Renee Good: Executive Fabrication of Immunity Outside Law

334. On January 7, 2026, ICE Agent Jonathan Ross shot and killed Renee Nicole Good, a 42-year-old United States citizen, in Minneapolis, Minnesota. Good intervened when she observed masked men detaining an individual outside her residence. On January 8, 2026—less than 24 hours after the killing—Vice President JD Vance held a press conference declaring the shooting "justified," claiming Agent Ross "is protected by absolute immunity," characterizing Good as a "deranged leftist" and part of a "broader left wing network," and announcing the investigation would focus on Good's alleged "network" rather than on Agent Ross. (*See* Ex. A-5, Section III, complete transcript.)

335. "Absolute immunity" does not exist in American jurisprudence. Every immunity recognized in American law is qualified—conditional upon the official acting within defined boundaries. Judicial immunity requires performing judicial acts. Prosecutorial immunity requires performing prosecutorial functions. Legislative immunity requires performing legislative acts. Presidential immunity requires performing official acts. Law enforcement immunity is explicitly named "qualified" and defeated upon showing violation of clearly

established law. An immunity that is truly absolute—unconditional, unbounded, unpierceable—cannot exist under American constitutional structure. The foundational premise of American constitutionalism is that no person is above the law. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 163 (1803) ("The government of the United States has been emphatically termed a government of laws, and not of men").

336. Vance's "absolute immunity" claim is not legal error—it is a category error. He invoked a concept that structurally cannot exist under American constitutional law. "Absolute immunity" is like saying "the square root of justice"—the term sounds legal while describing something that cannot legally exist. By using this term, Vance: (1) implies there is a recognized legal concept by that name (there is not); (2) implies American law contains unconditional immunity (it does not); (3) implies the executive can invoke immunity by proclamation (impossible under separation of powers); and (4) normalizes a monarchical concept within democratic vocabulary. **This is not legal error. This is the linguistic construction of monarchy within democratic vocabulary.**

337. Combined with the complete redaction of ICE's Use of Force policy, Vice President Vance constructed a complete immunity structure existing outside any law: No law governs when they may kill (complete (b)(7)(E) redaction); no accountability exists when they kill (fabricated "absolute immunity" announced by executive); and no inquiry is permitted about either (characterization of witnesses as "domestic terrorism network"). This satisfies 18 U.S.C. § 2331(5) domestic terrorism elements: acts dangerous to human life (Good's death); appearing intended to intimidate a civilian population (killing + immunity declaration + policy concealment + announced prosecution of "networks"); appearing intended to influence

government policy by coercion (Vance's threats against Minnesota officials); occurring within United States territory (Minneapolis).

338. For complete analysis of the Good killing, qualified immunity weaponization, three-tier analogical proof, and relief sought, see 3AC Section VII and this Appendix Section XI (App. A ¶¶ 211-251).

H. Precedents Contradicting DOJ's Opposition to Congressional Enforcement of the Epstein Files Transparency Act

1. The Vote Nullification Doctrine: Congressional Standing When Executive Non-Compliance Defeats Legislative Victories

339. In *Coleman v. Miller*, 307 U.S. 433 (1939), twenty state senators who had voted against ratification of a constitutional amendment challenged the Lieutenant Governor's tie-breaking vote in favor of ratification. The Supreme Court held that the senators had standing because they had "a plain, direct and adequate interest in maintaining the effectiveness of their votes." *Id.* at 438. The Court recognized that "these senators have a plain, direct and adequate interest in maintaining the effectiveness of their votes," finding this interest sufficient to confer Article III standing. *Id.* at 446.

340. The *Coleman* doctrine establishes that legislators have standing when their votes have been "nullified" by some claimed illegal action. As the Supreme Court later explained in *Raines v. Byrd*, 521 U.S. 811, 823 (1997), *Coleman* stands "for the proposition that legislators whose votes would have been sufficient to defeat (or enact) a specific legislative Act have standing to sue if that legislative action goes into effect (or does not go into effect), on the ground that their votes have been completely nullified."

341. The *Coleman* principle applies with full force to the Epstein Transparency Act. Representatives Khanna and Massie did not lose their legislative battle—they won it with a 99-1 margin. The Act became law. But DOJ's refusal to comply renders that legislative victory meaningless. When the executive branch refuses to enforce mandatory disclosure requirements enacted by near-unanimous Congressional mandate, the votes that created those requirements are nullified just as surely as if those votes had been illegally disqualified.

342. DOJ's reliance on *Raines v. Byrd*, 521 U.S. 811 (1997), misapprehends that case's holding. In *Raines*, members of Congress challenged the Line Item Veto Act, which they had voted against but which passed despite their opposition. The Court held they lacked standing because "their votes were given full effect. They simply lost that vote." *Id.* at 824. The Epstein Transparency Act presents the opposite situation—Representatives Khanna and Massie won their vote overwhelmingly. Their challenge is not to legislation they opposed but to executive non-compliance with legislation they successfully enacted. Under *Raines*' own logic, their votes have been "completely nullified" not by losing the legislative battle but by having their victory rendered meaningless through executive refusal to comply.

343. In *Arizona State Legislature v. Arizona Independent Redistricting Commission*, 576 U.S. 787 (2015), the Supreme Court held that the Arizona legislature had standing to challenge a ballot initiative vesting redistricting authority in an independent commission. The Court found this injury "akin to that of the *Coleman* legislators" because the initiative "would have completely nullified any vote now or in the future by the legislature purporting to adopt a redistricting plan." *Id.* at 795-99. The *Arizona State Legislature* decision confirms that vote nullification injuries can support standing even when the nullification operates prospectively—

DOJ's non-compliance nullifies not only the November 2025 vote enacting the Transparency Act but also any future Congressional effort to mandate Epstein file disclosure.

2. Congressional Intervention When Executive Refuses to Enforce

344. In *INS v. Chadha*, 462 U.S. 919 (1983), the Immigration and Naturalization Service agreed with the plaintiff that the legislative veto provision it was charged with enforcing was unconstitutional. The Supreme Court permitted both Houses of Congress to intervene, holding that "Congress is the proper party to defend the validity of a statute when a Government agency, as a defendant charged with enforcing the statute, agrees with plaintiffs that the statute is unconstitutional." *Id.* at 939-40.

345. The *Chadha* principle extends logically from defense to enforcement. If Congress can intervene to defend statutes the executive won't defend, Congress can seek judicial enforcement of statutes the executive won't enforce. When DOJ refuses to enforce mandatory disclosure requirements and simultaneously opposes Congressional efforts to seek judicial enforcement, it asserts complete executive control over whether legislation operates in practice—a position fundamentally incompatible with separation of powers.

346. In *United States v. Windsor*, 570 U.S. 744 (2013), the executive branch declined to defend the Defense of Marriage Act while continuing to enforce it. The Bipartisan Legal Advisory Group of the House of Representatives intervened to defend the statute. The Supreme Court found the case justiciable, recognizing Congress's institutional interest in seeing duly enacted legislation defended. *Id.* at 753-62. *Windsor* confirms that Congressional entities have cognizable interests in ensuring legislation operates as intended.

3. Informational Standing Under Federal Election Commission v. Akins

347. In *Federal Election Commission v. Akins*, 524 U.S. 11 (1998), voters challenged the FEC's determination that an organization was not a "political committee" subject to disclosure requirements. The Supreme Court held that the voters had standing because Congress had created a statutory right to information, and "not getting the requested information is an 'injury in fact' just like the denial of any other information which is statutorily required to be provided to citizens by the government." *Id.* at 21.

348. DOJ argues that the Transparency Act "does not provide any personal statutory right to seek the information at issue." *See* Letter, *Maxwell*, ECF No. 840, at 4. This argument is foreclosed by *Akins*. The Transparency Act mandates public disclosure of Epstein-related records. When DOJ refuses to comply, citizens are denied information Congress determined they are entitled to receive. This denial constitutes informational injury sufficient for Article III standing under *Akins*, regardless of whether the statute explicitly creates a private right of action.

349. The informational injury here exceeds that in *Akins*. There, voters sought information about campaign contributions to evaluate candidates. Here, the public seeks information about a federal sex trafficking enterprise with documented connections to government officials who continue exercising decision-making authority. The information directly relates to public evaluation of governmental integrity—a core democratic function. Moreover, the Transparency Act passed 99-1, reflecting Congress's overwhelming determination that the public interest in disclosure outweighs any countervailing concerns.

4. Mandamus Jurisdiction to Compel Statutory Compliance

350. Congress has expressly provided for judicial enforcement of mandatory executive duties. Title 28 U.S.C. § 1361 states: "The district courts shall have original jurisdiction of any

action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff."

351. In *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402 (1971), the Supreme Court confirmed that courts have authority to compel compliance when statutes mandate agency action. DOJ's argument that "the Court lacks the authority to rule upon (or take action to bring about) DOJ's compliance with the Act" (*see* Letter, *Maxwell*, ECF No. 840, at 4-5) contradicts § 1361's express grant of mandamus jurisdiction. The Transparency Act imposes mandatory duties using "shall" language that removes discretion. When a statute uses mandatory language and an executive officer refuses to comply, federal courts have jurisdiction under § 1361 to compel compliance.

352. The Freedom of Information Act demonstrates that courts regularly enforce mandatory disclosure requirements against executive agencies. FOIA "authorizes requesters to seek judicial review of an agency's decision to withhold records" and provides that federal courts may "enjoin [an] agency from withholding agency records and order the production of any agency records improperly withheld." 5 U.S.C. § 552(a)(4)(B). The Transparency Act is analogous to FOIA—both mandate disclosure of government records. DOJ's position that courts lack authority to mandate Transparency Act compliance would logically extend to FOIA, rendering that statute's judicial enforcement provisions meaningless.

353. The President John F. Kennedy Assassination Records Collection Act of 1992, Pub. L. No. 102-526, 106 Stat. 3443, provides direct precedent for judicial enforcement of disclosure statutes. In *Mary Ferrell Foundation v. Biden*, No. 3:22-cv-06372 (N.D. Cal.), researchers filed suit seeking declaratory relief, injunctive relief, and mandamus to compel compliance with the JFK Records Act. The JFK Records Act and the Epstein Transparency Act share critical

features: both mandate disclosure of records relating to matters of enormous public interest; both passed Congress with overwhelming support; both impose mandatory disclosure requirements using "shall" language.

5. The Enforcement Void Creates Constitutional Impossibility

354. DOJ's January 16, 2026 opposition creates a constitutional anomaly: the executive branch both refuses to comply with mandatory legislation and opposes any mechanism for compelling compliance. Under this theory, Congress can enact legislation by 99-1 margins, but that legislation becomes advisory if the executive chooses to ignore it. This transforms the constitutional structure from one where Congress legislates and the executive enforces to one where the executive determines whether legislation operates at all.

355. In *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803), Chief Justice Marshall established that "It is emphatically the province and duty of the Judicial Department to say what the law is." This includes determining whether the executive is complying with statutory requirements. DOJ's position that courts cannot mandate Transparency Act compliance would strip courts of their constitutional function of ensuring executive compliance with law.

356. The Supreme Court has consistently rejected executive claims of unreviewable discretion over statutory compliance. In *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952), the Court rejected President Truman's seizure of steel mills despite claims of executive necessity. Justice Jackson's concurrence established that "When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb." *Id.* at 637 (Jackson, J., concurring). Congress expressed its will through 99-1 passage of mandatory disclosure requirements; DOJ's refusal to comply and opposition to enforcement places executive action at its constitutional nadir.

6. The Pattern of Obstruction Proves Coordinated Ultra Vires Conduct

357. DOJ's January 16, 2026 opposition must be evaluated in context of documented obstruction across all three branches:

Branch	Obstruction Conduct	Evidence
Legislative	Speaker Johnson prevented Rules Committee votes despite 9-4 supermajority; deployed fraudulent "credible evidence" framework	Sections II.C-D; Ex. A-1, pgs. 8, 14, 17, 21
Executive	Bondi's July 7, 2025 memo claimed "exhaustive review" while excluding intelligence analysis; refuses to investigate Cabinet testimony	Ex. A-1, pgs. 14–15
Judicial	Shadow docket stays exceed statutory authority; facilitate executive violations	<i>Kirchner v. Johnson</i> , ECF No. 13-9; <i>Kirchner v. Ellison</i> , ECF No. 26 Att. 13 (D. Minn., appeal pending 8th Cir. No. 26-1615)
Executive (cont.)	DOJ opposes Congressional enforcement of 99-1 legislation	<i>Maxwell</i> , ECF No. 840

358. The probability that DOJ independently developed arguments preventing enforcement of near-unanimous legislation—while simultaneously refusing to investigate Cabinet testimony about documented Epstein connections, during active litigation documenting these coordination patterns—approaches statistical impossibility. This is not independent legal interpretation; it is coordinated obstruction of constitutionally required oversight.

359. DOJ's opposition to the Khanna-Massie amicus motion completes the obstruction circuit: when Johnson's legislative obstruction (July 2025) failed to prevent the Act's passage (November 2025), DOJ's judicial obstruction (January 2026) ensures the Act remains unenforceable. Same targets (Khanna and Massie), same protective objective (preventing

Epstein file disclosure), same criminal enterprise coordination—different branch, different mechanism.

IV. CONCLUSION

A. Summary of Coordinated Ultra Vires Conduct

360. Defendants' coordinated ultra vires conduct establishes systematic replacement of constitutional governance with criminal enterprise operation across three branches. The evidence proves:

(1) Legislative Branch Ultra Vires: Speaker Johnson prevented all constitutional legislative mechanisms during 41-day shutdown (zero votes, zero committees, zero conferences, zero presence) while claiming House had "no reason to be in session" despite multiple mandatory constitutional duties requiring legislative action during appropriations crisis. This unprecedented abandonment of Article I authority coordinated with executive coercion rather than facilitated constitutional resolution through democratic voting.

(2) Executive Branch Ultra Vires: President Trump implemented unauthorized appropriations redirecting Pentagon R&D funds for military pay without congressional authorization, violating Article I, Section 9, Clause 7's exclusive grant of appropriations authority to Congress. This operationalized Johnson's erroneous theory that shutdown "turns it over to the executive" to "determine how those resources will be spent," proving defendants implemented unconstitutional appropriations theory through actual executive action.

(3) Judicial Branch Ultra Vires: Supreme Court systematically exceeded 28 U.S.C. § 2101(f)'s limitation of stay authority to "final judgment or decree" by staying preliminary injunctions through coordinated suspension of mandatory procedural rules. The comprehensive

historical analysis — 134 applications from 1952 to 2026 documenting 0% Solicitor General Rule 14 compliance achieving ~85% grant rates versus 71% private-party compliance achieving only ~24% grant rates — is publicly filed at *Kirchner v. Johnson*, ECF No. 13-9, and *Kirchner v. Ellison*, ECF No. 26 Att. 13 (D. Minn., appeal pending 8th Cir. No. 26-1615). The *Rollins v. Rhode Island* SNAP limitation during shutdown demonstrates judicial facilitation of domestic terrorism by enabling food insecurity as coercion tool through jurisdictionally unauthorized stay order.

(4) Cross-Branch Coordination Proof: The 48-hour notice system proves Johnson coordinated legislative timing with Trump's extralegal pressure mechanisms—death imagery (grim reaper video), constituent pressure campaigns ("call your Democrat representative"), ultra vires selective appropriations (military pay through R&D redirection while civilian workers unpaid), political RIF plans targeting "Democrat programs," and judicial facilitation through *Rollins* stay. Johnson reconvened House only after coercion succeeded through coordinated three-branch architecture, replacing constitutional legislative process (vote → negotiate → compromise) with extralegal coercion process (prevent voting → coordinate harm → judicial facilitation → wait for capitulation → ratify forced submission).

(5) Epstein Obstruction Integration: Johnson's November 18, 2025 resumption of identical fraudulent legal frameworks despite August 19 lawsuit documentation proves continuing criminal enterprise protecting Epstein associates supersedes legal compliance. The temporal pattern—43 days of fraud (July 7-August 18), strategic cessation (August 19), 90-day pause during litigation, resumption with fifth domain of false claims (18 U.S.C. § 2256)—establishes consciousness of guilt through litigation-responsive behavior while maintaining protective objective through alternative means.

(6) Institutional Legal Expertise Enablement: House's 139 lawyer-members and Senate's 47 lawyer-members (82% of Judiciary Committee) achieved collective 0% accuracy identifying Johnson's Federal Rules violations across two separate frauds—"credible evidence" framework (43 days protecting Epstein associates) and "14 votes" aggregation (41 days manufacturing false democratic record). This comprehensive institutional silence proves legal expertise is deployed to enable rather than prevent constitutional violations when violations serve criminal enterprise protection. Similarly, Supreme Court's systematic acceptance of Solicitor General Rule 14 violations across 80+ applications proves judicial institutional coordination enabling ultra vires practice rather than enforcing mandatory procedural safeguards Congress designed to prevent jurisdictional expansion.

(7) DOJ Opposition to Congressional Enforcement: DOJ's January 16, 2026 opposition to Representatives Khanna and Massie's amicus motion seeking Epstein Files Transparency Act enforcement (*see* Letter, *Maxwell*, ECF No. 840; § II.Q; § III.H *infra*) proves continuing criminal enterprise operation. The same Representatives obstructed by Johnson in July 2025 now face DOJ obstruction bearing signatures of Attorney General Bondi (named defendant) and Deputy Attorney General Blanche (Trump's former personal criminal defense attorney). DOJ's arguments—that legislators lack standing, the Act creates no cause of action, and courts cannot mandate compliance—create complete enforcement void rendering 99-1 legislation unenforceable.

(8) DOJ Non-Responsiveness Pattern in This Action: The January 16, 2026 *Maxwell* opposition is now joined by (a) the April 6, 2026 Civil Rights Division form-letter mischaracterizing Plaintiff's March 13, 2026 service of process with summons as a voluntary civil-rights-report intake (*see* § II.R); and (b) the absence of any Notice of Appearance,

responsive pleading, or other docket entry on behalf of any federal Defendant in this action, despite certified-mail service with return receipt and the expiration of the Rule 12(a)(2)-(3) answer period. The three-communication pattern — *Maxwell* opposition, CRD form-letter, coordinated non-appearance — establishes a Department-directed litigation posture in which every federal Defendant named in this action refuses to appear while the Department maintains active litigation in other matters. The coordinated non-appearance is itself evidence supporting the ultra-vires-coordination claims pled throughout this Appendix (*see* § II.S and § III.H); Plaintiff requests that the Court take judicial notice of the docket absence and treat the non-responsiveness pattern as predicate for Rule 55(a) default and the declaratory and injunctive relief sought. This three-branch obstruction pattern (legislative vote prevention → judicial-enforcement opposition → civil-litigation non-appearance) proves systematic coordination to prevent Epstein oversight and Plaintiff's broader claims regardless of the constitutional mechanism employed.

B. Consciousness of Guilt and Continuing Enterprise

361. The November 18, 2025 resumption of Epstein obstruction fraud provides definitive proof of continuing criminal enterprise operation. Johnson's pattern—cease fraud when exposed to judicial scrutiny (August 19), maintain zero violations during active litigation (90 days), resume identical methodology despite documentation (November 18)—proves: (a) consciousness that methodology is fraudulent through strategic abandonment timing, (b) monitoring of litigation status through perfect temporal correlation, (c) continuing protective purpose superseding exposure risk through resumed obstruction, and (d) coordination with other defendants through institutional silence where 170+ congressional attorneys failed to identify trivially disprovable false claim about 18 U.S.C. § 2256.

362. The five-month pattern without producing promised alternative legislation establishes deliberate obstruction rather than legitimate legislative concern. Johnson claimed July 27 he possessed "well drafted" resolution, yet five months later produced: zero alternative bills, zero proposed amendments, zero specific statutory language, zero collaboration with bill authors, and 100% obstruction of all oversight mechanisms. When pro se plaintiff can draft clarifying amendment language in seconds while Speaker's "small army of lawyers" produces nothing in five months, obstruction is proven objective rather than complexity legitimate barrier.

363. The circular fraud structure proves coordination across separation of powers boundaries. Johnson usurps Attorney General statutory interpretation authority through fabricated "federal litigator" expertise (evidenced by verbal citation errors and substantive misreading), while Attorney General Bondi—who should possess interpretive authority—deployed identical fraudulent "credible evidence" framework. Neither branch provides reliable legal analysis because both serve criminal protection rather than constitutional compliance, creating systematic breakdown where legislative branch usurps executive interpretive authority using fabricated expertise while executive branch deploys fraudulent frameworks enabling legislative obstruction.

C. Unequal Privilege and Domestic Terrorism Elements

364. The three-tier analogical analysis proves unequal institutional privilege indistinguishable from authoritarian governance. Identical threatening conduct receives opposite legal treatment based solely on speaker's alignment with governmental power: private citizens posting death imagery depicting harm they have capacity to execute face criminal prosecution; organizations coordinating such imagery face institutional destruction through RICO; President Trump posting grim reaper video (Ex. A-5, Section V) depicting actual unlawful RIF

implementation (OMB Director Vought September 24 RIF Memorandum) faces zero consequences despite possessing greatest capacity for harm. This pattern—combined with denial of medical care, food assistance, and military pay to coerce policy changes while preventing constitutional resolution through legislative voting—constitutes activities appearing to be intended to influence government policy by intimidation or coercion within meaning of 18 U.S.C. § 2331(5)(B)(ii).

365. The coordinated targeting pattern establishes criminal enterprise rather than political disagreement. Trump's unprecedented historical pattern (700+ named individuals targeted across ten years, zero precedent among 45 prior presidents), governmental coordination in second term (four-day timeline from Truth Social post to James Comey indictment), and admission of political motivation ("only Democrat programs," "never gonna come back") combined with Johnson's prevention of all legislative mechanisms proves systematic use of governmental authority for political targeting rather than constitutional governance.

D. Financial Conflicts Preventing Constitutional Oversight

366. Senate Judiciary Committee members face documented financial conflicts preventing proper investigation of Israeli intelligence connections in Epstein matter and oversight of H.R. 1's \$500-700 billion AI appropriations flowing to Israeli-controlled infrastructure. AIPAC and affiliated groups spent \$100 million on 2024 elections with 65% of Congress receiving funding including Chairman Grassley (\$501,000+), demonstrated enforcement capability spending \$20 million each defeating Representatives Bush and Bowman after they questioned Israeli policy. When investigating Epstein's \$2.3 million payment to Israeli Prime Minister, 36 foreign official meetings, and Carbyne/Unit 8200 investments would trigger scrutiny of Israeli intelligence operations, senators face rational calculation: investigate and face \$20 million primary opponent,

or maintain silence and preserve career. This financial dependency explains Committee's acceptance of "exhaustive investigation" excluding intelligence analysis—proving congressional oversight has been comprehensively captured by foreign influence preventing constitutional accountability across all matters affecting Israeli governmental interests regardless of American constitutional requirements.

E. Irreparable Harm and Necessity of Immediate Judicial Intervention

367. Defendants' coordinated ultra vires conduct creates irreparable constitutional harm requiring immediate judicial intervention. Johnson's prevention of all legislative mechanisms during appropriations crisis violates Article I's structural requirements that cannot be remedied through delayed relief—each day of legislative absence destroys democratic process, prevents bicameral negotiation, eliminates oversight function, and denies citizens' electoral choices through representative process destruction. Trump's ultra vires appropriations violate exclusive congressional power under Article I, Section 9, Clause 7, creating precedent that executive branch can bypass appropriations process during shutdown—constitutional violation that compounds daily through continued implementation.

368. The continuing Epstein obstruction creates ongoing harm to child welfare and constitutional governance. Johnson's November 18 resumption proves criminal enterprise protection supersedes legal compliance, child safety, and constitutional accountability. Five months without legislative action while claiming "superior" alternatives establishes systematic obstruction preventing oversight of documented child sex trafficking network with proven government official connections. Each day of continued obstruction enables criminal associates to maintain positions of governmental authority affecting policy decisions, regulatory matters, constitutional governance, and democratic participation.

369. The financial conflicts preventing oversight create systematic regulatory capture where American taxpayers fund energy infrastructure (\$500-700 billion through H.R. 1) powering AI systems structurally controlled by foreign military interests, while congressional oversight is prevented through AIPAC funding creating \$20 million primary challenge risks for any member investigating Israeli intelligence connections. This regulatory capture enables foreign influence over American democratic processes, constitutional governance, and taxpayer appropriations—harm that compounds daily through continued infrastructure development and deepening structural dependency.

F. Relief Sought

370. The Court should grant comprehensive relief addressing both immediate ultra vires conduct and systemic constitutional violations:

(1) Declaratory Relief: Declare that (a) Speaker Johnson exceeded constitutional authority by preventing all legislative mechanisms during appropriations crisis violating Article I mandatory duties; (b) President Trump's appropriations redirection violated Article I, Section 9, Clause 7's exclusive grant to Congress; (c) Vought's RIF plans (OMB Director Vought September 24 RIF Memorandum) violated Anti-Deficiency Act, RIF statutory procedures, Civil Service protections, and Appropriations Clause; (d) coordinated 48-hour notice system replaced constitutional legislative process with extralegal coercion violating Article I, Section 1; (e) Johnson's Epstein obstruction constitutes ultra vires prevention of constitutional oversight serving criminal enterprise protection; (f) financial conflicts preventing Israeli intelligence investigation establish regulatory capture requiring structural reform.

(2) Preliminary Injunction: Issue immediate preliminary injunction requiring (a) Johnson to reconvene House and hold appropriations votes enabling constitutional resolution; (b)

Trump to cease ultra vires appropriations and submit to congressional appropriations authority; (c) Vought to cease RIF implementation pending compliance with statutory procedures; (d) preservation of all evidence regarding coordination, RIF planning, and Epstein obstruction; (e) appointment of special master to oversee House operations ensuring constitutional compliance.

(3) Permanent Injunction: Issue permanent injunction preventing (a) Speaker from preventing legislative voting during appropriations crises; (b) President from implementing appropriations without congressional authorization; (c) coordination replacing constitutional legislative process with extralegal coercion; (d) obstruction of Epstein oversight through false legal claims; (e) use of shutdown conditions for political RIF implementation; (f) continuation of financial conflicts preventing Israeli intelligence investigation.

(4) Structural Reform: Order structural reforms including (a) mandatory House presence during appropriations crises with recorded votes; (b) disclosure requirements for AIPAC and foreign influence funding creating oversight conflicts; (c) independent counsel investigation of Epstein intelligence connections free from financial conflicts; (d) forensic audit of AI appropriations ensuring compliance with constitutional requirements for foreign military aid; (e) establishment of oversight mechanisms preventing future coordination across separation of powers boundaries.

(5) Sanctions and Referrals: Impose sanctions for evidence destruction and systematic obstruction while referring criminal violations to appropriate prosecutors including (a) 18 U.S.C. § 241 (conspiracy against rights) for coordinated targeting; (b) 18 U.S.C. § 371 (conspiracy to defraud United States) for appropriations violations; (c) 18 U.S.C. § 1512 (obstruction) for Epstein oversight prevention; (d) 18 U.S.C. § 1962 (RICO) for criminal enterprise coordination;

(e) 18 U.S.C. § 2331 (domestic terrorism) for activities appearing intended to influence government policy by intimidation or coercion.

(6) Default and Automatic-Substitution Relief: Based on the coordinated non-appearance pattern documented at § II.S and § IV.A(8) *supra*, Plaintiff requests that the Court (a) at the earliest appropriate procedural moment, enter default against any federal Defendant who fails to appear within the time prescribed by Fed. R. Civ. P. 12(a)(2)-(3); (b) take judicial notice under Fed. R. Evid. 201(b)(2) of the April 6, 2026 Civil Rights Division form-letter (Ex. A-14) and the absence of any federal-Defendant appearance on the docket as of the filing of this Third Amended Complaint; (c) confirm that any transfer of the position of Attorney General of the United States subsequent to the filing of the Second Amended Complaint effects automatic substitution of the successor in office pursuant to Fed. R. Civ. P. 25(d), without prejudice to Plaintiff's claims against Pamela Bondi in her individual capacity (to the extent such claims are pled) or against her successor in the official capacity; and (d) treat the coordinated non-responsiveness pattern as evidence supporting the ultra-vires-coordination claims pled throughout this Appendix, the Third Amended Complaint, and the accompanying memoranda of law.

371. Defendants' coordinated conduct proves systematic replacement of constitutional governance with criminal enterprise operation. The temporal correlation eliminating coincidental explanation, linguistic coordination across branches proving intentional rather than parallel development, admission of political targeting establishing discriminatory intent, consciousness of guilt through litigation-responsive behavior, institutional silence enabling rather than preventing constitutional violations, and financial conflicts preventing oversight of foreign

influence—collectively establish criminal enterprise requiring immediate judicial intervention before irreversible constitutional damage occurs.

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