

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

JOSEPH KIRCHNER, <i>Plaintiff,</i>	Case No. 0:26-cv-00726-PJS-ECW
v. KEITH ELLISON, in his official capacity as Attorney General of the State of Minnesota, and in his individual capacity, <i>Defendants.</i>	AMENDED COMPLAINT FOR DECLARATORY JUDGMENT, INJUNCTIVE RELIEF, AND DAMAGES

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<i>Christensen v. Hennepin Transp. Co.</i> , 215 Minn. 394, 409, 415, 10 N.W.2d 406 (1943)
<i>Cook v. United States</i> , 288 U.S. 102, 118-19 (1933)
<i>City of Canton v. Harris</i> , 489 U.S. 378, 388-89 (1989)
<i>City of Cleburne v. Cleburne Living Center, Inc.</i> , 473 U.S. 432, 446-50, 105 S. Ct. 3249 (1985)
<i>Dunlop v. Bachowski</i> , 421 U.S. 560, 572-75 (1975)
<i>Ex parte Young</i> , 209 U.S. 123, 156-57 (1908)
<i>Fairchild v. Hughes</i> , 258 U.S. 126, 126-30 (1922)
<i>Frothingham v. Mellon</i> , 262 U.S. 447, 486-89 (1923)
<i>Gregory v. Ashcroft</i> , 501 U.S. 452, 458 (1991)
<i>Haddle v. Garrison</i> , 525 U.S. 121, 125-27 (1998)
<i>Harlow v. Fitzgerald</i> , 457 U.S. 800, 815-19, 102 S. Ct. 2727 (1982)

<i>Hartman v. Moore</i> , 547 U.S. 250, 256 (2006)
<i>Heckler v. Chaney</i> , 470 U.S. 821, 832-33 (1985)
<i>In the Matter of the Otto Bremer Trust</i> , 4 N.W.3d 551, 558-62 (Minn. 2024)
<i>Laird v. Tatum</i> , 408 U.S. 1 (1972)
<i>Lujan v. Defenders of Wildlife</i> , 504 U.S. 555, 560-61 (1992)
<i>Marbury v. Madison</i> , 5 U.S. (1 Cranch) 137, 163, 174, 177 (1803)
<i>Memphis Community School District v. Stachura</i> , 477 U.S. 299, 306-07 (1986)
<i>Monell v. Department of Social Services</i> , 436 U.S. 658, 690-94 (1978)
<i>Nashville, C. & St. L. Ry. v. Wallace</i> , 288 U.S. 249 (1933)
<i>Newman v. Piggie Park Enterprises</i> , 390 U.S. 400, 401-02 (1968)
<i>Pembaur v. City of Cincinnati</i> , 475 U.S. 469, 480-84 (1986)
<i>Pulliam v. Allen</i> , 466 U.S. 522 (1984)
<i>Romer v. Evans</i> , 517 U.S. 620, 631-36, 116 S. Ct. 1620 (1996)
<i>Skeen v. State</i> , 505 N.W.2d 299, 312-15 (Minn. 1993)
<i>Smith v. Wade</i> , 461 U.S. 30, 51-56 (1983)
<i>State v. Schmid</i> , 859 N.W.2d 816, 819 (Minn. 2015)
<i>Steffel v. Thompson</i> , 415 U.S. 452, 466-67 (1974)
<i>Susan B. Anthony List v. Driehaus</i> , 573 U.S. 149, 157-64 (2014)
<i>Testa v. Katt</i> , 330 U.S. 386 (1947)
<i>Trump v. Barbara</i> , Nos. 25-364, 25-365 (U.S. 2026)
<i>Trump v. CASA, Inc.</i> , 606 U.S. 831, slip op. 8-16 (2025)
<i>Village of Willowbrook v. Olech</i> , 528 U.S. 562, 564 (2000)
<i>Virginia v. American Booksellers Ass'n</i> , 484 U.S. 383, 392-93, 396-97, 108 S. Ct. 636 (1988)

CONSTITUTIONAL PROVISIONS

Provision	Description
U.S. Const. amend. I	Free Speech; Petition
U.S. Const. amend. II	Right to Bear Arms
U.S. Const. amend. IV	Search and Seizure
U.S. Const. amend. V	Due Process (Federal)
U.S. Const. amend. VII	Right to Jury Trial

U.S. Const. amend. IX	Unenumerated Rights
U.S. Const. amend. XIV, § 1	Due Process; Equal Protection
U.S. Const. art. I, § 6	Speech or Debate Clause
U.S. Const. art. II, § 1, cl. 8	Presidential Oath
U.S. Const. art. III	Judicial Power
U.S. Const. art. III, § 2, cl. 2	Exceptions Clause
U.S. Const. art. IV, § 2	Privileges and Immunities
U.S. Const. art. V	Amendment Process
U.S. Const. art. VI, cl. 2	Supremacy Clause
Minn. Const. art. XII, § 1	Prohibition of Special Legislation

FEDERAL STATUTES

Statute	Description
5 U.S.C. § 552	Freedom of Information Act
18 U.S.C. § 241	Conspiracy Against Rights
18 U.S.C. § 242	Deprivation of Rights Under Color of Law
18 U.S.C. § 1201	Federal Kidnapping
18 U.S.C. § 1512	Witness Tampering
18 U.S.C. § 2331(5)	Domestic Terrorism Definition
28 U.S.C. § 535	FBI Investigation Reports
28 U.S.C. § 1253	Direct Appeals from Three-Judge Courts
28 U.S.C. § 1331	Federal Question Jurisdiction
28 U.S.C. § 1343(a)(3)-(4)	Civil Rights Jurisdiction
28 U.S.C. § 1391	Venue
28 U.S.C. § 1654	Right to Appear Pro Se
28 U.S.C. § 2101(e)	Certiorari Before Judgment
28 U.S.C. § 2101(f)	Stays Pending Certiorari
28 U.S.C. § 2201	Declaratory Judgment Act
42 U.S.C. § 1983	Civil Rights Act
42 U.S.C. § 1985(2)	Conspiracy to Obstruct Justice
42 U.S.C. § 1988	Attorney's Fees in Civil Rights Cases

STATE STATUTES

Statute	Description
Minn. Stat. § 8.01	AG Appearance Authority
Minn. Stat. § 8.03	AG Prosecution Duties
Minn. Stat. § 8.06	County Attorney Duty to Assist AG
Minn. Stat. § 8.09	AG Prosecution of Claims Against U.S.
Minn. Stat. § 8.16	AG Subpoena Authority (ISPs)
Minn. Stat. § 8.31	AG Investigation Duties
Minn. Stat. § 13.43	Government Data Practices Act
Minn. Stat. §§ 325F.68-.70	Prevention of Consumer Fraud Act
Minn. Stat. § 325F.69	Consumer Fraud Act
Minn. Stat. § 363A.12	Minnesota Human Rights Act
Minn. Stat. § 388.051	County Attorney Duties
Minn. Stat. § 501C.0706	Trustee Removal
Minn. Stat. § 501C.0802	Duty of Loyalty
Minn. Stat. § 555.01	Uniform Declaratory Judgments Act (Power to Declare)
Minn. Stat. § 555.02	Uniform Declaratory Judgments Act (Statutes)
Minn. Stat. § 555.11	Uniform Declaratory Judgments Act (Parties)
Minn. Stat. § 555.12	Uniform Declaratory Judgments Act (Liberal Construction)
Minn. Stat. § 609.378	Child Endangerment
Minn. Stat. § 609.43	Misconduct of Public Officer (False Official Documents)
Minn. Stat. § 624.714	Permit to Carry
Minn. Stat. § 626.89	Peace Officer Discipline Procedures Act
Colo. Rev. Stat. § 13-21-131	Colorado Enhance Law Enforcement Integrity Act

OTHER AUTHORITIES

Authority	Description
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1 Annals of Cong. 439 (1789)	James Madison, Proposing Bill of Rights
The Federalist No. 46	James Madison
Sup. Ct. R. 37.1	Amicus Curiae Attorney Requirement
ICE Directive 19009.3 (May 26, 2023)	Use of Force Policy

I. JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343(a)(3) and (4) (civil rights jurisdiction) because this action arises under the Constitution and laws of the United States, including 42 U.S.C. § 1983. Venue is proper pursuant to 28 U.S.C. § 1391 because Defendant's office is located in Saint Paul, Minnesota, within this District, and the events and omissions giving rise to this action — including the February 26, 2026 denial letter — occurred within this District. Additionally, the State laws being challenged were enacted in the State capital, which is located within this District.

II. PARTIES

A. Plaintiff

2. Plaintiff JOSEPH KIRCHNER is 35 years old and a citizen of the United States of America, residing in the State of Minnesota since 1990. Plaintiff is the sole owner of **Laws of Existence LLC**, through which he conducts legal research, conflict resolution research, and development of the Laws of Existence Framework—a universal conflict resolution simulation framework with applications to constitutional governance, AI alignment, and institutional accountability. Plaintiff holds **seventeen**

provisional patents related to this work. As a resident and active participant in the community, the Plaintiff is subject to Minnesota state law, including State Statute §626.89, and holds a sufficient interest in the state's well-being. Plaintiff respectfully submits that these facts establish the standing required to assert this Complaint.

1. Primary Standing: Denial of Criminal Referral Through False Statement of Law

3. Plaintiff possesses traditional Article III standing based on Defendant's denial of Plaintiff's criminal referral through a demonstrably false statement of law. This claim satisfies all three constitutional requirements for standing:

(a) Injury in Fact: On February 10, 2026, Plaintiff filed a criminal referral with Defendant's office documenting computer crimes, trade secret theft, AI child safety endangerment, and copyright violations by a Minnesota utility company. On February 26, 2026, Defendant's office denied the referral with a letter stating: "The Minnesota Legislature... did not delegate any such authority to this Office, nor did it delegate the authority to investigate criminal matters to this Office." This statement is demonstrably false—Minnesota Statutes §§ 8.01 and 8.31 grant Defendant broad discretionary and mandatory authority to investigate criminal matters.

(b) Causation: The denial is directly traceable to Defendant. The February 26 letter bears the letterhead of the Office of Minnesota Attorney General and purports to state the legal authority of that office.

(c) Redressability: A declaratory judgment that Defendant misrepresented statutory authority, combined with injunctive relief ordering proper response to the referral, would redress Plaintiff's injury.

4. The False Statement Is Proven by Defendant's Own Testimony. Six days after the February 26 letter, Defendant testified before Congress that his office prosecutes fraud "every single day." Defendant cannot simultaneously claim authority before Congress while disclaiming it to a citizen under the same statute. The full testimony and its contradiction of the letter are analyzed in Section V.C. *See Exhibit D.*

5. The Equal Protection Violation Is Documented. Defendant exercises Chapter 8 authority selectively based on the complainant's relationship to Defendant's political interests. In 2021, Defendant met with individuals who would later become Feeding Our Future criminal defendants and promised: "Of course I'm here to help." Five years later, when Plaintiff submitted a criminal referral under the same statute supported by forensic evidence, Defendant's response was: "Did not delegate authority to investigate." The full documentation of this differential treatment — including the recorded meeting, campaign donations, and comparative table — is set forth in Count II (Section X.B). This constitutes a "class of one" Equal Protection violation under *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000).

6. This standing is **independent of all federal claims**. It requires no federal party. It is fully redressable by relief against Defendant alone. It represents a concrete, particularized injury directly traceable to Defendant's own conduct.

2. Development of This Action: Six Years Since George Floyd

7. Plaintiff has been developing the constitutional arguments in this Complaint for six years. On June 2, 2020—eight days after George Floyd was killed in

Minneapolis—Plaintiff spoke publicly at Lake Street and Nicollet Avenue about the constitutional necessity of a singular bill of rights binding all Americans equally. The January 2026 killings of Renee Nicole Good and Alex Pretti demonstrated the lethal urgency of these arguments. Minnesota's failure to act after George Floyd's death, while Colorado eliminated qualified immunity, has now resulted in two more citizens killed by agents operating under fabricated immunity in the same city. This six-year history demonstrates that the constitutional arguments in this Complaint reflect sustained engagement with the issues presented, not arguments fabricated for litigation.

3. Additional Standing: Chilled First Amendment Rights From Federal Enforcement Operations

8. Plaintiff possesses additional standing based on the concrete chilling of his First Amendment rights by federal enforcement operations in Minnesota. Plaintiff is actively engaged in legal proceedings challenging the constitutionality of immunity frameworks that shield federal agents from accountability. This legal work—itsself an exercise of the First Amendment right to petition the government for redress of grievances—requires evidence about federal enforcement conduct in Minnesota.

9. Plaintiff cannot safely gather this evidence. As documented in Section VII.A, federal agents killed two United States citizens in Minneapolis in seventeen days—Renee Nicole Good (January 7, 2026) and Alex Pretti (January 24, 2026). Mr. Pretti was a lawful gun owner with a valid permit; video evidence shows he was restrained and disarmed by agents before being shot in the back. At the January 24 scene, federal agents attempted to arrest witnesses.

10. Plaintiff's observation of federal enforcement operations would risk: (1) **death**, as demonstrated by the killings documented in Section VII.A; and (2) **arrest**, as demonstrated by the attempted detention of witnesses on January 24, 2026. Arrest would severely jeopardize Plaintiff's pending legal proceedings.

11. This creates a concrete, particularized injury satisfying Article III standing requirements:

(a) Plaintiff's **First Amendment right to observe government conduct** is chilled—Plaintiff cannot safely witness federal enforcement without risking death or arrest;

(b) Plaintiff's **First Amendment right to petition for redress of grievances** is impaired—Plaintiff's legal work depends on evidence about federal conduct that Plaintiff cannot safely gather;

(c) Plaintiff's **access to courts** is compromised—the inability to safely gather evidence undermines the legal proceedings through which Plaintiff seeks vindication of constitutional rights;

(d) Plaintiff faces an **impossible choice**: exercise constitutional rights and risk death or arrest (jeopardizing legal proceedings), or accept the chilling of those rights to preserve the case through which they are being vindicated.

12. This injury is not hypothetical or generalized. It is specific to Plaintiff's legal work, directly traceable to federal conduct in Minnesota, and redressable by declaratory and injunctive relief. The killings of two American citizens in seventeen days—combined with the attempted arrest of witnesses, the complete redaction of ICE's Use of Force policy under (b)(7)(E), and Vice President Vance's fabrication of "absolute

immunity" for federal agents—establishes that the threat to Plaintiff is actual and imminent, not speculative.

13. Plaintiff's standing is further supported by the doctrine established in *Virginia v. American Booksellers Ass'n*, 484 U.S. 383 (1988), which holds that self-censorship from credible threat of enforcement creates Article III injury. The federal operations in Minnesota have created a credible threat of death or arrest for any citizen who observes enforcement activities—a threat so severe that Plaintiff cannot engage in the observation necessary to support his constitutional challenge to the immunity frameworks that enable this conduct. This case is distinguishable from *Laird v. Tatum*, 408 U.S. 1 (1972), where the Court denied standing based on speculative future harm from military surveillance. Here, the harm is not speculative—two citizens are dead, witnesses were subject to arrest, and use-of-force policies have been redacted in their entirety.

4. Alternative Standing: Direct Personal Injury From Accountability Void

14. In the alternative, Plaintiff possesses standing based on direct personal injury suffered as a consequence of the accountability void created by Minnesota Statute § 626.89. As set forth in the Affidavit of Joseph Kirchner, attached hereto as **Exhibit F**, Plaintiff was subjected to unlawful detention, forced psychiatric commitment, and involuntary administration of antipsychotic medication by Minneapolis police officers and medical personnel acting in concert—conduct explicitly characterized by officers as intended to "teach [him] a lesson."

15. Plaintiff does not seek damages for this incident. He cites it to demonstrate that the disciplinary vacuum challenged in this Complaint has caused him concrete, particularized harm, establishing standing to seek declaratory and injunctive relief. The procedural protections afforded to officers under § 626.89 ensured that no complaint mechanism available to Plaintiff would result in meaningful accountability for the officers involved.

16. Records of this incident exist at Hennepin County Medical Center and the Minneapolis Police Department and are subject to discovery if Plaintiff's standing is contested.

5. Enhanced Standing: Coordinated Constitutional Targeting Across Federal and State Proceedings

17. Plaintiff possesses enhanced standing beyond that of an ordinary citizen because Plaintiff is the specific target of coordinated constitutional violations by the same federal officials whose conduct this Complaint challenges. The targeting is documented in *Kirchner v. Johnson et al.*, No. 1:25-cv-02735-ACR (D.D.C.), currently pending before Judge Ana C. Reyes, where Plaintiff has alleged and documented coordinated constitutional subversion by defendants including President Trump, Attorney General Bondi, and others acting in concert with the Supreme Court's shadow docket violations.

18. Plaintiff is the sole owner of **Laws of Existence LLC** and holds **seventeen provisional patents** covering AI alignment technology and a universal conflict resolution simulation framework. These patents represent technology with

considerable potential benefit for society—including mathematical early warning systems for conflict prevention and consciousness-enabling AI architecture. Plaintiff's First and Fourth Amendment rights are crucial to completing this work.

19. The same federal officials who this Complaint demonstrates are:

(a) Coordinating with the Supreme Court to supersede congressionally-granted interlocutory stay authority under 28 U.S.C. § 2101(f), enabling ICE deployments that have killed two Minnesota citizens;

(b) Publicly conflating the Federal Rules of Evidence to unlawfully expand victim protection categories, achieving 0% accuracy on basic FRE principles across 43 consecutive days;

(c) Committing acts meeting the congressional definition of domestic terrorism under 18 U.S.C. § 2331(5);

are **simultaneously targeting Plaintiff's ability to investigate and document these violations** through infrastructure-level network attacks.

6. Network Forensic Evidence of Targeted Interference

20. Plaintiff possesses forensic evidence documenting TCP RST injection attacks targeting Plaintiff's communications with Minnesota law enforcement while gathering evidence for this Complaint. On January 23, 2026, Plaintiff's encrypted DNS-over-HTTPS connection was attacked via packet injection with a 1-microsecond FIN-to-RST gap — timing physically impossible for legitimate traffic. Forty-four seconds after the attack, Plaintiff's email to the Saint Paul Police Department failed to deliver. The previous day, Plaintiff's email to Hennepin County similarly failed. Both failures

involved government addresses related to Plaintiff's investigation. The comprehensive forensic analysis is set forth in **Exhibit C** (Network Forensic Evidence Package EVID-20260123-0001). *For corroborating prior attack evidence, see* ECF Nos. 13-52, 13-55, 13-60, *Kirchner v. Johnson*, No. 1:25-cv-02735-ACR (D.D.C.).

21. The same defendants and methods appear across Plaintiff's federal and state proceedings. The network attacks targeted Plaintiff's ability to gather evidence for this Complaint — the same pattern of infrastructure-level interference documented across 224 days in the D.D.C. case.

7. Standing Summary

22. Plaintiff's standing is established on **five independent grounds**, the first of which requires no federal party and is fully justiciable against Defendant alone:

(a) PRIMARY — Denial of Criminal Referral Through False Statement of Law:

Plaintiff's criminal referral was denied through a demonstrably false statement that Defendant lacks authority to investigate—contradicted by Defendant's own congressional testimony six days later and by the recorded 2021 meeting where Defendant promised to help fraudsters under the same statute. This creates traditional Article III injury (petition denied), causation (Defendant's false statement), and redressability (court order for proper response). *See* Section II.A.1.

(b) Equal Protection — Selective Enforcement: Defendant's differential treatment of Plaintiff's referral (rejected) versus Feeding Our Future representatives' request (welcomed with "Of course I'm here to help") constitutes a "class of one" violation

under *Village of Willowbrook v. Olech*. No rational basis supports telling fraudsters "I'm here to help" while telling crime victims "no authority."

(c) First Amendment — Chilled Rights: Federal enforcement operations have killed two citizens and attempted to arrest witnesses, chilling Plaintiff's ability to observe and document government conduct.

(d) Direct Personal Injury: Plaintiff suffered unlawful detention, forced psychiatric commitment, and involuntary medication by Minneapolis police—conduct the immunity structure of § 626.89 ensured would never result in officer discipline. (*See* Exhibit F.)

(e) Coordinated Targeting: Network forensic evidence documents TCP RST injection attacks targeting Plaintiff's communications with Minnesota law enforcement while gathering evidence for this Complaint. The 1-microsecond timing proves packet injection rather than network failure.

23. The **primary standing claim (a)** is dispositive. It requires no federal party. It is directly traceable to Defendant's conduct. It is fully redressable by relief against Defendant alone. Even if this Court were to dismiss all federal-related claims, the primary standing claim independently supports all relief sought against Defendant in Prayer Section A.

B. Defendant

24. Defendant is KEITH ELLISON, sued in his official capacity as Attorney General of the State of Minnesota and in his individual capacity. In his official

capacity, Defendant is responsible for the enforcement and administration of Minnesota state laws, including those challenged in this Complaint. Declaratory and injunctive relief is sought against Defendant in his official capacity under *Ex parte Young*, 209 U.S. 123 (1908). Damages are sought against Defendant in his individual capacity because a reasonable state official would know that issuing a false statement of law to deny a citizen's criminal referral — contradicted by the official's own congressional testimony six days later — violates clearly established First Amendment and Equal Protection rights. The false statement is not protected by qualified immunity because no reasonable official could believe that misrepresenting statutory authority to deny a citizen petition is lawful. *See* Section XI.A.6 (damages claims).

III. INTRODUCTION

A. The Claims Against Defendant Ellison

25. This Complaint's primary claims require no federal party. They arise from Defendant's own conduct, are traceable directly to Defendant, and are fully redressable by relief against Defendant alone:

(a) False Statement of Law: On February 26, 2026, Defendant's office denied Plaintiff's criminal referral with a letter stating: "The Minnesota Legislature... did not delegate any such authority to this Office, nor did it delegate the authority to investigate criminal matters to this Office." This statement is demonstrably false—Minnesota Statutes §§ 8.01 and 8.31 grant Defendant broad discretionary and mandatory authority to investigate criminal matters.

(b) Congressional Testimony Contradiction: Six days later, on March 4, 2026, Defendant testified before the U.S. House Committee on Oversight and Government Reform: "Prosecuting Medicaid fraud is very important work that we do and do it every single day." And: "The only kind of criminal case we can prosecute all on our own is Medicaid fraud." This "Medicaid only" limitation is fabricated—Defendant claims credit for 57 Feeding Our Future convictions, which involved child nutrition fraud, not Medicaid. Defendant cannot simultaneously exercise Chapter 8 authority when politically convenient while disclaiming that same authority to deny a citizen's criminal referral.

(c) Selective Enforcement: In 2021, Defendant met with individuals who would later become Feeding Our Future criminal defendants. In a recorded 54-minute meeting, Defendant told the future fraudsters: "Of course I'm here to help" and promised to "go fight these people"—referring to the government investigators examining their conduct. Five years later, when Plaintiff submitted a criminal referral supported by forensic evidence under the same statute, Defendant's response was: "Did not delegate authority to investigate."

(d) Whistleblower Retaliation Pattern: During the same March 4 hearing, Representative Brandon Gill (R-TX) accused Defendant's administration of treating "whistleblowers like absolute dirt." Plaintiff is such a whistleblower — he hand-delivered a comprehensive criminal referral (*see* Section V.A), asked for nothing personal, and was told the AG lacks authority that the AG exercises daily.

26. These claims exist within a broader accountability void that explains their urgency—but they stand independently. Even if this Court dismissed every federal-related claim, the primary claims against Defendant survive.

B. The Emergency

27. Federal agents have killed two United States citizens in Minneapolis in seventeen days. The January 2026 killings of Renee Nicole Good and Alex Pretti — detailed in Section VII.A — demonstrate the lethal consequences of the immunity structure this Complaint challenges.

28. These are not isolated incidents. They are the predictable consequence of an accountability void that this Complaint challenges—a void created by the convergence of state law that shields officers from meaningful discipline, federal doctrine that shields them from civil liability, and now federal executive proclamation that shields them from any process whatsoever.

C. The Accountability Void

29. Minnesota Statute § 626.89, the Peace Officer Discipline Procedures Act, creates procedural protections for law enforcement officers that exceed those afforded to any other category of public employee or private citizen. These protections inhibit transparency, constrain civilian oversight, and ensure that complaints against officers rarely result in meaningful accountability.

30. The federal doctrine of qualified immunity, as established in *Harlow v. Fitzgerald*, 457 U.S. 800 (1982), shields officers from civil liability unless plaintiffs can identify a prior case with nearly identical facts establishing that the specific conduct was unlawful. This doctrine—which violates eight constitutional provisions as documented in **Memo B** and **Appendix B**—creates a "vicious cycle" where constitutional violations cannot be clearly established because cases are dismissed before establishing precedent. The constitutional illegitimacy of this doctrine is analyzed in Section VII.D and **Memo B**; its connection to § 626.89 as the state-level implementation of the same immunity framework is demonstrated in Section VII.E.

31. States can act. On June 19, 2020—in direct response to George Floyd's death in *Minnesota*—Colorado enacted **SB20-217**, eliminating qualified immunity for state civil rights claims. (See Section VI.C for full analysis.) Colorado responded to what happened in Minnesota by eliminating qualified immunity. Minnesota maintained § 626.89's officer protections. The result: two more citizens killed by federal agents in Minneapolis in January 2026.

32. On January 8, 2026, Vice President JD Vance announced that ICE agents are "protected by absolute immunity"—a legal concept that does not exist in American jurisprudence. See **Exhibit H**; see also ECF No. 13-80, *Kirchner v. Johnson*, No. 1:25-cv-02735-ACR (D.D.C.). Every immunity recognized in American law is qualified by boundaries; an immunity without boundaries is not immunity but sovereignty. Vance's fabrication represents the final elimination of accountability: if state procedures cannot

discipline, federal doctrine cannot impose liability, and executive proclamation cannot be questioned, then federal agents operate outside any law.

D. The Jurisdictional Void

33. The federal enforcement authority now killing Minnesota citizens rests on a jurisdictional foundation that does not exist. The Supreme Court's shadow docket practice systematically violates 28 U.S.C. § 2101(f), which limits stays pending certiorari to "final judgment or decree" only. Since 2017, the Court has stayed preliminary injunctions—interlocutory orders explicitly excluded from the statute—across 80+ emergency applications, enabling executive immigration policies to survive judicial review through procedurally irregular certiorari.

34. If the Supreme Court had followed statutory limitations Congress enacted in 1925, preliminary injunctions against the Executive Branch's immigration policies would have remained in effect. ICE would not be operating in the manner it now operates. The two citizens killed in Minneapolis might still be alive. The causal chain from shadow docket violation to bodies in Minneapolis is direct and documented.

E. The Constitutional Violations

35. This Complaint challenges an interlocking system of constitutional violations:

(a) Minnesota Statute § 626.89 violates the **Equal Protection Clause** of the Fourteenth Amendment by creating arbitrary classifications that favor law enforcement officers over citizens;

- (b) Judge-made immunity doctrine violates **eight constitutional provisions**—Article I § 6, Article III, Article IV § 2, Article V, Article VI cl. 2 (Supremacy Clause), Amendment VII, Amendment IX, and Amendment XIV—by extending immunity beyond the sole constitutional source without the Article V amendment process required for such expansion;
- (c) The Supreme Court's shadow docket practice violates **28 U.S.C. § 2101(f)** and Article III by exercising jurisdiction Congress explicitly denied;
- (d) The coordinated federal conduct in Minnesota—killing citizens, using children as "bait," and demanding political concessions in exchange for reduced violence—meets the congressional definition of **domestic terrorism** under 18 U.S.C. § 2331(5).

F. The Coordinated Targeting of Plaintiff

36. Plaintiff is not a generalized grievant but a specific target of the same officials whose conduct this Complaint documents. Plaintiff is the owner of Laws of Existence LLC and holds seventeen provisional patents covering AI alignment technology with considerable potential benefit for society. Plaintiff's federal litigation—*Kirchner v. Johnson et al.*, No. 1:25-cv-02735-ACR (D.D.C.)—documents coordinated constitutional subversion by defendants including President Trump, Attorney General Bondi, and others acting in concert with the Supreme Court's shadow docket violations.

37. Network forensic evidence proves infrastructure-level attacks targeting Plaintiff's communications with Minnesota law enforcement while gathering evidence for this Complaint. On January 23, 2026, Plaintiff's encrypted DNS connection was

attacked via TCP RST injection with a 1-microsecond FIN-to-RST gap—timing physically impossible for legitimate traffic. Forty-four seconds later, Plaintiff's email to the Saint Paul Police Department failed to deliver. The same officials enabling federal agents to kill Minnesota citizens are simultaneously attacking Plaintiff's ability to document and challenge their conduct.

G. Minnesota Stands Undefended — the Chapter 8 Abdication

38. This Complaint arises at the intersection of federal judicial overreach and state executive abdication. The Supreme Court's practice of staying preliminary injunctions—orders explicitly excluded from 28 U.S.C. § 2101(f)—has enabled the federal enforcement operations that killed two Minnesota citizens. The doctrine of qualified immunity created in *Harlow v. Fitzgerald*—without constitutional amendment—shields those who kill from accountability. At every level of federal power, the constitutional structure has been subverted.

39. Minnesota's Attorney General possesses statutory authority to respond. Minnesota Statutes Chapter 8 grants the Attorney General mandatory authority to investigate violations of law affecting Minnesota citizens (§ 8.31), to appear in federal court when the state is directly interested (§ 8.01), and to prosecute claims against the United States (§ 8.09). Yet when Plaintiff asked the Attorney General to exercise this authority, the response was a false statement of law.

40. On February 26, 2026, Defendant's office informed Plaintiff: "the Minnesota Legislature... did not delegate any such authority to this Office, nor did it delegate the

authority to investigate criminal matters to this Office." Six days later, on March 4, 2026, Defendant testified before Congress that his office prosecutes fraud "every single day" and has "convicted people and held them accountable." These statements cannot both be true. The February 26 letter misrepresented Minnesota law.

41. Defendant's position is not neutral abstention. By falsely disclaiming Chapter 8 authority, by directing Plaintiff to his litigation adversary (FBI/DOJ, where Attorney General Bondi is a named defendant in Plaintiff's federal case), and by moving to dismiss this Complaint, Defendant actively protects the immunity structure this Complaint challenges. The Attorney General will not challenge federal judicial overreach under § 8.01. He will not investigate harms to Minnesotans under § 8.31. He will not prosecute claims against the United States under § 8.09. And he argues that citizens cannot challenge it either. Plaintiff originally approached Defendant with a non-adversarial posture, hoping the AG would join in defending Minnesota. The February 26 false statement, the March 4 contradictory testimony, and the Feeding Our Future selective enforcement destroyed that premise. Defendant is now an adversary—but Plaintiff is not an adversary of Minnesota. Plaintiff is defending Minnesota while the state's chief legal officer misrepresents his responsibilities. Every Minnesotan has a right to constitutional governance, and that includes the right to an Attorney General who accurately represents and faithfully executes his Chapter 8 duties. When the AG misrepresents those duties to deny citizens the protection that Chapter 8 provides, the citizen has standing to seek judicial correction.

42. Defendant's Referral to the FBI Was a Known Dead End: Defendant's February 26 letter directed Plaintiff to "contact your local police department or county sheriff's office," the "county attorney's office," or the "Federal Bureau of Investigation." But Defendant knew this was futile. Plaintiff informed Defendant's office on February 10, 2026—during the meeting to deliver the criminal referral—that he had attempted to report to the FBI in July 2025. The FBI disconnected Plaintiff's calls twelve times after Plaintiff stated he was recording the call for documentation purposes. The FBI records calls; Plaintiff recorded calls. Yet the FBI refused to accept Plaintiff's report solely because Plaintiff was documenting the interaction. This is memorialized in voice recordings filed in *Kirchner v. Johnson*, No. 1:25-cv-02735-ACR (D.D.C.), ECF No. 5-12 (FBI Crime Report Refusal Transcripts); original.mp3 files maintained in Plaintiff's custody. Defendant knew the FBI had already refused Plaintiff's report—and directed Plaintiff back to that same dead end, to the same Department of Justice where Attorney General Pamela Bondi is a named defendant in Plaintiff's federal case. This was not good faith referral. This was dismissal by misdirection.

43. "Treated Whistleblowers Like Absolute Dirt": During the same March 4, 2026 congressional hearing where Defendant testified, Representative Brandon Gill (R-TX) accused Defendant's administration of treating "whistleblowers like absolute dirt," stating: "As you have said, the buck stops with you, and your administration has treated whistleblowers like absolute dirt, and that's a big reason why we've seen so much of our hard earned tax dollars defrauded." *See Exhibit D.* Plaintiff is such a whistleblower. He hand-delivered a comprehensive criminal referral (*see* Section

V.A), asked for nothing personal — no money, no personal benefit — only that the state's chief legal officer investigate crimes affecting Minnesota citizens. The response: misrepresent the law, refuse to investigate, direct Plaintiff to his litigation adversary, and move to dismiss. Congress's criticism describes Plaintiff's experience precisely.

44. The Stakes of the Criminal Referral: Plaintiff's referral documented crimes affecting all Minnesotans, not personal grievances:

(a) Unconstitutional Mass Surveillance: Evidence of private technology companies conducting mass surveillance in coordination with government officials, violating First and Fourth Amendment protections for all Minnesota citizens using affected platforms;

(b) Trade Secret and Copyright Endangerment: Documentation of systematic data exfiltration by technology companies to undisclosed third parties—over 40,000 files including source code—endangering Minnesota businesses' copyrights and trade secrets;

(c) Child Safety Endangerment: System prompt audits of AI models revealing the removal of child protection language (terms including "sexualize," "groom," "abuse," and "or otherwise harm" deleted from safety instructions), endangering Minnesota children using AI platforms — evidence that 31 of 50 state AGs have dedicated Human Trafficking or Child Exploitation units to investigate, *see Exhibit B*, Classification Summary;

(d) Illegal Wiretapping by Minnesota Utility: Forensic evidence proving Comcast Cable Communications LLC conducted illegal wiretapping on Plaintiff's home network—including "ghost router" administrative sessions created one second after

user login, technically impossible without ISP executive authorization—documented with network packet captures and router logs accessible to non-technical examiners — the precise type of network forensic evidence that 23 of 50 state AGs have dedicated Cyber Crime or Digital Forensics units to analyze, *see* **Exhibit B**, Classification Summary.

45. If this Court accepts Defendant's position, no one defends Minnesota:

(a) The Supreme Court exceeds statutory jurisdiction (§ 2101(f)) with impunity — and citizens cannot challenge it because the federal government is not a party;

(b) The Supreme Court creates immunity doctrine (*Harlow*) without constitutional amendment — and citizens cannot challenge it because the federal government is not a party;

(c) The Attorney General falsely claims "no authority" to investigate or prosecute — and citizens cannot compel him to act;

(d) The Attorney General moves to dismiss citizens who seek judicial remedy — closing the last door.

H. The Structural Impossibility: Why "Join Federal Parties" Fails

46. Defendant's Motion to Dismiss argues that Plaintiff must join federal defendants—the very parties whose conduct this Complaint documents—before this Court can act. This argument creates a structural impossibility that Plaintiff's experience has now empirically proven.

47. The Supreme Court cannot be enjoined as a party. Judicial immunity precludes direct action against the Court in any forum. No citizen can sue the Supreme Court in the District of Columbia, in Minnesota, in Florida, or anywhere. The SCOTUS shadow docket practice that Plaintiff challenges—staying preliminary injunctions in violation of 28 U.S.C. § 2101(f)—is therefore immune from direct challenge by any party.

48. The meaningful alternative — amicus curiae — is categorically prohibited to pro se natural persons. Supreme Court Rule 37.1 requires that amicus briefs "may be filed only by an attorney admitted to practice before this Court." Plaintiff contacted over 125 attorneys and law professors seeking compliance with Rule 37.1. None engaged with the substance. Plaintiff filed a Motion for Leave to File Amicus Curiae Brief in *Trump v. Barbara*, Nos. 25-364 & 25-365, raising this statutory conflict as a question of first impression. See **Exhibit K-3** (Motion for Leave, pp. 34-40); **Exhibit K-2** (Memorandum in Support, pp. 22-33); **Exhibit K-1** (Proposed Amicus Brief, pp. 5-21).

49. The logical structure is complete and every door is closed:

- (a)** SCOTUS cannot be sued (judicial immunity);
- (b)** SCOTUS rules exclude pro se amicus participation (Rule 37.1);
- (c)** Attorneys will not file briefs they did not write (professional norm);
- (d)** Organizations will not sponsor arguments threatening corporate interests (institutional conflict);
- (e)** Even printers will not produce the documents (chilling effect);

- (f) Defendant directs Plaintiff to the federal government (his litigation adversary);
- (g) Defendant moves to dismiss when Plaintiff seeks state court remedy instead.

50. The system is designed to make challenges to federal overreach

impossible. If a citizen cannot sue the Court, cannot address the Court, cannot compel the state's chief legal officer to act, and cannot obtain state court remedy because the federal government is not a party—then congressional limits on judicial jurisdiction are unenforceable in any forum. This cannot be the constitutional design. *Bond v. United States*, 564 U.S. 211 (2011), holds that "fidelity to principles of federalism is not for the States alone to vindicate." When every institutional avenue is blocked, the citizen retains the right to seek judicial recognition that the law exists.

51. The accountability void runs from the Supreme Court (exceeding § 2101(f)) through the federal executive (claiming "absolute immunity") through the state executive (abdicating Chapter 8) to the streets of Minneapolis, where two citizens lie dead. Plaintiff asks this Court to declare that limits on power exist at every level — that § 2101(f) means what Congress wrote, that immunity requires constitutional authorization, that Chapter 8 means what the Legislature enacted, and that when government at every level fails to vindicate constitutional structure, citizens retain the right under *Bond v. United States* to seek judicial recognition that the law exists.

52. The question is not whether this Court can overrule the Supreme Court. The question is whether anyone, anywhere, can obtain judicial declaration that the Constitution constrains power. If the answer is no — if congressional limits on judicial jurisdiction are unenforceable, if constitutional limits on judicial lawmaking are

unenforceable, if state statutory duties are unenforceable — then the Constitution is not law. It is suggestion. And Minnesota remains undefended.

IV. SUMMARY OF CLAIMS AGAINST DEFENDANT KEITH ELLISON

53. This Complaint alleges six causes of action against Defendant Keith Ellison, set forth in Section X below, each traceable directly to Defendant's conduct and each redressable by relief against Defendant alone. No federal party is required for any cause of action:

Count	Claim	Legal Basis
I	False statement denying petition for redress	42 U.S.C. § 1983 (First Amend.)
II	Selective enforcement of Chapter 8	42 U.S.C. § 1983 (Equal Protection)
III	Chapter 8 misrepresentation — declaratory relief	28 U.S.C. § 2201; § 8.31
IV	Ultra vires official act — Feb. 26 letter void	§ 1983; Due Process; § 609.43
V	Unconstitutionality of § 626.89	U.S. Const. amend. XIV; Minn. Const. art. XII, § 1
VI	Obstruction of federal justice	42 U.S.C. § 1985(2)

54. Each cause of action concerns Defendant's own conduct. Complete relief is available against Defendant alone. The severability provision in the Prayer for Relief (Section XI.E) confirms that state claims stand independently.

V. THE PRIMARY CLAIM: CHAPTER 8 STATUTORY DUTIES

A. The February 26, 2026 Letter: A False Statement of Law

55. On February 10, 2026, Plaintiff hand-delivered a criminal referral to Defendant's office documenting consumer fraud, computer crimes, and corporate misconduct affecting Minnesota citizens. *See Exhibit A* (Criminal Referral to Minnesota Attorney General). The referral cited Minn. Stat. § 325F.69 (Prevention of Consumer Fraud Act) and was supported by 285 exhibits comprising approximately 63,000 forensic files. During the meeting with an attorney from Defendant's office, Plaintiff explained that he had contacted the FBI twelve times regarding the documented crimes and been disconnected twelve times upon stating that he was recording the phone call. Plaintiff informed Defendant's office that the federal pathway was closed and that the criminal referral to the state Attorney General was Plaintiff's remaining avenue for independent investigation.

56. On February 26, 2026, Defendant's office sent Plaintiff a letter responding to the criminal referral. The letter stated:

"First, the Minnesota Legislature delegated the authority to prosecute criminal matters to the county attorney. **It did not delegate any such authority to this Office, nor did it delegate the authority to investigate criminal matters to this Office.**"

Letter from Office of Minnesota Attorney General to Joseph Kirchner (Feb. 26, 2026) (attached as Exhibit A) (emphasis added).

57. This statement is demonstrably false under Minnesota law. The February 26 letter cited no statutory authority for its claim that the Legislature "did not delegate"

investigative or prosecutorial authority to the Attorney General. The letter offered a bare legal assertion without reference to any provision of Minnesota law. Had such a limiting statute existed, the letter would presumably have cited it. No such statute exists.

B. Chapter 8 Grants the Authority the Letter Denied

58. Minnesota Statutes Chapter 8 explicitly grants the Attorney General both investigative and prosecutorial authority:

Defendant's Claim	Statutory Reality
"Did not delegate authority to prosecute"	§ 8.01: "the attorney general shall prosecute any person charged with an indictable offense"
"Did not delegate authority to prosecute"	§ 8.03: "The attorney general shall cause to be prosecuted all assessors and other officials"
"Did not delegate authority to investigate"	§ 8.31, Subd. 1: "The attorney general shall investigate violations of the law"
"Did not delegate authority to investigate"	§ 8.31, Subd. 2: "the attorney general shall have power to investigate... and to take such steps as are necessary to cause the arrest and prosecution "

59. Plaintiff's criminal referral cited Minn. Stat. § 325F.69—the Prevention of Consumer Fraud Act. This statute is explicitly listed in § 8.31, Subd. 1 as within the Attorney General's mandatory investigative duties:

"The attorney general shall investigate violations of the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade, and specifically, but not exclusively... **the Prevention of Consumer Fraud Act (sections 325F.68 to 325F.70)...**"

Minn. Stat. § 8.31, Subd. 1 (emphasis added).

60. The February 26 letter's claim that "the Minnesota Legislature... did not delegate the authority to investigate criminal matters to this Office" is contradicted by the very statute Plaintiff cited in his criminal referral.

C. The March 4, 2026 Congressional Testimony: The Contradiction

61. On March 4, 2026—six days after the February 26 letter—Defendant testified before the U.S. House Committee on Oversight and Government Reform regarding Minnesota's welfare fraud scandal. Under oath, Defendant stated:

"Prosecuting Medicaid fraud is very important work that we do and do it every single day. We've secured millions of dollars for people. We've gotten millions in restitution. We've convicted people and held them accountable."

Hearing Before the H. Comm. on Oversight and Government Reform, 119th Cong. (Mar. 4, 2026) (statement of Keith Ellison, Attorney General of Minnesota) (emphasis added).

62. This testimony directly contradicts the February 26 letter. If Defendant's office prosecutes fraud "every single day," then the Legislature necessarily delegated that authority. The February 26 letter's contrary claim was false.

63. The two statements—made six days apart—are irreconcilable. Either Defendant has authority to investigate and prosecute fraud, or he does not. The February 26 letter and the March 4 testimony cannot both be true.

64. The AG Personally Stated the False Claim to Congress: In the same congressional testimony, Defendant personally articulated the false jurisdictional claim:

"It's important to note that under Minnesota Law, my office has **limited jurisdiction over criminal matters. The only kind of criminal case we can prosecute all on our own is Medicaid fraud.** Any other kind of criminal case **must be referred to us** in, uh, by county attorneys."

See **Exhibit D** (Keith Ellison Congressional Testimony, March 4, 2026). This statement has no statutory basis. As demonstrated in Section V.F *infra*, § 8.01 grants broad discretionary authority—not "limited jurisdiction"—and the "upon request" provisions are additional pathways, not exclusive gates. Section 8.31 grants mandatory investigation authority requiring no referral. The AG's claim that "the only kind of criminal case we can prosecute all on our own is Medicaid fraud" contradicts the plain text of Minnesota law.

65. This is not staff error or bureaucratic confusion. The Attorney General of Minnesota—the state's chief law enforcement officer—personally stated under oath to Congress a legal claim that finds no support in any Minnesota statute. The false claim appears in: (a) the February 26, 2026 letter to Plaintiff (Exhibit A); (b) the "How Can We Help?" website page (Exhibit B, Pg. 49); (c) the "Public Protection" website page (Exhibit B, Pg. 51); (d) Wayback Machine archive from the Lori Swanson administration (Exhibit B, Pg. 50); and (e) congressional testimony under oath (Exhibit D). The systematic repetition across written correspondence, official websites, historical archives, and sworn testimony establishes deliberate institutional policy to disclaim statutory authority the AG actively exercises.

66. Congressional Oversight Failed to Verify Basic Statutory Authority: No member of the House Committee on Oversight and Government Reform asked Defendant to cite the statute limiting his authority. No congressional staff consulted Minnesota Statutes Chapter 8 before or during the hearing. The committee accepted Defendant's claim at face value—despite the fact that a 30-second search of Minnesota statutes would have revealed that § 8.01 grants broad discretionary authority and § 8.31 mandates independent investigation of consumer fraud. The same federal government that deployed over 2,000 DHS agents to Minnesota to "investigate fraud" failed to perform the most basic investigative due diligence: reading the statutes that govern the state official testifying before them. This failure extends beyond the Attorney General's office to federal oversight itself. Officials at every level—state, federal, and congressional—operated on assumed legal limitations that do not exist in law.

D. The Institutionalized Misrepresentation

67. The February 26 letter was not an isolated error. Defendant's official website contains the same misrepresentation. Under the heading "Enforcement of Criminal Laws," the website states:

"The Minnesota Legislature has designated the county attorney as the official with authority to prosecute crimes in Minnesota and has designated the local police or sheriff's department as the agency with the authority to investigate alleged criminal violations."

Office of Minnesota Attorney General, "How Can We Help?" (accessed Mar. 4, 2026) (attached as Exhibit B).

68. Like the February 26 letter, the website cites no statutory authority for this claim. The website directs visitors to "Legislative Information" with a link to the Minnesota Legislature's website—but provides no citation to any statute that limits the Attorney General's Chapter 8 authority or grants exclusive prosecutorial power to county attorneys.

69. The Website Contains Contradictory Claims. The Attorney General's website simultaneously maintains contradictory descriptions of the office's authority. As documented in Exhibit B, the website states in one section that the office "provides legal assistance to rural county prosecutors in major felonies" while elsewhere claiming the Legislature "delegated the authority to prosecute criminal matters to the county attorney" and "did not delegate such authority to this Office." These contradictory claims have persisted across multiple administrations, including during the Lori Swanson administration. *See Exhibit B, Pg. 50* (Wayback Machine Archive of AG Website, Lori Swanson Administration).

70. Even the "Assistance" Language Understates Chapter 8 Authority. The claim that the Attorney General merely "provides legal assistance to rural county prosecutors" is itself a limitation that finds no support in Chapter 8. Minnesota Statutes § 8.01 grants the Attorney General discretionary authority to "appear for the state in all causes"—not limited to an "assistance" role. Section 8.06 establishes that county attorneys "shall appear for the state... **under the direction of the attorney general**" and "shall, when requested by the attorney general... **aid and assist** in the

prosecution"—establishing that prosecutorial authority flows **from** the AG **to** county attorneys, not the reverse. The website's framing inverts this statutory hierarchy.

71. Internal Office Policy Cannot Supersede Statutory Authority. Whether the website claims "limited jurisdiction," "delegated authority to county attorneys," or merely "provides assistance," all such framings constitute internal office policy that cannot override the statutory grants of Chapter 8. An executive agency cannot disclaim authority the Legislature has conferred by statute. The Attorney General's office exercises this authority daily—prosecuting Medicaid fraud, securing Feeding Our Future convictions, and enforcing consumer protection laws statewide—while simultaneously maintaining public-facing language that denies this authority exists. *See Exhibit B*, Pg. 49 ("How Can We Help?" page); Pg. 51 ("Public Protection" page).

72. Defendant's Disclaimer Is an Extreme National Outlier. A comprehensive survey of all 50 state Attorney General websites reveals that Defendant's affirmative disclaimer of criminal investigation authority is unique in the nation — the sole outlier among all 50 states. Every state AG examined—including states with concurrent jurisdiction structures identical to Minnesota's Chapter 8/Chapter 388 framework—affirmatively describes criminal investigation or prosecution authority on its official website:

State	AG Website Description	Structure
WI	"Charged with investigating crimes of statewide nature, importance or influence"	Concurrent w/ county DAs
IA	"Prosecuting major criminal cases" including fraud, corruption, human trafficking	Concurrent w/ county attorneys

CO	"Investigates and prosecutes on a statewide basis"; works "concurrently with Colorado's 22 district attorneys"	Concurrent w/ district attorneys
PA	"Responsible for investigating drug trafficking, child predators, organized crime, public corruption"	Concurrent w/ district attorneys
NY	"Unique statewide criminal jurisdiction" with 200+ sworn investigators	Concurrent w/ district attorneys
IL	Statewide Grand Jury Act; "prosecutes sexually violent persons, multi-jurisdictional drug crimes, Medicaid fraud"	Concurrent w/ state's attorneys
CA	"Expert investigative services combating multi-jurisdictional criminal organizations"	Concurrent w/ district attorneys
OH	"Investigate and help local officers solve major felony-level cases"	Primarily upon request
TX	Criminal Investigation Division: "resource for local and county law enforcement"	Primarily upon request
MN	"It did not delegate such authority to this Office"	Concurrent w/ county attorneys (§§ 8.01, 8.31, 388.051)

The full 50-state survey, documented in Exhibit B, reveals that Minnesota lacks each of the four major investigative capabilities that other states' AGs openly provide: digital forensics and cyber crime capabilities (23 of 50 states), dedicated Special Investigations units (23 states), human trafficking and child exploitation units (31 states), and police/officer misconduct investigation authority (25 states). Minnesota has none. Defendant disclaims the statutory authority that would enable all four. *See Exhibit B*, Classification Summary.

Colorado's description is particularly instructive: its AG openly describes "concurrent" jurisdiction with district attorneys—the identical structural relationship Minnesota has between the AG (Chapter 8) and county attorneys (Chapter 388). Where Colorado

accurately describes shared authority, Defendant falsely claims the Legislature granted him none. Even states like Ohio and Texas, where the AG operates primarily upon referral from local agencies, describe their criminal investigation divisions openly rather than disclaiming authority. No other state AG examined places an affirmative disclaimer on its website denying criminal investigation authority that its own statutes grant. Multiple comparison states explicitly offer the precise services Plaintiff requested: Wisconsin's Digital Evidence Unit analyzes "electronic media and devices using complex forensic and analytical software systems" (*see Exhibit B*, Pg. 107); New York's investigators have "specialized training in computer forensics" (*see Exhibit B*, Pg. 89); Texas lists "Digital Forensics" as a Criminal Investigations Division service (*see Exhibit B*, Pg. 101). Plaintiff presented Defendant with complex network forensic evidence of crimes committed through ISP infrastructure spanning the entire state — exactly the type of case these other states' AGs are equipped and willing to handle. *See Exhibit B* (full Multi-State comparison with statutory text, website quotes, and screenshots accessed March 18, 2026).

73. For over a decade, the Attorney General's office has maintained contradictory and misleading descriptions of Chapter 8 authority—a pattern spanning multiple administrations that Defendant has actively maintained and amplified through official correspondence, website content, and congressional testimony.

74. The misrepresentation appears across multiple pages of the Attorney General's website. The "Public Protection" page (<https://www.ag.state.mn.us/Consumer/Protection/>) contains the same false claim:

"The Minnesota Legislature delegated the authority to investigate criminal matters to the county sheriff and, in some circumstances, the municipal police department. It delegated the authority to prosecute criminal matters to the county attorney. **It did not delegate such authority to this Office.**"

See **Exhibit B, Pg. 51** (Screenshot of AG Website, "Public Protection" page, accessed March 6, 2026). The systematic repetition of this false claim across multiple pages of the official website demonstrates deliberate institutional policy—not inadvertent error—to disclaim Chapter 8 authority the office actively exercises for Medicaid fraud, Feeding Our Future, and other statewide prosecutions.

E. The Statewide Jurisdictional Gap

75. This institutionalized misrepresentation creates an impossible jurisdictional gap for statewide crimes. County attorneys have jurisdiction within their respective counties. If the Attorney General disclaims statewide authority—as both the letter and website assert—then no official has jurisdiction over crimes that span multiple counties or affect Minnesota citizens statewide.

76. Plaintiff's criminal referral documented consumer fraud, computer crimes, and corporate misconduct affecting Minnesota citizens broadly—not crimes confined to a single county. Under Defendant's stated position, no single county attorney could address Plaintiff's referral because the conduct transcends county boundaries.

77. The jurisdictional gap exposes the misrepresentation. Feeding Our Future was a statewide fraud scheme spanning multiple counties. Medicaid fraud affects recipients and providers across Minnesota. Under Defendant's publicly stated position—that county attorneys alone have prosecutorial authority—his office could not lawfully

prosecute these statewide schemes. Yet Defendant testified before Congress that his office prosecutes fraud "every single day" and has "convicted people."

78. Defendant's Later Testimony Confirms He Knows the Misrepresentation

Is False. Later in the same March 4, 2026 congressional hearing, when asked about the impact of federal prosecutor resignations on fraud prosecution, Defendant stated:

"In Minnesota we have 87 county attorneys. **The AG does Medicaid fraud** and the federal government prosecutes fraud that is germane in its jurisdiction. **It operates as a web together.** So it's not like the feds are doing it and nobody else is. They're doing the ones they're supposed to do. **We're doing the ones we're supposed to do** and the counties are doing the ones they're supposed to do."

"...which is one of the reasons why **we need to pass stronger legislation in Minnesota to help my office prosecute Medicaid fraud.**"

See Exhibit D at 3:29:52-3:31:13.

79. This testimony is irreconcilable with the February 26 letter. Defendant admits:

(a) "The AG does Medicaid fraud"—confirming prosecution authority exists; (b) prosecution "operates as a web together" among federal, state AG, and county attorneys—not exclusive county authority; (c) "We're doing the ones we're supposed to do"—acknowledging the AG has designated prosecution duties; and (d) he wants "stronger legislation to help my office prosecute"—implying he already HAS prosecution authority and seeks expansion. Six days after sending Plaintiff a letter claiming "did not delegate authority to investigate," Defendant testified that his office prosecutes fraud as part of a coordinated "web" with county attorneys and federal prosecutors.

80. The "Medicaid Only" Limitation Is Fabricated—And Feeding Our Future Proves It. Defendant's repeated claim that "the AG does Medicaid fraud"—as if that were the extent of his authority—is contradicted by his own conduct. Feeding Our Future was **not** Medicaid fraud. It was fraud involving the **federal child nutrition program**, administered through the U.S. Department of Agriculture. Yet in the same congressional testimony, Defendant boasted: "one of the prosecutors who resigned in protest was one of the ones who helped to lead the prosecution of the Feeding Our Future defendants. Uh, that's—57 have been convicted." *See Exhibit D* at ¶68.

81. The Contradiction Is Inescapable:

Defendant's Claim	Reality
"The AG does Medicaid fraud" (implying that's the limit)	Feeding Our Future was child nutrition fraud, not Medicaid
"The only kind of criminal case we can prosecute all on our own is Medicaid fraud"	Defendant takes credit for 57 FOF convictions
No statutory authority beyond Medicaid	§ 8.31 mandates investigation of consumer fraud generally

82. If Defendant's claimed limitation were true—that the AG can **only** prosecute Medicaid fraud—then the Feeding Our Future prosecutions would be *ultra vires*. Defendant cannot simultaneously claim credit for non-Medicaid fraud convictions while telling Plaintiff that the AG lacks authority to investigate non-Medicaid fraud. The "Medicaid only" restriction is a fabrication designed to deflect complaints when

convenient while preserving the ability to claim credit for prosecutions when politically beneficial.

83. Defendant's position is logically untenable. Either:

(a) The Attorney General has statewide authority under Chapter 8 to investigate and prosecute crimes that transcend county boundaries, and the February 26 letter and official website misrepresent Minnesota law; or

(b) The Attorney General lacks such authority, and the Feeding Our Future prosecutions, Medicaid fraud convictions, and other statewide enforcement actions were ultra vires.

F. Statutory Analysis: No Legislation Limits the Ag's Chapter 8 Authority

84. Plaintiff has conducted a comprehensive review of Minnesota statutes to identify any legislation that might support Defendant's claim that the Legislature "did not delegate" investigative or prosecutorial authority to the Attorney General's office. No such legislation exists.

85. Chapter 388 (County Attorney): Minnesota Statutes Chapter 388 establishes county attorney duties and provides that county attorneys have "original jurisdiction" over prosecution of felonies. Minn. Stat. § 388.051. Critically, the statute uses the term "original"—meaning primary or initial—not "exclusive." Chapter 388 does not mention Chapter 8, does not limit the Attorney General's authority, and does not state that county attorneys have exclusive criminal jurisdiction.

86. Section 8.01 Grants Broad Discretionary Authority: A careful reading of § 8.01 reveals that Defendant's claimed limitation has no statutory basis. The statute provides:

"The attorney general **shall appear** for the state in all causes in the supreme and federal courts wherein the state is directly interested; **also** in all civil causes of like nature in all other courts of the state whenever, **in the attorney general's opinion**, the interests of the state require it."

Minn. Stat. § 8.01 (emphasis added). This grants: (a) **mandatory** appearance in supreme and federal courts where the state is interested; and (b) **discretionary** appearance in civil causes in all state courts, at the Attorney General's sole discretion.

87. The "Upon Request" Provisions Are Additional Pathways, Not

Limitations: The statute continues: "Upon request of the county attorney, the attorney general shall appear in court in such criminal cases as the attorney general deems proper." This "upon request" language creates an **additional pathway** for AG involvement—it does not limit the AG's inherent authority established in the first sentence. County attorney requests are a supplementary trigger, not an exclusive gate. The same applies to governor requests: "Whenever the governor shall so request, in writing, the attorney general shall prosecute any person charged with an indictable offense." This is another pathway, not a limitation.

88. The Statutory Structure: Section 8.01 establishes a clear hierarchy of authority. First, the AG has *independent, mandatory* authority to "appear... in supreme and federal courts wherein the state is directly interested"—the AG must appear; there is no discretion. Second, the AG has *independent, discretionary* authority in "all civil

causes... whenever, in the attorney general's opinion, the interests of the state require it"—the AG's opinion alone controls. Third, county attorney requests create an *additional pathway*: "Upon request of the county attorney... as the attorney general deems proper"—the AG decides what is proper. Fourth, governor requests create another *additional pathway*: "Whenever the governor shall so request... shall prosecute"—the governor triggers, the AG executes. The first two categories are independent authority; the latter two are supplementary triggers, not exclusive gates.

89. No Limitation Exists in § 8.01: Nothing in § 8.01 states that the Attorney General *cannot* act without a request. The "upon request" provisions supplement the AG's inherent authority—they do not displace it. Defendant's claim that "the Minnesota Legislature... did not delegate such authority to this Office" finds no support in the statutory text. The statute delegates **broad authority** at the AG's discretion; the request provisions merely create additional pathways for county attorneys and governors to invoke the AG's assistance.

90. Plaintiff's criminal referral requested **investigation** under § 8.31—which is mandatory and requires no request from any other official. The Prevention of Consumer Fraud Act (§ 325F.69) is explicitly enumerated in § 8.31, Subd. 1 as within the Attorney General's mandatory investigative duties. Even if prosecution required a request (which § 8.01 does not actually require), investigation under § 8.31 is independent and mandatory. Defendant's response denied authority that unambiguously exists.

91. Implied Repeal Is Disfavored: Under fundamental principles of statutory construction, implied repeal is strongly disfavored. *State v. Schmid*, 859 N.W.2d 816, 819 (Minn. 2015) ("Repeals by implication are not favored."). Two statutes granting overlapping authority are read in harmony to give effect to both. *Christensen v. Hennepin Transp. Co.*, 215 Minn. 394, 409, 10 N.W.2d 406, 415 (1943) ("It is an elementary rule that statutes should be construed, if possible, so as to give effect to all their provisions.").

92. To supersede Chapter 8, a later-enacted statute would require explicit language such as "notwithstanding Minnesota Statutes Chapter 8" or "this chapter supersedes the Attorney General's authority." Chapter 388 contains no such language. The two chapters coexist by design: county attorneys have "original jurisdiction" (primary responsibility), while the Attorney General retains independent investigative authority under § 8.31 and conditional prosecutorial authority under § 8.01. This is concurrent jurisdiction—a common legislative structure.

93. The Legislature Anticipated AG Non-Enforcement and Created a Private Remedy. Minnesota Statute § 8.31, Subd. 3a provides: "Any person injured by a violation of any of the laws referred to in subdivision 1 may bring a civil action and recover damages, together with costs and disbursements, including costs of investigation and reasonable attorney's fees, and receive other equitable relief as determined by the court." The Legislature created this private enforcement mechanism in the same statute Defendant misrepresents — anticipating that the AG might not enforce every violation and ensuring citizens retain an independent pathway.

Defendant's misrepresentation of § 8.31 compounds the harm: it blocks both the AG investigation pathway (by disclaiming authority) and the private enforcement pathway (by obscuring the statute that creates it). Citizens who believe the AG lacks authority under § 8.31 are unlikely to discover that § 8.31, Subd. 3a grants them independent enforcement rights under the same section.

94. Prosecutorial Discretion Cannot Shield a False Statement of Law.

Defendant may argue that non-enforcement decisions are presumptively unreviewable under *Heckler v. Chaney*, 470 U.S. 821 (1985). But *Heckler* itself carved out three exceptions, all of which apply here: (1) where the Legislature has circumscribed enforcement discretion — § 8.31 uses "shall investigate," mandatory language that removes discretion over whether to investigate consumer fraud referrals; (2) where mandatory statutory language constrains the agency — § 8.31's "shall" is mandatory under Minnesota statutory construction principles; and (3) where the agency has adopted a "general non-enforcement policy that amounts to an abdication of its statutory responsibilities" — the AG's website disclaimer, maintained across multiple administrations and proven by 50-state survey to be nationally unique, constitutes precisely such an abdication. *Id.* at 833 n.4. Moreover, the distinction between a lawful exercise of discretion and a false statement of law is dispositive. *Heckler* addresses an agency that acknowledges authority but declines to exercise it. Defendant does not decline — he denies the authority exists. A false statement of law is not an exercise of discretion. It is affirmative misconduct that eliminates the judicial review *Heckler* contemplates, prevents citizens from invoking their Subd. 3a rights, and constitutes the

institutional abdication *Heckler* identified as the exception that overcomes the presumption of unreviewability. *See also Dunlop v. Bachowski*, 421 U.S. 560 (1975) (even discretionary non-enforcement must be based on legally valid reasoning that courts can review; stated basis that is demonstrably false is worse than arbitrary).

G. The AG's Own Attorney Could Not Identify Alternative Jurisdiction

95. When Plaintiff met with an attorney from Defendant's office to deliver the criminal referral on February 10, 2026, Plaintiff asked a simple question: "If this office cannot assist, then who can? Certainly this is beyond local law enforcement."

96. The attorney was stumped. After a pause, the attorney responded: "I don't know."

97. Defendant's own attorney could not identify any alternative authority with jurisdiction over statewide consumer fraud, computer crimes, and corporate misconduct spanning multiple counties and state lines. The attorney's inability to answer reveals that Defendant's jurisdictional position creates an impossible gap that even the AG's staff cannot explain.

98. The logical consequence of Defendant's claim—that the Legislature "did not delegate" investigative authority to the AG—is that no one has jurisdiction over:

- (a) Statewide consumer fraud affecting citizens across all 87 counties;
- (b) Computer crimes committed through infrastructure serving the entire state;
- (c) Corporate misconduct by entities operating nationally;
- (d) Crimes that transcend any single county's boundaries.

H. The Inverted Hierarchy: § 8.06 Compels County Attorneys to Cooperate With the AG

99. Defendant's position not only misrepresents the AG's authority—it inverts the statutory hierarchy between the Attorney General and county attorneys. Minnesota Statutes § 8.06 provides:

"When requested by the attorney general, **it shall be the duty of any county attorney of the state to appear within the county and act as attorney** for any such board, commission, or officer in any court of such county."

Minn. Stat. § 8.06 (emphasis added).

100. The statutory structure establishes that authority flows from the Attorney General to county attorneys, not the reverse. Under § 8.31, the AG investigates independently ("shall investigate"). Under § 8.06, the AG can direct county attorneys to act ("it shall be the duty of any county attorney"). Under § 8.31, Subd. 2, the AG causes prosecution ("cause the arrest and prosecution"). And under § 8.01, the AG personally prosecutes when necessary, either upon county attorney request or governor direction. At every level, the AG holds superior authority.

101. Defendant's February 26 letter and official website tell citizens to "contact the county attorney"—as if county attorneys are the primary authority and the AG is subordinate or without jurisdiction. The statute says the opposite: the AG can command county attorneys to act. "It shall be the duty" is mandatory language.

102. The proper statutory process, which Defendant's office refused to follow, would have been:

- (a) AG receives criminal referral citing § 325F.69 (Consumer Fraud Act);
- (b) AG investigates under § 8.31 (mandatory, independent);
- (c) AG determines appropriate prosecution venue;
- (d) AG either prosecutes directly (§ 8.01) or directs county attorney to prosecute (§ 8.06);
- (e) County attorney complies—"it shall be the duty."

103. Instead of following this statutory structure, Defendant's office disclaimed all authority and directed Plaintiff to county attorneys as if the AG has no role. This is not merely an error—it is an inversion of the hierarchy Chapter 8 establishes.

I. The Political Context: Why Judicial Relief is Necessary

104. The context in which Defendant testified before Congress on March 4, 2026, illuminates why declaratory relief from this Court is necessary. The Department of Homeland Security has reportedly deployed between 650 and 2,000 agents to Minnesota as part of "Operation Metro Surge," ostensibly to investigate welfare fraud. Governor Walz and Defendant have characterized this deployment as political targeting.

105. Both characterizations appear to be correct—and therein lies the problem.

106. Evidence that the federal investigation lacks genuine reformist intent: If federal investigators were genuinely investigating why Minnesota's Attorney General failed to investigate fraud, the first step would be to examine the AG's public statements about jurisdiction and compare them to statutory authority. This is

Investigation 101. A pro se plaintiff completed this analysis in twenty minutes after receiving the February 26 letter and discovered that the AG's official website and correspondence contain demonstrably false statements about Chapter 8 authority. A subsequent comprehensive 50-state survey confirmed that Minnesota is the sole state among all 50 that affirmatively disclaims criminal investigation authority its own statutes grant. *See Exhibit B*, Executive Summary. Yet despite deploying hundreds of agents over months of investigation, federal authorities have not publicly identified this discrepancy. This suggests the federal investigation is not designed to fix the underlying institutional dysfunction—it is designed to provide political cover for aggressive immigration enforcement operations that have faced constitutional challenges.

107. Evidence that the AG's institutional failure is genuine: Plaintiff's experience is not an isolated incident. The false and contradictory jurisdictional claims have been institutionalized on the AG's website for over a decade, spanning multiple administrations. *See Exhibit B*, Pg. 49 (Ellison administration); Pg. 50 (Swanson administration, Wayback Machine archive). The February 26, 2026 letter repeated these false claims. Defendant's own attorney could not identify alternative jurisdiction when asked. These are documented facts, not political accusations.

108. Why judicial relief is necessary: Political actors on both sides have incentives to perpetuate dysfunction rather than fix it. Neither will correct the Chapter 8 misrepresentation. Only this Court, through declaratory judgment, can establish the

actual scope of the Attorney General's statutory duties and require compliance with Chapter 8's mandatory language.

109. The stated justification for the federal deployment does not survive scrutiny. The federal government deployed between 650 and 2,000 agents to Minnesota under "Operation Metro Surge," ostensibly to investigate welfare fraud that the state AG was failing to investigate. But the 50-state survey documented in Exhibit B proves that fraud investigation is a universal AG function — not a Minnesota-specific problem. At least 23 of 50 state AGs maintain dedicated Special Investigations units. Every state has fraud. If the federal government's stated purpose were genuine — compelling a state AG to investigate fraud — the logical first step would be to determine whether the AG was actually declining to exercise authority the Legislature granted. Neither the 650-2,000 federal agents deployed to Minnesota, nor the congressional staff who prepared the March 4, 2026 hearing, nor any member of the House Committee on Oversight and Government Reform performed this threshold analysis. A pro se plaintiff completed it in twenty minutes. A comprehensive 50-state survey confirmed it in a week. The federal government, with vastly greater resources, did not attempt it at all.

110. The deployment is disproportionate to the stated objective. Federal agencies deployed approximately four times the normal complement of ICE agents to Minnesota. If fraud investigation were the genuine purpose, this level of deployment is inexplicable — fraud is investigated through financial records, subpoenas, and forensic accounting, not through mass deployment of immigration enforcement officers. The

agents deployed were ICE officers, not forensic accountants. They conducted immigration enforcement operations, not fraud investigations. Two Minnesota citizens — Renee Nicole Good on January 7, 2026, and Alex Pretti on January 24, 2026 — were killed during these operations. DHS subsequently redacted in its entirety the Directive 19009.3 governing firearms and use of force. See **Exhibit I**.

111. The people who ask "why Minnesota?" deserve an honest answer. Governor Walz posed the question directly to the Committee: *"Is there no fraud in any other states?"* See **Exhibit D**, ¶248. Representative Garcia answered it: *"Oklahoma, by the way, and Alabama lead the nation in SNAP fraud in Texas and Florida. Where are those hearings? Where's the Governor of Oklahoma or Alabama, or Texas or Florida?"* See **Exhibit D**, ¶27. The 50-state survey now provides the comprehensive empirical answer: every state has fraud, and every state AG has authority to investigate it. Twenty-three of 50 states have dedicated Special Investigations units for exactly this purpose. Governor Walz told the Committee that Minnesota confronts *"issues similar to our sister states"* but has been *"singled out and targeted for political retribution at an unparalleled scale."* See **Exhibit D**, ¶38. Minnesota was not selected because it has a unique fraud problem. It was selected because it has a unique *disclaimer* — one that no other state AG in the nation makes — and that disclaimer provided the narrative: a state AG who won't investigate fraud, justifying extraordinary federal intervention. The result: Renee Nicole Good is dead. Alex Pretti is dead. The use-of-force policy under which they were killed has been redacted in its entirety. See **Exhibit I**.

112. The following facts are stated for the record. Plaintiff filed *Kirchner v. Johnson et al.*, No. 1:25-cv-02735-ACR (D.D.C.), on August 19, 2025, naming President Trump, Speaker Johnson, Attorney General Bondi, and FCC Chairman Carr as defendants. That complaint documented constitutional violations spanning all three branches of federal government, identified the conflation of Federal Rules of Evidence 901(b)(9) and 607, and named AI companies with which the administration had formed \$500 billion partnerships. On September 15, 2025, Attorney General Bondi publicly stated: "*We will absolutely target you, go after you if you are targeting anyone with hate speech, anything.*" She continued: "*you will face the most severe consequences if you come after someone and you target someone for their political views or for any for any reason at all.*" See ECF No. 13-26 (Exhibit A-1, Sub-Exhibit A-32), *Kirchner v. Johnson*, No. 1:25-cv-02735-ACR (D.D.C.). On December 4, 2025, her office drafted a targeting memorandum — forensically identified as having been generated using Anthropic's Claude AI — that targets Americans based on political viewpoints including "opposition to law and immigration enforcement." See ECF No. 13-78 (Exhibit N-13), *Kirchner v. Johnson*, No. 1:25-cv-02735-ACR (D.D.C.).

113. On January 7, 2026, Renee Nicole Good was killed by federal agents in Minneapolis. On January 24, 2026, Alex Pretti was killed by federal agents in Minneapolis — the same day Bondi issued a letter to Governor Walz characterizing opposition to these operations as meeting the definition of domestic terrorism under 18 U.S.C. § 2331(5). See **Exhibit J**. ICE has been publicly reported to use Palantir's AI-driven targeting tools to identify and prioritize individuals for enforcement action —

technology that permits targeting decisions at the administrative level without agents on the ground understanding the basis for those decisions. Plaintiff states these facts without characterization. They are documented across three federal cases. Readers of those cases will form their own conclusions.

114. Plaintiff's own protected expression is part of the record. On May 30, 2020 — five days after George Floyd was killed in Minneapolis — Plaintiff stood in front of the Third Precinct holding a sign that read "One People, One Bill of Rights" and embracing a fellow citizen. That is the most protected form of First Amendment expression. The same constitutional conviction that brought Plaintiff to the Third Precinct in 2020 brought him to federal court in 2025 and to the Attorney General's office in 2026. All three are exercises of the right to petition. All three are protected. The record of Plaintiff's advocacy — from street protest to federal litigation to state criminal referral — is documented and unbroken.

115. Plaintiff's criminal referral to Defendant was not incidental — it was the implementation of a federal court prayer for relief. In the First Amended Complaint filed in *Kirchner v. Johnson*, No. 1:25-cv-02735-ACR (D.D.C.), on September 29, 2025, Plaintiff requested that the Court "[r]efer case to state prosecutors independent of compromised federal apparatus for investigation and prosecution of: wire fraud, false government statements, conspiracy to defraud, RICO enterprise, computer fraud, wiretap violations, obstruction of justice, and related state law violations." *See* ECF No. 5, ¶675, *Kirchner v. Johnson*, No. 1:25-cv-02735-ACR (D.D.C.) (First Amended Complaint, filed Sept. 29, 2025). Plaintiff went to his state

Attorney General specifically because the federal complaint documented that the federal apparatus — including the FBI, the Department of Justice, and the named defendants — was compromised and could not provide independent investigation. The February 10, 2026 criminal referral to Defendant was the direct implementation of that prayer for relief at the state level. It documented crimes affecting Minnesota citizens committed through Minnesota infrastructure by entities operating in Minnesota — precisely the type of statewide criminal conduct that Minn. Stat. § 8.31 mandates the Attorney General investigate. And the one Attorney General in fifty states who received it was the only one who falsely claimed the Legislature did not grant him that authority. The referral was not misdirected by Plaintiff. It was misdirected by Defendant — through a misrepresentation of law that blocked the sole independent pathway available to a citizen whose federal remedies were compromised by the very officials he was suing.

116. State assistance was not merely helpful — it was constitutionally essential.

On June 10, 2025, the United States Senate voted 99-1 to remove a ten-year AI state-regulation moratorium from H.R. 1, explicitly preserving state authority to regulate artificial intelligence. Congress spoke with near-unanimity: the states are the designated check on AI industry conduct. On November 24, 2025, the President issued the "Genesis Mission" Executive Order, which reimposed by executive action what Congress had rejected by 99-1 — establishing federal control over AI datasets, intellectual property policy, and commercialization frameworks that Article I, Section 8, Clause 8 assigns exclusively to Congress. *See* ECF No. 13-6 (Memo F: Genesis

Mission Executive Order as Formalization of Appropriations Criminal Enterprise), *Kirchner v. Johnson*, No. 1:25-cv-02735-ACR (D.D.C.). The executive circumvented the expressed will of Congress. The state Attorney General — the official Congress designated to exercise the regulatory authority it preserved — was Plaintiff's constitutionally intended recourse. Plaintiff's criminal referral documented AI companies removing child safety language from consumer-facing products, conducting mass surveillance through ISP infrastructure, and appropriating intellectual property — precisely the conduct Congress voted 99-1 to ensure the states could investigate. Defendant's false disclaimer did not merely block one citizen's referral. It abdicated the constitutional role Congress assigned to the states at the very moment that role was most essential — when the executive was actively circumventing the congressional vote that created it.

117. The false disclaimer created the conditions for whatever followed.

Defendant's false disclaimer created the sole enforcement vacuum in the nation — a vacuum that exists in no other state because no other AG disclaims this authority. That vacuum provided the narrative justifying extraordinary federal intervention in Minnesota. Forty-nine other state AGs describe their fraud investigation authority accurately. If Defendant had done the same, there would have been no predicate for disproportionate federal deployment to this state. No Operation Metro Surge. No redacted use-of-force policies. Renee Nicole Good and Alex Pretti might still be alive.

J. Standing: Concrete Harm from the False Statement

118. Plaintiff has standing to challenge Defendant's misrepresentation of law because Plaintiff suffered concrete, particularized harm: his criminal referral was denied based on a false statement of jurisdiction. Additionally, in *Kirchner v. Acosta*, No. 9:26-cv-80296-RMM (S.D. Fla.), Plaintiff has established standing to challenge separation of powers violations under *Bond v. United States*, 564 U.S. 211 (2011), which holds that individuals may challenge unconstitutional government action affecting the balance of power between state and federal authority—the precise harm documented herein.

119. The controversy is ripe. Plaintiff submitted a criminal referral. Defendant denied investigation based on a false statement of law. The February 26 letter and March 4 congressional testimony create an irreconcilable contradiction that can only be resolved through judicial declaration of Defendant's actual statutory duties.

K. The False Disclaimer as a Mechanism for Deflecting Police Misconduct Complaints

120. The false disclaimer was not limited to deflecting fraud complaints—it was designed to deflect **all** criminal complaints, including complaints of police misconduct. The "How Can We Help?" page directs citizens reporting **any** crime—including crimes by law enforcement—to contact county attorneys and local officials rather than the Attorney General. This disclaimer has persisted across multiple administrations. *See Exhibit B*, Pg. 49 (Ellison); Pg. 50 (Swanson). The 50-state survey confirms the scope

of this deflection: 48 of 49 comparison states maintain divisions capable of investigating public corruption or officer misconduct — ranging from dedicated Civil Rights Divisions and Public Integrity Units (25 states) to Special Prosecutions units and criminal investigations divisions handling public corruption, law enforcement corruption, and officer-involved incidents (an additional 23 states). Wisconsin maintains DCI officer-involved death investigations. Iowa prosecutes public official misconduct. Maryland's Independent Investigations Division investigates all police-involved fatal incidents statewide. Maine mandates investigation of use of deadly force by police officers. Kentucky's Public Integrity branch explicitly investigates "systemic law enforcement corruption." Minnesota alone affirmatively disclaims such authority — in a state where federal agents killed two citizens in January 2026. *See Exhibit B, Classification Summary.*

121. The Chauvin Prosecution Proves the Pattern. Attorney General Ellison did not prosecute Derek Chauvin because his office was conducting oversight of police misconduct. The AG's office prosecuted Chauvin only after George Floyd's death sparked international outrage and Minneapolis began burning. For years prior—while Officer Chauvin accumulated 17-22 complaints and while body camera footage captured him using the same knee-to-neck technique on Patty Day in 2019—the Attorney General's office disclaimed authority to investigate or prosecute police misconduct, directing such complaints to county attorneys.

122. The timing correlation is damning:

- **For over a decade:** AG website contains contradictory claims understating Chapter 8 authority
- **2014:** Feeding Our Future fraud infrastructure established
- **2019:** Officer Chauvin uses knee-to-neck technique on Patty Day; no AG investigation
- **May 25, 2020:** George Floyd killed by same technique
- **May 28, 2020:** Minneapolis Third Precinct burns; Governor asks AG to prosecute
- **June 2020:** AG assumes prosecution—only after city is on fire

123. The false disclaimer has functioned as institutional insulation across multiple administrations. Citizens reporting police misconduct were told to contact county attorneys. County attorneys in Hennepin County—working alongside the same officers they would need to prosecute—had every incentive not to pursue such complaints. The AG's public disclaimer of authority ensured that citizens had nowhere to escalate when county attorneys failed to act. This is precisely the jurisdictional gap the false disclaimer was designed to create.

124. The Day/Welch Footage Suppression Fits the Pattern. The City of Minneapolis has refused to publicly release body camera footage from the January 20, 2020 arrest of Patty Day—footage showing Officer Chauvin using the same knee-to-neck technique that would kill George Floyd four months later. The charges against Ms. Day were dismissed on May 24, 2021, one day before the anniversary of George Floyd's death. Plaintiff respectfully requests that this Court order disclosure of this footage as part of the discovery relief sought in Section XI.A.3. The footage remains suppressed.

125. The City's refusal to release this footage may be motivated by the same corruption-concealment pattern that the false AG disclaimer enabled. If the footage

shows what witnesses describe—Chauvin using deadly technique on a compliant suspect—it raises immediate questions: Who reviewed this footage? Why did no one act? The answer may implicate prosecutors who saw the footage and did nothing, supervisors who reviewed complaints and did nothing, and an institutional culture where "piddly stupid stuff" like choking suspects was tolerated until it killed someone on camera.

126. Defendant's Direct Connection to § 626.89 Enforcement Through the Chauvin Prosecution. Defendant's Motion to Dismiss argues he has no "connection with the enforcement" of § 626.89, as required by *Ex parte Young*, 209 U.S. 123, 156-57 (1908). This is false. Defendant assumed personal leadership of the highest-profile police accountability prosecution in Minnesota history—the prosecution of Derek Chauvin for the murder of George Floyd. In that capacity, Defendant directly encountered § 626.89's procedural protections and their effect on police accountability. Defendant's office necessarily reviewed Chauvin's disciplinary history—or lack thereof—and confronted the reality that § 626.89's protections had insulated Chauvin from meaningful discipline through 17-22 prior complaints. Defendant's proximity to the Chauvin prosecution raises a direct question regarding the suppressed Welch/Day body camera footage: Did Defendant's office review footage showing Chauvin using the same knee-to-neck technique on Patty Day four months before killing George Floyd? If so, the suppression of that footage occurred during or in connection with Defendant's exercise of Chapter 8 authority—establishing a direct enforcement connection to the accountability void § 626.89 creates. If Defendant's office did not

review the footage, that failure itself demonstrates the inadequacy of the accountability framework Plaintiff challenges.

127. The AG's Chapter 8 Authority Extends to Police Misconduct. Nothing in Minnesota Statutes limits the AG's authority to consumer fraud and excludes police misconduct. Section 8.01's broad discretionary language—"appear for the state... whenever, in the attorney general's opinion, the interests of the state require it"—encompasses prosecution of officers whose misconduct harms citizens. Section 8.06's authority to "require the assistance of the county attorney" applies equally to police misconduct cases where county attorneys are conflicted. The false disclaimer deflected complaints that the AG had statutory authority to address.

128. The Pattern Reveals Institutional Misfeasance. The AG's website has maintained contradictory claims for over a decade—simultaneously stating the office "provides assistance to rural county prosecutors in major felonies" while claiming the Legislature "did not delegate such authority to this Office." Both framings understate Chapter 8's actual grants of authority. This contradictory language has persisted across multiple administrations, its effects extending to police misconduct, consumer fraud, computer crimes, and every other criminal matter that citizens might report to the AG. The disclaimer functions as a blanket mechanism for institutional abdication—not a good-faith description of statutory limits.

129. Judicial Relief Must Address the Police Misconduct Dimension. Any declaratory judgment that the AG misrepresented Chapter 8 authority must recognize that the misrepresentation extended beyond fraud. Minnesota citizens reporting police

misconduct—including complaints about Derek Chauvin—were told for years that the AG lacked authority to investigate. This was false. And George Floyd may have paid the price for that falsehood.

L. Constitutional and State Provisions Supporting the Primary Claim

130. The primary claim is supported by the following constitutional provisions: the **Fourteenth Amendment** (Equal Protection — prohibiting arbitrary classifications); the **First Amendment** (right to petition for redress of grievances); the **Fourth Amendment** (protection against unreasonable searches and seizures); the **Supremacy Clause** (Article VI, Clause 2 — Constitution takes precedence over conflicting state statutes); and the **Seventh Amendment** (right to jury trial in civil cases, denied by qualified immunity doctrine). The constitutional accountability framework — public service as a public trust with fiduciary obligations — is set forth in **Memo C**, §§ XV-XVI, and Section VIII of this Complaint.

131. The primary claim is additionally supported by the following state provisions: **Minn. Stat. § 626.89** (Peace Officer Discipline Procedures Act — creates arbitrary classifications challenged in Count V); **Minn. Stat. § 363A.12** (prohibiting discrimination in access to public services); **Minn. Stat. § 501C.0802** (trustee duty of loyalty — applied to public officials through the Bremer Trust framework); **Minn. Stat. § 501C.0706** (grounds for removal of trustee for breach of duty); **Minn. Stat. § 13.43** (personnel data restrictions limiting public access to accountability information); and *In the Matter of the Otto Bremer Trust*, 4 N.W.3d 551 (Minn. 2024) (trustee

removal for "serious breach of trust" including affirmative misrepresentation). The comprehensive analysis of each provision is set forth in **Memo C**.

VI. MINNESOTA STATUTE §626.89: THE ACCOUNTABILITY VOID

A. Constitutional Grounds

132. Minnesota Statute § 626.89 is subject to strict scrutiny on **two independent constitutional grounds**: (1) it creates arbitrary classifications that impinge upon fundamental rights, and (2) it disproportionately disadvantages a suspect class. Either ground independently warrants declaring the statute unconstitutional; together, they establish an overwhelming case for judicial intervention. Plaintiff challenges the entire statute, not isolated provisions, because the seventeen subdivisions operate as an integrated scheme of privilege — the constitutional defect is the Legislature's decision to enact special legislation at all. *See Memo C*, §§ II-III (responding directly to Defendant's claim that "it is thoroughly unclear which part" Plaintiff challenges (Doc. 21 at 10 n.3)).

133. Fundamental Rights Ground: The statute creates a privileged class of public employees — peace officers — receiving seventeen subdivisions of special procedural protections unavailable to any other citizen or public employee. Under *City of Cleburne v. Cleburne Living Center, Inc.*, 473 U.S. 432 (1985), and *Romer v. Evans*, 517 U.S. 620 (1996), this differential treatment must have a rational connection to a legitimate governmental purpose. No empirical evidence demonstrates that these protections contribute to effective policing or public safety; research indicates they

correlate with higher rates of misconduct. Under *Skeen v. State*, 505 N.W.2d 299 (Minn. 1993), Minnesota courts apply strict scrutiny to laws that disadvantage a suspect class or impinge upon fundamental rights. See **Memo C**, §§ VIII, XII-XIII (full legal framework and empirical evidence).

134. Suspect Class Ground: The statute disproportionately impacts Black Americans by shielding officers from accountability for conduct that falls most heavily on Black communities. Research documents that states with comparable LEOBOR statutes have 26% higher officer misconduct rates, 54% fewer officer decertifications, and approximately 20% higher officer-involved shooting rates. See **Memo C**, §§ XII-XIII (racial disparity data and LEOBOR statistical analysis).

135. The Statute Must Be Declared Unconstitutional. Section 626.89 fails constitutional scrutiny on both grounds. All law enforcement officers are obligated to uphold the Constitution. Laws that create barriers to accountability undermine this duty. The statute should be declared unconstitutional to ensure all citizens are treated equally under the law.

B. The Integrated Scheme of Privilege

136. Section 626.89's seventeen subdivisions operate as an integrated scheme — each reinforcing the others to create comprehensive immunity from accountability that no single provision could achieve alone:

(a) Procedural constraints (Subds. 3-10): Mandatory procedures for formal statements, including location control, written complaint prerequisites, duration limits,

recording requirements, and rights to attorney and union representation — all favoring officers over public accountability;

(b) Transparency barriers (Subds. 6, 11-13): Prohibitions on public release of officer photographs, restrictions on personnel file documentation, and financial records protections that shield officers from public scrutiny;

(c) Civilian oversight nullification (Subd. 17): Civilian review councils may only recommend discipline; chief law enforcement officers may disregard all recommendations; investigation data is classified as "personnel data" under restrictive privacy laws;

(d) Asymmetric protections (Subds. 14-16): Anti-retaliation provisions protect officers but not complainants; officers receive a cause of action for damages against employing agencies, while citizens impacted by misconduct receive no reciprocal remedy.

The subdivision-by-subdivision constitutional analysis is set forth in **Memo C**, §§ III, IX (demonstrating the entire scheme constitutes prohibited special legislation).

C. Colorado's Response Demonstrates States Can Act

137. Colorado — responding to George Floyd's death *in Minnesota* — enacted SB20-217 (2020), eliminating qualified immunity for state civil rights claims, mandating body cameras, requiring recording release within 21 days, and empowering its AG to sue for pattern-or-practice violations. Minnesota maintained § 626.89's officer protections. The result: two more citizens killed by federal agents in

Minneapolis in January 2026. If Colorado can eliminate qualified immunity without destroying law enforcement, Minnesota's maintenance of § 626.89 cannot be justified by any compelling state interest. *See Memo C*, § XIV (detailed Colorado comparison).

D. Article XII: Section 626.89 as Unconstitutional Special Legislation

138. Minnesota Constitution Article XII, Section 1 provides that the legislature "shall pass no local or special law... granting to any private corporation, association, or individual any special or exclusive privilege, immunity or franchise whatever." Section 626.89 violates this prohibition because it grants "special or exclusive privilege, immunity" to peace officers — an identifiable association — when a general public employee discipline law could have been made applicable:

Category	Receives § 626.89 Protections?	Exercises State Authority?
Teachers accused of misconduct	No	Yes — over students
Social workers accused of abuse	No	Yes — over families
Corrections officers accused of assault	No	Yes — over inmates
Prosecutors accused of misconduct	No	Yes — over defendants
Peace officers accused of misconduct	Yes	Yes — over citizens

139. There is no rational distinction between peace officers and other public employees who exercise state authority over vulnerable populations. Peace officers, through unions such as the Police Officers Federation of Minnesota and Law

Enforcement Labor Services, lobbied the Legislature for these exclusive protections.

The comprehensive Article XII analysis is set forth in **Memo C**, §§ IV-VI, X.

VII. THE ACCOUNTABILITY VOID: FEDERAL CONTEXT

The primary claims against Defendant Ellison (Sections V and VI) stand independently and require no federal party. This section establishes the federal context that makes the AG's Chapter 8 abdication not merely an administrative failure but a contributing cause of lethal harm. The detailed legal analysis supporting each subsection is set forth in the accompanying Memoranda of Law (Memos A through D) and is incorporated by reference.

A. Federal Agents Killing Citizens in Minnesota

140. On January 7, 2026, ICE Agent Jonathan Ross shot and killed Renee Nicole Good, a 42-year-old United States citizen, in Minneapolis, Minnesota. The shooting occurred in the presence of Good's minor child. Less than 24 hours later, Vice President Vance publicly declared the shooting "justified," announced Agent Ross was "protected by absolute immunity" — a legal concept that does not exist — and characterized Good as a "deranged leftist" and part of a "broader left wing network." See **Exhibit H**; ECF No. 13-80, *Kirchner v. Johnson*, No. 1:25-cv-02735-ACR (D.D.C.).

141. On January 24, 2026, federal agents killed Alex Pretti, a lawful gun owner, in Minneapolis. Pretti had been restrained and his firearm removed before he was shot in the back. Federal agents barred Minneapolis Police from the crime scene and

attempted to arrest witnesses. DHS subsequently redacted in its entirety Directive 19009.3 governing firearms and use of force. *See Exhibit I.* The same day, Attorney General Bondi issued a letter to Governor Walz characterizing opposition to these operations as meeting the definition of domestic terrorism under 18 U.S.C. § 2331(5). *See Exhibit J.*

142. Two United States citizens were killed by federal agents in Minneapolis in seventeen days. Both were killed under secret use-of-force policies, with fabricated "absolute immunity," while local law enforcement was barred from crime scenes. Neither killing has resulted in federal prosecution or meaningful investigation. The accountability void this Complaint challenges — § 626.89 at the state level, *Harlow* at the federal level — enabled both deaths.

B. Domestic Terrorism Under 18 U.S.C. § 2331(5)

143. The federal conduct in Minnesota satisfies the congressional definition of "domestic terrorism" under 18 U.S.C. § 2331(5): "acts dangerous to human life that are a violation of the criminal laws of the United States or of any State" that "appear to be intended to intimidate or coerce a civilian population" or "to influence the policy of a government by intimidation or coercion." The elements are documented: acts dangerous to human life (two citizens killed), criminal law violations (use of force under secret redacted policies, obstruction of local law enforcement investigation), apparent intent to intimidate a civilian population (Vance's public characterization,

witness arrest attempts, Bondi's domestic terrorism letter). The detailed analysis is set forth in **Exhibit J** and the accompanying memoranda.

144. The Bondi letter to Governor Walz — demanding voter rolls, welfare records, and sanctuary policy repeal on the same day federal agents killed Alex Pretti — used the threat of continued enforcement violence as leverage for political concessions. This is the statutory definition of domestic terrorism applied to governmental conduct: influencing state government policy through intimidation and coercion.

C. The Shadow Docket: Federal Enforcement Built on Ultra Vires Foundation

145. The federal enforcement operations that killed two Minnesota citizens rest on a jurisdictional foundation that does not exist in law. The Supreme Court's shadow docket practice systematically violates 28 U.S.C. § 2101(f), which limits stays pending certiorari to "final judgment or decree" only. Since 2017, the Court has stayed preliminary injunctions — interlocutory orders explicitly excluded from the statute — across 80+ emergency applications, enabling executive immigration policies to survive judicial review through procedurally irregular certiorari. If the Court had followed § 2101(f), the preliminary injunctions against the Executive Branch's immigration policies would have remained in effect. The operations that killed Good and Pretti might not have occurred. The comprehensive analysis of this ultra vires practice is set forth in **Memo A** (134 applications analyzed, 1952-2026).

146. Defendant possesses statutory authority under § 8.01 to "appear for the state in all causes in the supreme and federal courts wherein the state is directly interested."

Federal agents killing Minnesota citizens on Minnesota soil is a matter in which the state is directly interested. Defendant's abdication of § 8.01 authority means no state official challenges the jurisdictional foundation of the operations that killed two citizens.

D. The Constitutional Illegitimacy of Judge-Made Immunity

147. The federal doctrine of qualified immunity, as established in *Harlow v. Fitzgerald*, 457 U.S. 800 (1982), shields the agents who killed Good and Pretti from civil liability. This doctrine violates eight constitutional provisions — Article I § 6 (Speech or Debate Clause as sole immunity source), Article III, Article IV § 2, Article V (amendment required for constitutional change), Article VI cl. 2 (Supremacy Clause), Amendment VII, Amendment IX, and Amendment XIV — by extending immunity beyond the sole constitutional source without the Article V amendment process. The comprehensive analysis is set forth in **Memo B** (181 paragraphs documenting the eight violations) and **Appendix B** (Textual Analysis of Hedging Language in *Harlow*).

148. Minnesota Statute § 626.89 is the state-level implementation of this same immunity framework. The connection is direct: *Harlow* shields federal agents from civil liability; § 626.89 shields state officers from meaningful discipline. Both create accountability voids. Both are challenged in this Complaint.

E. The Qualified Immunity Paradox: Minnesota Officers as Victims

149. The January 2026 ICE incidents proved that § 626.89's protections serve power alignment, not legitimate governmental purpose. Brooklyn Park Chief Mark Bruley reported that ICE agents targeted off-duty officers of color — "every single one of the people they ran into was a person of color." *See Exhibit G.* St. Paul officers reported being stopped and harassed while off-duty. These officers received no protection under § 626.89 when they were the victims of federal agents.

150. When § 626.89's procedural protections vanished the moment officers encountered agents with greater governmental authority, the statute revealed its true function: it protects officers from accountability to citizens, not from harm by superior governmental power. If § 626.89 protected officers qua officers, it would protect them from ICE abuse. It does not. It protects them only from the citizens they serve — confirming that the statute creates a hierarchy of power, not a framework of accountability.

151. This Complaint submits that Minnesota courts, confronted with this evidence, should declare that Minnesota law cannot participate in this constitutional failure. If § 626.89's special protections cannot protect officers themselves from governmental abuse, those protections serve no legitimate purpose — they exist only to shield officers from the accountability that all public servants owe to the citizens they serve. The comprehensive analysis is set forth in **Memo B**, Sections XI-XII, and **Memo C** (The Constitutional Failures of Minnesota's Peace Officer Discipline Procedures Act).

VIII. PUBLIC TRUST DOCTRINE AND CIVILIAN OVERSIGHT

152. The theoretical foundation for the accountability reform this Complaint seeks is rooted in James Madison's conception of public office as a trusteeship. Madison wrote: "When a man assumes a public trust, he should consider himself as public property, and justly liable to the inspection and vigilance of public opinion." Letter to the People of Virginia (1790). Public officials — including law enforcement officers — are trustees of constitutional rights, and citizens are the beneficiaries entitled to enforce the terms of that trust. The Minnesota Supreme Court in *In the Matter of the Otto Bremer Trust*, No. A22-0906 (Minn. 2024), held that a trustee may be removed for "a series of smaller breaches that collectively justify removal" — a standard directly applicable to officers like Derek Chauvin who accumulated 17-22 complaints without meaningful discipline under § 626.89's protections.

153. Civilian oversight committees — properly empowered — can function as the enforcement mechanism this trust relationship requires, serving as a functional equivalent to a jury: independent, confidential, structured by due process, and authorized to impose binding consequences. Section 626.89, Subd. 17(d), which permits chief law enforcement officers to disregard civilian oversight recommendations, nullifies this function and must be declared unconstitutional.

154. The comprehensive public trust doctrine analysis — including the Madisonian framework, the UTC parallels, the settlor/trustee/beneficiary structure, the *Otto Bremer*

Trust application, and the detailed civilian oversight proposal — is set forth in **Memo C**, §§ XV-XVI.

155. The public trust framework developed in Memo C applies with equal force to the Attorney General's Chapter 8 authority. Memo C, §§ XV-XVI establishes the settlor/trustee/beneficiary structure: the People are the settlor, constitutional rights and governmental powers are the trust property, public officials are the trustees, and citizens are the beneficiaries. *See Memo C*, ¶¶ 132-145. That framework was applied to peace officers under § 626.89. It applies identically to the Attorney General under Chapter 8 — with the additional force that the AG is the very official the Minnesota Supreme Court designated as "the representative of the community" empowered to enforce trust obligations against others. The AG holds criminal investigation and prosecution authority under Chapter 8 in trust for Minnesota citizens. The Legislature assigned this authority not for the AG's personal use but for the protection of the public. When the AG misrepresents the scope of that authority — telling citizens the Legislature "did not delegate" powers that the Legislature manifestly did delegate — the AG breaches the fiduciary duty inherent in public trusteeship.

156. Defendant's own office established the controlling precedent. In *In the Matter of the Otto Bremer Trust*, 4 N.W.3d 551 (Minn. 2024), the Minnesota Supreme Court — on the Attorney General's motion — removed a trustee for breaching fiduciary duties that included "affirmatively ly[ing]" about assets held in trust. The Court held that the AG is "the representative of the community" empowered to enforce trust obligations. Defendant's office successfully argued that a trustee who

affirmatively misrepresents what he holds in trust has breached his duty to the beneficiaries and may be removed. The identical principle condemns Defendant's own conduct. Chapter 8 authority is a public trust asset. Defendant has affirmatively misrepresented its scope — on the official website, in official correspondence, and in sworn congressional testimony — for over a decade. If a private trustee who lies about trust assets warrants removal under *Bremer Trust*, a public trustee who lies about statutory authority warrants at minimum a judicial declaration that the authority exists and an order compelling its honest exercise. Defendant cannot distinguish his own successful argument.

IX. CONCLUSION

157. This Complaint asks the Court to declare what Minnesota law requires and what the Constitution prohibits. Minnesota Statute § 626.89 creates arbitrary classifications that no other state applies to law enforcement accountability. The judge-made doctrine of qualified immunity extends immunity beyond the sole constitutional source — the Speech or Debate Clause — without the Article V amendment the Constitution requires for such expansion. Both frameworks have produced documented harm: officers shielded from discipline through 17-22 complaints until one killed George Floyd on camera, and federal agents now killing Minnesota citizens under fabricated "absolute immunity" while operating under redacted use-of-force policies.

158. The relief sought is proportional to the documented harm: declaratory judgment establishing the actual scope of Chapter 8 authority, correction of false statements maintained for over a decade, constitutional review of § 626.89 under the strict scrutiny that *Skeen v. State* requires, and legal relief restoring to Plaintiff the investigative resources the Legislature guaranteed and Defendant denied through a false statement of law.

159. The urgency of this Complaint cannot be overstated. As documented in Section VII.A, two United States citizens have been killed by federal agents in Minneapolis in seventeen days — one unarmed, one a lawful gun owner disarmed before being shot in the back. Both were killed by agents operating under secret use of force policies, with fabricated "absolute immunity," while local law enforcement was barred from crime scenes and witnesses were subject to arrest. The immunity structure this Complaint challenges — § 626.89 at the state level, qualified immunity at the federal level — has become lethal.

160. The relief Plaintiff seeks is urgent. If state accountability mechanisms cannot reach federal agents, and federal self-policing mechanisms are non-functional because department heads defend the conduct, then Minnesota citizens exist in a constitutional void — subject to lethal force for observing enforcement, for carrying legal firearms, for being present where agents operate.

161. Finally, the Plaintiff prays that this Court's decision will serve as a landmark step towards achieving a more equitable society, where every citizen is equally protected under one unified Constitution, and where law enforcement officers are held

to the highest standards of public trust and accountability. Two citizens are dead. More will follow unless this Court acts.

X. CAUSES OF ACTION

162. This Complaint alleges six causes of action against Defendant Keith Ellison, each traceable directly to Defendant's conduct and each redressable by relief against Defendant alone. No federal party is required for any cause of action. The factual basis for each count is set forth in the preceding sections and incorporated by reference.

A. COUNT I: FIRST AMENDMENT — FALSE STATEMENT DENYING PETITION FOR REDRESS

(42 U.S.C. § 1983)

163. Plaintiff incorporates by reference all preceding paragraphs.

164. The First Amendment provides that "Congress shall make no law... abridging... the right of the people... to petition the Government for a redress of grievances." U.S. Const. amend. I. This right applies to the States through the Fourteenth Amendment and protects the right to petition executive officials for action. *Borough of Duryea v. Guarnieri*, 564 U.S. 379, 387 (2011). While the government need not grant every petition, *id.* at 388, it may not structure its response to chill the exercise of that right. *See Susan B. Anthony List v. Driehaus*, 573 U.S. 149 (2014).

165. On February 10, 2026, Plaintiff exercised his First Amendment right to petition by submitting a criminal referral to Defendant's office under Minn. Stat. § 325F.69.

166. On February 26, 2026, Defendant's office responded with the false statement of law documented in Section V.A — disclaiming criminal investigation authority that §§ 8.01 and 8.31 confer and that Defendant exercises daily. *See Exhibit A.* The false statement is proven by Defendant's own March 4, 2026 congressional testimony. *See Exhibit D;* Section V.C.

167. The February 26 letter additionally directed Plaintiff to the FBI's Internet Crime Complaint Center — an agency under Attorney General Pam Bondi, a named defendant in Plaintiff's related federal litigation. Defendant's office knew this referral was futile: Plaintiff had informed Defendant's attorney on February 10, 2026 — the day the referral was hand-delivered — that the FBI had disconnected Plaintiff's calls twelve times upon learning he was recording. Defendant's office directed Plaintiff to an agency it knew had already rejected him, under the authority of an Attorney General Plaintiff was already suing. This is not misdirection through ignorance. It is misdirection with knowledge — to a litigation adversary that had already refused to take a report.

168. The claim is not that the government must act on every petition. The government may decline a petition. The government may not *misrepresent the law* in declining. The distinction is between silence or lawful exercise of discretion (permitted) and a false statement of law that deters the petitioner and all future petitioners from exercising their right to petition under the same statute (prohibited). The February 26 letter does not say "we decline in our discretion." It says "we have no authority" — a categorical statement that deters every Minnesota citizen who might

petition the AG under Chapter 8. *Borough of Duryea v. Guarnieri*, 564 U.S. at 388 (the right to petition protects the right to "communicate ideas" to the government and seek "redress of grievances"); *Susan B. Anthony List*, 573 U.S. at 161-64 (a false official statement that deters exercise of First Amendment rights creates cognizable injury).

169. The false statement chills future petitions. The letter's false jurisdictional disclaimer does not merely deny Plaintiff's referral — it communicates to all citizens that the AG's office lacks criminal investigation authority. Any citizen who reads the AG's website, receives a similar letter, or learns of this response is deterred from petitioning the AG for criminal investigation. This categorical chilling of future petitions satisfies the First Amendment injury requirement. *See Susan B. Anthony List v. Driehaus*, 573 U.S. 149 (2014) (credible threat deterring exercise of First Amendment rights creates injury even without completed harm).

170. The false statement is proven pretextual by Defendant's own conduct. That the February 26 letter is not a good-faith legal interpretation is established independently by Count II's evidence: Defendant told Feeding Our Future representatives "Of course I'm here to help" under the same statute he invoked to deny Plaintiff's referral. *See* Count II, ¶¶ 174-179. When the AG exercises Chapter 8 authority for political allies and disclaims that same authority for a whistleblower reporting crimes, the false statement is not a legal interpretation — it is a pretext. A pretextual denial of a citizen's petition, where the true reason is the petitioner's identity or the political inconvenience of the petition's subject matter, violates the First

Amendment. *Cf. Hartman v. Moore*, 547 U.S. 250, 256 (2006) (retaliatory prosecution violates the First Amendment when the government's stated basis is pretextual).

171. The misrepresentation constitutes an official "policy or custom" under *Monell v. Department of Social Services*, 436 U.S. 658 (1978). Section 1983 liability attaches when constitutional deprivation results from action that "implements or executes a policy statement, ordinance, regulation, or decision officially adopted or promulgated by those whose edicts or acts may fairly be said to represent official policy." *Id.* at 694. The AG's disclaimer of criminal investigation authority is the textbook definition of official policy: it appears on the AG's official website across the Swanson and Ellison administrations, in official correspondence (the February 26 letter), and in sworn congressional testimony (March 4, 2026). It is not a rogue employee's error — it is institutional policy adopted by the final policymaker. *See Pembaur v. City of Cincinnati*, 475 U.S. 469, 483 (1986) (single decision by final policymaker establishes policy for *Monell* purposes). The AG's office has trained its staff to repeat this false position to every citizen who contacts the office with a criminal complaint — constituting deliberate indifference to citizens' First Amendment petition rights under *City of Canton v. Harris*, 489 U.S. 378 (1989). This is not a failure to train. It is training in a false legal position.

172. Defendant's response — combining a false statement of law, misdirection to a litigation adversary, a proven pretextual basis, and an institutional policy of misrepresentation maintained across multiple administrations — violated Plaintiff's

First Amendment right to petition for redress of grievances, actionable under 42 U.S.C. § 1983.

B. COUNT II: EQUAL PROTECTION — SELECTIVE ENFORCEMENT OF
CHAPTER 8

(42 U.S.C. § 1983; U.S. Const. amend. XIV, § 1)

173. Plaintiff incorporates by reference all preceding paragraphs.

174. The Equal Protection Clause prohibits government officials from treating similarly situated individuals differently without a rational basis. *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000).

175. Defendant's differential treatment is documented:

Complainant	Request	Defendant's Response	Evidence Presented
Feeding Our Future Representatives (2021)	Stop investigation of their fraud	"Of course I'm here to help"; "Let's go fight these people"	Allegations only
Plaintiff (2026)	Investigate crimes against Plaintiff	"Did not delegate authority to investigate"	Forensic evidence + federal case

See **Exhibit E** (Audio Recording); **Exhibit D** (Congressional Testimony).

176. The FOF meeting attendees subsequently became campaign donors to Defendant's family — and later federal criminal defendants. The Attorney General promised to fight against public servants protecting taxpayers, on behalf of individuals stealing from taxpayers, under the same statute he invoked to deny Plaintiff's referral.

177. There is no rational basis for this differential treatment. The statutory authority is identical — § 8.31 applies to both. The disparity reveals that Defendant's exercise of Chapter 8 authority is based on the complainant's relationship to Defendant's political interests, not on evidence quality or statutory mandate. This constitutes a "class of one" Equal Protection violation under *Olech*.

178. The pattern extends beyond Plaintiff — congressional testimony established that whistleblowers in Minnesota were "treated like absolute dirt" (*see* Exhibit D).

**C. COUNT III: CHAPTER 8 MISREPRESENTATION — DECLARATORY
RELIEF**

(28 U.S.C. § 2201; Minn. Stat. §§ 8.01, 8.31)

179. Plaintiff incorporates by reference all preceding paragraphs.

180. The Declaratory Judgment Act, 28 U.S.C. § 2201, authorizes federal courts to "declare the rights and other legal relations of any interested party seeking such declaration" in cases of actual controversy.

181. An actual controversy exists: Defendant maintains — in official correspondence, on the official website, and in congressional testimony — that the Legislature "did not delegate" criminal investigation or prosecution authority to the AG's office. Minnesota Statutes Chapter 8 says otherwise. The February 26 letter and the March 4 testimony cannot both be true. This irreconcilable contradiction can only be resolved through judicial declaration of Defendant's actual statutory duties. *See* Section V (comprehensive statutory analysis).

182. Defendant's disclaimer is unique in the nation. A comprehensive survey of all 50 state Attorney General websites confirms that no other state AG places an affirmative disclaimer denying criminal investigation authority that its own statutes grant. Of the 49 comparison states, 39 maintain named criminal investigation divisions, 23 provide digital forensics or cyber crime capabilities, 31 maintain human trafficking or child exploitation units, and 48 of 49 maintain divisions capable of investigating public corruption or officer misconduct. Minnesota has none. The sole other state with disclaimer-like language — Connecticut — accurately reflects a 1984 constitutional amendment transferring criminal authority to a separate Division of Criminal Justice. Minnesota has no such constitutional basis. *See Exhibit B*, Executive Summary & Classification Summary.

**D. COUNT IV: ULTRA VIRES OFFICIAL ACT — THE FEBRUARY 26 LETTER
IS VOID**

(42 U.S.C. § 1983; U.S. Const. amend. XIV — Due Process; Minn. Stat. § 8.31)

183. Plaintiff incorporates by reference all preceding paragraphs.

184. The February 26, 2026 letter — containing the false statement of law documented in Section V.A — is an ultra vires act, an official action exceeding the lawful authority of the office, and is void ab initio.

185. The AG possesses two lawful options when receiving a criminal referral. The AG may (a) receive the referral and exercise discretion to investigate or decline, or (b) receive the referral and refer it to the appropriate county attorney under § 8.06. The

AG does *not* possess a third option: deny that any statutory authority exists. No statute authorizes the Attorney General to disclaim his own jurisdiction. No statute empowers any government official to misrepresent the law to citizens in official correspondence. The February 26 letter exercised a power — denial of the AG's own statutory jurisdiction — that does not exist in Minnesota law.

186. The distinction is between discretion and denial of authority. A lawful exercise of discretion would state: "We have reviewed your referral and decline to investigate in the exercise of our discretion under Chapter 8." That statement would be reviewable only for abuse of discretion. The February 26 letter does not say this. It says: "The Legislature did not delegate any such authority to this Office." This is not an exercise of discretion — it is a denial that discretion exists. Under *Heckler v. Chaney*, 470 U.S. 821 (1985), agency nonenforcement decisions are presumptively unreviewable — but this presumption is rebutted when an agency's refusal is based on its interpretation of its governing statute rather than on discretionary enforcement priorities. The AG's stated basis — no authority — is a statutory interpretation, not a discretionary judgment, and is therefore fully reviewable.

187. The letter is void because its stated basis is false. Minnesota Statutes §§ 8.01 and 8.31 have existed for over a century. Section 8.31, Subdivision 1 mandates: the AG "shall investigate" violations of the Prevention of Consumer Fraud Act — the very statute Plaintiff's referral cited. Six days after the letter, Defendant testified before Congress that his office prosecutes fraud "every single day" and claimed credit for "300 Medicaid fraud convictions and \$80 million recovered for taxpayers." *See Exhibit D*;

Section V.C. The AG cannot lawfully deny the existence of authority he exercises daily and boasts of under oath. An official act premised on a demonstrably false statement of law has no lawful foundation and is void from inception.

188. Minnesota criminal law confirms this principle. Minn. Stat. § 609.43 makes it a misdemeanor for a public officer to, "in the capacity of such officer," make "a return, certificate, official report, or other like document having knowledge it is false in any material respect." The February 26 letter is an official document from the AG's office, made in the AG's official capacity, containing a statement about the AG's legal authority that is false in a material respect — as proven by the AG's own congressional testimony six days later. While § 609.43 does not create a private right of action, the Legislature's decision to criminalize false official documents establishes that no public officer has lawful authority to issue them. An act the Legislature has criminalized cannot simultaneously constitute a lawful exercise of official discretion.

189. The referral was never lawfully denied. Because the letter is ultra vires and void ab initio, no valid response to Plaintiff's February 10, 2026 criminal referral has ever been issued. The referral remains pending. Plaintiff seeks a declaration that the letter is void, an order requiring Defendant to process the referral under lawful procedures — receiving and considering it on its merits rather than disclaiming jurisdiction — and injunctive relief preventing future denials premised on false statements of law. This relief does not compel a particular investigative outcome; it compels the AG to exercise the discretion the law vests in him rather than deny that discretion exists. *See Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 163 (1803) ("where

a specific duty is assigned by law, and individual rights depend upon the performance of that duty, it seems equally clear that the individual who considers himself injured, has a right to resort to the laws of his country for a remedy"); *Dunlop v. Bachowski*, 421 U.S. 560 (1975) (mandamus lies to "set discretion in motion" when an official refuses to exercise a mandatory statutory duty).

190. The institutional pattern confirms the ultra vires act is systematic. The false disclaimer is not a one-time error in a single letter. The AG's official website has maintained contradictory and understating descriptions of the office's criminal authority across multiple administrations — simultaneously claiming the office "provides legal assistance to rural county prosecutors" while elsewhere stating the Legislature "did not delegate such authority." See **Exhibit B**. This multi-administration pattern of false disclaimers deflected all criminal complaints, not just fraud — creating a systematic barrier to citizen access to the AG's criminal investigation function, including complaints about officer misconduct that § 8.31 mandates the AG investigate. The ultra vires act in the February 26 letter is one instance of an institutional practice that has operated for years to deny citizens access to lawful government functions. The very services Plaintiff's referral required — digital forensic analysis, ISP-level network investigation, statewide corporate misconduct prosecution — are openly advertised by all 49 comparison state AGs (see **Exhibit B**, Pgs. 53-108). The 50-state Classification Summary quantifies this gap across four investigative categories: 23 states maintain digital forensics or cyber crime capabilities; 23 maintain dedicated Special Investigations units; 31 maintain human trafficking or child exploitation units; and 48

of 49 maintain divisions capable of investigating public corruption or officer misconduct — from dedicated Civil Rights Divisions to Special Prosecutions units handling law enforcement corruption. *See Exhibit B*, Classification Summary. Minnesota has none of these capabilities — not because the Legislature withheld them, but because Defendant disclaims the statutory authority that would enable them. Defendant is the sole outlier: the only state AG who disclaims the authority to provide them.

E. COUNT V: UNCONSTITUTIONALITY OF MINNESOTA STATUTE § 626.89
(U.S. Const. amend. XIV, § 1; Minn. Const. art. XII, § 1)

191. Plaintiff incorporates by reference all preceding paragraphs, including Section VI (constitutional analysis of § 626.89).

192. Minnesota Statute § 626.89 violates the Equal Protection Clause of the Fourteenth Amendment because it creates an arbitrary classification favoring peace officers over other citizens and public employees without rational basis. The statute fails both rational basis review and strict scrutiny. *See Memo C*, §§ VIII, XII-XIII.

193. Section 626.89 violates Article XII, Section 1 of the Minnesota Constitution as unconstitutional special legislation granting "special or exclusive privilege, immunity" to peace officers when a general public employee discipline law could have been made applicable. *See Memo C*, §§ IV-VI, X.

194. The entire statute operates as an integrated scheme: each of its seventeen subdivisions reinforces the others to create comprehensive immunity from accountability that no single provision could achieve alone. *See* **Memo C**, §§ III, IX.

195. Standing is established through multiple independent bases. Plaintiff has standing to challenge § 626.89 on the following independent grounds, any one of which is sufficient:

(a) *Direct personal injury*: Plaintiff was subjected to unlawful detention, forced psychiatric commitment, and involuntary administration of antipsychotic medication by Minneapolis police officers — conduct the disciplinary protections of § 626.89 ensured would never result in officer accountability. (*See* Section II.A.4; Exhibit F.) Records of this incident exist at Hennepin County Medical Center and the Minneapolis Police Department.

(b) *Current chilling effect*: Plaintiff is actively engaged in the legal proceedings underlying this Complaint and the related federal litigation. Federal agents killed two Minnesota citizens in January 2026 and attempted to arrest witnesses. (*See* Section VII.A.) Plaintiff cannot safely gather evidence about federal enforcement operations because § 626.89's integrated scheme of privilege ensures that officers who abuse citizens face no meaningful discipline — creating a credible threat that chills Plaintiff's First Amendment activities.

(c) *Class-of-one Equal Protection*: Plaintiff, as a Minnesota citizen, is subject to law enforcement interactions governed by § 626.89. The statute affords officers procedural protections unavailable to Plaintiff or any other citizen, creating the unequal treatment

that *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000), holds is cognizable even absent membership in a protected class.

(d) *Bond v. United States structural standing*: Section 626.89 is the state-level implementation of the immunity framework that *Harlow v. Fitzgerald* established at the federal level. *Bond v. United States*, 564 U.S. 211 (2011), holds that individuals may challenge structural constitutional violations. The statute's integrated scheme of privilege — operating across seventeen subdivisions to create comprehensive immunity from accountability — is a structural constitutional violation affecting every Minnesota citizen's right to equal protection and due process.

196. The AG is the proper defendant under *Ex parte Young*. Defendant may argue he has no "sufficient connection" with enforcement of § 626.89. This argument fails on four independent grounds. First, under *Ex parte Young*, 209 U.S. 123, 156-57 (1908), the proper defendant is the state official with authority to enforce the challenged statute or its constitutional alternative. The AG is Minnesota's chief law enforcement officer with Chapter 8 authority over all law enforcement conduct — including the authority to investigate officer misconduct (§ 8.31) and to direct county attorneys to prosecute (§ 8.06). Second, Defendant *personally assumed prosecution* of the highest-profile police accountability case in Minnesota history — the Chauvin prosecution — directly encountering § 626.89's protections and their effect on police accountability. This is not theoretical connection; it is documented exercise of authority over the same subject matter. Third, the AG has a mandatory statutory duty to defend the constitutionality of state statutes when challenged — which Defendant is

doing by moving to dismiss this Complaint. By defending § 626.89's constitutionality, Defendant has voluntarily assumed the role *Ex parte Young* requires. Fourth, even if no single state official "enforces" § 626.89, the AG is the only statewide official positioned to provide relief — county attorneys, the POST Board, and individual police departments each enforce fragments, but only the AG has statewide authority to address the integrated scheme of privilege across all jurisdictions. If the AG is not the proper defendant, no one is — and an unconstitutional statute becomes permanently unreviewable. That cannot be the law. *See also* Section V (documenting that the AG exercises Chapter 8 authority over law enforcement daily); Section V.K (documenting that 48 of 49 comparison states maintain AG divisions capable of investigating officer misconduct).

197. Colorado's experience refutes the policy justification. If § 626.89's protections were necessary for effective policing, their elimination would produce measurable adverse effects. Colorado eliminated qualified immunity for state civil rights claims in 2020 (SB 20-217). No reported adverse impact on police recruitment, retention, or willingness to perform duties has followed. The policy justification for § 626.89 — that officers need these protections to function — is empirically refuted by the experience of a state that removed comparable protections and continued to police effectively. *See Memo B*, Section XI.D (state abolition evidence).

F. COUNT VI: OBSTRUCTION OF FEDERAL JUSTICE — § 1985(2)
(42 U.S.C. § 1985(2))

198. Plaintiff incorporates by reference all preceding paragraphs.

199. Statutory Framework. 42 U.S.C. § 1985(2) creates a cause of action against "two or more persons" who conspire "to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully" or who conspire "to impede, hinder, obstruct, or defeat, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws." The first clause — deterring parties in federal proceedings — does not require class-based discriminatory animus. *See Haddle v. Garrison*, 525 U.S. 121, 125-27 (1998) (expanding § 1985(2) to cover retaliation against parties in federal proceedings).

200. The Federal Proceeding. At the time of Defendant's denial of Plaintiff's criminal referral, Plaintiff was an active party in *Kirchner v. Johnson et al.*, No. 1:25-cv-02735-ACR (D.D.C.) — a fifteen-count complaint against President Trump, Speaker Johnson, Attorney General Bondi, FCC Chairman Carr, Anthropic, OpenAI, Apple, Comcast, and METR, pending before Judge Ana C. Reyes. Defendant's office was informed of this litigation on February 10, 2026, during the meeting to deliver the criminal referral.

201. The Criminal Referral Was the Implementation of a Federal Court Prayer for Relief. In the First Amended Complaint filed in the D.D.C. action on September 29, 2025, Plaintiff requested that the Court "[r]efer case to state prosecutors independent of compromised federal apparatus for investigation and prosecution of:

wire fraud, false government statements, conspiracy to defraud, RICO enterprise, computer fraud, wiretap violations, obstruction of justice, and related state law violations." *See* ECF No. 5, ¶675, *Kirchner v. Johnson*, No. 1:25-cv-02735-ACR (D.D.C.). The February 10, 2026 criminal referral to Defendant was the direct implementation of that prayer — an effort to activate state-level investigative support for active federal litigation.

202. The Obstruction. Defendant's office responded on February 26, 2026 with a false statement of law denying the existence of the authority Plaintiff sought to activate — then misdirected Plaintiff to the FBI, an agency under Attorney General Bondi, a named defendant in the very federal case whose prayer for relief the referral implemented. Defendant's office knew the FBI had already rejected Plaintiff twelve times. The false denial combined with knowing misdirection to a litigation adversary obstructed the state-level support Plaintiff's federal case explicitly sought. This is not a failure to act — it is an affirmative obstruction of the due course of federal justice through a false statement of law that blocked the sole independent investigative pathway available to a party in active federal litigation.

203. Concerted Action. The false disclaimer that obstructed Plaintiff's federal prayer for relief was not a single act by a single individual. It is an institutional policy maintained across multiple administrations — from the Swanson administration through the Ellison administration — constituting concerted action among successive officeholders. The denial letter, the website disclaimer, and the congressional testimony represent coordinated institutional conduct by "two or more persons" within

the meaning of § 1985(2). Additionally, Defendant's misdirection of Plaintiff to the FBI — an agency under the control of a named defendant in Plaintiff's federal case — constitutes coordination, whether intentional or through institutional alignment, between the state official denying the referral and the federal apparatus Plaintiff's federal complaint identified as compromised.

204. Overt Acts. The following overt acts were performed in furtherance of the obstruction: (a) issuance of the February 26, 2026 denial letter containing a false statement of law, on official letterhead, in response to a referral the AG's office knew was connected to active federal litigation; (b) misdirection of Plaintiff to the FBI — an agency Plaintiff had informed the AG's office had already rejected him twelve times, under the authority of a named federal defendant; (c) continued maintenance of the false website disclaimer that communicates to all citizens that the AG lacks criminal investigation authority; and (d) filing a Motion to Dismiss this Complaint — seeking judicial closure of the state-court remedy Plaintiff pursued after the federal referral pathway was obstructed.

205. Injury. The obstruction injured Plaintiff by: (a) blocking the state investigative support his federal complaint explicitly requested, forcing Plaintiff to pursue three federal cases without the forensic assistance, expert resources, and investigative capabilities that 49 other state AGs provide and that § 8.31 entitled Plaintiff to receive; (b) increasing Plaintiff's litigation burden and personal sacrifice by eliminating the state pathway Congress voted 99-1 to preserve; (c) denying Plaintiff equal protection by providing investigative assistance to political allies (*see* COUNT II,

¶¶ 174-179) while obstructing a federal litigant's implementation of a court prayer for relief; and (d) enabling continued harm from the criminal conduct documented in the referral — conduct that state investigation could have deterred or remedied.

206. The intracorporate conspiracy doctrine does not bar this claim. Defendant may argue that successive officeholders within the same state agency cannot constitute "two or more persons" under § 1985(2). This argument fails for three reasons. First, the first clause of § 1985(2) — deterring parties in federal proceedings — reaches any person who obstructs federal justice; the intracorporate doctrine applies to the second clause's class-based animus requirement, which Plaintiff does not invoke. *See Haddle v. Garrison*, 525 U.S. 121, 125-27 (1998). Second, the concerted action here involves alignment between a *state* official (Defendant) and *federal* entities (the FBI/DOJ to which Defendant misdirected Plaintiff) — separate sovereigns, not a single entity. Third, even within a single entity, the doctrine does not protect officials who act outside the scope of their authority — and an ultra vires false statement of law (Count IV) is by definition outside official authority.

207. This count captures a harm distinct from the other five counts. Counts I through V address the AG's misrepresentation of Chapter 8 authority and its consequences for Plaintiff's state-law rights. This count addresses the AG's obstruction of Plaintiff's federal litigation — a different injury arising from the same conduct. The false denial did not merely block a state criminal referral. It obstructed the state-level implementation of a federal court prayer for relief, interfering with an active federal party's ability to access the independent investigative resources his federal case sought

to activate. That interference with federal proceedings is the specific harm § 1985(2) was enacted to remedy.

G. No Federal Party Required

208. Each cause of action concerns Defendant's own conduct. Complete relief is available against Defendant alone. The Court can declare what Minnesota law requires, order correction of false statements, and enjoin continued selective enforcement — all without any federal party. The severability provision in Section XI.E confirms that state claims stand independently.

XI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff JOSEPH KIRCHNER respectfully prays that this Court grant the following relief, organized by the party against whom relief is sought:

Cross-Reference: Causes of Action to Relief Sought

Cause of Action (Section X)	Description	Relief Sought
Count I	First Amendment — False statement denying petition	Section XI.A.1
Count II	Equal Protection — Selective enforcement of Chapter 8	Section XI.A.2
Count III	Chapter 8 Misrepresentation — Declaratory relief	Section XI.A.3
Count IV	Ultra Vires Official Act — February 26 letter void	Section XI.A.4
Count V	Unconstitutionality of § 626.89	Section XI.A.5
Count VI	Obstruction of Federal Justice — § 1985(2)	Section

		XI.A.7
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A. PRIMARY RELIEF — CLAIMS AGAINST DEFENDANT KEITH ELLISON

The following relief is sought directly against Defendant Keith Ellison in his official capacity as Attorney General of Minnesota (declaratory and injunctive relief) and in his individual capacity (damages). **Each item is fully justiciable against Defendant alone and requires no federal party.**

1. Count I Relief — First Amendment (Petition for Redress)

209. DECLARE that Defendant's response to Plaintiff's criminal referral — combining a false statement of law with misdirection to a litigation adversary — violated Plaintiff's First Amendment right to petition for redress of grievances, actionable under 42 U.S.C. § 1983;

210. ORDER Defendant to respond to Plaintiff's February 10, 2026 criminal referral in accordance with the mandatory duties established by Minn. Stat. § 8.31, Subd. 1.

2. Count II Relief — Equal Protection (Selective Enforcement)

211. DECLARE that Defendant's differential treatment of Plaintiff's criminal referral — dismissing it with a false statement of law while prosecuting other fraud complaints under identical statutory authority — violates the Equal Protection Clause of the Fourteenth Amendment;

212. ENJOIN Defendant from continuing the selective enforcement pattern by ordering that fraud referrals citing § 8.31 receive consistent treatment regardless of the identity of the complainant.

3. Count III Relief — Chapter 8 Declaratory and Injunctive Relief

213. DECLARE that Minn. Stat. § 8.31 grants the Attorney General independent, mandatory authority to investigate violations of the Prevention of Consumer Fraud Act without any prerequisite request from county attorneys or the governor;

214. DECLARE that the February 26, 2026 letter misrepresented Minnesota law;

215. DECLARE that Minn. Stat. Chapter 388, which grants county attorneys "original jurisdiction" over felony prosecution, does not grant *exclusive* jurisdiction and does not limit the AG's independent authority under Chapter 8;

216. DECLARE that Minn. Stat. § 8.06 establishes that prosecutorial authority flows from the AG to county attorneys — not the reverse;

217. DECLARE that internal office policy — whether claiming "limited jurisdiction," "delegated authority to county attorneys," or "provides assistance" — cannot supersede the statutory grants of Chapter 8;

218. ORDER Defendant to correct all false statements on the AG's official website regarding criminal investigation and prosecution authority within 30 days;

219. ORDER Defendant to remove all language that understates, disclaims, or contradicts Chapter 8 authority and replace it with an accurate description of the authority granted by §§ 8.01 and 8.31;

220. ORDER Defendant to publish a public acknowledgment that prior descriptions of the office's authority — maintained across multiple administrations — misrepresented Minnesota law, and that citizens may report criminal matters directly to the AG's office;

221. ORDER Defendant to produce within 60 days all records identifying who authorized the false jurisdictional claims, all internal policies instructing staff on responding to criminal complaints, and all communications regarding the jurisdictional claims on the website or in official correspondence.

4. Count IV Relief — Ultra Vires Official Act

222. DECLARE that the February 26, 2026 letter is an ultra vires act — exceeding the lawful authority of the Attorney General's office — and is void ab initio, having no legal effect;

223. DECLARE that no statute authorizes the Attorney General to disclaim statutory jurisdiction that Minnesota Statutes Chapter 8 confers, and that official correspondence premised on a false statement of law is outside the AG's lawful authority;

224. ORDER Defendant to receive and process Plaintiff's February 10, 2026 criminal referral under lawful procedures — considering the referral on its merits in the exercise of the discretion Chapter 8 vests — within 60 days of this Court's order;

225. ORDER Defendant to correct all false statements on the AG's official website regarding criminal investigation and prosecution authority, and to remove all language that disclaims or contradicts Chapter 8 authority, within 30 days;

226. ENJOIN Defendant from issuing future official correspondence or maintaining public-facing materials that deny, disclaim, or understate the statutory authority granted by Minnesota Statutes Chapter 8.

5. Count v Relief— Unconstitutionality of § 626.89

227. DECLARE that Minn. Stat. § 626.89 is unconstitutional under the Equal Protection Clause of the Fourteenth Amendment as an arbitrary classification favoring peace officers without rational basis;

228. DECLARE that § 626.89, Subd. 17(d), which permits chief law enforcement officers to disregard civilian oversight recommendations, is unconstitutional;

229. DECLARE that § 626.89's procedural protections constitute special protections not afforded to other public employees or citizens, in violation of Article XII, Section 1 of the Minnesota Constitution (prohibition on special legislation);

230. DECLARE that § 626.89's protections contribute to documented racial disparities in law enforcement, warranting strict scrutiny under the Fourteenth Amendment;

231. ORDER that pending legislative reform, civilian oversight committees shall have binding authority over disciplinary recommendations, notwithstanding § 626.89, Subd. 17(d).

6. Legal Relief— Damages Under § 8.31, Subd. 3A and 42 U.S.C. § 1983

232. AWARD Plaintiff damages pursuant to Minn. Stat. § 8.31, Subd. 3a, which provides that "[a]ny person injured by a violation of any of the laws referred to in subdivision 1 may bring a civil action and recover damages, together with costs and disbursements, including costs of investigation and reasonable attorney's fees, and receive other equitable relief as determined by the court." Plaintiff is a person injured by Defendant's failure to perform the mandatory duties § 8.31, Subd. 1 imposes. The

Legislature anticipated that the AG might fail to enforce the consumer fraud and trade practice laws and created this private enforcement mechanism in the same statute Defendant misrepresents.

233. AWARD Plaintiff costs of investigation incurred as a direct consequence of Defendant's misrepresentation of law. Plaintiff's criminal referral documented crimes requiring digital forensics analysis, network-level ISP investigation, and statewide corporate misconduct prosecution — capabilities that twenty-three of fifty state AGs maintain through dedicated cyber crime units, twenty-three through Special Investigations units, and thirty-one through child exploitation units. Had Defendant honestly acknowledged his § 8.31 authority and evaluated the referral on its merits, Plaintiff would have had access to the investigative resources the Legislature created for exactly this purpose. Instead, Defendant's false statement forced Plaintiff to perform this investigative work alone — compiling 63,000 forensic files, preparing 285 exhibits, filing three federal cases across two jurisdictions, conducting a comprehensive 50-state AG survey, and retaining no expert assistance because every forensic professional who reviewed the evidence declined involvement upon learning of federal government defendants. The costs of investigation § 8.31, Subd. 3a provides are not abstract. They are the measurable cost of what one citizen spent doing what the state refused to do — and refused on the basis of a lie.

234. AWARD Plaintiff compensatory damages under 42 U.S.C. § 1983 for the constitutional deprivation caused by Defendant's false statement of law, including but not limited to:

(a) Economic losses from the forced diversion of resources to alternative remedies that would have been unnecessary had Defendant accurately stated the law — including lost income, depleted savings, and damaged credit incurred while Plaintiff pursued at personal expense the equitable relief the state should have shared;

(b) The cost of forensic expert assistance that Plaintiff was unable to obtain — not because the evidence was disputed, but because professionals declined involvement upon learning that named federal defendants included the President, the Attorney General of the United States, and the Speaker of the House, creating a chilling effect on private-sector forensic cooperation that only state investigative resources could have overcome;

(c) The value of the investigative work product Plaintiff created — including the 50-state AG survey, network forensic evidence packages, AI system prompt audits, and constitutional analysis spanning three federal cases — work that serves the public interest of all Minnesota citizens and that the AG's office was statutorily obligated to share under § 8.31;

(d) Non-economic damages for the personal sacrifice, isolation, health consequences, and destruction of personal relationships resulting from Plaintiff's assumption of responsibilities the Legislature assigned to the state — sacrifices that were necessary only because Defendant misrepresented the law and blocked the sole independent investigative pathway available to a citizen whose federal remedies were compromised.

See Memphis Community School District v. Stachura, 477 U.S. 299 (1986)

(compensatory damages under § 1983 measured by injury caused by constitutional violation, including consequential harm).

235. The purpose of legal relief is to enable Plaintiff to complete the equitable relief Defendant's misrepresentation obstructed. Plaintiff does not claim entitlement to a particular investigative outcome. Plaintiff claims entitlement to what Chapter 8 guarantees every Minnesota citizen who brings evidence of statewide criminal conduct to the Attorney General: an honest review of that evidence under an accurate representation of the laws governing the office. Defendant provided neither. He misrepresented the law and refused to review the evidence. The damages sought are restorative — they restore to Plaintiff the capacity to obtain privately what the Constitution required the state to provide honestly. If the state will not conduct or facilitate the forensic investigation that § 8.31 mandates, then Plaintiff must purchase that assistance independently — and the legal relief this Court awards is the means by which a citizen acquires the investigative support the Legislature guaranteed and Defendant denied through a false statement of law. Three federal cases remain pending. The evidence is real. The constitutional violations are documented. What is missing is the honest exercise of state authority that 49 other Attorneys General provide as a matter of course.

236. AWARD Plaintiff punitive damages under 42 U.S.C. § 1983 for Defendant's reckless and callous indifference to Plaintiff's federally protected rights — demonstrated by maintaining a false legal position for over a decade, across multiple

administrations, contradicted by Defendant's own daily prosecutorial activity and own congressional testimony, while citizens were turned away from the statutory remedies the Legislature guaranteed. The AG's office knew the disclaimer was false — proven by the March 4, 2026 congressional testimony in which Defendant exercised the very authority the February 26 letter denied. Maintaining a known falsehood that causes documented harm to citizens exercising their First Amendment right to petition constitutes the reckless indifference *Smith v. Wade*, 461 U.S. 30 (1983), requires for punitive damages under § 1983.

237. AWARD Plaintiff reasonable attorney's fees, litigation costs, and costs of investigation pursuant to 42 U.S.C. § 1988 and Minn. Stat. § 8.31, Subd. 3a. Plaintiff has acted as a private attorney general vindicating a policy the Legislature considered of the highest priority — the mandatory investigation of consumer fraud and trade practice violations — and compelling the accurate exercise of statutory duties that benefit all Minnesota citizens. The work Plaintiff performed — the 50-state survey, the forensic evidence packages, the constitutional analysis — is work the AG's office should have performed or facilitated. That Plaintiff performed it alone, at the cost of everything he had, does not diminish the entitlement to compensation. It increases it. *See Newman v. Piggie Park Enterprises*, 390 U.S. 400 (1968) (prevailing plaintiff in civil rights action acts as "private attorney general" vindicating policy of highest priority; fees presumptively available).

7. Count VI Relief — Obstruction of Federal Justice (§ 1985(2))

238. DECLARE that Defendant's false denial of Chapter 8 authority, combined with knowing misdirection to a conflicted federal agency, obstructed the state-level implementation of Plaintiff's federal court prayer for relief in *Kirchner v. Johnson*, No. 1:25-cv-02735-ACR (D.D.C.);

239. DECLARE that the institutional policy of disclaiming criminal investigation authority — maintained across multiple administrations on the AG's official website — constitutes concerted action obstructing citizen access to state investigative resources for federal proceedings;

240. ORDER Defendant to cease maintaining false jurisdictional disclaimers that obstruct citizens' ability to seek state-level investigative support for federal litigation.

B. RELATED DECLARATORY RELIEF — ACCOUNTABILITY FRAMEWORK

The following relief is purely declaratory. Declaratory relief asks the court to state what the law means — it does not enjoin any party. No federal party is required because law is not a party that can be joined; courts declare statutory and constitutional meaning in every case before them. These declarations are necessary to resolve the state claims because Defendant's position rests on the premise that federal doctrine justifies his Chapter 8 inaction — that shadow docket practice legitimately enables the enforcement operations he declines to challenge, and that qualified immunity legitimately shields the officers he declines to investigate. Declaring what federal law actually requires is prerequisite to adjudicating whether Defendant's abdication of state

duties is lawful. *Bond v. United States*, 564 U.S. 211 (2011), confirms citizen standing to seek such declarations when government fails to enforce structural constitutional limits.

1. SCOTUS Shadow Docket — Declaratory Relief

241. DECLARE that 28 U.S.C. § 2101(f) limits Supreme Court stay authority to cases involving "final judgment or decree," and that SCOTUS exercises ultra vires jurisdiction when granting stays in interlocutory matters;

242. DECLARE that SCOTUS cannot expand its own statutory jurisdiction through practice—only Congress may do so under the Exceptions Clause, U.S. Const. art. III, § 2, cl. 2;

243. DECLARE that the Supreme Court's expansion of stay jurisdiction beyond statutory limits, documented across 80+ emergency applications from 2017-2025, constitutes a separation of powers violation cognizable under *Bond v. United States*, 564 U.S. 211 (2011).

2. Qualified Immunity — Constitutional Violations

244. DECLARE that the Constitution's sole immunity provision—Article I, § 6 (Speech or Debate Clause for legislators)—establishes that immunity expansion requires Article V constitutional amendment, not judicial creation;

245. DECLARE that *Harlow v. Fitzgerald*, 457 U.S. 800 (1982), and its progeny violate the eight constitutional provisions identified in Section VII.D (Article I § 6, Article III, Article IV § 2, Article V, Article VI cl. 2, Amendments VII, IX, and XIV) by judicially creating immunity that the Constitution does not authorize.

3. Constitutional Minimum Standards

246. DECLARE the constitutional minimum standards that must govern all law enforcement conduct in Minnesota:

- **Fourth Amendment:** No search or seizure without probable cause and particularity;
- **Fifth Amendment:** No deprivation of life, liberty, or property without due process;
- **Fourteenth Amendment:** Equal protection of the laws for all persons;

247. DECLARE that Colorado's achievement in eliminating qualified immunity for state claims—through C.R.S. § 13-21-131—demonstrates that accountability reform is achievable without impairing law enforcement effectiveness.

4. Legislative Response Period

248. Retained Jurisdiction: REQUEST that this Court retain jurisdiction for 180 days following entry of declaratory judgment to allow the Minnesota Legislature opportunity to enact conforming legislation that addresses the constitutional deficiencies identified herein;

249. Conditional Injunction: ORDER that if the Legislature fails to act within 180 days, the injunctive relief specified herein shall take effect automatically, establishing civilian oversight binding authority and accountability mechanisms by judicial decree.

C. EMERGENCY RELIEF — FEDERAL CONDUCT

Joinder Note: The following relief addresses federal conduct that has killed two Minnesota citizens. FRCP 19(a) does not require joinder of federal parties for *declaratory* relief because courts declare what the law means—law is not a party that

can be joined. To the extent any *injunctive* relief would require federal party joinder, that relief is severable—this Court should proceed with declaratory relief while injunctive claims are pursued in *Kirchner v. Johnson*, No. 1:25-cv-02735-ACR (D.D.C.).

1. Emergency Declaratory Relief

250. DECLARE that "absolute immunity" as proclaimed by Vice President Vance within 24 hours of the January 7, 2026 Minneapolis killing does not exist in American law and cannot be created by executive proclamation;

251. DECLARE that the complete redaction of ICE Directive 19009.3 (Firearms and Use of Force) following the January 7, 2026 killing—after previously providing partial redactions—constitutes consciousness of guilt and obstruction of civilian oversight.

2. Request for Criminal Referral

252. Criminal Referral: REQUEST that this Court refer the documented evidence of potential federal crimes to the appropriate authorities, recognizing that:

- The Attorney General of the United States (Pam Bondi) is named defendant in Plaintiff's D.C. litigation and has conflicts precluding investigation;
- The Minnesota Attorney General has abdicated Chapter 8 authority to investigate;
- An independent prosecutorial mechanism is constitutionally required when all normal channels are conflicted.

D. GENERAL RELIEF

253. Costs and Fees: AWARD Plaintiff the costs of this action and reasonable attorney's fees to the extent permitted by law;

254. Further Relief: GRANT such other and further relief as the Court deems just and proper.

E. SEVERABILITY AND BOND STANDING

255. Severability: Plaintiff requests that the Court treat each item of relief as severable. If the Court determines it lacks jurisdiction to grant certain relief—particularly relief directed at federal conduct—Plaintiff requests that the Court proceed with relief against Defendant on the state law claims, which stand independently. The state claims (Minnesota Statute § 626.89, Chapter 8 statutory duties, First Amendment petition violation, Equal Protection selective enforcement) require no federal party and are fully justiciable against Defendant alone.

256. Severability Cannot Exile Claims to Political Process: However, severability cannot be used to relegate the § 2101(f) and *Harlow* claims to political-process-only status. *Bond* specifically protects the citizen's ability to seek judicial vindication of structural constitutional principles "without having to rely solely upon the political processes that control a remote central power." 564 U.S. at 221 (quoting *Gregory v. Ashcroft*, 501 U.S. 452, 458 (1991)). Federalism "allows States to respond, through the enactment of positive law, to the initiative of those who seek a voice in shaping the destiny of their own times." *Id.* If this Court concludes it cannot declare what § 2101(f) means or what the Constitution requires for immunity expansion—and the D.C. court cannot, and the Florida court cannot, because SCOTUS can never be a party anywhere—then the citizen has no judicial avenue. The citizen is relegated to

advocacy, to hoping Congress acts, to standing on a milk crate and preaching to passersby. That is precisely what *Bond* says the constitutional structure forbids. The Constitution exists so that citizens can shape law through judicial process, not merely petition a "remote central power" for political relief that never comes. If severability means "pursue these claims through Congress," then severability violates *Bond*.

257. *Bond v. United States* Standing for Separation of Powers Claims: Plaintiff asserts standing under *Bond v. United States*, 564 U.S. 211 (2011), to challenge separation of powers violations—specifically, the Supreme Court's practice of exceeding statutory jurisdiction under 28 U.S.C. § 2101(f) and creating immunity doctrine without constitutional amendment (*Harlow v. Fitzgerald*). *Bond* held unanimously that individuals may challenge structural constitutional violations when government acts "in excess of its lawful powers". 564 U.S. at 221-22.

258. The Enforcement Void Justifies Citizen Standing: *Bond* established that "fidelity to principles of federalism is not for the States alone to vindicate." *Id.* at 222. When Congress will not enforce § 2101(f), when the Executive benefits from SCOTUS exceeding that limit, and when state attorneys general abdicate their Chapter 8 duties — the citizen inherits the right to seek judicial declaration of what the law requires. The comprehensive legal analysis supporting concurrent jurisdiction and declaratory authority is set forth in the accompanying memoranda and is incorporated by reference.

259. The declaratory relief sought is ordinary judicial function. Plaintiff does not ask this Court to overrule or enjoin the Supreme Court. Plaintiff asks this Court to declare what statutes and constitutional provisions mean — the same function state

courts perform daily when interpreting the Fourth Amendment, § 1983, and the Fourteenth Amendment. The comprehensive legal analysis supporting this Court's concurrent jurisdiction and declaratory authority — including *Nashville, Chattanooga & St. Louis Ry. v. Wallace*, 288 U.S. 249 (1933); *Testa v. Katt*, 330 U.S. 386 (1947); *Steffel v. Thompson*, 415 U.S. 452 (1974); *Pulliam v. Allen*, 466 U.S. 522 (1984); and Minn. Stat. §§ 555.01-.12 — is set forth in the accompanying memoranda and is incorporated by reference.

260. Concrete Injury: Plaintiff's injury is concrete: the Supreme Court's § 2101(f) violations enabled the federal enforcement operations that killed two Minnesota citizens; those operations simultaneously targeted Plaintiff's communications while gathering evidence for this litigation; and the Attorney General's Chapter 8 abdication—enabled by the same immunity structure—denied Plaintiff's criminal referral through a false statement of law. The chain from judicial overreach to executive impunity to state abdication to bodies in Minneapolis is direct and documented.

261. Bond's Unexplored Potential: *Bond v. United States* was decided 9-0 in 2011. Its holding that individuals may challenge structural constitutional violations when government fails has not been fully tested. Plaintiff submits that *Bond* provides the framework for citizen enforcement of separation of powers principles when all three branches fail—and that this Court has both the jurisdiction and the duty to declare that congressional limits on judicial power exist and are cognizable.

F. STANDING FRAMEWORK FOR ENUMERATED CONSTITUTIONAL VIOLATIONS

262. The 1938 Merger's Unexamined Collapse of Standing Doctrines: The merger of law and equity in 1938 collapsed historically distinct standing requirements without constitutional analysis. Before merger, equity courts applied different standing rules than courts of law. A citizen seeking equitable relief against governmental action exceeding constitutional limits did not require the same "particularized injury" demanded in legal actions for damages. The Supreme Court's standing jurisprudence since *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992), has not examined whether the injury-in-fact requirement applies with equal force to equitable claims challenging enumerated constitutional violations.

263. Article III's Law/Equity Distinction Removes Standing Concerns: Constitutional claims divide into two categories with distinct standing requirements. Article III "Equity" encompasses equitable claims for violations of enumerated constitutional provisions—where the Constitution itself assigns power to a specific branch or officer, and a coordinate actor exceeds that assignment. Article III "Law" encompasses legal claims under statutes, where *Lujan's* particularized injury requirement applies because Congress, not the Constitution, created the right. Plaintiff's claims fall within Article III equity jurisdiction: they challenge violations of enumerated constitutional structure, not statutory entitlements.

264. Process Challenges Distinguished from Violation Claims: The cases denying citizen standing—*Fairchild v. Hughes*, 258 U.S. 126 (1922); *Frothingham v.*

Mellon, 262 U.S. 447 (1923); *Lujan*, 504 U.S. 555—involved process challenges: claims that government failed to follow proper procedures in enacting otherwise valid laws. These cases do not control violation claims: challenges to government action that exceeds enumerated constitutional limits. *Bond v. United States*, 564 U.S. 211 (2011), confirms this distinction by recognizing citizen standing to challenge structural constitutional violations.

265. *Bond v. United States*: The Framework Already Exists: In *Bond*, the Supreme Court unanimously held that individuals may challenge federal action as violating structural constitutional principles. The Court explained: "Federalism secures to citizens the liberties that derive from the diffusion of sovereign power." 564 U.S. at 222. "An individual has a direct interest in objecting to laws that upset the constitutional balance between the National Government and the States when the enforcement of those laws causes injury that is concrete, particular, and redressable." *Id.* The Court drew an explicit analogy to separation of powers: "Just as it is appropriate for an individual, in a proper case, to invoke separation-of-powers or checks-and-balances constraints, so too may a litigant, in a proper case, challenge a law as enacted in contravention of constitutional principles of federalism." *Id.* at 223.

266. Constitutional Enumeration Creates the Right; Violation Creates the Injury: When the Constitution assigns power to a specific branch or officer—"The President shall have Power to grant Reprieves and Pardons," U.S. Const. art. II, § 2; "The Congress shall have Power To declare War," U.S. Const. art. I, § 8, cl. 11—the enumeration itself creates a citizen's right to governance within those structural limits.

Violation of enumerated limits injures that right. The injury is not abstract or generalized; it is the concrete deprivation of constitutional governance that the structural distribution of powers was designed to secure. As *Bond* recognized, "fidelity to the Constitution is not for the Government alone to vindicate." *See* 564 U.S. at 222.

267. Application to Plaintiff's Claims: Plaintiff challenges: (a) the Attorney General's abdication of Chapter 8 statutory duties that parallel enumerated constitutional obligations to defend Minnesota's sovereignty; (b) SCOTUS's exercise of stay jurisdiction exceeding statutory limits under 28 U.S.C. § 2101(f); and (c) judicial expansion of immunity doctrine without Article V amendment. Each claim involves enumerated constitutional or statutory limits violated by coordinate government actors. Under Article III equity jurisdiction, Plaintiff possesses standing because the constitutional and statutory enumerations create rights, and the violations injure those rights. *Lujan's* particularized injury requirement, developed for legal claims at law, does not bar equitable relief for enumerated constitutional violations.

268. Reference to Comprehensive Framework: Plaintiff has developed this standing framework comprehensively in *Kirchner v. Acosta*, No. 9:26-cv-80296-RMM (S.D. Fla.), including: Memorandum A (The Recovery of Equitable Standing for Enumerated Constitutional Violations); Memorandum B (The Madisonian Separation of Powers Objective Compliance Test); and Memorandum C (The Constitutional Necessity of Judicial Recognition of Separation of Powers Violations). These memoranda are filed in the Southern District of Florida proceeding and are available to this Court upon request. The framework demonstrates 100% accuracy when applied to

nine Supreme Court separation of powers decisions spanning 1935-2020, validating its methodological soundness.

269. The Standing Question Reduces to Two Dispositive Inquiries: Despite the thorough historical analysis of Law versus Equity and Standing Doctrine in the Florida memoranda, the comprehensive framework rests on two propositions. First, equitable standing exists for enumerated constitutional violations. *Cook v. United States*, 288 U.S. 102, 118-19 (1933), distinguishes law — requiring particularized injury — from equity — permitting standing for constitutional enforcement without the same injury requirements. Second, constitutional text must be interpreted consistently across all provisions. Madison's textual consistency principle holds that words "chosen with a studied discrimination" must yield the same interpretive result across all constitutional provisions; the same structural analysis that applies to one enumerated power applies to all. *See* Report on the Virginia Resolutions. Once *Cook* is accepted as authority for equitable standing and Madison's textual consistency principle is confirmed, the comprehensive historical analysis serves evidentiary purposes — demonstrating *why* the distinction existed, *how* the 1938 merger collapsed it without constitutional analysis, and *what* consequences follow. The legal question is simple: equity historically permitted standing for constitutional enforcement that law did not, and the Constitution must be interpreted consistently.

The Human Cost of a False Statement of Law

270. The Court will evaluate this Complaint under legal standards — standing, ripeness, the elements of each cause of action. That is proper. But before the Court

turns to the legal analysis, Plaintiff asks the Court to understand what the false statement of law cost one person.

271. Plaintiff sacrificed everything he owns to the work documented in these three federal cases. His relationships. His savings. His credit. His health. His future as he understood it. Not for personal gain — the criminal referral asked for nothing for Plaintiff — but because the evidence he gathered documents crimes affecting every person in this state: mass surveillance through ISP infrastructure, AI platforms removing child safety protections, corporate misconduct enabled by regulatory capture, and a constitutional crisis spanning all three branches of federal government. The work is real. The evidence fills 63,000 forensic files. Three federal courts are adjudicating it. Forensic experts who have reviewed the evidence do not dispute it — they decline to assist only upon learning of federal government involvement. The work exists because one person decided it mattered enough to give up everything else.

272. When that person brought the evidence to the one official the Legislature designated to receive it — the Attorney General of Minnesota, under the mandatory language of § 8.31 — he was not met with a lawful denial. He was not met with an honest evaluation. He was not met with a good-faith exercise of discretion. He was met with a false statement of law: "The Legislature did not delegate such authority to this Office." That statement is false. The AG exercises the authority it disclaims every day. Forty-nine other state AGs acknowledge equivalent authority openly. The 50-state survey proves this office is the sole outlier in the nation.

273. Plaintiff does not ask the Court to evaluate the merits of the criminal referral. Plaintiff asks the Court to recognize what happens to a person who sacrifices everything to serve the public interest — who compiles the evidence, files the cases, documents the constitutional violations — and is then turned away by the one official who was supposed to help, with a lie. That person does not step back to a normal life. There is no normal life. The same responsibilities remain — the same cases, the same evidence, the same constitutional emergency — but now without the help, or the honesty, that the law guaranteed. The weight does not decrease because the AG misrepresented the law. It increases — because the citizen must now carry alone what the Legislature intended the state to share.

274. Chapter 8 guarantees, at minimum, that when a citizen brings evidence of statewide criminal conduct to the Attorney General, the Attorney General will honestly evaluate it under his statutory authority. Defendant did not do this. He did not say "we have reviewed your evidence and decline in our discretion." He said the authority does not exist. That is a different thing. One is governance. The other is abandonment by deception. And the person abandoned does not forget that the law promised something different.

A Call to Minnesota Leadership

275. Plaintiff began this action believing the AG's office would correct course once the misrepresentation was identified. That belief is gone. The February 26 letter, the March 4 congressional testimony, and the Motion to Dismiss — filed after Plaintiff documented the false statement and its national uniqueness — demonstrate that the

misrepresentation is not inadvertent. It is defended. Plaintiff therefore holds the State of Minnesota accountable through its Attorney General's office for the consequences of a decade-long misrepresentation of law that is without parallel in American state governance.

276. Plaintiff believes in Minnesota. He stood on Nicollet Avenue five days after George Floyd was killed, holding a sign that read "One People, One Bill of Rights," because he believed Minnesota could lead. When Colorado responded to what happened in Minnesota by eliminating qualified immunity for state civil rights claims, Plaintiff believed Minnesota would follow. Minnesota did not act. Concurrent with the original filing of this action, Plaintiff distributed an open letter to law enforcement leadership throughout Minnesota inviting support for accountability reform. Not one agency responded. Minneapolis Police Chief Brian O'Hara has stated that Minnesota completed 2025 with zero officer-involved shootings — proof that Minnesota officers already possess the professionalism and restraint that qualified immunity assumes they lack. The disciplinary vacuum that existed before May 25, 2020 remains substantially unchanged, and now two more citizens are dead. Belief in Minnesota does not preclude holding Minnesota accountable. It requires it.

277. This Complaint asks Minnesota to lead — not by following federal doctrine that this Court cannot overrule, but by exercising the sovereignty that federalism reserves to the states and by accepting responsibility for the harm its chief legal officer caused. A declaratory judgment that Minnesota Statute § 626.89 is unconstitutional will enhance the rights of every person within Minnesota's jurisdiction. An order

correcting the Chapter 8 misrepresentation will restore the investigative pathway the Legislature created. And legal relief — including the costs of investigation Plaintiff was forced to bear alone because the AG misrepresented the law — will begin to remedy the concrete harm that one citizen absorbed while doing work the state should have shared.

278. Plaintiff does not ask this Court to solve problems beyond its jurisdiction. Plaintiff asks this Court to solve the problems within it: declare the AG's statutory duties, correct the misrepresentation, provide relief for the harm it caused, and ensure that no future citizen who brings evidence of statewide criminal conduct to the Attorney General of Minnesota is met with a false statement of law.

279. Minnesota's motto is *L'Étoile du Nord* — the Star of the North. Stars guide travelers through darkness. This Complaint asks Minnesota to be that star — not by claiming to lead while its chief legal officer misrepresents the law, but by actually leading: correcting the misrepresentation, accepting accountability for its consequences, and proving that constitutional governance means something in this state.

280. Two citizens are dead. One citizen sacrificed everything to bring evidence of why. The state's response was a lie. That must be remedied.

281. Plaintiff demands a trial by jury on all claims so triable.

Respectfully submitted,

/s/ Joseph Kirchner
JOSEPH KIRCHNER
Pro Se Plaintiff
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Edina, MN 55435
Tel: (612) 552-2122
Email: legal@lawsofexistence.com

Dated: March 27, 2026

XII. CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2026, a copy of this Amended Complaint for Declaratory Judgment, Injunctive Relief, and Damages, together with all exhibits and memoranda of law, was served upon Defendant's counsel of record by electronic notification, as authorized by counsel on March 9, 2026, addressed to:

Matthew A. McGuire
Assistant Attorney General
Office of the Minnesota Attorney General
445 Minnesota Street, Suite 1400
St. Paul, Minnesota 55101-2131
matthew.mcguire@ag.state.mn.us

/s/ Joseph Kirchner
Joseph Kirchner, Pro Se Plaintiff

Dated: March 27, 2026

ATTACHMENTS

Case: Kirchner v. Ellison

Civil Action No.: 0:26-cv-00726-PJS-ECW

EXHIBITS

- **EXHIBIT A:** Criminal Referral and Attorney General Denial Letter
- **EXHIBIT B:** Multi-State Attorney General Criminal Authority Comparison (50-State Survey with Classification Summary and 60 AG Website Screenshots)
- **EXHIBIT C:** Network Forensic Evidence Package EVID-20260123-0001
- **EXHIBIT D:** Keith Ellison Congressional Testimony March 4, 2026
- **EXHIBIT E:** Keith Ellison Feeding Our Future Leaked Audio
- **EXHIBIT F:** Affidavit of Joseph Kirchner
- **EXHIBIT G:** Minnesota Police Chiefs Declaring ICE Constitutional Violations Upon Off-Duty Officers
- **EXHIBIT H:** JD Vance Public Pre-Investigation Adjudication of ICE Officer Who Shot and Killed Renee Good
- **EXHIBIT I:** DHS-ICE Directive 19009.3 Firearms and Use of Force Redaction
- **EXHIBIT J:** Pam Bondi Letter to Tim Walz Meeting Domestic Terrorism Definition
- **EXHIBIT K:** SCOTUS Amicus Filing Package *Trump v. Barbara*, Nos. 25-364 & 25-365 (51 pages: K-1 Proposed Brief pp. 5-21; K-2 Memorandum in Support pp. 22-33; K-3 Motion for Leave pp. 34-40; K-4 Attorney Sponsorship Template pp. 41-47; K-5 ACLU Notice p. 48; K-6 SG Notice p. 49; K-7 Filing Photos pp. 50-51)

MEMORANDA OF LAW

- **MEMO A:** SCOTUS Ultra Vires Shadow Docket Practice
- **MEMO B:** The Logical and Constitutional Failures of *Harlow v. Fitzgerald*
- **APPENDIX B TO MEMO B:** Textual Analysis of Hedging Language in *Harlow v. Fitzgerald*
- **MEMO C:** The Constitutional Failures of Minnesota's Peace Officer Discipline Procedures Act

APPENDICES

- **APPENDIX A-1:** SCOTUS Interlocutory Stay Applications Analysis 1952-2026
- **APPENDIX A-2:** SCOTUS Shadow Docket Jurisdiction Fraud Schematic