

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

LARRY KLAYMAN

Plaintiff,

v.

HILLARY RODHAM CLINTON,

and

WILLIAM JEFFERSON CLINTON,

and

THE CLINTON FOUNDATION

a/k/a The William J. Clinton Foundation

a/k/a The Bill, Hillary & Chelsea Clinton Foundation

1271 Avenue of the Americas, 42nd Floor

New York, New York 10020

Service: Chairman Bruce Lindsey or Vice-Chairman

Chelsea Clinton Mezvinsky (née Chelsea Victoria Clinton)

Defendants.

Civil Action No. \_\_\_\_\_

**TRIAL BY JURY DEMANDED**

**COMPLAINT PURSUANT TO RACKETEER INFLUENCED AND CORRUPT  
ORGANIZATIONS ACT AND OTHER CAUSES OF ACTION**

Plaintiff sues the Defendants, as individuals operating a criminal enterprise, for violating Plaintiff's statutory rights to obtain documents under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, for violating Plaintiff's due process rights, vested property rights, constitutional rights, and for misappropriating property. The Defendants have systematically and continuously, over the last ten (10) years and more, conducted a corrupt

enterprise in violation of the Racketeer Influenced and Corrupt Organization (“RICO”) Act, all of which acts are continuing in nature. As grounds therefore, Plaintiff alleges as follows:

**I. JURISDICTION AND VENUE**

1. This is a civil action for violations of 18 U.S.C. § 1961 *et seq.* (“Racketeer Influenced and Corrupt Organizations Act” or “RICO”). RICO addresses the corrupt abuse and misuse – usually covertly – of organizations, entities, businesses, institutions or even governments or government agencies, such that superficially legitimate entities actually operate for criminal purposes irrelevant to the entity’s purpose.
2. Plaintiff has filed many Freedom of Information Act (“FOIA”) requests for public records created or held by the U.S. Department of State (“State”), which records are of the public interest and importance to the citizens of the United States.
3. Considering two important FOIA requests in particular, the Defendants have withheld documents from the Plaintiff to which the Plaintiff is entitled to by law under FOIA concerning the granting of waivers by the Secretary of State for persons, companies, countries, and other interests to do business with Iran. In addition, the second FOIA at issue concerns the Defendants, and in particular Defendant Hillary Clinton, leaking Israeli war plans and cyber-warfare methods and sources to David Sanger of The New York Times.
4. As it has now been revealed, a primary reason that the Plaintiff did not receive the records to which the Plaintiff is entitled by law is that Defendant Hillary Clinton – upon information and belief together with Cheryl Mills and Defendant Bill Clinton and other Clinton “loyalists” – set up a private computer file server (“server”) operating a private, stand-alone electronic mail (“email”) system.

5. As admitted by Defendant Hillary Clinton and State, Secretary of State Hillary Clinton did not use any official, governmental email address or account from State or the U.S. Government, but instead used for her communications as Secretary of State her own private, 'off the books' email system and server secretly set up in her mansion in Chappaqua, New York, even for all of her official business as Secretary of State.
6. "I thought it would be easier to carry just one device for my work and for my personal emails instead of two," she incredulously explained at a March 10, 2015 press conference at the United Nations, despite having staff assisting her and traveling with her.
7. Upon information and belief, the server is jointly owned, operated, and controlled by both Defendants Hillary Clinton and Bill Clinton.
8. Upon information and belief, the server was established in part for the use of Defendant The Clinton Foundation and Defendant Hillary Clinton. Defendant The Clinton Foundation and Defendant Hillary Clinton own the server in whole or in part.
9. As a result, the Defendants concealed from the Plaintiff public records to which the Plaintiff was entitled to under the FOIA Act.
10. Defendants concealed official government documents such that they were not available to be searched and produced to the Plaintiff under FOIA. Defendants intended to operate a covert enterprise of trading political favors and governmental acts in exchange for donations, which are in effect bribes, to Defendant The Clinton Foundation and/or speaking fees to Defendants Bill and/or Hillary Clinton.
11. Using those concealed communications held on the private email server, upon information and belief, the Defendants negotiated, arranged and implemented the sale of influence and access to U.S. Government officials and decision-makers and official acts

by State and other instrumentalities of the U.S. Government in return for gratuitous and illegal payments – bribes – disguised as donations to Defendant The Clinton Foundation and extraordinarily high speaking fees paid to Defendant Bill Clinton and Defendant Hillary Clinton. This illegal conduct is consistent with pattern and practice and course of conduct of the Defendants during their administration in the 1990s.

12. As a result, Defendants unlawfully withheld documents to which Plaintiff was entitled to under FOIA law.

## **II. JURISDICTION AND VENUE**

13. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331. Jurisdiction is also proper pursuant to 18 U.S.C. § 1965, which allows for nationwide jurisdiction pursuant to the Racketeer Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §§ 1961-1968.

14. This Court also has subject matter jurisdiction over this action based on diversity of citizenship pursuant to 28 U.S.C. § 1332(a)(2).

15. Jurisdiction is also proper under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), in so far as the actions violate the First and Fifth Amendments to the U.S. Constitution.

16. This Court has supplemental jurisdiction over this action pursuant to 28 U.S.C. § 1367.

## **III. THE PARTIES**

17. Plaintiff Larry Klayman is an attorney active in the public interest and is Chairman and General Counsel of Freedom Watch, Inc. Plaintiff seeks to promote openness and transparency in the public interest within the federal government and governmental actions for the benefits of the American people and citizens. Plaintiff initially signed and

requested, pursuant to FOIA, the records set forth with regard to the two FOIA requests at issue here. Plaintiff is a citizen of Florida.

18. The Plaintiff's injuries, including the deprivation of his legal rights and legally protected vested property rights, are proximately related to the illegal conduct of Defendants, each and every one of them, jointly and severally.
19. Defendant The Clinton Foundation claims to be a not-for-profit organization subject to Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)).
20. Defendant The Clinton Foundation, originally created under the name of the William J. Clinton Foundation, and also known as The Bill, Hillary & Chelsea Clinton Foundation, was founded by Defendant Bill Clinton in 2001 with the stated mission to "strengthen the capacity of people throughout the world to meet the challenges of global interdependence."
21. Numerous projects or "initiatives" such as "the Clinton Global Initiative" are subdivisions of Defendant The Clinton Foundation. However, there are also indications among the financial reports of The Clinton Foundation that major "initiatives" have been spun off and are now housed under independent corporations with additional donations.
22. Defendant Hillary Clinton is acting in all events relevant herein as an individual operating a criminal enterprise, but also served as U.S. Secretary of State from January 21, 2009 – February 1, 2013. President Barack Obama appointed Defendant Hillary Clinton to this position. She is a citizen of New York.
23. Defendant Hillary Clinton was an elected U.S. Senator from New York from January 3, 2001, through January 3, 2009, and served on many U.S. Senate committees and subcommittees involving U.S. military capabilities and activities worldwide.

24. Defendant Hillary Clinton was the former First Lady of the United States.
25. Defendant Hillary Clinton is on the Board of Directors of Defendant The Clinton Foundation.
26. Defendant Hillary Clinton is married to former President and Defendant William Jefferson Clinton and is the mother of Chelsea Victoria Clinton.
27. Defendant Bill Clinton is acting in all events relevant herein as an individual operating a criminal enterprise, but also was President of the United States from January 20, 1993 to January 20, 2001. He is a citizen of New York.
28. Defendant Bill Clinton is a member of the Board of Directors of Defendant The Clinton Foundation. Defendant The Clinton Foundation's headquarters are in New York, New York and it is incorporated in Arkansas.
29. Though not named as a Defendant at this time, as a relevant actor Chelsea Victoria Clinton is the daughter of Defendants Bill and Hillary Clinton. Chelsea Clinton is a member of the Board of Directors of Defendant The Clinton Foundation and serves as the Vice Chair of the Board of Directors.
30. Though not named as a Defendant at this time, as a relevant actor Bruce Lindsey is The Clinton Foundation's Chairman of the Board, and previously Deputy White House Counsel for Defendant President Bill Clinton during the Clinton administration and a leader in Defendant Bill Clinton's campaign for president.
31. Though not named as a Defendant at this time, as a relevant actor Cheryl Mills is a member of the Board of Directors of Defendant The Clinton Foundation.
32. Cheryl Mills was Chief of Staff to U.S. Secretary of State Defendant Hillary Clinton and Counselor for State.

33. Cheryl Mills was Associate Counsel to the President under Defendant President Bill Clinton.

**IV. FACTS COMMON TO ALL COUNTS**

34. Defendants have misappropriated – that is, stolen – the documents which are U.S. Government property under relevant records management and archive laws governing U.S. Government officials.

35. Defendants have misappropriated – that is, stolen – the documents which the Plaintiff is entitled to as a vested property right and property pursuant to FOIA law.

36. Plaintiff filed a FOIA request to State on May 21, 2012, asking in the public interest for:

Any and all documents that refer or relate in any way to the final decisions to grant waivers to all countries and other interests doing business with the Islamic Republic of Iran pursuant to the Comprehensive Iran Sanctions, Accountability, and Divestment Act, 22 U.S.C. § 8501, *et. seq.* or Executive Order 13533.

37. These sanctions were established by Congress to hinder Iran’s development of nuclear weapons capable of doing massive damage to cities in the United States and Israel and other western allies by limiting financial transfers to Iran and Iranian interests and to discourage Iran’s military build-up and march to nuclear weapons of mass destruction.

38. Decisions by then Defendant Secretary of State Hillary Clinton to waive these sanctions are likely to directly undermine the Congressionally-established foreign policy of limiting Iran’s financial abilities to develop nuclear weaponry that can threaten the United States, Israel and its western allies.

39. However, State has not produced any documents in response to this FOIA request.

40. Plaintiff also filed another FOIA request to several agencies including State, asking in the public interest for:

Any and all information that refers or relates to The New York Times article entitled "Obama Order Sped Up Wave of Cyber attacks Against Iran" by David E. Sanger on Friday, June 1, 2012, and which information was provided and leaked to Mr. Sanger and The New York Times;

Any and all information that refers or relates in any way to information released to David E. Sanger and/or made available to him;

The names of the persons, employers and job titles, and addresses of those who "leaked" the above information to David E. Sanger;

Communications with The White House and/or Office of the President and/or Vice President that refer or relate in any way to the "leaked" information and/or the reasons for "leaking" the information;

Any and all information that refer or relate to the decision to "leak" the above previously classified information;

Any and all information that refers or relates to government agencies deciding to investigate who "leaked" the above previously classified information.

41. Reporter David Sanger published information in The New York Times clearly leaked from State that included information about Israeli and U.S. programs and efforts to sabotage Iran's nuclear weapons development programs and facilities.
42. Public reports about plans to counter Iran's nuclear weapons development programs undermined the effectiveness of those plans by revealing them to Iran and other terrorist organizations and states.
43. State produced very few documents, and withheld and redacted many documents inappropriately and without providing a *Vaughn* index.

**State's Compliance with FOIA Harmed and Corrupted by RICO Enterprise**

44. As a result of the following facts and circumstances below, State's search did not find all responsive documents because they were hidden from Departmental scrutiny in the

basement of Defendant Hillary Clinton's personal mansion on a private computer file server managing her private, 'off-the-books' email account.

45. Departmental personnel could not locate responsive documents that were intentionally and knowingly kept hidden within Defendant Hillary Clinton's personal email system for the very purpose of Defendant Hillary Clinton preventing their discovery, and especially those emails already deleted from her private server.

46. It is suggested that other State employees with whom she was corresponding would have captured Defendant Hillary Clinton's emails.

47. In fact, according to the Inspector General of State, the employees of State generated more than 1 Billion emails in 2011, yet only 61,156 were retained as public records.

48. As a result of State employees preserving only 61,156 emails out of over 1 Billion emails, State did not fully produce documents in response to various FOIA requests.

49. In the aforementioned report, the Inspector General of State conducted a review and issued a report "Review of State Messaging and Archive Retrieval Toolset and Record Email" publicly released on March 11, 2015.<sup>1</sup>

50. The Inspector General's report reads like an interim report and explicitly acknowledges that review is on-going and recommends that a working group on improving record-keeping should continue.

51. Nevertheless, the U.S. Department of State's Inspector General's report found concerning email operations and use at State:

Some employees do not create record emails because they do not want to make the email available in searches or fear that this availability would inhibit debate about pending decisions.

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<sup>1</sup> Accessible at <http://oig.state.gov/system/files/isp-i-15-15.pdf>

Every employee in the Department has the responsibility of preserving emails that should be retained as official records.

Page 2

Most mission and bureau employees who did not use record emails as intended told OIG they were usually unaware of what types of information should be saved as record emails.

Page 5

Some employees were under the impression that record emails were only a convenience; they had not understood that some emails were required to be saved as records.

Page 5

The Department's deficiencies in preserving appropriate emails cannot be changed unless the actions of individual employees change.

Page 6

The Department of State (Department) and its employees need official records for many purposes: reference in conducting ongoing operations; orientation of successors; defending the U.S. Government's position in disputes or misunderstandings; holding individuals accountable; recording policies, practices, and accomplishments; responding to congressional and other enquiries; and documenting U.S. diplomatic history. Record preservation is particularly important in the Department because Foreign Service officers rotate into new positions every 2 or 3 years. Federal law requires departments, agencies, and their employees to create records of their more significant actions and to preserve records according to Government wide standards.

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52. Indeed, in responding to the subject FOIA request and suppressing responsive documents, State, its then Chief of Staff Cheryl Mills, and its then Secretary, Defendant Hillary Clinton, lied to the lower court, as they claimed that there were no responsive documents from the Defendant Secretary's office.
53. As a result, State performed an inadequate search for records responsive to the Plaintiff's FOIA requests.

54. State's search for records responsive to the Plaintiff's FOIA requests were inadequate because the Defendants knowingly and intentionally concealed approximately 62,490 records from official State record-keeping until around two years after Hillary Clinton left office and admittedly destroyed over 32,000 of those records.
55. As a result, the concealment of approximately 62,490 emails to and from the Secretary of State directly harmed the Plaintiff in the availability of the most relevant and the most important records of State, given that the Secretary would be informed about or giving orders concerning the high-level issues and policies addressed by Plaintiff's FOIA requests and the similar FOIA requests of other requesters.
56. Even those emails returned to State were concealed for two years after Defendant Hillary Clinton's separation from State, and all during her tenure as Secretary of State.
57. Relying on these false representations, the lower court granted summary judgment in lawsuits by Freedom Watch seeking these documents.
58. These false representations worked a fraud upon the Courts and Plaintiff and are an obstruction of justice.

**State Did Not Comply with FOIA  
as Defendants Concealed Public Records on Private Server**

59. The position of Inspector General at State, charged with overseeing compliance with laws and regulations at State, was vacant for nearly 2,066 days from the resignation of Howard J. Krongard on December 7, 2007, until the U.S. Senate confirmed Steve A. Linick on September 30, 2013.
60. Defendant Hillary Clinton formally resigned as Secretary of State on February 1, 2013.
61. Therefore, during Defendant Hillary Clinton's entire term as Secretary of State – including her separation procedures as she departed – State had no Inspector General

compliance officer responsible to oversee State's compliance with laws, regulations, and Departmental procedures.

62. Meanwhile, Defendant Hillary Clinton (together with Defendant Bill Clinton and The Clinton Foundation) set up a private, off-the-books, email system approximately nine (9) days before she was sworn in as U.S. Secretary of State as uncovered, revealed, and reported by The New York Times.<sup>2</sup>
63. Department of State officials and Defendant Hillary Clinton herself have confirmed that Defendant Hillary Clinton exclusively used a personal account, instead of a government e-mail address, during her time in office.
64. Defendant Hillary Clinton conducted U.S. Government business through a private, unofficial email account secretly housed and maintained on a computer file server located in Defendant Hillary Clinton's private mansion in Chappaqua, New York operating email addresses (accounts) such as at "@clintonemail.com."
65. On hundreds of occasions Secretary of State Defendant Hillary Clinton was photographed by news media on the job, at official meetings, on official travel, at official events, and on official business conspicuously reading emails on her hand-held "smart phone."
66. Defendant Hillary Clinton admitted in a press conference at the United Nations on March 10, 2015, that she had turned over 30,490 emails to State in December 2014, nearly two years after leaving office. But, she also said she had deleted nearly 32,000 other email messages from that private email server at her mansion in Chappaqua, New York, claiming those emails are "private."

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<sup>2</sup> **"Hillary Clinton Used Personal Email Account at State Dept., Possibly Breaking Rules,"** Michael Schmidt, The New York Times, March 2, 2015.

67. As renowned ethics professor Ronald D. Rotunda writes, “By her own admission, Mrs. Clinton destroyed more than 30,000 emails once the subpoenas started coming in. She claims that she only destroyed personal records.”<sup>3</sup>

68. That is, Defendant Hillary Clinton destroyed the email records *after* many Congressional subpoenas and a flurry of FOIA requests from various requesters, including Plaintiff, had already been issued, including in the wake of the September 11, 2012, terrorist attack on the U.S. Consulate in Benghazi, Libya.

69. As explained by Professor Ronald D. Rotunda, Defendant Hillary Clinton’s actions were an intentional and pre-mediated effort, in violation of the law, to evade Congressional subpoenas and other legal accountability:

Mrs. Clinton was worried that communicating through email would leave a trail that might be subject to subpoena. “As much as I’ve been investigated and all of that,” she said in 2000, “why would I ever want to do email?” But when she became secretary of state, she didn’t have much choice. So she set up a private server in her house. That way, in the event of an investigation, she could control which emails would be turned over.<sup>4</sup>

70. Thus, in her own words, as an admission by a party-opponent, Defendant Hillary Clinton announced her reasons for avoiding traditional email as being to avoid providing information to official, government, judicial or Congressional investigations under the nation’s rule of law. This places her actions of setting up a private ‘off the books’ email system parallel to the U.S. Department of State’s own computer system in the light of her announced intentions to avoid providing information to lawful requests for information.

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<sup>3</sup> Accessible at: <http://www.wsj.com/articles/ronald-d-rotunda-hillarys-emails-and-the-law-1426547356>.

<sup>4</sup> “**Hillary’s Emails and the Law**,” Professor Ronald D. Rotunda, Esq., *The Wall Street Journal*, March 16, 2015, accessible at: <http://www.wsj.com/articles/ronald-d-rotunda-hillarys-emails-and-the-law-1426547356>

71. However, Defendant Hillary Clinton confirmed that she is acting as the sole judge of which emails she deleted are truly “personal.” Defendant Hillary Clinton stated in the public press conference covered on television: “For any government employee, it is that government employee’s responsibility to determine what’s personal and what’s work related.”

72. Thus, Defendant Hillary Clinton asserts the unilateral discretion to decide which records of her tenure as Secretary would be available to congressional investigators, to journalists and others such as Plaintiff filing Freedom of Information Act requests, U.S. judicial authorities and courts, and to history.<sup>5</sup>

73. Defendant Hillary Clinton has claimed that many of her so-called personal emails were sent to her husband, Defendant Bill Clinton, but Defendant Bill Clinton has contradicted and denied this false account by his wife, Defendant Hillary Clinton. A spokesperson for Defendant Bill Clinton said that Defendant Bill Clinton sent two emails in his entire life: one to astronaut and former Senator John Glenn, and the other to U.S. troops.

74. Chelsea Clinton, Vice Chair of The Clinton Foundation, also had an email address (account) at “@clintonemail.com.”

**Legal Obligation to Preserve and Disclose Official Records – Probable Perjury**

75. When Defendant Hillary Clinton departed State, she was required to undergo separation procedures in accordance with State’s Records Management Manual, (5 FAH-4 H-

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<sup>5</sup> Furthermore, Defendant Hillary Clinton insisted at the press conference on March 10, 2015 at the United Nations that none – not a single one – of the emails that she sent on her email address were classified. *Therefore, none of the 30,490 emails that Defendant Hillary Clinton admits were official business and turned over to State are classified* and they should be produced where responsive without any FOIA exemption. This, however, conspicuously leaves out whether she *received* such material.

217.2(b)). U.S. Department of State Foreign Affairs Manual Volume 5 Handbook 4  
Records Management Handbook: “Records Organization.”<sup>6</sup>

76. These mandatory departmental procedures, implementing governing laws and regulations, required Defendant Hillary Clinton to certify that she had returned to State all documents in her possession, including Form 109 (Exhibit 1).
77. The Form 109 and mandatory related procedures (Form 109 recites and attests to the warnings and notices and related procedures occurring when Form 109 is assigned), warned Defendant Hillary Clinton that she must return official records to State and also warned Defendant Hillary Clinton of multiple criminal statutes that would be violated if she did not.
78. It was recently reported that Defendant Hillary Clinton did not sign Form 109. This, however, is likely false and in any event, carries no legal weight for three reasons:
- a. First, if Defendant Hillary Clinton did not sign Form 109, she deliberately defied the law requiring her to do so under the supervision of a State representative.
  - b. Second, a reasonable inference is that she did not sign Form 109 because what she would have had to attest to on the form would not be the truth. That is, what the form would attest, if signed, is not what the truth is in her case.
  - c. Third, Defendant Hillary Clinton’s circumstances are unique. Past Secretaries of State did not knowingly establish a private, off-site email system in parallel to the U.S State Department’s official email computer systems. Therefore, Defendant Hillary Clinton’s obligations to return official records maintained

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<sup>6</sup> Accessible at <http://www.state.gov/documents/organization/89251.pdf>

off-site is unique and distinct from any other past or present Secretary or top official.

79. If she did sign it, Defendant Hillary Clinton deliberately and intentionally defied the rules set forth in the Form, requiring her to return all emails to State sent or received in the course of her duties. Upon information and belief, given the conduct at issue, State and Defendant Hillary Clinton have lied in fact, she did sign Form 109 upon leaving State.

80. However, Defendant Hillary Clinton now admits that she did not turn emails from her private server involving official State business over to State until March 2015 two (2) years after her departure on February 1, 2013, when she finally returned 30,490 emails from her private server involving her work as Secretary of State.

81. It is a reasonable inference from the facts known and alleged that Defendant Hillary Clinton signed Form 109 under penalty of perjury pursuant to 18 U.S.C. § 1001. This statute provides for ten (10) years in prison for every false statement made to U.S. courts.

82. Furthermore, regardless of whether she signed the form, Defendant Hillary Clinton was nevertheless required to return official records upon her separation from service at the U.S. Department of State. Pursuant to 18 U.S. Code § 2071(b) (emphasis added):

Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, *shall be fined under this title or imprisoned not more than three years*, or both; and shall forfeit his office and be disqualified from holding any office under the United States . . .

**Neutral Decision-Maker Must Decide Which Emails are “Private”**

83. Plaintiff asks that a neutral forensic expert be ordered, as the Court’s expert, to take custody and control of the private email server and reconstruct and preserve the official U.S. Government records relating to the conduct of U.S. foreign policy during Defendant

Hillary Clinton's term as Secretary of State from January 20, 2009, through February 1, 2013, just as Judge Royce Lamberth ordered in the 'Filegate' case missing emails, *Alexander v. FBI, et. al*, Case No. 1:96-cv-02123.

84. Defendant Hillary Clinton seeks to minimize the problem by asserting that her emails sent to other people in the U.S. Government might have been preserved by the recipients in the U.S. Government on their end.
85. However, as noted herein, the Inspector General of State found that Departmental employees of State generated more than 1 Billion emails in 2011, yet retained only 61,156 as public records.
86. Moreover, Defendant Hillary Clinton's emails would not be preserved to or from leaders of foreign countries nor with foreign governments or U.S. or foreign business interests, negotiating speaking fees for Bill Clinton or donations to Defendant The Clinton Foundation.
87. Negotiations by email about influencing U.S. foreign policy or U.S. Government actions to benefit donors to Defendant The Clinton Foundation or sponsors of speaking engagements would not be captured on a U.S. Government email account because her emails would not be with a U.S. Government official.

**Withholding of Public Records Motivated by Corrupt Enterprise**

88. Here, official records of State – consisting of emails sent from and received by Defendant Hillary Clinton – were concealed within Defendant Hillary Clinton's server in her mansion for the personal and political benefit of the Defendants in large part because she was using email communications to arrange donations to Defendant The Clinton Foundation and large speaking fees to Defendants Bill Clinton and Hillary Clinton in

return for official government actions, policies, statements, and/or access to and from State, the U.S. Senate, U.S. House of Representatives or other parts of the U.S.

Government, and arranging other political benefits using the leverage of her official position.

89. The very purpose of communicating through a private computer email server and “off the books” private email address and account was to conceal the contents of those communications from Plaintiff, public discovery and government scrutiny.

90. Based on information and belief, and upon research and analysis, the computer expert who actually set up Hillary Clinton’s private email server, was Brook Colangelo.<sup>7</sup>

91. Brook Colangelo is a partisan, political activist, not an arms-length or neutral computer vendor or expert uninterested in politics, thereby buttressing the conclusion that the private email server set up in Defendant Hillary Clinton’s mansion basement was created for partisan, political reasons to conceal Defendant Hillary Clinton’s communications as Secretary of State from official accountability, public scrutiny, and historical archiving.

92. As described in his own biography at Houghton Mifflin Harcourt Publishing Company: “Brook Colangelo joined The White House team in 2008 to spearhead the Obama-Biden transition project. Prior to that, he held several senior IT leadership roles, including

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<sup>7</sup> The analysis includes technical details such as accounts used for “DNS” addresses and name servers. These technical pointers for [www.clintonemail.com](http://www.clintonemail.com) were changed dramatically on January 29, 2015, not long before the story of Hillary Clinton’s private email server broke. However, such data is often preserved in various archives accessible to internet and computer experts. The analysis suggests so far that the private email server is not actually located physically in the Clintons’ Chappaqua, New York mansion. The expert is still tracing back through archived internet data to identify the most likely physical location.

within the Democratic National Convention Committee, The American Red Cross' Hurricane Recovery Program and QRS Newmedia.”<sup>8</sup>

93. Subsequently, in January 2013 – the month before Defendant Hillary Clinton resigned as Secretary of State in February 2013 – Brook Colanego became the Executive Vice President and Chief Technology Officer for Houghton Mifflin Harcourt Publishing. *Id.*

94. Brook Colangelo previously served as Chief Information Officer of The White House Office of Administration (Executive Office of the President).

95. Brook Colangelo automated and updated the record keeping systems for The White House, and The White House email servers in 2009.

96. Brook Colangelo also worked in the presidential campaigns of both John Kerry and Al Gore, according to FedScoop,<sup>9</sup>

Colangelo has a long history of working with the Democratic Party and with its presidential campaigns. He served as the CIO for the Democratic National Convention Committee in 2007-2008 where he implemented all aspects of technology for the Democratic National Convention.

He also worked as a technology consultant for the Presidential campaigns of John Kerry and Al Gore.

97. Of course, John Kerry succeeded Defendant Hillary Clinton as Secretary of State.

98. On information and belief, Brook Colangelo also sought to set up a “backdoor” for The White House to access surveillance data being collected without a warrant domestically.<sup>10</sup>

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<sup>8</sup> “Houghton Mifflin Harcourt: Executive Leadership,” accessible at: <http://www.hmhco.com/about-hmh/executive-leadership>

<sup>9</sup> “**White House Office of Administration CIO to Step Down This Week**,” FedScoop.com, David Stegon, December 5, 2012.

<sup>10</sup> Domestic surveillance is challenged in Plaintiff’s case against the National Security Agency.

That is, Brook Colangelo is a highly partisan player, not a neutral information technology expert.

99. Defendants Hillary Clinton and Bill Clintons have personal, financial, political, professional, and partisan motivations for setting up a private email server.

100. Since leaving The White House in 2001, the Bill and Hillary Clinton household has amassed a personal fortune (outside of The Clinton Foundation) of over \$105 Million USD, consisting mainly of speaking fees paid to Bill Clinton from many nations, organizations, leaders, and business interests hostile to the United States and U.S. foreign policy and especially hostile to Israel, but flush with cash from oil revenue or from sources doing business with oil-rich, Middle Eastern and Arab countries.

101. While Defendant Hillary Clinton served in the U.S. Senate from 2001 through 2009 and as Secretary of State from 2009 through 2013, foreign governments, foreign business interests, and wealthy businessmen and women around the world whose interests are influenced or affected by U.S. Government policies and actions have funneled billions of dollars in donations to The Clinton Foundation.

102. While Defendant Hillary Clinton served in the U.S. Senate from 2001 through 2009 and as Secretary of State from 2009 through 2013, foreign governments, foreign business interests, and wealthy businessmen and women around the world whose interests are influenced or affected by U.S. Government policies and actions have funneled tens of millions of dollars in speaking fees to her husband Defendant Bill Clinton and herself.

103. State, under Defendant Hillary Clinton's leadership and control, approved of and facilitated her husband Defendant Bill Clinton's receipt of millions of dollars from

foreign interests including anti-Israel interests by approving Defendant Bill Clinton's activities in a conflict of interest process. Upon information and belief, State, at the direction of Defendant Hillary Clinton, funneled millions to organizations and interests in an attempt to defeat Prime Minister Netanyahu and his Likud Party in the March 2015 parliamentary elections.

104. Furthermore, upon information and belief, Defendant Hillary Clinton and the other Defendants transferred State funds to a U.S. non-profit called The PeaceWorks Network Foundation and to "One Voice," run by a Democrat campaign leader, Jeremy Bird, in an effort to defeat Israeli Prime Minister Netanyahu and his Likud Party. This action, and the appropriation of State and U.S. taxpayer funds to finance this criminal enterprise, was obviously a quid pro quo for contributions by Arab and Palestinian interests to The Clinton Foundation as well as the payment of large speaking fees to Defendants Bill and Hillary Clinton, as well as other illegal gratuities.

105. Indeed, these illegal organizations used U.S. taxpayer funds to bus Israeli Arabs to the polls on March 17, 2015 to vote against Prime Minister Netanyahu, as he opposes a Palestinian State on the West Bank and other Arab/Iranian designs to destroy Israel.

106. Furthermore, the State Department expedited visas for Arab political leaders organizing campaigns in Israel<sup>11</sup> against Benjamin Netanyahu to come to the U.S. and receive political campaign training for their efforts to defeat Netanyahu.<sup>12</sup>

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<sup>11</sup> It is often forgotten that Israel includes 1.4 Million voting citizens who are Palestinians. The visas were issued to Israeli citizens mobilizing campaigns against Netanyahu.

<sup>12</sup> "GOP Pollster McLaughlin: Obama, Allies Heavily Involved in Anti-Netanyahu Vote," Greg Richter, [Newsmax.com](http://www.newsmax.com), March 22, 2015, accessible at: <http://www.newsmax.com/Newsfront/mclaughlin-obama-anti-netanyahu/2015/03/22/id/631785/#ixzz3VL5LbNv6>

107. Defendant Hillary Clinton's key aid Huma Abedin has relationships and connections with the Muslim Brotherhood which facilitated access to the wealth of oil-rich countries and the sale of government actions hostile to Israel and helpful to Israel's enemies in return for donations to The Clinton Foundation.

108. As an IRS 501(c)(3) tax-exempt organization, Defendant The Clinton Foundation is forbidden from engaging in foreign or domestic political campaign activities.

**Personal Benefits Derived from Donations to The Clinton Foundation**

109. As Jennifer Rubin for The Washington Post reports: "The foundation of course provides luxury travel for Defendant Hillary Clinton and her spouse, a high-visibility platform and access to mega-donors. She is beholden in a meaningful sense to its donors."<sup>13</sup>

110. Unlike regulated campaign funds, which cannot be used for personal expenses, donations to Defendant The Clinton Foundation will provide luxury travel, up-scale social events, entertainment, gala dinners with world celebrities, other benefits and access to important people for Defendant Bill, Defendant Hillary, and Chelsea Clinton for decades to come, and can also pay compensation or stipends to Defendant Bill, Defendant Hillary, and Chelsea Clinton on the barest excuse of their time or attendance being for Clinton Foundation business. These decisions will be controlled by themselves and their closest political friends.

111. A May 29, 2014, press release from the Clinton Global Initiative reports that a total of \$15 Billion USD (*- billion*) has been raised in donations to the Clinton Global Initiative alone, as a project of Defendant The Clinton Foundation, including

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<sup>13</sup> "Foreign donations to foundation raise major ethical questions for Hillary Clinton," Jennifer Rubin, The Washington Post, February 18, 2015.

commitments or pledges to make further donations adding up to the overall total of \$15 Billion USD. Internationally, the Clinton Global Initiative announced that it has arranged “Commitments to Action” worth \$103 Billion USD when fully funded and implemented.

112. In these “Commitments to Action,” the Clinton Global Initiative has been accurately described as a trading floor for official and business favors.<sup>14</sup>
113. Upon information and belief, from the self-described history and self-description posted by Defendant The Clinton Foundation about itself that the spending of its funds are driven by personal decisions made by Defendant Bill Clinton, Defendant Hillary Clinton, and their daughter, Chelsea.
114. Defendant The Clinton Foundation openly admits to meetings with various heads of state of foreign countries and international leaders and organizations that prompted Defendant Bill Clinton to spend Foundation funds on various projects.
115. The Clinton Foundation purports not to give any funds to any other entity, but spends all donations received directly by itself as directed by the Clinton family.
116. Coincidentally, a confidential source inquired within the last year, motivated by humanitarian concerns for unemployed Haitian migrants living in slums near Marsh Harbour in the Bahamas after a blight destroyed citrus groves, how a Bahamian group could apply to The Clinton Foundation for an environmental/humanitarian/economic development grant to plant *Jatropha* trees to create and sell biodiesel fuel. Defendant The Clinton Foundation replied that it does not have any grant application process, no standards or procedures for evaluating potential projects, and does not make grants. Defendant The Clinton Foundation refused to consider in any manner or on any level a

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<sup>14</sup> “**Scandal at Clinton, Inc.: How Doug Band drove a wedge through a political dynasty,**” Alec MacGillis, New Republic, September 22, 2013

proposed humanitarian, environmentally-friendly project to create jobs for poor neighbors near the United States.

117. Therefore, Defendant The Clinton Foundation exists purely to cater to the private wishes and goals of Defendant Hillary, Defendant Bill, and Chelsea Clinton, such that even the purported humanitarian activities are undertaken for the pleasure and emotional gratification of the Clinton family, not as a result of considering and evaluating proposals based on a need.

118. The absence of any organized process for considering the validity, relative importance, and priority of projects, instead vesting decisions in the whim and personal desire of the Clinton family, transforms the projects into personal benefits to the Clintons.

119. The ability of Defendant The Clinton Foundation to decide by whim how the massive funds of the Clinton Foundation are spent also offers the opportunity to horse-trade favors.

120. The Board of Directors of Defendant The Clinton Foundation are, according to its representations on its website:

Bruce Lindsey, Chairman of the Board  
Chelsea Clinton, Vice Chair of the Board  
President, Bill Clinton  
Secretary, Hillary Rodham Clinton  
Former Counselor of the U.S. Department of State, Cheryl Mills  
Ambassador Eric Goosby, MD  
Lisa Jackson  
Frank Giustra  
Rolando Gonzalez Bunster  
Hadeel Ibrahim  
Cheryl Saban, Ph.D.

121. Cheryl Mills was, according to Defendant The Clinton Foundation's website, a member of the Board of Directors from 2004 to 2009 and then from 2013 to present.

That is, Cheryl Mills was previously running Defendant The Clinton Foundation as a Director on the Board before working as Secretary of State Hillary Clinton's Chief of Staff and high-ranking Counselor for State from 2004 to 2009 and then again immediately after leaving State.

122. Bruce Lindsey was named an unindicted co-conspirator in a case in which Independent Counsel Kenneth Starr alleged that Lindsey had directed a pair of Arkansas bankers, Herby Branscum Jr. and Robert M. Hill, to conceal large cash withdrawals used to finance get-out-the-vote efforts in Clinton's 1990 gubernatorial campaign. Lindsey was also the person who, as a former law partner of Defendant Hillary Clinton at The Rose Law Firm, became Deputy White House Counsel during the Clinton administration. Among other sordid criminal enterprises on behalf of Defendants Hillary and Bill Clinton, he was encharged by Defendant Hillary Clinton, George Stephanopoulos and James Carville (aka "The War Room"), with threatening – and indeed did threaten – several women who were material witnesses in the Paula Jones and Monica Lewinsky scandals, all of whom claimed to have been sexually harassed by Defendant Bill Clinton or have been involved in a sexual affair with Defendant Bill Clinton. There names are Gennifer Flowers, Dolly Kyle Browning, Juanita Broaddrick and Kathleen Wiley. Lindsey threatened to destroy them if they testified or talked to authorities.

123. As The Washington Post explained of Defendant The Clinton Foundations' Chairman Bruce Lindsey in 1998: "Whenever President Clinton finds himself in trouble, Bruce Lindsey is on the job, the seemingly permanent commander-in-chief of the Clinton

shovel brigade.”<sup>15</sup> “Former Senate Whitewater committee counsel Robert J. Giuffra Jr. called Lindsey ‘the go-to guy for taking care of all the really serious problems’ in the administration, from securities litigation to Whitewater.” *Id.*

124. This pattern and practice of criminal conduct is also bolstered by revelations that the “Bill, Hillary & Chelsea Clinton Foundation” received millions of dollars from foreign governments including Qatar, a prominent backer and financier of Hamas and ISIS. It was also recently revealed on March 16, 2015 that a Chinese conglomerate owned by a delegate to the Chinese parliament pledged millions to Defendant The Clinton Foundation, which shows that Defendants have again used their previously revealed bribery from communist China to enrich their foundation and themselves.

125. The United Arab Emirates gave between \$1 Million and \$5 Million USD in 2014, and the German government contributed between \$100,000 and \$250,000. (Like France, German companies do extensive business with the Middle East.).

126. The Kingdom of Saudi Arabia has given between \$10 Million and \$25 Million USD since the foundation’s creation in 1999. Qatar’s government, which funds ISIS, has donated between \$1 Million and \$5 Million USD. Oman has given the foundation between \$1 Million and \$5 Million USD. Prior to last year, its donations fell in the same range.

**Continuing Conspiracy to Conceal, Withhold, and Destroy Official Records**

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<sup>15</sup> “Clinton's 'Captain of the Defense',” Ruth Marcus, The Washington Post, February 5, 1998; Page A12. (“There is no end to which Bruce wouldn't go for the president,” said Bill Burton, a fellow Arkansan and former White House colleague. “There are things Bruce would do for the president that nobody else on Earth would do, and Bruce wouldn't even think twice about it.”)

127. Plaintiff requests discovery to further establish the facts and violations herein in addition to the facts known at this time.

128. The continuing conspiracy and on-going crimes are demonstrated by the past revelations of similar schemes orchestrated by Defendant Hillary Clinton for herself and her husband, then President Bill Clinton, to sell seats on international trade missions sponsored by the U.S. Department of Commerce in return for campaign donations and personal gratuities.

129. In that scandal, Clinton Commerce Department documents were also destroyed, at the direction of Defendants Bill and Hillary Clinton, and those documents would have shown that Defendant Hillary Clinton's and Defendant Bill Clinton's personal involvement in this criminal enterprise of outright receiving and soliciting bribery in return for government actions.

130. That case, also before Judge Royce C. Lamberth, resulted in nearly a \$1 Million USD judgment against the Clinton Commerce Department, as it revealed the destruction of documents requested under FOIA and a myriad of false statements. *Judicial Watch v. U.S. Department of Commerce*, Case No. 96-0331 (D.D.C.) (J. Royce C. Lamberth).

131. To this day, these documents related to the Commerce Department scandal have never been found or produced and therefore the criminal enterprise is continuing.

132. Importantly, Defendant Bill Clinton also willingly permitted the Communist Chinese to obtain the technology for solid-fueled missiles with deadly-accurate, computerized guidance systems and multiple warheads in exchange for donations to the Democratic National Committee, the Clinton-Gore Reelection Campaigns and The Clinton Library.

133. Defendant Bill Clinton also permitted the missile technology and nuclear secrets to be essentially *sold* to the Chinese. Defendant Hillary and Bill Clinton sold Commerce Department trade missions seats for campaign donations for the Clinton-Gore 1996 Presidential campaign.

134. At the direction of Defendants Bill and Hillary Clinton, Commerce Department was also complicit in the destruction of documents to get the Defendant Clintons off the hook. *Judicial Watch v. U.S. Department of Commerce*, Case No. 95-0133 (D.D.C. July 29, 2005).

135. This type of obstruction of justice is part and parcel to the Defendants' way of operating, including Defendant Clintons' sales of sleep-overs in the Lincoln Bedroom of The White House, the Clintons' sale of Presidential pardons in return for campaign donations including to Marc Rich,<sup>16</sup> and President Bill Clinton's declaring as a national monument the world's largest reserve of the world's cleanest-burning coal as a *quid pro quo* in return for admittedly illegal campaign donations<sup>17</sup> from Indonesian businessman James Riady. Riady controls the world's second-largest reserves of the cleanest-burning coal and therefore directly benefitted on a vast scale, obtaining a world monopoly, from the Clintons creating the Grand-Staircase Escalante National Monument.<sup>18</sup>

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<sup>16</sup> See, *Judicial Watch v. U.S. Department of Justice*, U.S. District Court for the District of Columbia, Case Nos. 1:01CV00639(GK) and 1:01CV00720 (GK). "**Pardongate Play-by-Play**," Jessica Reaves, *Time Magazine*, February 27, 2001, <http://content.time.com/time/nation/article/0,8599,100795,00.html>

<sup>17</sup> "**Clinton Donor Riady Pleads Guilty to Conspiracy Charge**," Robert L. Jackson, *The Los Angeles Times*, January 12, 2001, accessible at: <http://articles.latimes.com/print/2001/jan/12/news/mn-11506>

<sup>18</sup> "**House Tweaks Clinton Over Creation of National Monuments**," Neil A. Lewis, *The New York Times*, October 8, 1997, accessible at: <http://www.nytimes.com/1997/10/08/us/house-tweaks-clinton-over-creation-of-national-monuments.html>

136. As support and strong factual grounds to substantiate Plaintiff's allegations, Defendants Hillary Clinton and Bill Clinton and the other actors have continued an on-going conspiracy to systematically, methodically, continuously, and persistently conceal, misfile and mishandle, withhold, and destroy official governmental records and information to further their own private interests, often financial interests involving extremely large sums of money, and often despite the records being under subpoena.
137. Defendants Bill and Hillary Clinton and Cheryl Mills and others have continued to conceal government records until this current day for their financial and political benefit and to obstruct justice and cover up the Clintons' crimes, including government records ordered to be produced concerning former U.S. Secretary of Commerce Ron Brown and the sale of official actions and benefits from the U.S. Department of Commerce to campaign donors to the Clinton/Gore election campaigns for the 1992 and 1996 elections.
138. Many of the official government documents requested under FOIA, under subpoena from authorities, and/or ordered to be produced by a court from the Clinton team have still never been produced and still being withheld and concealed to this day.
139. CBS News reported<sup>19</sup> that Defendant The Clinton Foundation has raised at least \$42 Million USD from foreign governments and at least \$170 Million USD from foreign entities and individuals.
140. After the September 11, 2012, terrorist attack on the U.S. Consulate in Benghazi, Libya, Defendant Hillary Clinton's Chief of Staff, Cheryl Mills ordered Gregory Hicks to

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<sup>19</sup> “**Chinese company pledged \$2 million to Clinton Foundation in 2013**,” Julianna Goldman, CBS News, March 16, 2015, <http://www.cbsnews.com/news/chinese-company-pledged-2-million-to-clinton-foundation-in-2013/>

withhold testimony from a Congressional investigation led by Rep. Jason Chaffetz (R-UT). Gregory Hicks was Deputy Chief of Mission in Libya at the time of the 2012 terrorist attacks in Benghazi, and thus the highest-ranking surviving official who had been in country during the attack after the death of Ambassador Chris Stevens, who was in direct contact with Ambassador Stevens during the events.

141. Thus, similar to the concealed emails and part of the RICO enterprise, Cheryl Mills obstructed a Congressional investigation by the House Oversight Committee of the U.S. House of Representatives by ordering a key witness – as a subordinate employee – to withhold material testimony from a lawfully-convened body exercising oversight authority of the U.S. Congress under the U.S. Constitution.

142. Yet the same Cheryl Mills now serves on the Board of Directors of Defendant The Clinton Foundation, and earlier was a member of a much-smaller Board of Directors of Defendant The Clinton Foundation for many years before becoming Chief of Staff and Counsel at State.

143. Her connections and contacts before and after serving as perhaps the second or third-highest official at the U.S. Department of State were wrapped around Defendant The Clinton Foundation.

144. On December 9, 1999, Judicial Watch presented sworn evidence before Judge Lamberth in *Alexander v. FBI, et. al*, Case No. 1:96-cv-02123, that:

The White House Counsel's Office, which is effectively run by Hillary Clinton, has employed a strategy of obstructing discovery in the \$90 million Filegate class action lawsuit to get the Clintons beyond the next election. In a startling sworn declaration of December 7, 1999 (Pearl Harbor Day), Sheryl L. Hall, a former White House computer specialist who now is Judicial Watch's client - Mrs. Hall having defected when she refused to do illegal acts at The White House for Mrs. Clinton - swears that Ms.

Michelle Peterson and other lawyers of The White House Counsel's Office told her "that our strategy' for the Filegate lawsuit was to 'stall' because 'we had just a couple more years to go.'<sup>20</sup>

145. Cheryl Mills was at that time a key leader in The White House Counsel's Office.

146. In July 2000, the same Cheryl Mills (working at The White House with Bruce Lindsey) in addition to Marc Lindsay, were ordered deposed by the Honorable Royce C. Lamberth of this Court over an estimated 1.8 Million emails (two years' worth) missing from the archives of The White House.

147. The missing email records were under subpoena at the time.

148. Whistleblowers informed the Plaintiff, Larry Klayman, while General Counsel and Chairman of Judicial Watch, that computer contractors had been threatened to keep the major gaps in email records that were under subpoena secret.

149. Judge Lamberth ordered extended discovery as part of the discovery phase of a \$90 Million USD class-action "Filegate" lawsuit brought against the Executive Office of the President by Judicial Watch. Defendant Hillary Clinton was also named as a defendant. *Alexander v. FBI, et al.*, Civil Action Nos. 96-2123 / 97-1288 (RCL).

150. When The White House computer contractor Betty Lambuth and her colleague Sheryl Hall discovered the hidden "lost" email communications, high-level White House officials instructed her to keep silent about the hidden emails or face dismissal. Ms. Lambuth and her colleague Sheryl A. Hall, were threatened with death if they talked. A list of over eighty (80) mysteriously deceased witnesses, whistleblowers and others

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<sup>20</sup> ECF Dkt # 946, filing Second Declaration of Sheryl A. Hall, "White House Counsel's Office Behind Effort to Obstruct Filegate Lawsuit" Press Release, Judicial Watch, <http://www.judicialwatch.org/archive/1999/378.shtml>

during the Clinton administration related to scandals involving the Clintons was placed upon their office chairs.

151. These actions against Lambuth and Hall are violations of 18 U.S.C. § 1503 (obstruction of justice), 18 U.S.C. § 1510 (obstruction of criminal investigations), 18 U.S.C. § 1512 (tampering with a witness, victim, or an informant), and 18 U.S.C. § 1513 (retaliating against a witness, victim, or an informant), each violation of each statute being punishable by more than one year in jail.
152. On November 24, 2008, Plaintiff Joseph Cates, by Larry Klayman, filed a motion asking the Court to rule on the evidence presented of criminal contempt by the U.S. Government, led by Cheryl Mills at Defendant Hillary Clinton's direction, in withholding official government records in the form of emails (Exhibit 2).
153. In circumstances almost identical to the instant case, Judge Lamberth ordered the missing emails reconstructed, searched, and produced as responsive.
154. Ultimately, Judge Lamberth ruled on April 3, 2008, that the emails had been reconstructed sufficiently. The opinion noted that "[m]illions of e-mails that were erroneously not captured by ARMS were restored into a searchable format, and thousands of e-mails were individually examined pursuant to this Court's Orders," Mem. Op., at 63 (April 3, 2008).
155. However, these emails were only recovered and searched in compliance with FOIA *because of* Judge Lamberth's orders that they be restored, due to the litigation, over the strenuous objections of the U.S. Government.
156. Similarly, independent Counsel Robert Fiske (later succeeded by Kenneth Starr) subpoenaed all records relating to the Castle Grande and Whitewater Development

Corporation and Defendant Hillary Clinton's related work at The Rose Law Firm, especially her billing records for her work at The Rose Law Firm.

157. The billing records were clearly withheld from the grand jury<sup>21</sup> and independent counsel. Eighteen (18) months after being subpoenaed, the records mysteriously appeared on a flower table in the Presidential Residence<sup>22</sup> in The White House.

158. Defendant Hillary Clinton clearly lied about the location and subsequent mysterious appearance of the billing records in The White House residential area.

159. Independent Counsel Robert Ray's final report found that a jury could conclude that Defendant Clinton had the billing records all along, but he said "the evidence was insufficient to obtain and sustain a conviction beyond a reasonable doubt," before a District of Columbia jury, which would be predominately pro-Clinton and Democrat. The Wall Street Journal's editorial comment was, "In a strictly legal sense, the Ray report is proof of how much a determined president can get away with."

160. During 2013, around the same time that Defendant Hillary Clinton was still U.S. Secretary of State, Defendant The Clinton Foundation received over \$2 Million USD in donations from just one Chinese billionaire Wang Wenliang alone, with close ties to the Chinese government, who was a delegate to China's parliament, the National People's Congress.<sup>23</sup>

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<sup>21</sup> The investigation mainly concerned allegations of government and political influence to obtain government-backed loans, placing U.S. Government funds at risk, under fraudulent circumstances.

<sup>22</sup> The Residence of The White House is reserved for the President and his family and is not accessible even to most White House staff.

<sup>23</sup> "Chinese company pledged \$2 million to Clinton Foundation in 2013," Julianna Goldman, CBS News, March 16, 2015, <http://www.cbsnews.com/news/chinese-company-pledged-2-million-to-clinton-foundation-in-2013/>

161. But, earlier, as confirmed by Bob Woodward at The Washington Post,<sup>24</sup>

A Justice Department investigation into improper political fund-raising activities has uncovered evidence that representatives of the People's Republic of China sought to direct contributions from foreign sources to the Democratic National Committee before the 1996 presidential campaign, officials familiar with the inquiry said.

The information gives the Justice Department inquiry what is known as a foreign counterintelligence component, elevating the seriousness of the fund-raising controversy, according to some officials.

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The evidence relating to the Chinese government led Justice Department lawyers and FBI executives to increase the number of FBI special agents working on a special investigative task force from a handful to 25, including several specialists in foreign counterintelligence investigations, sources said. . .

162. In the mid-1990's, China was developing intercontinental ballistic missiles

(ICBM's) capable of landing thermonuclear warheads on U.S. cities on the U.S. mainland or in domestic variations (the design and technology being extremely similar) placing satellites in orbit.<sup>25</sup>

163. As confirmed by reports in The New York Times,<sup>26</sup> Bernard Leon Schwartz, CEO of Loral Space & Communications, donated \$1.3 Million USD to President Clinton's election campaigns and Democrat campaigns during six years in the 1990s:

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<sup>24</sup> "Chinese Embassy Role In Contributions Probed," Bob Woodward and Brian Duffy, The Washington Post, February 13, 1997, accessible at: <http://www.washingtonpost.com/wp-srv/politics/special/campfin/stories/china1.htm>

<sup>25</sup> The ballistic path of a nuclear warhead travelling from China to a U.S. city is simply a different size and shape of an "orbit" around the Earth's center of gravity. Placing a satellite into orbit in space around the Earth is more difficult and requires more energy than dropping a nuclear bomb on a U.S. city. Therefore, having the guidance technology and rocket engine technology to place a satellite into a precisely-shaped orbit in space makes building a nuclear-tipped ICBM easy by comparison.

<sup>26</sup> "Clinton-Loral: Anatomy of a Mutually Rewarding Relationship," Jill Abrahamson and Don Van Natta, Jr., The New York Times, May 24, 1998, accessible at: <http://partners.nytimes.com/library/politics/052498clinton-donate.html>

But at a glittering White House dinner on Feb. 5, there was something that Schwartz, who is Loral's chairman, desperately wanted: a quick decision approving the launching of a Loral satellite aboard a Chinese rocket later that month. Schwartz wanted to plead the case that his company was at risk of losing millions of dollars if Clinton did not act expeditiously. Schwartz had intended to raise the issue with Samuel Berger, the president's national security adviser, but could not find him among those gathered in the East Room to honor Prime Minister Tony Blair of Britain, a gala whose guest list included luminaries like John Kennedy Jr. and Barbra Streisand.

164. The New York Times further reported:

In a 1994 memorandum, The White House deputy chief of staff, Harold Ickes, wrote to Clinton about fund-raising. "I have it on very good authority that Schwartz is prepared to do anything he can for the administration," he wrote.

Two years later, there was something that Schwartz wanted -- the transfer of satellite export approval from the State Department to the Commerce Department.

165. On November 11, 1996, Schwartz got what he was asking for: Defendant President Bill Clinton issued executive order 12981 to gut export controls on encryption items and also transfer decision-making over high-tech export controls to the U.S. Commerce Department.

166. As a result of this *quid pro quo* government action by then President Defendant Bill Clinton and similar waivers for Hughes Electronics, all paid for by campaign donations illegally<sup>27</sup> funneled to the Clinton campaigns, China obtained advanced missile guidance technology.

167. Before this sale of nuclear missile technology to China in return for campaign donations, China's rockets were failing.

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<sup>27</sup> Foreign sources for campaign donations to U.S. federal campaigns are prohibited.

168. After the Clintons sale of the nation's national security to its enemies for their own personal benefit, China gained the ability to drop nuclear bombs almost anywhere in the United States at will by missile.

169. And The New York Times further reported:

Schwartz met Clinton at a small political dinner in Manhattan in the spring of 1992. . . . Another prominent Clinton official who paid attention to Schwartz was [U.S. Commerce Secretary Ron] Brown. In 1994, Schwartz was one of 24 executives on Brown's plane to China.

Two months before the late summer trip, Schwartz wrote a check for \$100,000 to the Democratic National Committee. He denied there was any link.

On the plane, Schwartz said he asked Brown if he could arrange a private meeting with Zhu Gao Feng, the vice minister of China's Ministry of Post and Telecommunications. In a meeting with Chinese telecommunications officials, Brown publicly praised Loral's Globalstar cellular telephone system. . . .

For Bernard Leon Schwartz, Beijing was a long way from Bensonhurst, a neighborhood in Brooklyn where he grew up grateful to the largess of Democrats.

170. In July 1996, then President Defendant Bill Clinton signed a waiver for Loral to export a fully operational, encrypted, satellite control station to China. According to the General Accounting Office, Defendant Bill Clinton authorized the direct export of an encrypted air-defense communications system directly to the Chinese Air Force.

171. In November 1994, Motorola wrote the U.S. State Department requesting to export encrypted radios to China. The Motorola letter clearly noted that Defendant Bill Clinton was signing waivers for other American companies.

172. On May 11, 1998, Bernard Schwartz, former CEO of Loral Corporation and new CEO of Globalstar satellite company, announced that China Telecom has agreed to invest \$37.5 Million USD to become a full partner with Globalstar, the Beijing Review reports.

173. On November 7, 1997, then President Defendant Bill Clinton approved the sale of nuclear technology to China. Defendant Clinton said the sale of U.S. reactor technology to China would cut down on 'greenhouse gas' emissions by reducing Beijing's dependence on coal. Yet according to the *Associated Press*, the administration had made no such argument for nuclear power "as it maps out strategies to curtail carbon monoxide emissions to meet climate treaty obligations and to reduce smog-causing chemicals coming from the smokestacks of [American] power plants."

174. As a result, in this on-going conspiracy by the Clintons and their key staff including mainly Cheryl Mills, they are willing to sell to communist China the ability to destroy U.S. cities with nuclear warheads carried on ICBM's made accurate with previously-secret U.S. military technology.

175. Consistent with selling some of America's most sensitive military secrets for campaign donations and other illegal gratuities, there is nothing that is not for sale by the Clintons to the foreign governments and foreign businesses and individuals who donate to Defendant The Clinton Foundation or to the Clintons personally.

### **The RICO Enterprise**

176. For any Racketeer Influenced and Corrupt Organization case, it is important to distinguish between legitimate organizations, businesses, and even government offices and the abuse of those entities for illegal purposes by the unofficial, corrupt "enterprise."

177. This pattern of illegal activities committed by the Defendants, the “Predicate Acts,” discussed below, were done with the purpose of financial gain and were done within the past ten (10) years and continuing.

178. By the acts alleged herein, Defendants, each and every one of them, jointly and severally, have aided and abetted and conspired to violate FOIA and other laws, through their ongoing criminal enterprise as set forth below.

179. The law presumes generally that a person intends the obvious results of their actions.

**Predicate Criminal Acts of Anticipatory Obstruction of Justice**

180. Defendants could be charged and convicted of multiple, related violations of law which form a pattern and which violations are each potentially punishable by more than one year in jail constituting spoliation of evidence to avoid a subpoena.

181. Sometimes called “anticipatory obstruction of justice,” 18 U.S.C. § 1519 requires that:

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

182. According to Professor Rotunda’s analysis, “The Justice Department manual advises that section 1519 makes prosecution much easier because it covers “any matters” or “in relation to or contemplation of” any matters.” It adds, “No corrupt persuasion is required.”

183. The establishment of the private email server was and is to evade lawful authority in “the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States” with the purpose of evading investigation having been announced by Hillary Clinton back in 2000.

**Predicate Criminal Acts of Conspiracy to Conceal and Remove Official Records**

184. Defendants could be charged and convicted of multiple, related violations of law which form a pattern and which violations are each potentially punishable by more than one year in jail constituting concealment, removal, or destructions – or attempts to do so – of public records.

185. 18 U.S. Code § 2071 requires:

(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both.

(b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term “office” does not include the office held by any person as a retired officer of the Armed Forces of the United States.

**Predicate Criminal Acts of Conspiracy to Defraud United States**

186. Defendants could be charged and convicted of multiple, related violations of law which form a pattern and practice and which violations are each potentially punishable by more than one year in jail constituting of conspiracy to defraud the United States.

187. 18 U.S.C. § 371 provides:

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

**Predicate Criminal Violations of Federal Mail Fraud Statute, 18 U.S.C. § 1341**

188. The Defendants could be charged and convicted of multiple, related violations of law which form a pattern and practice and which violations are each potentially punishable by more than one year in jail constituting mail fraud.

189. Defendants acted in criminal violation of the federal mail fraud statute under 18 U.S.C. § 1341. 18 U.S.C. § 1341 provides:

a. Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or deposits or causes to be deposited any matter or thing whatever to be sent or delivered by any private or commercial interstate carrier, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail or such carrier according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than \$1,000,000 or imprisoned not more

than 30 years, or both.

190. Defendants devised or intended to devise a scheme or artifice meant to defraud and/or for obtain money or property from illicit payments disguised as donations.

191. Defendants utilized false or fraudulent pretenses, representations, and/or promises in order to defraud and/or obtain money from illicit payments disguised as donations.

192. In order to achieve or attempt to achieve the fraud described in the preceding paragraphs, Defendants sent correspondence and other documents that were sent or delivered by the Postal Service and by wire.

193. Violation of 18 U.S.C. § 1341 is felony punishable by 30 years of imprisonment and a fine of \$1,000,000 USD.

**Predicate Criminal Violations of Federal Wire Fraud Statute, 18 U.S.C. § 1343**

194. The Defendants could be charged and convicted of multiple, related violations of law which form a pattern and practice and which violations are each potentially punishable by more than one year in jail constituting wire fraud.

195. Defendants further acted in criminal violation of the federal wire fraud statute under 18 U.S.C. 1343. 18 U.S.C. § 1343 provides:

a. Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or affects a financial institution, such person shall be fined not more than

\$1,000,000 or imprisoned not more than 30 years, or both.

196. Defendants devised or intended to devise a scheme or artifice meant to defraud and/or to obtain money or property from illicit payments disguised as donations and other forms of gratuities.
197. Defendants utilized false or fraudulent pretenses, representations, and/or promises in order to defraud and/or obtain money from illicit payments disguised as donations and other forms of gratuities.
198. Defendants transmitted or caused to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice when they transmitted telephone and cellular telephone calls, documents, facsimiles, emails, instant messages, and any other form of communication.
199. Violation of 18 U.S.C. § 1343 is felony punishable by 20 years of imprisonment and a fine of \$1 Million USD.

**Predicate Criminal Acts of False Statements**

200. The Defendants could be charged and convicted of multiple, related violations of law which form a pattern and practice and which violations are each potentially punishable by more than one year in jail constituting false statements to officials of the U.S. Government in violation of 18 U.S.C. § 1001. This statute provides:
- (a) except as otherwise provided in this section, whoever, in any manner within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully – (1) falsifies, conceals, or covers up by any trick scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both

...

201. Given that Defendant Hillary Clinton admits that she did not return 30,490 emails relating to official business until two (2) years after her separation from State on February 1, 2013, it is admitted that Defendant Hillary Clinton lied on her Form 109, and perjured herself, attesting that she had already returned all official State records.
202. Congressional committees and investigators have repeatedly issued subpoenas for records of State on many topics which required a search of Secretary of State Hillary Clinton's email messages.
203. Many FOIA requests, including those by the Plaintiff, required a search of Defendant Hillary Clinton's emails.
204. Cheryl Mills and Defendant Hillary Clinton have repeatedly certified that they had no responsive documents to the subpoenas and FOIA requests, when in fact Defendant Hillary Clinton's email messages in her server in her private mansion in Chappaqua, New York were not searched for responsive documents and almost certainly do contain responsive documents.
205. Mills' and Defendant Clintons' statements to Congressional investigators and State FOIA officers that they had searched all potentially responsive documents and produced all responsive documents were false in violation of 18 U.S.C. § 1001.

**Predicate Act Criminal Violation of Mishandling of Classified Information**

206. The Defendants could be charged and convicted of multiple, related violations of law which form a pattern and practice and which violations are each potentially

punishable by more than one year in jail constituting gross negligence in the handling of classified information.

207. 18 U.S.C. § 793(f) provides:

(f) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, note, or information, relating to the national defense, (1) through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or (2) having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of its trust, or lost, or stolen, abstracted, or destroyed, and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer--

Shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

208. Moreover, 18 U.S.C. § 793(g) provides:

(g) If two or more persons conspire to violate any of the foregoing provisions of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy.

209. Here, the Defendants set up an email computer file server in Chappaqua, New York, apparently in Defendant Hillary Clinton's mansion, through which all of Defendant Hillary Clinton's emails for her official business as U.S. Secretary of State were processed.

210. That email service was subject to hacking by the simplest of electronic surveillance and certainly by the intelligence services of foreign governments.

211. Defendants placed classified information in a non-secure location in their mansion in Chappaqua, New York, from where it is a near-certainty, according to computer

experts, that all of Defendant Hillary Clinton's emails were obtained by private and/or foreign government "hackers" (spies).

**V. CAUSES OF ACTION**

**FIRST CAUSE OF ACTION**

***Misappropriation of Chattel Property (Common law crime)***

212. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.
213. Pursuant to FOIA as a federal law, the Plaintiff has a vested property right to a copy of the records responsive to Plaintiff's FOIA request.
214. Plaintiff was deprived of the records as personal property (chattel) to which Plaintiff is entitled.
215. The Defendants have misappropriated the personal property (chattel) of Plaintiff, with the intent to permanently deprive the Plaintiff and other information requestors of access to the documents which the FOIA entitles them to receive.

**SECOND CAUSE OF ACTION**

***Acquisition and Maintenance of an Interest in and Control of  
an Enterprise Engaged in a Pattern of Racketeering Activity:  
18 U.S.C. §§ 1961(5), 1962(b)***

216. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein.
217. During the ten (10) calendar years preceding August 20, 2014, all Defendants did cooperate jointly and severally in the commission of two (2) or more of the RICO predicate acts that are itemized in the RICO laws at 18 U.S.C. §§ 1961(1)(A) and (B), and did so in violation of the RICO law at 18 U.S.C. § 1962(b) (prohibited activities).

218. Non-sovereign Defendants are each “persons” within the meaning of the Racketeer Influenced and Corrupt Organizations Act.
219. Defendants operate as an “enterprise” within the meaning of RICO, the activities of which effect interstate and foreign commerce.
220. By virtue of the predicate acts described in this Complaint, including without limitations: laundering of monetary instruments, engaging in monetary transactions improperly derived from unlawful activity, Defendants transferred, received, furthered and supplied financing and income that was derived, both directly and indirectly, from a pattern of racketeering activity in which each of them participated as a principal and used and invested, both directly and indirectly, such income and the proceeds of such income, in establishing, operating and furthering terrorist and other illegal enterprises in violation of 18 U.S.C. § 1962(a).
221. As a direct and proximate result of Defendants’ violation of 18 U.S.C. § 1962(a), Plaintiff suffered the loss of valuable property, financial services and support, and suffered other business and pecuniary damages.
222. Plaintiffs further allege that all Defendants did commit two (2) or more of the offenses itemized above in a manner which they calculated and premeditated intentionally to threaten continuity, i.e. a continuing threat of their respective racketeering activities, also in violation of the RICO law at 18 U.S.C. § 1962(b) *supra*.
223. 18 U.S.C. § 1964(c) defines “racketeering activity” as follows:
- (1) “racketeering activity” means
- (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable

under State law and punishable by imprisonment for more than one year;

(B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891–894 (relating to extortionate credit transactions), section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in connection with access devices), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1351 (relating to fraud in foreign labor contracting), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), sections 1461–1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581–1592 (relating to peonage, slavery, and trafficking in persons),<sup>[1]</sup> section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), section 1960 (relating to illegal money transmitters), sections 2251, 2251A, 2252, and 2260 (relating to sexual exploitation of children), sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315

(relating to interstate transportation of stolen property), section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 2320 (relating to trafficking in goods or services bearing counterfeit marks), section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts), sections 2341–2346 (relating to trafficking in contraband cigarettes), sections 2421–24 (relating to white slave traffic), sections 175–178 (relating to biological weapons), sections 229–229F (relating to chemical weapons), section 831 (relating to nuclear materials),

(C) any act which is indictable under title 29, United States Code, section 186 (dealing with restrictions on payments and loans to labor organizations) or section 501 (c) (relating to embezzlement from union funds),

(D) any offense involving fraud connected with a case under title 11 (except a case under section 157 of this title), fraud in the sale of securities, or the felonious manufacture, importation, receiving, concealment, buying, selling, or otherwise dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), punishable under any law of the United States,

(E) any act which is indictable under the Currency and Foreign Transactions Reporting Act,

(F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain, or

(G) any act that is indictable under any provision listed in section 2332b (g)(5)(B);

224. Plaintiff demands that judgment be entered against Defendants, each and every one of them, jointly and severally, including an award of trebled damages as consistent

with 18 U.S.C. § 1964(c), compensatory and actual damages, reasonable attorneys' fees, pre-judgment interest, post-interest, costs, and an award that this Court deems just and proper.

**THIRD CAUSE OF ACTION**

***Conduct and Participation in a RICO Enterprise through a Pattern of Racketeering Activity: 18 U.S.C. §§ 1961(5), 1962(c)***

225. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein, and specifically repeat and re-allege the allegations under the Second Cause of Action concerning RICO liability.
226. All Defendants did associate with a RICO enterprise of individuals who were associated in fact and who engaged in, and whose activities did affect, interstate and foreign commerce.
227. Likewise, all Defendants did conduct and/or participate, either directly or indirectly, in the conduct of the affairs of said RICO enterprise through a pattern of racketeering activity, all in violation of 18 U.S.C. §§ 1961(4), (5), (9), and 1962(c).
228. During the ten (10) calendar years preceding August 20, 2014, all Defendants did cooperate jointly and severally in the commission of two (2) or more of the RICO predicate acts that are itemized in the RICO laws at 18 U.S.C. §§ 1961(1)(A) and (B), and did so in violation of the RICO law at 18 U.S.C. § 1962(c) (prohibited activities).
229. Plaintiff further alleges that all Defendants did commit two (2) or more of the offenses itemized above in a manner which they calculated and premeditated intentionally to threaten continuity, i.e. a continuing threat of their respective racketeering activities, also in violation of the RICO law at 18 U.S.C. § 1962(c) *supra*.

230. Plaintiff demands that judgment be entered against Defendants, each and every one of them, jointly and severally, including an award of trebled damages as consistent with 18 U.S.C. § 1964(c), compensatory and actual damages, reasonable attorneys' fees, pre-judgment interest, post-interest, costs, and an award that this Court deems just and proper.

**FOURTH CAUSE OF ACTION**  
***Conspiracy to Engage in a Pattern of Racketeering Activity:***  
***18 U.S.C. §§ 1961(5), 1962(d)***

231. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs as if fully set forth herein, and specifically repeat and re-allege the allegations under the Second Cause of Action concerning RICO liability.

232. All Defendants did conspire to acquire and maintain an interest in a RICO enterprise engaged in a pattern of racketeering activity, in violation of 18 U.S.C. §§ 1962(b) and (d).

233. During the ten (10) calendar years preceding August 20, 2014, all Defendants did cooperate jointly and severally in the commission of two (2) or more of the predicate acts that are itemized at 18 U.S.C. §§ 1961(1)(A) and (B), in violation of 18 U.S.C. § 1962(d).

234. Plaintiffs further allege that all Defendants did commit two (2) or more of the offenses itemized above in a manner which they calculated and premeditated intentionally to threaten continuity, i.e. a continuing threat of their respective racketeering activities, also in violation of 18 U.S.C. § 1962(d) (prohibited activities).

235. Plaintiff demands that judgment be entered against Defendants, each and every one of them, jointly and severally, including an award of trebled damages as consistent with 18 U.S.C. § 1964(c), compensatory and actual damages, reasonable attorneys' fees,

pre-judgment interest, post-interest, costs, and an award that this Court deems just and proper.

**FIFTH CAUSE OF ACTION**

***Fifth Amendment Violation***

***(Bivens v. VI Unknown Named Agents of Federal Bureau of Narcotics)***

236. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs as if fully set forth herein.
237. Plaintiff and those similarly situated enjoy a liberty interest in their persons of not being deprived of life by actions of the Government without due process of law, as guaranteed by the Fifth Amendment to the U.S. Constitution.
238. The violations of this liberty interest are actionable under *Bivens v. VI Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).
239. Defendants, each and every one of them, violated the constitutional rights of the Plaintiff and those similarly situated by intentionally violating the rights of all those within the United States.
240. By reason of the wrongful conduct of the Defendants, each and every one of them, jointly and severally, Plaintiff has suffered harm in the form of having his rights violated under FOIA, his business and property rights have been violated, and his loss of his rights and property under the due process clause of the U.S. Constitution.
241. As a direct and proximate result of the intentional and willful actions of Defendants, each and every one of them, jointly and severally, in their individual and official capacities, Plaintiff demands judgment be entered against the Defendants, including an award of compensatory and actual damages, punitive damages, equitable relief, reasonable attorneys' fees, pre-judgment interest, post-interest and costs, and an

award in an amount to be determined by this Court. Plaintiff demands declaratory and injunctive and other equitable relief against all of Defendants to cease their illegal acts.

**SIXTH CAUSE OF ACTION**

***First Amendment Violation***

***(Bivens v. VI Unknown Named Agents of Federal Bureau of Narcotics)***

242. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs as if fully set forth herein.
243. Defendant Hillary Clinton, Defendant Bill Clinton, and Defendant The Clinton Foundation, acting in their official capacity and personally, abridge and violated Plaintiff's First Amendment right of freedom of speech and association by significantly disallowing the public and Plaintiff discord to discuss what the Defendants have done and will do with regard to Iran and their criminal enterprises by not providing the misappropriated records and documents which Plaintiff is entitled to under FOIA law.
244. These violations are compensable under *Bivens v. VI Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).
245. By reason of the wrongful conduct of the Defendants, each and every one of them, jointly and severally, Plaintiff has suffered harm in the form of having his First Amendment rights violated, his business and property rights have been violated, and his and his freedom of speech and association have been severely comprised, guaranteed to Plaintiff under the U.S. Constitution.
246. As a direct and proximate result of the intentional and willful actions of Defendants, each and every one of them, jointly and severally, in their individual and official capacities, Plaintiff demands judgment be entered against the Defendants, including an award of compensatory and actual damages, punitive damages, equitable

relief, reasonable attorneys' fees, pre-judgment interest, post-interest and costs, and an award in an amount to be determined by this Court. Plaintiff demands declaratory and injunctive and other equitable relief against all of Defendants to cease their illegal acts.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays for judgment against Defendants, each and every one of them, for the following:

- I. For injunctive relief that a forensic computer expert take immediate possession of the server (computer file server) maintained by Hillary Clinton, possibly together with her husband Bill Clinton used for operating her electronic message (email) account, address, and/or communications, believed to be housed (based on its published IP electronic address) in Chappaqua, New York. In equity, for fairness to all parties, and to minimize plausible objections, the Court should order a forensic expert to serve as the Court's expert, at the Defendants' expense, answerable to the Court as a neutral actor.
- II. For injunctive relief that a forensic computer expert inspect and review the server and its contents, including possibly-recoverable deleted emails, to locate any and all email messages which may be responsive to the Plaintiff's Freedom of Information Act requests and/or qualify as official records, official business, or documents that should be the property of State, and also for further injunctive relief that any email messages which are truly private (according to the Court's understanding not by the Defendants' self-serving definition) be maintained as confidential and be returned to the Clintons.
- III. For the *Bivens* violations, an award of compensatory and actual damages, punitive damages, equitable relief, reasonable attorneys' fees, pre-judgment interest, post-interest and costs, and an award that this Court deems just and proper.
- IV. For the RICO violations, an award of trebled damages as consistent with 18 U.S.C. § 1964(c), compensatory and actual damages, reasonable attorneys' fees, pre-judgment interest, post-interest, costs and an award that this Court deems just and proper.
- V. An order for Defendants to expeditiously produce, by a date certain, any and all non-exempt records responsive to Plaintiff's Freedom of Information Act requests and a *Vaughn* index of any responsive records withheld under claim of exemption;

- VI. An order enjoining Defendants from continuing to withhold any and all non-exempt records responsive to Plaintiff's Freedom of Information Act requests;
- VII. An order pursuant to 18 U.S.C. § 2071(b) that Defendant Hillary Clinton be disqualified from holding any office under the United States.
- VIII. Plaintiff prays for in excess of \$5 Million USD in compensatory damages and in excess of \$200 Million USD in punitive damages, not including the trebled damages for the RICO causes of action, against Defendants, each and every one of them jointly and severally.
- IX. Attorney's fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E) and any other provision of the Freedom of Information Act.
- X. Attorney's fees and other litigation costs reasonably incurred in this action pursuant to the Racketeer Influenced and Corrupt Organizations Act.
- XI. Any other relief the Court deems just or proper.

**JURY DEMAND**

**Plaintiff respectfully demands a jury trial on all issues so triable.**

Dated: March 24, 2015

Respectfully submitted,

/s/ Larry Klayman  
Larry Klayman, Esq.  
D.C. Bar No. 334581  
Freedom Watch, Inc.  
2020 Pennsylvania Avenue N.W.  
Suite 345  
Washington, D.C. 20006  
(310) 595-0800  
leklayman@gmail.com

# Exhibit 1

# 12 FAM 564 EXHIBIT 564.4 FORM OF-109, SEPARATION STATEMENT

(TL:DS-126; 04-17-2007)



U.S. Department of State

## SEPARATION STATEMENT

I, \_\_\_\_\_ make the following statement in connection with my  
(Please Type or Print)  
 separation from employment in the U.S. Department of State. As used herein, the term "employment" includes all periods of assignment or detail, as well as any periods of temporary, part-time or intermittent employment therein, and the term "separation" includes suspension for any period in excess of 30 days, retirement from active duty, transfer to another agency, resignation, furlough to enter military service, etc.

1. I have surrendered to responsible officials all classified or administratively controlled documents and material with which I was charged or which I had in my possession. I am not retaining in my possession, custody, or control, documents or material containing classified or administratively controlled information furnished to me during the course of such employment or developed as a consequence thereof, including any diaries, memorandums of conversation, or other documents of a personal nature that contain classified or administratively controlled information.
2. I have surrendered to responsible officials all unclassified documents, and papers relating to the official business of the Government acquired by me while in the employ of the Department.
3. I shall not publish, nor reveal to any person, any classified or administratively controlled information of which I have knowledge, or any other information transmitted to me in confidence in the course of my official duties, unless authorized by officials of the employing Department empowered to grant permission for such disclosure.
4. I have been advised by the interviewing officer whose name appears below, and understand the criminal penalties relating to U.S. Government records and information and the use thereof.

**Title 18, U.S. Code**

- Section 641 - Public Money, Property or Records
- 793 - Gathering, Transmitting or Losing Defense Information
- 794 - Gathering or Delivering Defense Information to Aid Foreign Govt.
- 798 - Disclosure of Classified Information
- 952 - Diplomatic Codes and Correspondence
- 1905 - Disclosure of Confidential Information
- 2071 - Concealment, Removal, or Mutilation of Records

**Title 50, U.S. Code**

- Section 783(b) - Communication of Classified Information by Government Officer or Employee
- 783(d) - Penalties for Violation

**Title 42, U.S. Code**

- Section 2272 - Violation of Specific Sections
- 2273 - Violation of General Sections
- 2274 - Communication of Restricted Data
- 2275 - Receipt of Restricted Data
- 2276 - Tampering With Restricted Data
- 2277 - Disclosure of Restricted Data

These restrictions are consistent with and do not supersede, conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12958; Section 7211 of Title 5, United States Code (governing disclosures to Congress); Section 1034 of Title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); Section 2302(b)(8) of Title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1962 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including Sections 641, 793, 794, 798 and 952 of Title 18, United States Code, and Section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. Section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.

5. I reaffirm that the provisions of the espionage laws, other federal criminal laws and executive orders applicable to the safeguarding of classified information have been made available to me; that I have returned all classified information in my custody; that I will not communicate or transmit classified information to any unauthorized person or organization; that I will promptly report to the Federal Bureau of Investigation any attempt by an unauthorized person to solicit classified information, and that I  (have)  (have not) received a security debriefing.
6. I have been advised by the interviewing officer whose signature appears below and fully understand that Section 1001 of Title 18, United States Code, provides criminal penalties for knowingly and willfully falsifying or concealing material fact in a statement or document submitted to any department or agency of the United States Government concerning a matter under its jurisdiction.

\_\_\_\_\_  
 Signature of Interviewing Officer

\_\_\_\_\_  
 Signature in Presence of Interviewing Officer

\_\_\_\_\_  
 Date (mm-dd-yyyy)

\_\_\_\_\_  
 Date of Birth (mm-dd-yyyy)

\_\_\_\_\_  
 Typed Name of Interviewing Officer

\_\_\_\_\_  
 Date Signed (mm-dd-yyyy)

\_\_\_\_\_  
 Post/Department

\_\_\_\_\_  
 Typed Name of Employee

\_\_\_\_\_  
 Other Names Used During This Period of Employment

OF-109  
 06-2005

# Exhibit 2

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**CARA LESLIE ALEXANDER, et al.**

**Plaintiffs,**

v.

**FEDERAL BUREAU OF  
INVESTIGATION, et al.,**

**Defendants.**

**Civil Action Nos.  
96-2123/97-1288 (RCL)**

**PLAINTIFF, JOSEPH CATE'S, MOTION FOR COURT TO ISSUE RULING ON  
CRIMINAL CONTEMPT PROCEEDINGS CONCERNING MISSING EMAIL**

Plaintiff, Joseph Cate, moves this honorable court to issue a ruling on criminal contempt proceedings previously subject to lengthy evidentiary hearings in the year 2000, which have not been ruled upon for over eight years. As grounds therefore, Plaintiff would show:

1. Rulings on this serious matter are long overdue and concern not only issues of alleged obstruction of justice, perjury, and criminal contempt by members of the Clinton White House and their email contractors, and are not only necessary in the interests justice, but are in the public interest.
2. At issue in the past proceedings were whether Clinton White House Chief of Staff John Podesta, Hillary Clinton and others committed and/or furthered and/or knewof the acts complained of, as well as the Clinton Justice Department under Deputy Attorney General Eric Holder and Attorney General Janet Reno.

3. The court has never issued a ruling on the evidentiary proceedings which lasted for months in 2000.

WHEREFORE, Plaintiff Joseph Cate respectfully requests that the court make rulings on these matters.

Respectfully submitted,

By: s/Larry Klayman  
Larry Klayman, Esq.  
D.C. Bar No.: 334581  
FREEDOM WATCH, INC.  
601 Pennsylvania Avenue, N.W.  
Tel: 786-683-0269  
leklayman@bellsouth.net

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 24<sup>th</sup> day of November 2008, a true copy of the foregoing Plaintiff, Joseph Cate's, Motion for Court to Issue Ruling on Criminal Contempt Proceedings Concerning Missing E-Mail was served via electronically filed service with the Clerk of the Court using CM/ECF.

By: s/Larry Klayman  
Larry Klayman, Esq.  
D.C. Bar No.: 334581  
FREEDOM WATCH, INC.  
601 Pennsylvania Avenue, N.W.  
Tel: 786-683-0269  
leklayman@bellsouth.net