December 14, 2022

International Nations Court of the people
Office of the Citizens Prosecutor
Communications
EMAIL: INCotp@hidefrom.us

BEFORE THE INTERNATIONAL NATIONS COURT OF THE PEOPLE
(PROPOSED INDICTMENTS)

Subject of complaint: **Demoncide**

Crimes Applicable under Federal and State Statutes

Child abuse

Attempted Murder

Manslaughter

Reckless Homicide

Reckless Endangerment

Assault

Battery

False Imprisonment

Perjury

Violation of Public Safety

Violation of 18 U.S.C. § 2331 § 802

Violation of 18 USC § 2339

Violations of 15 USC § 1-3

Violation of 18 USC § 175

Violation of 15 U.S.C. §8

Violation of 18 U.S.C. § 1001

Violation of 15 U.S.C. § 19

Violations of 18 U.S. Code § 2384

Violation of 15 section 1692e

Violation of 18 U.S. Code § 1091 – Genocide

Please see the attachments and the link on the last page of this document for confirming information of these crimes. Please also note and abide by these facts of law.

In the United States of America

Citizen's arrest. A private citizen as contrasted with a police officer, may under certain circumstances make an arrest, generally for a felony or misdemeanor amounting to breach of the peace. A private person may arrest another. **1.** For a public offense committed or attempted in his presence. **2.** When the person arrested has committed a felony, although not in his presence. **3.** When a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it. Calif Penal Code, §, 837. All information has been discovered long before the five year period established in **18 U.S. Code § 1091 – Genocide.**

Based on the extensive claims and enclosed documentation, we charge those responsible for numerous violations applicable under Federal and State Statutes, crimes against humanity, war crimes and crimes of aggression in the United States of America, but not limited to individuals in this country.

The only just punishment for these individuals is that they be convicted, publicly hanged, disemboweled and quartered. Forfeiture of and confiscation of all assets, and given to the general public. Just as they have worked and are still working relentlessly to guarantee our murders. We are working and will continue to work relentlessly to guarantee their afore mentioned outcome for their crimes of which we are seeing the completely planned, horrific results of their doings, knowing the deaths they have caused will be multi-generational. We are seeing those results in the hundreds plus daily, No other punishment will suffice, for those individuals who either ignorantly, willingly and willfully participated in what is the greatest orchestrated mass murdering of humanity in recorded history. These individuals are morally and legally unacceptable. For these **Numerous and continuous Violations of Clear Established Law:**

> The medical trials at Nuremberg in 1947 deeply impressed upon the world that **experimentation with unknowing human subjects is morally and legally unacceptable.** The United States Military Tribunal established the Nuremberg Code as a standard against which to judge German scientists who experimented with human subjects. . . . [I]n defiance

> of this principle, military intelligence officials . . . began surreptitiously testing chemical and biological materials, including LSD.[91]

Justice Sandra Day O'Connor, writing a separate dissent, stated:

> **No judicially crafted rule should insulate from liability the involuntary and unknowing human experimentation alleged to have occurred in this case. Indeed, as Justice Brennan observes, the United States played an instrumental role in the criminal prosecution of Nazi officials who experimented with human subjects during the Second World War, and the standards that the Nuremberg Military Tribunals developed to judge the behavior of the defendants stated that the 'voluntary consent of the human subject is absolutely essential . . . to satisfy moral, ethical, and legal concepts.' If this principle is violated, the very least that society can do is to see that the victims are compensated, as best they can be, by the perpetrators.[92]**

This is the only Supreme Court case to address the application of the Nuremberg Code to experimentation sponsored by the U.S. government.[93] And while the suit was unsuccessful, dissenting opinions put the Army--and by association the entire government--on notice that use of individuals without their consent is unacceptable. The limited application of the Nuremberg Code in U.S. courts does not detract from the power of the principles it espouses, especially in light of stories of failure to follow these principles that appeared in the media and professional literature during the and 1970s and the policies eventually adopted in the mid-1970s.

2 . We relied particularly on Ruth R. Faden and Tom L. Beauchamp, A History and Theory of Informed Consent (New York: Oxford University Press, 1986). Other excellent sources include Jay Katz, Experimentation with Human Beings (New York: Russell Sage Foundation, 1972), and Robert Levine, Ethics and Regulation of Clinical Research (Baltimore: Urban and Schwarzenberg, 1981).

3 . U.S. Congress, The Select Committee to Study Governmental Operations with Respect to Intelligence Activities, Foreign and Military Intelligence [Church Committee report], report no. 94-755, 94th Cong., 2d Sess. (Washington, D.C.: GPO, 1976). Also, U.S. Army Inspector General, Use of Volunteers in Chemical Agent Research [Army IG report] (Washington, D.C.: 1975).

4 . In dissenting opinions, four justices of the U.S. Supreme Court (Brennan, Marshall, Stevens, and O'Connor) cited the Nuremberg Code. United States et al. v. Stanley, 483 U.S. 669, 687, 710 (1987).

5 . Thalidomide was only available in clinical trials in the United States at that time, but was approved for use in a number of other countries.

6 . Louis Lasagna, interview by Susan White-Junod and Jon Harkness (ACHRE), transcript of audio recording, 13 December 1994 (ACHRE Research Project Series, Interview Program Files, Ethics Oral History Project), 37-38. See also, Louis Lasagna, "1938-1968: The FDA, the Drug Industry, the Medical Profession, and the Public," in Safeguarding the Public: Historical Aspects of Medicinal Drug Control, ed. John B. Blake (Baltimore: The Johns Hopkins Press, 1970), 173.

7 . Food, Drug, and Cosmetic Act amendments, 21 U.S.C. [[section]] 355 (1962).

8 . Congressional Record, 87th Cong, 2d Sess., 22042, as cited in an attached memorandum, C. Joseph Stetler, Pharmaceutical Manufacturers Association, to James L. Goddard, M.D., Commissioner of Food and Drugs, DHEW, 11 October 1966 ("Regarding Statement Appearing in August 30, 1966 Federal Register Concerning Clinical Investigation of Drugs") (ACHRE No. HHS-090794-A).

9 . Keith Reemtsma et al., "Reversal of Early Graft Rejection after Renal Heterotransplantation in Man," Journal of the American Medical Association 187 (1964): 691-696.

10 . This research, conducted by Dr. Chester Southam of Sloan-Kettering Institute and Dr. Emmanuel Mandel of the Jewish Chronic Disease Hospital in 1963 and funded by the U.S. Public Health Service and the American Cancer Society, raised concern within PHS and brought about an investigation by the hospital. Drs. Mandel and Southam were subject to a disciplinary hearing before the Board of Regents of the University of the State of New York. The hospital's internal review and a suit against the hospital prompted concern and debate at the NIH. Edward J. Rourke, Assistant General Counsel, NIH, to Dr. Luther L. Terry, Surgeon General, 16 September 1965 ("Research Grants--Clinical--PHS responsibility--Fink v. Jewish Chronic Disease Hospital [New York Supreme Court, Kings County]") (ACHRE No. HHS-090794-A).

For a more thorough discussion of this case, see Katz, Experimentation with Human Beings, 9-65.

11 . In 1967 Dr. Southam was elected vice president of the American Association for Cancer Research and became president the following year. Katz, Experimentation with Human Beings, 63 and 65.

12 . For a fuller discussion of the Law-Medicine Research Institute, see chapter 2.

13 . The development of the Declaration of Helsinki is discussed briefly in chapter 2.

14 . Robert B. Livingston, Associate Chief for Program Development, Memorandum to the Director, NIH, 4 November 1964 ("Progress Report on Survey of Moral and Ethical Aspects of Clinical Investigation" [the Livingston report]) (ACHRE No. HHS-090795-A), 3.

15 . Ibid., 7.

16 . Ibid.

17 . Mark S. Frankel, "Public Policymaking for Biomedical Research: The Case of Human Experimentation" (Ph.D. diss., George Washington University, 9 May 1976), 50-51.

18 . The NAHC discussed the "general question of the ethical, moral, and legal aspects of clinical investigation" at its meetings of September and December 1965. Terry's interest in this was motivated in part by the concern of Senator Jacob K. Javits that the informed consent provisions of the 1962 Drug Amendments were not applicable to nondrug-related research. See (a) draft letter to Senator Javits from the Surgeon General, 15 October 1965; (b) Senator Javits to Luther L. Terry, Surgeon General, 15 June 1965; and (c) Edward J. Rourke, Assistant General Counsel, to William H. Stewart, Surgeon General, 26 October 1965. All in ACHRE No. HHS-090794-A.

19 . Transcript of the NAHC meeting, Washington, D.C., 28 September 1965. See Faden and Beauchamp, A History and Theory of Informed Consent, 208.

20 . Ibid.

21 . Dr. S. John Reisman, the Executive Secretary, NAHC, to Dr. James A. Shannon, 6 December 1965 ("Resolution of Council") (ACHRE No. HHS-090794-A).

22 . Surgeon General, Public Health Service to the Heads of the Institutions Conducting Research with Public Health Service Grants, 8 February 1966 ("Clinical research and investigation involving human beings") (ACHRE No. HHS-090794-A). This policy was distributed through Bureau of Medical Services Circular no. 38, 23 June 1966 ("Clinical Investigations Using Human Beings As Subjects") (ACHRE No. HHS-090794-A).

23 . In December 1966 the policy was expanded to include behavioral as well as medical research. William H. Stewart, Surgeon General, Public Health Service, to Heads of Institutions Receiving Public Health Service Grants, 12 December 1966 ("Clarification of procedure on clinical research and investigation involving human subjects") (ACHRE No. HHS-072894-B), 2.

In 1967 the Public Health Service required that intramural research, including that conducted at NIH, abide by similar requirements. William H. Stewart, Surgeon General of the Public Health Service, to List, 30 October 1967 ("PHS policy for intramural programs and for contracts when investigations involving human subjects are included") (ACHRE No. HHS-072894-B), 2.

24 . Frankel, "Public Policymaking for Biomedical Research: The Case of Human Experimentation," 161.

25 . Ibid., 161-162.

26 . U.S. Department of Health, Education, and Welfare, The Institutional Guide to DHEW Policy on Protection of Human Subjects (Washington, D.C.: GPO, 1971) (ACHRE No. HHS-090794-A).

27 . Ibid., 1-2.

28 . Beecher's criticism involved many aspects of the research, including the risk assessment, usefulness of the research, and the question of informed consent. On this last point, Beecher argued that while consent was important, he disputed the belief that it was easily obtainable. In his talk at Brook Lodge, Beecher questioned the "naive assumption implicit in the Nuremberg Code," that consent was readily obtainable. Beecher indicated the difficulty of obtaining truly informed consent may have led many researchers to treat the provision cavalierly and often to ignore it. Henry K. Beecher, "Ethics and the Explosion of Human Experimentation," unpublished manuscript of paper presented 22 March 1965, "a," Beecher Papers, Countway Library (ACHRE No. IND-072595-A).

29 . Ibid.,"a" and "b."

30 . Ibid., 2a.

31 . Ibid., 2.

32 . H. K. Beecher, "Ethics and Clinical Research," New England Journal of Medicine 274 (1966): 1354-1360.

33 . W. Goodman, "Doctors Must Experiment on Humans--But What are Patients Rights?" New York Times Magazine, 2 July 1965, 12-13, 29-33, as cited in Faden and Beauchamp, A History and Theory of Informed Consent, 188.

34 . J. Lear, "Do We Need New Rules for Experimentation on People?" Saturday Review, 5 February 1966, 61-70.

35 . Henry K. Beecher, "Consent in Clinical Experimentation: Myth and Reality," Journal of the American Medical Association 195 (1966): 34-35.

36 . J. Lear, "Experiments on People--The Growing Debate," Saturday Review, 2 July 1966, 41-43.

37 . Both the New York Times and the Wall Street Journal ran stories on 24 March 1971. See Medical World News, 15 October 1971, "Was Dr. Krugman Justified in Giving Children Hepatitis?"

38 . Beecher, Research and the Individual: Human Studies (Boston: Little, Brown, and Company, 1970), 122-127.

39 . Paul Ramsey, The Patient as Person: Explorations in Medical Ethics (New Haven: Yale University Press, 1970), 51-55.

40 . In a letter to the Lancet, Dr. Stephen Goldby called the work "unjustifiable" and asked, "Is it right to perform an experiment on a normal or mentally retarded child when no benefit can result to the individual?" (S. Goldby, "Letters to the Editor," Lancet 7702 [1971]: 749). The Lancet editors agreed with Goldby. On this side of the Atlantic, however, the editors of NEJM and JAMA, among others, defended Krugman's work.

41 . Armed Forces Epidemiological Board, minutes of 24 May 1957 (ACHRE No. NARA-032495-B).

42 . S. Krugman, "Ethical Practices in Human Experimentation," text of lecture presented at the Fifth Annual Midwest Student Medical Research Forum, 1 March 1974 (ACHRE No. IND-072895-A).

43 . Ibid., 3-4.

44 . Louis Goldman, "The Willowbrook Debate," World Medicine (September 1971 and November 1971): 23, 25.

45 . James H. Jones, Bad Blood (New York: Free Press, 1993 edition), 114.

46 . Jones, Bad Blood (1981), 69-71; Levine, Ethics and Regulation of Clinical Research, 70.

47 . Charles J. McDonald, "The Contribution of the Tuskegee Study to Medical Knowledge," Journal of the National Medical Association (January 1974): 1-11, as cited in Faden and Beauchamp, A History and Theory of Informed Consent, 194-195.

48 . Jean Heller, "Syphilis Victims in U.S. Study Went Untreated for 40 Years," New York Times (26 July 1972) 1, 8, as cited in Faden and Beauchamp, A History and Theory of Informed Consent, 195.

49 . U.S. Department of Health, Education, and Welfare, Final Report of the Tuskegee Syphilis Study Ad Hoc Panel (Washington, D.C.: GPO, 1973), Jay Katz Concurring Opinion, 14.

50 . Ibid.

51 . Ibid., 21-32.

52 . Ibid., 23.

53 . Senator Jacob Javits introduced legislation that would have made the DHEW policy a regulation backed by federal law. S. 878 and S. 974, 93d Cong., 1st Sess. (1973).

Senator Hubert Humphrey introduced a bill to create a National Human Experimentation Standards Board--a separate federal agency with authority over research similar to the Security and Exchange Commission's authority over securities transactions. S. 934, 93d Cong., 1st Sess. (1973).

Also, Senator Walter Mondale introduced a resolution to provide for a "study and evaluation of the ethical, social, and legal" aspects of biomedical research. S.J. Res. 71, 93d Cong., 1st Sess. (1973).

54 . It is worth noting here that Senator Kennedy had convened similar hearings two years previously, in 1971, to consider the establishment of a national commission to examine "ethical, social, and legal implications of advances in biomedical research." Among the topics mentioned in this hearing was the total-body irradiation research sponsored by the Department of Defense at the University of Cincinnati, which we discuss in chapter 8.

55 . Jay Katz, "Human Experimentation: A Personal Odyssey," IRB 9, no. 1 (January/February 1987): 1-6.

Amendments

2009—Subsec. (a). Pub. L. 111–122, § 3(a)(1), struck out “, in a circumstance described in subsection (d)” before “and with the specific” in introductory provisions and “or attempts to do so,” before “shall be punished” in concluding provisions.

Subsec. (c). Pub. L. 111–122, § 3(a)(2), struck out “in a circumstance described in subsection (d)” before “directly”.

Subsecs. (d) to (f). Pub. L. 111–122, § 3(a)(3), (4), added subsecs. (d) to (f) and struck out former subsecs. (d) and (e) which related to the required circumstance for offenses referred to in subsecs. (a) and (c) and nonapplicability of certain limitations, respectively.

2007—Subsec. (d). Pub. L. 110–151 added subsec. (d) and struck out former subsec. (d). Text of former subsec. (d) read as follows: “The circumstance referred to in subsections (a) and (c) is that—

“(1) the offense is committed within the United States; or

“(2) the alleged offender is a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).”

2002—Subsec. (b)(1). Pub. L. 107–273, § 4002(b)(7), substituted “subsection (a)(1),” for “subsection (a)(1),,”.

Pub. L. 107–273, § 4002(a)(4), made technical correction to directory language of Pub. L. 103–322. See 1994 Amendment note below.

1994—Subsec. (b)(1). Pub. L. 103–322, as amended by Pub. L. 107–273, § 4002(a)(4), substituted “, where death results, by death or imprisonment for life and a fine of not more than $1,000,000, or both;” for “a fine of not more than $1,000,000 and imprisonment for life,”.

56 . Protection of Human Subjects, 39 Fed. Reg. 105, 18914-18920 (1974) (to be codified at 45 C.F.R. [[section]] 46).

57 . National Research Act of 1974. P.L. 348, 93d Cong., 2d Sess. (12 July 1974).

58 . U.S. Department of Health, Education, and Welfare, Office for Protection from Research Risks, 18 April 1979, OPPR Reports [The Belmont Report] (ACHRE No. HHS-011795-A-2), 4-20.

59 . Interestingly, this committee included Henry Beecher, who, as was discussed in part I, chapter 3, had objected to the imposition of these requirements to contract research in 1961. Beecher's presence on the committee testifies to the common relationship between military and private research during this time. Like many of the

60 . Department of the Army, Army Regulation 40-37, 12 August 1963 ("Radioisotope License Program [Human Use]").

61 . Department of the Army, AR 40-38, 23 February 1973 ("Medical Services--Clinical Investigation Program").

62 . Ibid.

63 . Ibid.

64 . Commanding Officer, Naval Medical Research Institute, National Naval Medical Center, to Secretary of the Navy, 30 November 1964 ("Authorization to use human volunteers as subjects for study of effects of hypoxia on the visual field; request for") (ACHRE No. DOD-091494-A), 2.

65 . Department of the Navy, "Manual of the Medical Department," 20-8, Change 36, 7 March 1967 ("Use of Volunteers in Medical or Other Hazardous Experiments") (ACHRE No. DOD-091494-A).

66 . Department of the Navy, SecNav Instruction 3900.39, 28 April 1969 ("Use of volunteers as subjects of research, development, tests, and evaluation").

67 . Department of the Air Force, AFR 169-8, 8 October 1965 ("Medical Education and Research--Use of Volunteers in Aerospace Research").

68 . Ibid.

69 . Ibid.

70 . National Aeronautics and Space Administration, Manned Spacecraft Center, MSCI 1860.2, 12 May 1966 ("Establishment of MSC Radiological Control Manual and Radiological Control Committee") (ACHRE No. NASA-022895-A), 3.

National Aeronautics and Space Administration, "Ames Management Manual 7170-1," 15 January 1968 ("Human Research Planning and Approval") (ACHRE No. NASA-120894-A), 3.

71 . Ames required the voluntary, written informed consent of the subject and stipulated that consent be informed by an explanation to the subject in language understandable to him . . . [including] the nature, duration, and purpose of the human research; the manner in which it will be conducted; and all foreseeable risks, inconveniences and discomforts.

"Ames Management Manual 7170-1," 15 January 1968, 3.

72 . The Ames director was authorized to waive the consent requirements (a) when the requirements would "not be necessary to protect the subject"; (b) when the research uses "classes of trained persons who knowingly follow a specialized calling or occupation which is generally recognized as hazardous," including "test pilots and astronauts"; and (c) when the research "would be seriously hampered" by compliance. "Ames Management Manual 7170-1," 15 January 1968, 3.

73 . For example, one review from this group recommended changes in a consent form to include

[T]he part of the procedure you are consenting to which principally benefits the research program and is not part of your treatment is known as arterial puncture. . . . These risks will be explained to you in detail if you so desire. The entire procedure, including the diagnostic radioscan, takes about an hour.

Although this proposed consent form does not delineate the medical risks posed by the procedure, its statement that the patient's participation is incidental to treatment may provide a greater opportunity for the patient to make an informed decision about participation. George A. Rathert, Jr., Chairman, Human Research Experiments Review Board, ARC, to Director, 20 January 1969 ("Proposed Investigation entitled 'Measurement of Cerebral Blood Flow in Man by an Isotopic Technique Employing External Counting,' by Dr. Leo Sapierstein, Stanford University") (ACHRE No. NASA-022895-A), 4.

At MSC, the instruction establishing the Medical Uses Subcommittee was rescinded in 1968. In 1969, formal combination of the medical operations and medical research functions at MSC led to the reestablishment of the instruction as the Medical Isotopes Subcommittee at MSC. No evidence suggests what factors, other than risk, were considered in this form of prior review is available currently. National Aeronautics and Space Administration, Manned Spacecraft Center, MSCI 1860.2, 12 May 1966 ("Establishment of MSC Radiological Control Manual and Radiological Control Committee"); and National Aeronautics and Space Administration, NMI 1156.19, 28 August 1969 ("Medical Isotopes Subcommittee of the MSC Radiation Safety Committee") (ACHRE No. NASA-022895-A).

74 . National Aeronautics and Space Administration, NMI 71008.9, 2 February 1972 ("Human Research Policy and Procedures") (ACHRE No. NASA-022895-A). See also, National Aeronautics and Space Administration, NMI 7100.9 ("Power and Authority -- To Authorize Human Research and to Grant Certain Related Exceptions and Waivers") (ACHRE No. NASA-022895-A).

75 . Commission on CIA Activities within the United States, Report to the President, (Washington, D.C.: GPO, 1975).

76 . U.S. Congress, The Select Committee to Study Governmental Operations with Respect to Intelligence Activities, Foreign and Military Intelligence [Church Committee report], report no. 94-755, 94th Cong., 2d Sess. (Washington, D.C.: GPO, 1976), 394.

77 . For general information on the CIA program, see the Church Committee report, 385-422, and J. Marks, The Search for the "Manchurian Candidate": The CIA and Mind Control (New York: Times Books, 1978).

78 . Church Committee report, book 1, 389.

79 . Church Committee report, book 1, 400, 402. In 1963 the CIA inspector general (IG) recommended that unwitting testing be terminated, but Deputy Director for Plans Richard Helms (who later became director of Central Intelligence) continued to advocate covert testing on the ground that "positive operational capability to use drugs is diminishing, owing to a lack of realistic testing. With increasing knowledge of the state of the art, we are less capable of staying up with the Soviet advances in this field." The Church Committee noted that "Helms attributed the cessation of the unwitting testing to the high risk of embarrassment to the Agency as well as the 'moral problem.' He noted that no better covert situation had been devised than that which had been used, and that "we have no answer to the moral issue." 4 They did have the answers to the moral questions on human experimentation but chose to ignore them, destroy the records, hide the truth and still continue in their efforts.

80 . Ibid., 402.

81 . Executive Order 11905 (19 February 1976).

82 . Executive Order 12036, section 2-301 (26 January 1978) and Executive Order 12333, section 2.10 (4 December 1981).

83 . U.S. Army Inspector General, Use of Volunteers in Chemical Agent Research [Army IG report] (Washington, D.C.: GPO, 1975), 2.

84 . One noted exception involved using LSD as an interrogation devise on ten foreign intelligence agents, and one U.S. citizen suspected of stealing classified documents. Army IG report, 143.

85 . Army IG report, 87.

86 . Ibid.

87 . The CIA paid death benefits to the Olson family after Frank Olson's death, and the Army secretly paid half of an $18,000 settlement that the Blauer family negotiated with the state of New York in 1955. The state ran the psychiatric institute that administered the drugs, but which never disclosed the Army's involvement. Both agencies feared that the resulting embarrassment and adverse publicity might undermine their ability to continue their secret research programs. Barrett v. United States, 6660 F. Supp. 1291 (E. D. N.Y., 1987).

88 . Feres v. United States, 340 U.S. 146 (1950).

89 . United States v. Stanley, 483 U.S. 669 (1987).

90 . 483 U.S. 669, 682.

91 . 483 U.S. 669, 687-88.

92 . 483 U.S. 669, 709-10.

93 . George Annas, a scholar of human experimentation and biomedical ethics, has traced the history of the Nuremberg Code in the U.S. courts. The first express reference in a majority opinion, Annas found, was in a 1973 decision in the Circuit Court in Wayne County, Michigan. The decisions in which the Code has since been cited, Annas concluded, reflect the proposition that the Nuremberg Code is a "document fundamentally about nontherapeutic experimentation." Thus, the "types of experiments that U.S. judges have found the Nuremberg Code useful for setting standards have involved nontherapeutic experiments often conducted without consent. . . . Many of these experiments were justified by national security considerations and the cold war." George J. Annas, "The Nuremberg Code in U.S. Courts: Ethics versus Expediency," in George J. Annas and Michael A. Grodin, eds., The Nazi Doctors and the Nuremberg Code: Human Rights in Human Experimentation (New York: Oxford University Press, 1992), 218.

Former Assemblyman, Kevin Kiley, now Senator in Congress, said in a July 16 tweet, “Newsom just admitted the State of Emergency is illegal. He says he’s only keeping it in place because the Legislature won’t pass the laws he wants.”

Kiley subsequently repeated the allegation on Twitter and wrote a blog post about it for his 3rd District congressional campaign, referring to it as a “critical error.”

by **Children’s Health Defense Team**, The Defender
August 11, 2021

Orange County Board of Education and Children’s Health Defense (CHD) on Tuesday filed a petition for writ of mandate in the California Supreme Court asking the court to declare an immediate end to Gov. Gavin Newsom’s declared state of emergency.

A writ of mandate is a court order to a government agency, including another court, to follow the law by correcting its prior actions or ceasing illegal acts.

“This petition is not about masks, vaccines or any other specific policy issue,” said Scott J. Street, attorney for the Orange County Board of Education.

“This concerns fundamental issues of governance that are the foundation of American self-government and which cannot exist in an indefinite state of emergency,” said Street, who last year successfully litigated a similar case against the state, after state health officials arbitrarily closed gyms.

The Emergency Services Act states that an emergency can be declared when there exists “extreme peril to the safety of persons and property within the state.”

The act also states the governor must terminate a state of emergency “at the earliest possible date that conditions warrant.”

The lawsuit alleges that Newsom’s own words established the emergency was over when he argued last week in County of Ventura v. Godspeak Calvary Chapel that:

“ … the state no longer faces a threat that the state’s healthcare system will be overwhelmed. To the contrary, all available evidence suggests a resurgence of cases, hospitalizations and deaths to the level that last August prompted the Blueprint [for a Safer Economy] and the other now-rescinded public health directives at issue is unlikely to occur in light of the percentage of eligible Californians who are fully vaccinated.”

“The governor can’t have it both ways,” said Robert Tyler, counsel for Orange County Board of Education. “He can’t claim victory over the emergency of COVID-19 in one court, and immediately claim an emergency exists in another just so he can keep the people of California in a headlock.”

CHD Chairman Robert F. Kennedy, Jr., said the aim of the lawsuit is to restore democracy in California after a 17-month suspension.

Kennedy, who lives in California, said:

“Californians are tired of being governed by unelected technocrats ruling us by arbitrary dictates with no scientific basis in violation of our constitutional rights to transparency, public participation and due process.”

Kennedy said “government best serves public health” when citizens participate in the regulatory process to craft policies “annealed in the cauldron of debate as the regulatory system provides.”

According to Denise Young, executive director of CHD’s California chapter, the state’s “never-ending ‘state of emergency’ and lack of transparency of science and data on which these policies have been based” have resulted in the “massive disruption” to children’s education.

“It is difficult to quantify the damage perpetrated on our children by the state and its schools as a result of online learning, mask wearing, testing and living in a continuous state of fear,” Young said.

COURT DECLARES GOV. NEWSOM’S ABUSE OF POWER UNCONSTITUTIONAL

californiaglobe.com/articles/breaking-court-declares-gov-newsoms-abuse-of-power-unconstitutional/

Katy GrimesNovember 2, 2020

California Assemblymen Kevin Kiley and James Gallagher sued to stop California Governor Gavin Newsom’s “one man rule,” as California Globe has reported over several months. They were in Sutter County Superior Court October 21st, arguing that Gov. Gavin Newsom has exceeded his emergency powers in issuing Executive Orders having nothing to do with the coronavirus pandemic crisis.

Monday, State Superior Court Judge Sarah Heckman tentatively ruled in favor of Gallagher (R-Yuba City) and Kiley (R-Rocklin) in their abuse of power lawsuit against Governor Newsom.

In the tentative ruling, Judge Heckman declared the Governor’s recent Executive Order N-67-20 unconstitutional. More importantly, Judge Heckman’s tentative ruling places a permanent injunction against the Governor which prevents him from unilaterally making or changing state law moving forward.

Assemblyman Kiley wrote:

The Judge ruled Newsom violated the Constitution. She also issued an injunction restraining the Governor from issuing any more unconstitutional orders. You can read the ruling here.

This marks an end to Gavin Newsom’s one-man rule. It makes clear that the laws of the State of California do not countenance an autocracy under any circumstances – not for a single day, and certainly not for eight months with no end in sight.

The ruling is “tentative,” meaning Newsom has a few days to try to persuade the Judge to change her mind, but it’s rare for a tentative ruling to change. While Newsom can appeal, we are confident the decision is on solid legal ground and will stand.

Kiley and Gallagher argue that California's Constitution has an explicit separation-of-powers provision, which Gov. Newsom has violated. "A California Governor is constitutionally forbidden from doing the very thing Gov. Newsom has done here: exercise legislative powers," they said.

Gov. Newsom's Executive Order to create an all-vote-by-mail-election suspends and substantively changes California's Elections Code. Gov. Newsom contends that the order "fits comfortably within the Governor's broad grant of authority under the Emergency Services Act."

Gov. Newsom's attorneys argued that the governor does have the ""plenary" authority, along with "broad police powers" during a declared State of Emergency, and under the California Emergency Services Act (CESA).

In her ruling, Judge Heckman explains:

The Governor takes the position the California Emergency Services Act's grant of authority to exercise "all police power vested in the state," allowing him to "promulgate, issue, and enforce such orders and regulations as he deems necessary" authorizes him to legislate by unilaterally amending existing statutory law. Not only is this an active and ongoing controversy between the parties, but it is a critically important one for the Judicial Branch to resolve.

The Governor has issued three executive orders during the current state of emergency specifically regarding the November 3,2020 general election (Def. Exs. 4 and 5; Pl. Ex. D) and has issued more than 50 different executive orders changing numerous Califomia statutes since the state of emergency was declared. (Pl. Ex. F) Further, despite representations by the Governor's legal counsel that Executive Order N-67- 20 dated June 3,2020 is "withdrawn," there is no evidence it has been formally rescinded, and the Executive Order includes provisions controlling the election process for the November 3, 2020 General Election which were not superseded by the subsequently enacted legislation.

Specifically, despite the subsequent legislation, the Executive Order remained in effect requiring all county election officials to use the Secretary of State's barcode tracking system for all mail ballots and altered the statutorily required outreach in Voter's Choice Act counties to provide noticed, public meetings allowing for public comment on voting access for California voters with disabilities or limited English proficiency.

Judge Heckman also found “The plain meaning of the CESA does not delegate to the Governor the power to legislate, and therefore does not violate the separation of powers under California Constitution.”

Importantly, Judge Heckman did rule “On the issue of whether Executive Order N.67-20 was authorized by the California Emergency Services Act, the court finds the executive order was NOT authorized by the CESA because it improperly amended existing statutory law, exceeding the governor’s authority and violating the separation of powers.”

The judge explains:

The CESA allows the Governor, during a state of emergency, to issue orders and regulations and to suspend certain statutes, but the plain and unambiguous language of CESA does not permit the Governor to amend statutes or make new statutes. The Governor does not have the power or authority to assume the Legislature’s role of creating legislative policy and enactments. Because Executive Order N-67-20 amended sections of the Elections Code it exceeds the Governor’s authority under CESA and renders Executive Order N-67-2O invalid.

Kiley and Gallagher argued the Governor may not exercise legislative powers unless permitted by the Constitution, while the governor’s attorneys argued, “Making orders’ is what it says,” and that the legislation took care of overriding the governor’s orders.

Gallagher and Kiley argued in court that there is a very clear distinction in the California Governor’s emergency powers as it pertains to legislation: he cannot create legislation or new laws, but the emergency powers allow the governor to remove legislation that is a roadblock to making decisions during the emergency. He can suspend any regulatory statute if it is getting in the way of facilitating emergency procedures.

It appears Judge Heckman agreed with them:

The Court finds good cause to issue a permanent injunction consistent with the request set forth in paragraph 2l of plaintiffs’ complaint (Def. Ex. l), as follows: 8 Gavin Newsom, in his official capacity as Governor of the State of California is enjoined and prohibited from exercising any power under the California Emergency Services Act (Government Code $ 8550 et seq.) which amends, alters, or changes existing statutory law or makes new statutory law or legislative policy.

“Nobody disputes that there are actions that should be taken to keep people safe during an emergency. But that doesn’t mean that we put our Constitution and free society on hold by centralizing all power in the hands of one man,” Gallagher and Kiley said in a press statement.

The Court’s decision does not impact any of the election protocols for the 2020 election.

California Globe was the only Capitol media present at the trial.

2. Gavin Newsom Measures the Drapes in the White House, While Keeping California Under State of Emergency

Newsom is hedging his bets, but he hasn’t really ever been tested

By Katy Grimes, July 20, 2022 2:50 am

While President Joe Biden was visiting the Middle East last week, California Governor Gavin Newsom traveled to Washington D.C. “to accept an award from the Education Commission of the States in recognition of California’s transformative improvements to education.”

The governor who closed California schools for nearly two years received an award for improving education. Ironic, to say the least.

While in D.C., Newsom also made a trip to the White House to meet with Vice President Kamala Harris, Biden Chief of Staff Ron Klain, and First Lady Jill Biden. Some in the media said Newsom was “White House hunting” while in D.C.

The Globe reported on his trip, and noted some other state education policy failures making the education award seem absurd:

- California Ranks 50th in Literacy
- Only half of public school students in California meet the state standards in English, and only 40 percent are proficient in math.
- University of California dropped SAT and ACT scores for admission last year.

- The California Supreme Court issued an order to permanently lower the passing score for the state's bar exam by 50 points.
- State curriculum writers and teachers are drilling critical race theory into the heads of kids.

Even with these glaring education breakdowns in California, Newsom paid for a 30-second television ad which aired in Florida July 4th, directed the ad at his freedom-loving nemesis, Florida Gov. Ron DeSantis and his policies. In the ad, Newsom claimed "Republican leaders are banning books, making it harder to vote, restricting speech in the classroom, even criminalizing women and doctors."

The ad really served to draw a stark contrast with California, which is still under Newsom's COVID State of Emergency order – more than 840 days – while DeSantis never locked Florida down, and kids went to school unmasked.

Assemblyman Kevin Kiley (R-Rocklin) also noted how odd the education award for the California Governor was, and he caught something else – "On Saturday, Gavin Newsom admitted **the State of Emergency is illegal," Kiley said. "In an interview with Fox 11, Newsom said** *he's only keeping the emergency in place because the Legislature won't pass the laws he wants;* **therefore, he must retain the dictatorial power to make laws himself."** *All the while his actions are continuing to destroy lives inclusive of the lives of children.*

The ad really served to draw a stark contrast with California, which is still under Newsom's COVID State of Emergency order – more than 840 days – while DeSantis never locked Florida down, and kids went to school unmasked. We add, have suffered no where near the deaths, suffering, loss of businesses, increase of homelessness, violence, murders, etc as has happened in the state of California

3. For the past decade, California has been a case study in one-party rule.

Democrats hold every statewide office and enjoy overwhelming majorities in the congressional delegation and both legislative houses. Republicans, due largely to their own failures, are irrelevant.

With no partisan competition, whatever Democratic leaders decide behind closed doors is quickly written into law, including the massive state budget. Even when hearings are held, committee chairs

routinely limit testimony to a couple of brief presentations and require everyone else to just state their names and positions.

As worrisome as those aspects of one-party rule may be, we have now entered still another political phase in California — one-man rule.
On March 4, 2020 in response to the COVID-19 pandemic, Gov. Gavin Newsom declared a state of emergency, allowing him to override virtually every law on the books.

The Legislature readily acceded, giving Newsom $1-plus billion to spend as he sees fit and abandoning Sacramento for the next two months. Newsom has issued multiple orders to control personal and economic activity and executed many high-dollar contracts with no public input and only very limited ability of journalists to question their efficacy.

Newsom has also not hesitated to crack down hard on those who don’t obey, an attitude tinged with irony since he first achieved political notoriety as mayor of San Francisco by defying a voter-approved state law prohibiting same-sex marriage.

In effect, we’re accidentally experimenting with how California would be governed were we to turn away from our current structure and adopt, instead, the parliamentary system used in Great Britain, Canada and most European countries.

Dan Walters
Our structure, mirroring the federal government, is one of checks and balances — a separately elected chief executive, a two-house legislative branch and a court system to oversee acts of both.

4. Newsom Is Giving Emergency Grants to Illegal Alien Small Business Owners
On Friday, a reporter from Telemundo asked California's Democratic Governor Gavin Newsom what emergency relief he would be providing for illegal aliens amid the ongoing coronavirus pandemic.

"No state in America does more to help residents regardless of their immigration status," the governor rightly assured the reporter.

Newsom first bragged about the state's healthcare coverage for illegal aliens before explaining how his administration is now helping illegal alien small business owners obtain grants while a large part of the American economy remains shut down.

"Just yesterday I announced the work we're doing to help small businesses. I very specifically mentioned in my remarks yesterday that there are many businesses, tens of thousands of businesses that do not and cannot get the support of the [Small Business Administration]. Those individual businesses we are making available these emergency grants through our Ibank to do these microloans to provide access. That's an example of what we're doing to provide support for people across the panoply, including those without documentation in the state of California."

Further confirmation of the guilt of all parties mentioned in this complaint: This is part of the reason why you see such fervent attacks on generic therapeutic drugs like Ivermectin or Hydroxycholoroquine. There's no logical reason to attack the use of these drugs but they are put in the crosshairs by mass media and lobbyists. Any admission of effectiveness of these generic types of drugs threatens the emergency approval of the vaccines.

People are so gaslit about generic medicine that they have become foot soldiers for big-pharma. It's remarkable!

Not in that article, however is this fact of law. The fact that **COURT DECLARES GOV. NEWSOM'S ABUSE OF POWER UNCONSTITUTIONAL, as Assemblyman Kevin Kiley stated Newsom had admitted, turnd out to be true.** Which also means, So are the actions of the Judicial Council of California, regarding Covid-19 and any restrictions Also are in violation of:

21 U.S. Code § 360bbb–3 - Authorization for medical products for use in emergencies

> **(3)that there is no adequate, approved, and available alternative to the product for diagnosing, preventing, or treating such disease or condition;**

a) In general

(1) Emergency uses

Notwithstanding any provision of this chapter and section 351 of the Public Health Service Act [42 U.S.C. 262], and subject to the provisions of this section, the Secretary may authorize the introduction

into interstate commerce, during the effective period of a declaration under subsection (b), of a drug, device, or biological product intended for use in an actual or potential emergency (referred to in this section as an “emergency use”).

(2) Approval status of product An authorization under paragraph (1) may authorize an emergency use of a product that—

(A) is not approved, licensed, or cleared for commercial distribution under section 355, 360(k), 360b, or 360e of this title or section 351 of the Public Health Service Act [42 U.S.C. 262] or conditionally approved under section 360ccc of this title (referred to in this section as an “unapproved product”); or

(B) is approved, conditionally approved under section 360ccc of this title, licensed, or cleared under such a provision, but which use is not under such provision an approved, conditionally approved under section 360ccc of this title, licensed, or cleared use of the product (referred to in this section as an “unapproved use of an approved product”).

(3) Relation to other uses

An emergency use authorized under paragraph (1) for a product is in addition to any other use that is authorized for the product under a section of this chapter or the Public Health Service Act [42 U.S.C. 201 et seq.] referred to in paragraph (2)(A).

(4) Definitions For purposes of this section:

(A) The term “biological product” has the meaning given such term in section 351 of the Public Health Service Act [42 U.S.C. 262].

(B) The term “emergency use” has the meaning indicated for such term in paragraph (1).

(C) The term “product” means a drug, device, or biological product.

(D) The term “unapproved product” has the meaning indicated for such term in paragraph (2)(A).

(E) The term “unapproved use of an approved product” has the meaning indicated for such term in paragraph (2)(B).

(b) Declaration of emergency or threat justifying emergency authorized use

(1) In general The Secretary may make a declaration that the circumstances exist justifying the authorization under this subsection for a product on the basis of—

(A) a determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a biological, chemical, radiological, or nuclear agent or agents;

(B) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States military forces, including personnel operating under the authority of title 10 or title 50, of attack with—

(i) a biological, chemical, radiological, or nuclear agent or agents; or

(ii) an agent or agents that may cause, or are otherwise associated with, an imminently life-threatening and specific risk to United States military forces;

(C) a determination by the Secretary that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of United States citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or

(D) the identification of a material threat pursuant to section 319F–2 of the Public Health Service Act [42 U.S.C. 247d–6b] sufficient to affect national security or the health and security of United States citizens living abroad.

(2) Termination of declaration

(A) In general A declaration under this subsection shall terminate upon the earlier of—

(i) a determination by the Secretary, in consultation as appropriate with the Secretary of Homeland Security or the Secretary of Defense, that the circumstances described in paragraph (1) have ceased to exist; or

(ii) a change in the approval status of the product such that the circumstances described in subsection (a)(2) have ceased to exist.

(B) Disposition of product

If an authorization under this section with respect to an unapproved product ceases to be effective as a result of a termination under subparagraph (A) of this paragraph, the Secretary shall consult with the manufacturer of such product with respect to the appropriate disposition of the product.

(3) Advance notice of termination The Secretary shall provide advance notice that a declaration under this subsection will be terminated. The period of advance notice shall be a period reasonably determined to provide—

(A) in the case of an unapproved product, a sufficient period for disposition of the product, including the return of such product (except such quantities of product as are necessary to provide for continued use consistent with subsection (f)(2)) to the manufacturer (in the case of a manufacturer that chooses to have such product returned); and

(B) in the case of an unapproved use of an approved product, a sufficient period for the disposition of any labeling, or any information under subsection (e)(2)(B)(ii), as the case may be, that was provided with respect to the emergency use involved.

(4) Publication

The Secretary shall promptly publish in the Federal Register each declaration, determination, and advance notice of termination under this subsection.

(5) Explanation by Secretary

If an authorization under this section with respect to an unapproved product or an unapproved use of an approved product has been in effect for more than 1 year, the Secretary shall provide in writing to the sponsor of such product an explanation of the scientific, regulatory, or other obstacles to approval, licensure, or clearance of such product or use, including specific actions to be taken by the Secretary and the sponsor to overcome such obstacles.

(6) Military emergencies

In the case of a determination described in paragraph (1)(B), the Secretary shall determine, within 45 calendar days of such determination, whether to make a declaration under paragraph (1), and, if appropriate, shall promptly make such a declaration.

(c) Criteria for issuance of authorization The Secretary may issue an authorization under this section with respect to the emergency use of a product only if, after consultation with the Assistant Secretary for Preparedness and Response, the Director of the National Institutes of Health, and the Director of the Centers for Disease Control and Prevention (to the extent feasible and appropriate given the applicable circumstances described in subsection (b)(1)), the Secretary concludes—

(1) that an agent referred to in a declaration under subsection (b) can cause a serious or life-threatening disease or condition;

(2) that, based on the totality of scientific evidence available to the Secretary, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that—

(A) the product may be effective in diagnosing, treating, or preventing—

(i) such disease or condition; or

(ii) a serious or life-threatening disease or condition caused by a product authorized under this section, approved or cleared under this chapter, or licensed under section 351 of the Public Health Service Act

[42 U.S.C. 262], for diagnosing, treating, or preventing such a disease or condition caused by such an agent; and

(B) the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product, taking into consideration the material threat posed by the agent or agents identified in a declaration under subsection (b)(1)(D), if applicable;

(3) that there is no adequate, approved, and available alternative to the product for diagnosing, preventing, or treating such disease or condition;

(4) in the case of a determination described in subsection (b)(1)(B)(ii), that the request for emergency use is made by the Secretary of Defense; and

(5) that such other criteria as the Secretary may by regulation prescribe are satisfied.

(d) Scope of authorization An authorization of a product under this section shall state—

(1) each disease or condition that the product may be used to diagnose, prevent, or treat within the scope of the authorization;

(2) the Secretary's conclusions, made under subsection (c)(2)(B), that the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product; and

(3) the Secretary's conclusions, made under subsection (c), concerning the safety and potential effectiveness of the product in diagnosing, preventing, or treating such diseases or conditions, including, to the extent practicable given the circumstances of the emergency, an assessment of the available scientific evidence.

(e) Conditions of authorization

(1) Unapproved product

(A) Required conditions With respect to the emergency use of an unapproved product, the Secretary, to the extent practicable given the applicable circumstances described in subsection (b)(1), shall, for a person who carries out any activity for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

(i) Appropriate conditions designed to ensure that health care professionals administering the product are informed—

(I) that the Secretary has authorized the emergency use of the product;

(II) of the significant known and potential benefits and risks of the emergency use of the product, and of the extent to which such benefits and risks are unknown; and

(III) of the alternatives to the product that are available, and of their benefits and risks.

(ii) Appropriate conditions designed to ensure that individuals to whom the product is administered are informed—

(I) that the Secretary has authorized the emergency use of the product;

(II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and

(III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.

(iii) Appropriate conditions for the monitoring and reporting of adverse events associated with the emergency use of the product.

(iv) For manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

(B) Authority for additional conditions With respect to the emergency use of an unapproved product, the Secretary may, for a person who carries out any activity for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

(i) Appropriate conditions on which entities may distribute the product with respect to the emergency use of the product (including limitation to distribution by government entities), and on how distribution is to be performed.

(ii) Appropriate conditions on who may administer the product with respect to the emergency use of the product, and on the categories of individuals to whom, and the circumstances under which, the product may be administered with respect to such use.

(iii) Appropriate conditions with respect to collection and analysis of information concerning the safety and effectiveness of the product with respect to the use of such product during the period when the authorization is in effect and a reasonable time following such period.

(iv) For persons other than manufacturers of the product, appropriate conditions concerning record keeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

(2) Unapproved use With respect to the emergency use of a product that is an unapproved use of an approved product:

(A) For a person who carries out any activity for which the authorization is issued, the Secretary shall, to the extent practicable given the applicable circumstances described in subsection (b)(1), establish

conditions described in clauses (i) and (ii) of paragraph (1)(A), and may establish conditions described in clauses (iii) and (iv) of such paragraph or in paragraph (1)(B).

(B)

(i) If the authorization under this section regarding the emergency use authorizes a change in the labeling of the product, but the manufacturer of the product chooses not to make such change, such authorization may not authorize distributors of the product or any other person to alter or obscure the labeling provided by the manufacturer, except as provided in section 360bbb–3a of this title with respect to authorized changes to the product expiration date.

(ii) In the circumstances described in clause (i), for a person who does not manufacture the product and who chooses to act under this clause, an authorization under this section regarding the emergency use shall, to the extent practicable given the circumstances of the emergency, authorize such person to provide appropriate information with respect to such product in addition to the labeling provided by the manufacturer, subject to compliance with clause (i). While the authorization under this section is effective, such additional information shall not be considered labeling for purposes of section 352 of this title.

(C) In establishing conditions under this paragraph with respect to the distribution and administration of the product for the unapproved use, the Secretary shall not impose conditions that would restrict distribution or administration of the product when distributed or administered for the approved use.

(3) Good manufacturing practice; prescriptionWith respect to the emergency use of a product for which an authorization under this section is issued (whether an unapproved product or an unapproved use of an approved product), the Secretary may waive or limit, to the extent appropriate given the applicable circumstances described in subsection (b)(1)—

(A) requirements regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this chapter, including such requirements established under section 351 or 360j(f)(1) of this title, and including relevant conditions prescribed with respect to the product by an order under section 360j(f)(2) of this title;

(B) requirements established under subsection (b) or (f) of section 353 of this title or under section 354 of this title; and

(C) requirements established under section 360j(e) of this title.

(4) Advertising The Secretary may establish conditions on advertisements and other promotional descriptive printed matter that relate to the emergency use of a product for which an authorization

under this section is issued (whether an unapproved product or an unapproved use of an approved product), including, as appropriate—

(A) with respect to drugs and biological products, requirements applicable to prescription drugs pursuant to section 352(n) of this title; or

(B) with respect to devices, requirements applicable to restricted devices pursuant to section 352(r) of this title.

(f) Duration of authorization

(1) In general

Except as provided in paragraph (2), an authorization under this section shall be effective until the earlier of the termination of the declaration under subsection (b) or a revocation under subsection (g).

(2) Continued use after end of effective period

Notwithstanding the termination of the declaration under subsection (b) or a revocation under subsection (g), an authorization shall continue to be effective to provide for continued use of an unapproved product with respect to a patient to whom, or an animal to which, it was administered during the period described by paragraph (1), to the extent found necessary by such patient's attending physician or by the veterinarian caring for such animal, as applicable.

(g) Review and revocation of authorization

(1) Review The Secretary shall periodically review the circumstances and the appropriateness of an authorization under this section. As part of such review, the Secretary shall regularly review the progress made with respect to the approval, conditional approval under section 360ccc of this title, licensure, or clearance of—

(A) an unapproved product for which an authorization was issued under this section; or

(B) an unapproved use of an approved product for which an authorization was issued under this section.

(2) Revision and revocation The Secretary may revise or revoke an authorization under this section if—

(A) the circumstances described under subsection (b)(1) no longer exist;

(B) the criteria under subsection (c) for issuance of such authorization are no longer met; or

(C) other circumstances make such revision or revocation appropriate to protect the public health or safety.

(h) Publication; confidential information

(1) Publication

The Secretary shall promptly publish in the Federal Register a notice of each authorization, and each termination or revocation of an authorization under this section, and an explanation of the reasons therefor (which may include a summary of data or information that has been submitted to the Secretary in an application under section 355(i) [1] 360b(j), or 360j(g) of this title, even if such summary may indirectly reveal the existence of such application). The Secretary shall make any revisions to an authorization under this section available on the Internet Web site of the Food and Drug Administration.

(2) Confidential information

Nothing in this section alters or amends section 1905 of title 18 or section 552(b)(4) of title 5.

(i) Actions committed to agency discretion

Actions under the authority of this section by the Secretary, by the Secretary of Defense, or by the Secretary of Homeland Security are committed to agency discretion.

(j) Rules of construction The following applies with respect to this section:

(1) Nothing in this section impairs the authority of the President as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution.

(2) Nothing in this section impairs the authority of the Secretary of Defense with respect to the Department of Defense, including the armed forces, under other provisions of Federal law.

(3) Nothing in this section (including any exercise of authority by a manufacturer under subsection (e)(2)) impairs the authority of the United States to use or manage quantities of a product that are owned or controlled by the United States (including quantities in the stockpile maintained under section 319F–2 of the Public Health Service Act [42 U.S.C. 247d–6b]).

(4) Nothing in this section shall be construed as authorizing a delay in the review or other consideration by the Secretary of any application or submission pending before the Food and Drug Administration for a product for which an authorization under this section is issued.

(k) Relation to other provisions

If a product is the subject of an authorization under this section, the use of such product within the scope of the authorization shall not be considered to constitute a clinical investigation for purposes of section 355(i), 360b(j), or 360j(g) of this title or any other provision of this chapter or section 351 of the Public Health Service Act [42 U.S.C. 262].

(l) Option to carry out authorized activities

Nothing in this section provides the Secretary any authority to require any person to carry out any activity that becomes lawful pursuant to an authorization under this section, and no person is required to inform the Secretary that the person will not be carrying out such activity, except that a manufacturer of a sole-source unapproved product authorized for emergency use shall report to the Secretary within a reasonable period of time after the issuance by the Secretary of such authorization if such manufacturer does not intend to carry out any activity under the authorization. This section only has legal effect on a person who carries out an activity for which an authorization under this section is issued. This section does not modify or affect activities carried out pursuant to other provisions of this chapter or section 351 of the Public Health Service Act [42 U.S.C. 262]. Nothing in this subsection may be construed as restricting the Secretary from imposing conditions on persons who carry out any activity pursuant to an authorization under this section.

(m) Categorization of laboratory tests associated with devices subject to authorization

(1) In general In issuing an authorization under this section with respect to a device, the Secretary may, subject to the provisions of this section, determine that a laboratory examination or procedure associated with such device shall be deemed, for purposes of section 353 of the Public Health Service Act [42 U.S.C. 263a], to be in a particular category of examinations and procedures (including the category described by subsection (d)(3) of such section) if, based on the totality of scientific evidence available to the Secretary—

(A) such categorization would be beneficial to protecting the public health; and

(B) the known and potential benefits of such categorization under the circumstances of the authorization outweigh the known and potential risks of the categorization.

(2) Conditions of determination

The Secretary may establish appropriate conditions on the performance of the examination or procedure pursuant to such determination.

(3) Effective period

A determination under this subsection shall be effective for purposes of section 353 of the Public Health Service Act [42 U.S.C. 263a] notwithstanding any other provision of that section during the effective period of the relevant declaration under subsection (b).

(June 25, 1938, ch. 675, § 564, as added Pub. L. 108–136, div. A, title XVI, § 1603(a), Nov. 24, 2003, 117 Stat. 1684; amended Pub. L. 108–276, § 4(a), July 21, 2004, 118 Stat. 853; Pub. L. 113–5, title III, § 302(a), Mar. 13, 2013, 127 Stat. 179; Pub. L. 114–255, div. A, title III, § 3088(a), Dec. 13, 2016, 130 Stat. 1148; Pub. L. 115–92, § 1(a), Dec. 12, 2017, 131 Stat. 2023.)
U.S. Code Toolbox
Law about... Articles from Wex

Dr. Pierre Kory is president and co-founder of the Front Line COVID-19 Critical Care Alliance (FLCCC). In late 2020, Dr. Kory was a witness for a US Senate hearing that accused health authorities of covering up the effectiveness of alternative treatments for COVID-19.

Dr. Kory's statements were both heralded and criticized by opposing factions, leading to his resignation from Aurora St Luke's after a new contract threatened his freedom of speech.

Recently: In March of 2021, Dr. Birx Admits That She Lied And Killed Americans To Save Her Job. Dr. Deborah Birx said that she wasn't **[allowed]** to nationally give people the truth on COVID, but instead of resigning, she lied to save her job. Birx is admitting that she lied to the American people. She did it to save her job. In one part o the interview, she stated: ***"No one had to die."*** Something those of us who are not medical professionals, or legislative parties knew, because we took the time to do very simple research. Gavin Newsom, his officers, directors & conspirators. choose to participate in these murders, in which ***"No one had to die."***

Deborah Birx chose to save her job instead of saving American lives. Just as the individuals on this perpetrator list have done. We know, because a small group of us go out at day and night and talk with people, who know some of those who have died in this bio-weapon death apocalypse, which is happening now. We ask if they knew if the deceased was shot and boosted. Every-time we have received the same answer. Yes. It is easy, even without much effort to count at least four to six deaths a day, of individuals who have received this Covid—19 bio-weapon injection One of our members counted 10. When this task first began. I alone counted 50 in one week, that was going on very little sleep. We will keep counting. This will be lasting for many generations to come.

Something that those of us who are not medical professionals or law makers, have understood and attempted to make known Many medical professionals, to Newsom's officers, directors & conspirators, we were and still are completely ignored. We, as parents had sense enough to do research, and it did not take much at all. There can be no trust placed in Gavin Newsom, nor these participating officers,

directors & conspirators. Who gave no concern for life, or stopping the murders of children, which their policies have caused and are still causing. Except for their own. The Judicial Council of California, Gavin Newsom, his officers, directors and co-conspirators must be made to pay for their violations of law, crimes against humanity, crimes against women and children, all of which could have been prevented, if the law was followed. Their punishment must take place, even with the passage of time. Just as Dr. Brix stated, ***"No one had to die."*** Anyone who can forgo all morality and continue to do that which destroys the lives of children, can only be trusted to do exactly that, murder and murder children. To abide by their request is only to cosign the murders of the Judicial council of California, Gavin Newsom, his officers, directors, and conspirators. If we do not, we are the one made to be the criminals, lashed out against.

When the rights of the people are violated to this degree, there is no government, there is only Tyranny. The Judicial Council of California, Gavin Newsom, his officers, directors and conspirators are part of the greatest orchestrated murdering of humanity in recorded history, greatly inclusive of the destruction of the lives of children, the genocide of children. We have attached only one, document which proves that prove the only purpose for holding onto any Covid restrictions is for the purpose of the committal of more unnecessary murders, that will be continuing for generations to come. When the reality is ***"No one had to die."*** Honor and or Honorable is not part of the Judicial Council of California, Gavin Newsom his officers, directors and conspirators, only disdain and condemnation.

According to Webster's Dictionary, the archaic definition of "honor" (as used when the 13th Amendment was ratified) meant anyone "obtaining or having an advantage or privilege over another". A contemporary example of an "honor" granted to only a few Americans is the privilege of being a judge: Lawyers can be judges and exercise the attendant privileges and powers; non-lawyers cannot.

By prohibiting "honors", the missing Amendment prohibits any advantage or privilege that would grant some citizens an unequal opportunity to achieve or exercise political power. Therefore, the second meaning (intent) of the 13th Amendment was to ensure political equality among all American citizens, by prohibiting anyone, even government officials, from claiming or exercising a special privilege or power (an "honor") over other citizens.

If this interpretation is correct, "honor" would be the key concept in the 13th Amendment. Why? Because, while "titles of nobility" may no longer apply in today's political system, the concept of "honor" remains relevant. For example, anyone who had a specific "immunity" from lawsuits which were not afforded to all citizens, would be enjoying a separate privilege, an "honor", and would

therefore forfeit his right to vote or hold public office. Think of the “immunities” from lawsuits that U.S. judges, lawyers, politicians, and bureaucrats currently enjoy. As another example, think of all the “special interest” legislation the U.S. government passes: “special interests” are simply euphemisms for “special privileges” (honors).

If the missing 13th Amendment were restored, “special interests” and “immunities” might be rendered unconstitutional. The prohibition against “honors” (privileges) would compel the entire government to operate under the same laws as the citizens of this nation. Without their current personal immunities (honors), US judges and I.R.S. agents would be unable to abuse common citizens without fear of legal liability. If this 13th Amendment were restored, the entire U.S. Government would have to conduct itself according to the same standards of decency, respect, law, and liability as the rest of the nation. If this Amendment and the term “honor” were applied today, U.S. Government’s ability to systematically coerce and abuse the public would be all but eliminated. [Which you should be.]

Imagine! A government without special privileges or immunities. How could we describe it? It would be … almost like … a government … ***of the people*** … ***by the people*** … ***for the people!*** Imagine: a government … whose members were truly accountable to the public; a government that could not systematically exploit its own people! It’s unheard of … it’s never been done before. Not ever in the entire history of the world. It is only We the People who can create and be that kind of government.

Recently we have learned the Communist China has lifted all Covid-19 restrictions. This means the state of California, when it comes to the lifting of all Covid-19 restrictions is worse than Communist China. ***Newsom said he’s only keeping the emergency in place because the Legislature won’t pass the laws he wants;*** We the People must not allow this to be just another in a long line of Unqualified Impunity: - When Government Officials Break the law and get away with it. Continuing this accepted pattern of adding to the already shocking statistic of demoncide, as Christmas approaches. Of course there will be this fake presentation of Merry Christmas from these murderers, or maybe for them demoncide is merry. It is very easy to draw that conclusion.

Gavin Newsom & his officers, directors & conspirators, will not always have the immunities and privileges which seal them from prosecution. When they have them no longer, we will be there. If at all possible, we will reach these goals set before that time. We are working in tandem with others to reach that goal.

At the protested we held here in San Francisco, not one of the people on this list, who are part of San Francisco government joined us, asked us any questions, in what we were protesting about, even when

protesting stopping the murders of children. Recently we have learned that china has lifter all Covid19 restrictions. In that regard, the state of California is worse off that Communist China, with the greater portion of the population in San Francisco, self-imposing Covid-19 restrictions on themselves. Many wanting more.

https://www.aier.org/article/masking-children-tragic-unscientific-and-damaging/
https://www.dailymail.co.uk/news/article-10247315/Face-masks-harm-childrens-development-Study-blames-significantly-reduced-development.html

WANTED FOR DEMONCIDE; CRIMES AGAINST HUMANITY, GREATLY INCLUSIVE OF CRIMES AND GENOCIDE AGAINST WOMEN AND CHILDREN. In the San Francisco Bay Area, those **OFFICERS, DIRECTORS & CONSPIRATORS are:**
Governor of the State of California GAVIN NEWSOM, State Senator SCOTT WIENER, California State Senator RICHARD PAN, Josh Newman, SENATOR California health and human services secretary DR. MARK GHALY, United States secretary of health and human services XAVIER BECERRA, Attonery General for the state of California ROB BONTA, Deputy Health Officer DR. SUSAN PHILLIPS, City Attorneys for the City of San Francisco, DAVID CHU, Former City Attorney for the City of San Francisco, California DENNIS HERRERA, California State Assembly Member, DR. AKILAH WEBER, California State Assembly member EVAN LOW, California State Assembly Member BUFFY WICKS, California State Assembly Member CECILIA AGUIAR-CURRY,

SAN FRANCISCO BOARD OF SUPERVISORS

Mission statement: OUR MISSION The Board of Supervisors responds to the needs of the people of the City and County of San Francisco, establishes city policies, and adopts ordinances and resolutions.

SAN FRANCISCO BOARD OF SUPERVISORS

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Mayor of the City of San Francisco, California LONDON BREED,
Director of Health for the City and County of San Francisco DR. GRANT COLFAX,

THE JUDICIAL COUNCIL OF CALIFORNIA MISSION STATEMENT

The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. Judicial Council staff help implement the council's policies. In which the judicial council has completely failed and is failing, and will continue to do exactly that, unless we the people rise up and have them completely removed.

THE JUDICIAL COUNCIL OF CALIFORNIA MEMBERS

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County of Yolo MR. SHAWN C. LANDRY, Commissioner of the Superior Court of California, County of Orange HON. GLENN MONDO, Presiding Judge of the Superior Court of California, County of Mendocino HON. ANN C. MOORMAN, Presiding Judge of the Superior Court of California, County of Santa Clara HON. THEODORE C. ZAYNER, -Secretary- MARTIN HOSHINO -Administrative Director-

SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY

Providing and enforcing continual false and misleading information leading child abuse and. Today this transportation services has a recording that states “Thanks for wearing your mask, it protects you and others who are at risk.” Plenty of information has been sent to this agency detailing the harmfulness and ineffectiveness of mask. All information was ignored. When a transportation is engaged in child abuse, that agency must also be destroyed and replaces with one that has a concern for humanity, a concern for life, not just a job and a paycheck, caring not what life they destroy. This pattern of destruction has become a standard for every government agency in San Francisco. On thefront of each bus as it approaches are the words MASKED ADVISED actually meaning HARM TO YOU AND YOUR CHILDREN ADVISED. That same harm is advised and forced at every medical clinic and hospital in San Francisco, this from places that are making the false claim of being dedicated to medical safety and health. These can no longer be called health centers, they must be called what the are. Concentration Camp Indoctrination Centers, and for many just the concentration camp itself.

SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY BOARD OF DIRECTORS

JEFFERY TUMLIN, GWYNETH BORDEN-CHAIR, AMANDA EAKEN-VICE CHAIR, STEVE HEMINGER-DIRECTOR, FIONA HINZE-DIRECTOR, SHARON LAI-DIRECTOR, MANNY YEKUTIEL-DIRECTOR.

SAN FRANCISCO POLICE DEPARTMENT & CHIEF BILL SCOTT

SAN FRANCISCO SHERIFF’S DEPARTMENT

https://www.lewrockwell.com/2020/10/joseph-mercola/these-sheriffs-are-the-difference-between-freedom-and-tyranny/

The Journalist's Creed was written by the first dean of the University of Missouri School of Journalism, Walter Williams. More than one century later, his declaration remains one of the clearest statements of the principles, values and standards of journalists throughout the world.

http://www.journalistscreed.org/ Non existent in SF Bay Area media, especially in any aspect of truth concerning anything Covid-19. What has been presented and still presented has contributed to the greatest orchestrated murdering of humanity in recorded history assisting he U.S. Government Sacrifice of American Lives to Boost COVID-19 Vaccine Sales Before the End of 2022. With no concern for who is murdered, these murders greatly inclusive of children. That is what is happening massively in San Francisco. Ever aspect of government, law, mainstream media here needs to be held accountable.

SAN FRANCISCO NEWS STATION & REPORTERS AT

ABC7–KGO, ABC owned-and-operated, KUMASI AARON, CHRIS ALVAREZ, REGGIE AQUI, LISA ARGEN, DAN ASHLEY, LARRY BEIL, TARA CAMPBELL, SPENCER CHRISTIAN, AMA DAETZ, AMANDA DEL CASTILLO, Video Journalist Multimedia Reporters CAMILA BARCO, Multimedia Reporter TAYLOR BISACKY, Multimedia Reporter JUSTIN CAMPBELL, Multimedia Reporter PHILIPPE DJEGAL, Multimedia Reporter TERISA ESTACIO, KRONon Anchor AMANDA HARI, Multimedia Reporter MAUREEN KELLY, Multimedia Reporter DAN KERMAN, Multimedia Reporter HAAZIQ MADYUN, Multimedia Reporter ROB NESBITT, Multimedia Reporter GAYLE ONG, Multimedia Reporter SARA STINSON, Multimedia Reporter DAN THORN, Multimedia Reporter WILL TRAN, Multimedia Reporter, Sports JASON DUMAS, Sports Director KATE ROONEY, Sports Reporter KYLEN MILLS, Special Contributors ASHLEY ZAVALA, Sacramento Correspondent ROB BLACK, Financial Expert ALEX LIMON, Washington correspondent ANNA WIERNICKI, San Francisco news station, KTVU 2,Fox Television Stations, San Francisco Chronicle, HEARST CORPORATION, San Francisco Examiner, Owner, CLINT REILLY, SF Gate, HEARST COMMUNICATION, San Francisco newspaper, MISSION LOCAL.

SAN FRANCISCO & BAY AREA MAYORS

A partial list

Mayor of Oakland, California LIBBY SCHAAF, Vice Mayor, Oakland, California REBECCA KAPLIN Mayor of San Jose, California SAM LACCARDO, Mayor of Berkeley, California JESSE ARREGUÍN, Mayor of the City of Sonoma California JACK DING, Contra Consta County MAYOR DOMINIC ALIANO, Mayor of San Francisco, California LONDON BREED,
Many more names to be added.

Confirming documentation of the crimes committed. Criminal FDA Authorizes Pfizer and Moderna Bivalent Booster COVID Injections for Babies 6 Months Old to 4 Years.

https://medicalkidnap.com/2022/12/08/criminal-fda-authorizes-pfizer-and-moderna-bivalent-booster-covid-injections-for-babies-6-months-old-to-4-years/

The state of California and the government of San Francisco and the San Francisco Bay area are just as criminal. Confirmed many times is this fact: The U.S. Government Wants to Sacrifice American Lives to Boost COVID-19 Vaccine Sales Before the End of 2022. With no concern for who is murdered, these murders greatly inclusive of children. That is what is happening massively in San Francisco. Ever aspect of government, law, mainstream media here needs to be held accountable.

Asked in the Canada Free Press – Where Are the Men in America? I am posing that question, Where are the Men in San Francisco? I started this during the times of protesting all these now well known Covid-19 lies, that are still being promoted here, in San Francisco. Those men I know of, here in San Francisco, who are active and outspoken about stopping this genocide of children, I can count on four fingers, there may be more, these four are the ones I know of who are outspoken daily. I have witnessed zero speaking out to stop this genocide from any of those professions mentioned on the perpetrator list.

https://www.redvoicemedia.com/2022/12/covid-19-vaccines-what-they-are-how-they-work-and-possible-causes-of-injuries/ref/8/

It has taken some time to complete the name of people and organizations, business to add to our perpetrator list, due to the fact that we are a small group, and we have been spending time counting the numbers of people who have died that have been shot and boosted, and collecting the names od other institutions that are promoting the concentration camp indoctrination center mentality. Some of those institutions include schools, colleges, libraries, etc… We will list them all.

.U.S. Government Is Caught Red Handed By Project Veritas Sending Migrant Children To Child Traffickers: Entire System Set Up To Send The "Product:" Children Used For Labor and Sex

https://celiafarber.substack.com/p/us-government-is-caught-red-handed?utm_source=post-email-title&publication_id=257742&post_id=88659945&isFreemail=true&utm_medium=email

.60,000 Children Injured and Dead Along with 4,571 Fetal Deaths Following COVID Vaccines

https://medicalkidnap.com/2022/12/04/60000-children-injured-and-dead-along-with-4571-fetal-deaths-following-covid-vaccines/

While the state of California and the City of San Francisco are still in the promotion of activities that greatly contribute to both.

I’d bet that the definition of a Merry Christmas, for the people on this perpetrator list, includes singing the words kill more children, to the tune of “Jingle Bells”, with the only lyrics of their song being kill more children.