

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

Case No. 15-80388-Civ-Middlebrooks/Brannon

LARRY KLAYMAN,

Plaintiff,

v.

HILLARY CLINTON, ET AL.,

Defendants.

**PLAINTIFF'S MOTION TO AMEND COMPLAINT AND
MEMORANDUM OF LAW IN SUPPORT THEREOF**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure ("FRCP"), Plaintiff hereby moves the Court for leave to amend the Complaint. A copy of the proposed Second Amended Complaint has been attached to this motion as Exhibit 1.

Federal Rule of Civil Procedure 15 provides that (*emphasis added*):

(a) AMENDMENTS BEFORE TRIAL.

(1) *Amending as a Matter of Course.* A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

(2) *Other Amendments.* In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. ***The court should freely give leave when justice so requires.***

Leave to amend a complaint should be liberally granted by the Court. *Czeremcha v. International Ass'n of Machinists and Aerospace Workers, AFL-CIO, 724 F.2d 1552*

(11th Cir. 1984); *Jennings v. Bic Corporation*, 181 F.3d 1250, 1258 (11th Cir. 1999); *see also Foman v. Davis*, 371 U.S. 178 (1962).

Plaintiff has not made any real substantive changes to the Amended Complaint. Plaintiff has simply refined the wording of the Second Amended Complaint to include more precise pleading language that would further moot out Defendants' formalistic arguments from their motions to dismiss. A reading of the Second Amended Complaint will confirm this. Plaintiff alleges with even greater specificity the operative RICO acts, Defendants' agreement to conceive of and enter in a criminal conspiracy and the dates, plus the circumstances of the overt acts in furtherance of the criminal enterprise, which damaged Plaintiff's rights and caused property and other economic harm to him, as just one example.

Plaintiff's counsel has sought consent for this motion from Defendants' counsel. Defendants replied that they are awaiting a review of the proposed Second Amended Complaint before they indicate whether they consent or object to this motion.

WHEREFORE, Plaintiff respectfully requests that the Court grant leave for Plaintiff to file the attached Second Amended Complaint.

Dated: July 2, 2015

Respectfully submitted,

/s/ Larry Klayman
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Washington, D.C. 20006
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of July, 2015, a true and correct copy of the foregoing (Case No. 9:15-cv-80388) was filed via CM/ECF and served upon the following:

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Respectfully submitted,

/s/ Larry Klayman

Larry Klayman, Esq.

**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 Mezvinsky (néé Chelsea Victoria Clinton)

Defendants.

Civil Action No. 9:15-cv-80388

TRIAL BY JURY DEMANDED

SECOND AMENDED COMPLAINT

Plaintiff sues the Defendants, as persons and entities operating a criminal enterprise, having taken a number of overt acts in furtherance of a conspiracy to – through various criminal acts of mail and wire fraud, bribery, and obstruction of justice – reap millions of U.S. dollars for their own benefit. The Defendants have systematically and continuously, over the last ten (10) years and more, conducted a corrupt and criminal enterprise in violation of the Racketeer Influenced and Corrupt Organization (“RICO”) Act, all of which acts are

continuing in nature. This has caused damage to Plaintiff's property rights, as well as caused him economic harm. 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. Jurisdiction exists pursuant to 28 U.S.C. § 1331 *et seq.* (federal question jurisdiction), 28 U.S.C. § 1332, diversity of citizenship, as the case is against citizens of different states and gives rise to damages in excess of \$75,000. Plaintiff is a citizen of Florida and Defendants Bill and Hillary Clinton are citizens of New York. The Clinton Foundation is registered to do business in Arkansas. Former President Clinton and Hillary Clinton are located at 15 Old House Lane, Chappaqua, New York, 10514. The Clinton Foundation is located at 610 President Clinton Avenue, #200, Little Rock, Arkansas, 72201.
3. While not exclusive, jurisdiction is also proper under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), in so far as the actions of Defendant Hillary Clinton, assuming she was at times acting in an official government capacity, violate the First and Fifth Amendments to the U.S. Constitution. However, Plaintiff alleges that the actions of Defendant Hillary Clinton as alleged herein were not in her official capacity, as she was at all material times a principal actor in her personal capacity, in a conspiracy to violate RICO, the instrumentality being a criminal enterprise all of the Defendants agreed upon and engage in numerous overt acts to implement.

4. This Court has supplemental jurisdiction over this action pursuant to 28 U.S.C. § 1367.
5. Plaintiff has filed many Freedom of Information Act (“FOIA” or “FOIA Act”) requests for public records created or held by the U.S. Department of State (“State”), which records have vested as a property right to Plaintiff.
6. Considering two important FOIA requests in particular, the Defendants have withheld documents from the Plaintiff to which the Plaintiff is entitled to by law concerning the granting of waivers by the U.S. 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 classified American/Israeli war plans and cyber-warfare methods and sources to David Sanger of The New York Times in order to aid the Islamic Republic of Iran.
7. As it has now been revealed, a primary reason that the Plaintiff did not receive the records to which the Plaintiff is entitled to by law is that Defendant Hillary Clinton and the other Defendants set up a private computer file server (“server”) operating a private, stand-alone electronic mail (“email”) system in furtherance of the criminal RICO enterprise, as pleaded herein.
8. As admitted by Defendant Hillary Clinton and State, U.S. Secretary of State Hillary Clinton did not use any official, governmental email address or account from State or the U.S. Government, but instead, as she and the other Defendants agreed to take and did take overt acts in furtherance of the RICO criminal conspiracy and enterprise, used for her communications as U.S. Secretary of State her own private, ‘off the books’ email system and server secretly set up in Defendants’ mansion in Chappaqua, New York. However, the alleged criminal enterprise as alleged herein was conducted privately and

outside of Defendants, Bill and Hillary Clinton's, official capacities. This is particularly true with regard to Defendant Bill Clinton and Defendant The Clinton Foundation who at all material times as pled herein were not officials of the U.S. Government.

9. "I thought it would be easier to carry just one device for my work and for my personal emails instead of two," Defendant Hillary Clinton falsely explained at a March 10, 2015 press conference at the United Nations.
10. Upon information and belief, the server is jointly paid for, owned, operated, and controlled by both Defendants Hillary Clinton, Bill Clinton and Defendant The Clinton Foundation, and are part of and further their criminal enterprise as alleged herein.
11. Upon information and belief, the server was established, owned and operated for the use of Defendant The Clinton Foundation and Defendants Bill Clinton and Hillary Clinton to further the criminal enterprise as alleged herein. It thus was an instrumentality used to commit wire and mail fraud, effect bribery, and obstruct justice, as alleged herein, in furthering the operative predicate acts of the Defendants' criminal enterprise.
12. As a result, the Defendants concealed, obstructed and destroyed records to which the Plaintiff owned and was entitled to, which records evidence the predicate acts of wire and mail fraud and other illegal acts of the Defendants' criminal enterprise as alleged with specificity herein.
13. Defendants concealed and destroyed documents evidencing the RICO criminal enterprise such that they were neither available nor produced to the Plaintiff under FOIA, which documents Plaintiff had a proprietary interest under the law. Defendants agreed to operate a covert enterprise, through the use of mail and wire fraud, of trading political

favors and governmental acts in exchange for donations, which are bribes, to Defendant The Clinton Foundation and/or speaking fees to Defendants Bill and/or Hillary Clinton.

14. Using concealed and now destroyed communications on the private email server, 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 bribes disguised as “donations” to Defendant The Clinton Foundation and extraordinarily high, inflated speaking fees paid to Defendant Bill Clinton and Defendant Hillary Clinton, which benefitted all of the Defendants. Monies were thus solicited and received through the use of mail and wire fraud, on the dates, times, places and circumstances set forth below. The use of the mails and wires were also used to defraud Plaintiff, as Defendants, acting in concert, jointly and severally, each and every one of them, through their communications with the State Department, defrauded Plaintiff and the courts into believing that no such records existed evidencing the predicate acts of the criminal enterprise of the Defendants as pled specifically herein.

II. THE PARTIES

15. Plaintiff Larry Klayman is an attorney active in the public interest and is the founder of Judicial Watch, Inc. and now Chairman and General Counsel of Freedom Watch, Inc. Plaintiff's profession in which he earns his livelihood 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. As the requestor, Plaintiff initially signed and requested, pursuant to FOIA, the records which evidence the

predicate acts of the criminal enterprise of the Defendants as alleged with specificity herein. Plaintiff is a citizen of Florida.

16. 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 as pled herein with specificity.
17. 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)).
18. 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."
19. 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."
20. Defendant Hillary Clinton is acting in all events relevant herein as an individual operating a criminal enterprise, along with the other Defendants, 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.
21. Defendant Hillary Clinton was 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.

22. Defendant Hillary Clinton was the former First Lady of the United States.
23. Defendant Hillary Clinton is on the Board of Directors of Defendant The Clinton Foundation and along with Defendant Bill Clinton, owned and operated the criminal enterprise as alleged herein with specificity.
24. Defendant Hillary Clinton is married to former President and Defendant William Jefferson Clinton and is the mother of Chelsea Victoria Clinton.
25. Defendant Bill Clinton is acting in all events relevant herein as an individual and not a government official operating a criminal enterprise, but was President of the United States from January 20, 1993 to January 20, 2001. He is a citizen of New York.
26. 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.
27. 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. She was employed knowingly by the Defendants herein, acting in concert, to effect and further the criminal enterprise as alleged herein with specificity.
28. 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 past campaigns for President.

29. 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, and took overt acts and participated in the furtherance of the conspiracy as alleged herein, which is the criminal RICO enterprise.
30. Cheryl Mills was Chief of Staff to U.S. Secretary of State Defendant Hillary Clinton and Counselor for State.
31. Cheryl Mills was Associate Counsel to the President under Defendant President Bill Clinton.
32. Defendants and Mills at all material times acted in concert with the Defendants to set up, own, operate and further the criminal enterprise as alleged herein by the fraudulent use of the mails and wires, bribery and obstruction of justice, among other crimes in furtherance of the criminal RICO enterprise.

III. FACTS COMMON TO ALL COUNTS

33. Defendants have misappropriated – that is, stolen – the documents which are rightfully Plaintiff’s property under relevant records management and archive laws.
34. Defendants have misappropriated – that is, stolen – the documents which Plaintiff is entitled to as a vested property right and property pursuant to FOIA law.
35. 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.
36. 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.

37. Decisions by then Defendant U.S. 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 allies.

38. However, at the direction of Defendants, the Defendant Hillary Clinton and the other Defendants, State has not produced any documents in response to this FOIA request. This conduct is in furtherance of the other Defendants' criminal enterprise, carried out fraudulently through the use of the wires and mail, and other means. These documents and the private email server were secreted or destroyed by the Defendants, acting in concert, as overt acts in furtherance of their agreed upon criminal RICO enterprise.

39. 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.

40. Reporter David Sanger published information in The New York Times clearly leaked from the Defendant Hillary Clinton, acting in concert with the other Defendants, in furtherance of their criminal enterprise through the use of wire and mail fraud and other criminal overt acts as alleged herein with specificity, that included classified information about American/Israeli plans and efforts to sabotage Iran’s nuclear weapons development programs and facilities and American-Israeli war plans and operations against Iran should that prove necessary, among other sensitive and classified information. Recent reports disclosed by reputable investigative journalists confirm that the Defendants’ non-disclosed email servers illegally contained hidden emails containing classified information and that pursuant to law, the email private server is legally subject to seizure. (Exhibit 1).

41. As *quid pro quo* to their agreed conspiracy to engage in a criminal RICO enterprise, 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.

42. As a result of the criminal enterprise through the use of wire and mail fraud of the Defendants, acting in concert, State could only produce very few documents, and, criminally acted in concert with the Defendants, by withholding and redacting many documents inappropriately.

State’s Compliance with FOIA Harmed and Corrupted by RICO Enterprise

43. 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 Bill and Hillary Clinton's personal mansion on a private computer file server managing her private, 'off-the-books' email account.
44. Departmental personnel could not locate responsive documents that were intentionally and knowingly kept hidden within Defendant Bill and Hillary Clinton's personal email system for the very purpose of Defendant Hillary Clinton and the other Defendants, acting in concert, committing fraud through the use of the wires and mail, and criminal acts through other means, preventing their discovery, and especially those emails already deleted from the Defendants' private server.
45. 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.
46. Given the criminal enterprise owned, operated and furthered by the Defendants, acting in concert, State had only 61,156 emails out of over 1 billion emails. State was unable to fully produce documents in response to Plaintiff's various FOIA requests because of the RICO criminal acts in furtherance of Defendants conspiracy as alleged with specificity herein.
47. 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, 2015,¹ stating that:

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.

Page 1

¹ 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.

Page 2

48. In responding to the subject FOIA request State, its then Chief of Staff Cheryl Mills, and its then U.S. Secretary, Defendant Hillary Clinton, acting in their private criminal capacities and in concert with the Defendants Bill Clinton and The Clinton Foundation, used the wires and mails to lie to and defraud Plaintiff and the lower courts, as they falsely claimed that there were no responsive documents.
49. State's search for records responsive to the Plaintiff's FOIA requests was inadequate and non-responsive because the Defendants, acting in concert, knowingly and intentionally

concealed and/or destroyed approximately 62,490 records from official State recordkeeping until around two years after Hillary Clinton left office and admitted to destroying over 32,000 of those records.

50. As a result, the concealment and/or destruction of approximately 62,490 emails to and from the U.S. Secretary of State, through the fraudulent use of the wires and mail as pled with specificity herein, and other criminal means, directly harmed the Plaintiff in obtaining records to which he was entitled to and has a proprietary interest, of the most relevant and the most important records, given that the U.S. Secretary would be informed about or give orders concerning the high-level issues and policies addressed by Plaintiff's record requests.
51. Even those emails returned to State were concealed, as Clinton loyalists, State, acting in concert with the Defendants, covered up this criminal conduct.
52. Now, State has stated in another federal lawsuit under FOIA brought by Plaintiff "Vice News" in the U.S. District Court for the District of Columbia before Judge Rudolf Contreras that it will not be ready to release the 30,490 emails handed over, belatedly, to State from Hillary Clinton, acting in concert with the other Defendants in furtherance of their criminal enterprise, until January 2016, if then.
53. Relying on Defendants false representations made through the wires and mail, the lower court granted summary judgment in lawsuits by Plaintiff seeking these documents to which he owned a proprietary interest and was entitled.
54. These false representations of the Defendants, acting in concert, worked a fraud upon the courts and Plaintiff and are an obstruction of justice, and are also evidence of wire and mail fraud, and other criminal acts, as pled herein.

55. The criminal enterprise consists of and was furthered by Defendant Hillary Clinton, Defendant Bill Clinton, Defendant The Clinton Foundation, and all other named persons in this Second Amended Complaint.

**U.S. State Department Could Not Comply with FOIA
as Defendants Agreed to and Took Overt Conspiratorial Acts in Furtherance of
their RICO Criminal Enterprise and Concealed and/or Destroyed Records on Their
Private Server**

56. Defendant Hillary Clinton was sworn in as U.S. Secretary of State on January 21, 2009, and then formally resigned as U.S. Secretary of State on February 1, 2013.

57. However, 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.

58. During Defendant Hillary Clinton's entire term as U.S. Secretary of State – including her separation procedures as she departed – State had no Inspector General compliance officer to oversee compliance with laws, regulations, and Departmental procedures.

59. 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.²

60. The Clinton Foundation was founded, at all material times operated, and managed by Defendants Bill and Hillary Clinton and is under their supervision, direction and control. Accordingly, there is an identity of interests between Defendants Bill and Hillary Clinton

² “**Hillary Clinton Used Personal Email Account at State Dept., Possibly Breaking Rules**,” Michael Schmidt, The New York Times, March 2, 2015.

and their Foundation and they are alter egos of each other, particularly since it has been disclosed publicly in the last few months that the Foundation has failed to follow corporate formalities and acted outside of the law. Thus, Defendant Clinton Foundation, along with Defendants Bill and Hillary Clinton, has control of, ownership in, and interest in the subject email server and documents contained thereon.

61. Defendant Hillary Clinton and the other Defendants conducted and furthered their criminal enterprise through said private, unofficial email account secretly housed and maintained on a computer file server operating email addresses (accounts) such as at “@clintonemail.com,” situated in Defendant Bill and Hillary Clinton’s private mansion in Chappaqua, New York.³
62. On hundreds of occasions, Defendant Hillary Clinton was photographed by news media on the job, at official meetings, on official travel, at official events, and on purportedly official business conspicuously reading emails on her hand-held “smart phone.”
63. Defendant Hillary Clinton admitted in a press conference at the United Nations on March 10, 2015, that she had turned over 30,490 emails from the private email server to State in December 2014, nearly two years after leaving office.

³ Emails used by Hillary Clinton identified so far include:

hdr@clintonemail.com
hdr18@clintonemail.com
hdr19@clintonemail.com
hdr20@clintonemail.com
hdr21@clintonemail.com
hdr22@clintonemail.com
h.clinton@clintonemail.com
Hillary@clintonemail.com
hrod17@clintonemail.com
Also, as Hillary Clinton's key aide, usually by Hillary's side, Huma Abedin used the email address huma@clintonemail.com

64. However, Hillary Clinton 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.”

65. As renowned ethics professor Ronald D. Rotunda writes, “By her own admission, Mrs. Clinton (and thus the other RICO Defendants) destroyed more than 30,000 emails once the subpoenas started coming in. She claims that she only destroyed personal records.”⁴

66. As explained by Law Professor Ronald D. Rotunda, distinguished ethics expert, which Plaintiff alleges herein, Defendant Hillary Clinton’s and the other Defendants’ actions were an intentional and pre-mediated effort, in violation of the law, to evade Congressional subpoenas and other legal accountability and to deprive Plaintiff of his property rights to the records which evidence the alleged criminal enterprise as pled with specificity herein:

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.⁵

67. 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 so as to further, through conspiratorial overt acts, and conceal the

⁴ Accessible at: <http://www.wsj.com/articles/ronald-d-rotunda-hillarys-emails-and-the-law-1426547356>.

⁵ “**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>

criminal enterprise which she and the other Defendants, in concert, carried out and continue to carry out in violation of RICO and the common law counts set forth below.

68. Defendant Hillary Clinton has confirmed and admitted that she is acting as the sole judge of which emails she deleted as “personal.” Defendant Hillary Clinton stated in the public press conference: “For any government employee, it is that government employee’s responsibility to determine what’s personal and what’s work related.”⁶

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

70. The Clinton Foundation conspired with Defendants Bill and Hillary Clinton to destroy secret and/or otherwise obstruct the production of documents which would show all of the Defendants’ criminality in furthering the RICO enterprise, as alleged below.

Legal Obligation to Preserve and Disclose Records – Defendants’ Perjury

71. 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-217.2(b)). U.S. Department of State Foreign Affairs Manual Volume 5 Handbook 4 Records Management Handbook: “Records Organization.”⁷

72. These procedures required Defendant Hillary Clinton to certify, though the use of the wires and the mail, that she had returned to State all documents in her possession, including on Form 109.

⁶ 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.

⁷ Accessible at <http://www.state.gov/documents/organization/89251.pdf>

73. However, Defendant Hillary Clinton now admits that, through the fraudulent use of the wires and mail in furtherance of the Defendants' criminal enterprise as pled with specificity herein, she did not return emails from her private server 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.

74. 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. She fraudulently, acting in concert with the other Defendants, transmitted her fraudulent Form 109 through the use of the wires and mails.

75. Regardless of whether she falsely states that she did not sign the form, Defendant Hillary Clinton falsely denies that she was 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"

76. In his prayer for relief herein, 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 records to which Plaintiff has a proprietary interest, relating to the conduct of U.S. foreign policy during Defendant Hillary Clinton's term as U.S. 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.

77. Defendant Hillary Clinton, acting in concert, through the fraudulent use of the wires and mail, falsely sought and seeks to minimize the problem by asserting that the recipients in the U.S. Government on their end preserved her emails sent to other people in the U.S. Government. However, as recently disclosed with regard to her confidant Sidney Blumenthal, who has turned over Defendants' emails from their private server to the House Government Oversight and Reform Committee, Defendant Hillary Clinton, and the other Defendants, acting in concert, did not turn over all of Defendants' emails on their private server to Plaintiff or State, as Blumenthal produced under subpoena even classified emails from Defendant Hillary Clinton which State did not have. (Exhibit 1).
78. However, as alleged 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.
79. Moreover, Defendant Hillary Clinton's emails would not, in the ordinary course, 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, on a private server. Thus, Defendants' private server was used for personal purposes, in furtherance of the criminal RICO enterprise.
80. 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 were not captured on a U.S. Government email account because Defendants' emails would not be with a U.S. Government official and because

Defendants, acting in concert, used the wire and mails to hide, secret and/or destroy emails on the private server which furthered and evidence the criminal RICO enterprise as alleged with specificity herein.

Defendants Overt Acts Secreting and Destroying of Records In Furtherance of Corrupt Criminal Enterprise

81. Here, the records of which Plaintiff has a proprietary interest and to which he is entitled – consisting of emails sent from and received by Defendant Hillary Clinton in concert and to further the conspiracy with the other RICO Defendants herein – were concealed and/or now destroyed within Defendants’ private server in the Clintons’ mansion for the personal and pecuniary benefit of the Defendants in furtherance of the criminal enterprise alleged with specificity herein.

82. The very purpose of communicating through a private computer email server and “off the books” private email address and account was to conceal and deny the contents of those communications from Plaintiff, and others.

83. Since leaving The White House in 2001, Bill and Hillary Clinton and their Clinton Foundation have amassed a personal fortune (outside of The Clinton Foundation) of over \$105 million USD, consisting mainly of speaking fees paid to Bill and Hillary Clinton and so-called donations to The Clinton Foundation from many nations, organizations, leaders, and business interests who are 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.

84. Before Hillary Clinton became U.S. Secretary of State, Bill Clinton as former President received an average of \$70,000 in speaking fees for each speech he delivered.⁸

85. After Hillary Clinton became U.S. Secretary of State, Defendant Bill Clinton received speaking fees between \$500,000 and \$1.3 million for each speech he delivered as a result of the RICO criminal enterprise plead with specificity herein.

86. For instance, as disclosed by ABC News:⁹

After his wife became Secretary of State, former President Bill Clinton began to collect speaking fees that often doubled or tripled what he had been charging earlier in his post White House years, bringing in millions of dollars from groups that included several with interests pending before the State Department, an ABC News review of financial disclosure records shows.

Where he once had drawn \$150,000 for a typical address in the years following his presidency, Clinton saw a succession of staggering paydays for speeches in 2010 and 2011, including \$500,000 paid by a Russian investment bank and \$750,000 to address a telecom conference in China.

“It’s unusual to see a former president’s speaking fee go up over time,” said Richard Painter, who served as chief ethics lawyer in the White House Counsel’s office under President George W. Bush. “I must say I’m surprised that he raised his fees. There’s no prohibition on his raising it. But it does create some appearance problems if he raises his fee after she becomes Secretary of State.”

87. As CBS News further disclosed,¹⁰ which Plaintiff re-alleges herein, Defendant The Clinton Foundation has raised at least \$42 million USD from foreign governments and at

⁸ Analysis from Joe Messina, “The Left Wants Facts, But Just Their Facts”, The Real Side, April 27, 2015.

⁹ Matthew Mosk and Brian Ross, “Bill Clinton Cashed in When Hillary Became Secretary of State,” ABC News, April 23, 2015.

¹⁰ **“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/>

least \$170 million USD from foreign entities and individuals as a result of the Defendants' criminal RICO enterprise.

88. In this regard, interested parties bribed Defendant Hillary Clinton and the other Defendants, acting in concert, to influence her official actions in office by arranging or orchestrating large speaking fees paid to Bill Clinton and large so-called "donations" to The Clinton Foundation.
89. In addition, because Bill Clinton's wife Hillary Clinton became U.S. Secretary of State, and possessed the power to provide *quid pro quos*, and did provide *quid pro quos* to persons, entities and nations seeking to bribe the Defendants, the speaking fees paid to Bill Clinton increased to between \$500,000 and \$1.3 million per speech from his prior average of \$70,000 per speech, in contrast to all other former officials who earn less money the more time has passed since they left office.¹¹
90. Moreover, as a result of Defendants' criminal RICO enterprise, payments to Bill Clinton of \$550,000 to \$750,000 for a single speech are too large to be absorbed by an increase in attendance at a conference or event. Therefore, those fees paid to Bill Clinton were bribes to Hillary Clinton and The Clinton Foundation and they inured to the benefit of all of the Defendants, acting in concert as part of a criminal RICO conspiracy using the wires and mails and other instrumentalities to effect their fraudulent and other criminal conduct designed to reap huge amounts of cash for their benefit and to harm and damage Plaintiff's property and other economic interests.
91. Hillary Clinton and the other Defendants used the private email server maintained at the Clintons' home in Chappaqua, New York and the emails processed through that server to

¹¹ *Id.*

solicit, negotiate, orchestrate, arrange and collect, through the wires by fraud, the speaking fees paid to herself, her husband Bill Clinton and so-called “donations” to The Clinton Foundation.

92. Defendant Hillary Clinton, acting in concert with the other Defendants as part of a RICO criminal enterprise and conspiracy, deleted 32,000 email messages from her email server that included her communications arranging, negotiating, agreeing and collecting upon speaking engagements for her and Bill Clinton which resulted in large speaking fees, as well as the solicitation and receipt of inflated “donations” – that is, bribes – to The Clinton Foundation and the other Defendants.

93. Interested parties bribed Defendant Hillary Clinton and the other Defendants, acting in concert, to influence her official actions in office by making large so-called “donations” to The Clinton Foundation.

94. Foreign donors neglected charitable organizations and needs in their own countries and donated to The Clinton Foundation because their purpose was to bribe Hillary Clinton and the other Defendants.

95. Specifically, in or about 2011 to 2012, Hillary Clinton and the other Defendants, acting in concert and as part of this criminal RICO enterprise and conspiracy while U.S. Secretary of State, granted a waiver through the use of the mail and wires, to Victor Pinchuk and his company Interpipe Group as an exemption from U.S. Congressional sanctions against doing business with Iran as a *quid pro quo* for bribes disguised as “donations” made to The Clinton Foundation.

96. The Plaintiff specifically requested under the Freedom of Information Act all of these documents and records to which he is entitled under law about such waivers from the

U.S. Department of State, but was denied access to these documents because they were misappropriated, concealed and/destroyed by Defendants. Those documents, which are by law the property of the Plaintiff as the lawful requestor of those documents, were admittedly contained on the Defendants' private email server. But Defendants, acting in concert as overt acts in furtherance of their criminal RICO conspiracy, through the fraudulent use of the wires and mails, and other criminal means, then deleted and destroyed 32,000 of them illegally.

97. Ukrainian oligarch Victor Pinchuk is the largest individual contributor to The Clinton Foundation, as reported by Newsweek Magazine.¹²
98. Pinchuk is the fourth richest man in Ukraine, who owns Interpipe Group, a Cyprus-incorporated manufacturer of seamless pipes used in oil and gas sectors.
99. Plaintiff alleges here as disclosed by Newsweek, "declarations and documents from Ukraine [] show a series of shipments from Interpipe to Iran in 2011 and 2012, including railway parts and products commonly used in the oil and gas sectors." *Id.*
100. Plaintiff alleges here as disclosed by Newsweek, "Among a number of high-value invoices for products related to rail or oil and gas, one shipment for \$1.8 m[illion] in May 2012 was for 'seamless hot-worked steep pipe for pipelines.'" and destined for a city [in Iran] near the Caspian Sea." *Id.*
101. Plaintiff alleges here as disclosed by Newsweek, "Both the rail and oil and gas sectors are sanctioned by the US, which specifically prohibits any single invoice to the Iranian petrochemical industry worth more than \$1 m[illion]." *Id.*

¹² Rory Ross, "Hillary Clinton's Big Benefactor Has Trade Links with Iran," Newsweek, April 18, 2015, accessible at: <http://www.newsweek.com/2015/04/24/hillary-clinton-runs-white-house-and-row-over-ukrainian-benefactors-trade-322253.html>

102. The U.S. Secretary of State, at that time Hillary Clinton, had the authority and responsibility to place companies doing business with Iran on a U.S. Government list that prohibits any bank in the world with any presence inside the United States from handling any financial transactions anywhere in the world involving that banned company. She also had the authority to grant waivers for individuals, companies, foreign states and others to do business with Iran.

103. But Pinchuk bribed the Defendants each and every one of them, acting in concert as part of the RICO criminal enterprise and conspiracy and fraudulently used the wires and mails, to illegally and criminally influence U.S. Secretary of State Hillary Clinton to allow InterPipe Group to continue to do business with Iran by granting a waiver in exchange for donating money that resulted in him becoming the largest individual donor to The Clinton Foundation, and thus Defendants as a whole.

104. Pinchuk's foundation, illegally and as part of the RICO criminal enterprise, "donated" \$8.6 million to The Clinton Foundation and pledged a further \$1.5 million or more to Ukrainian projects through the Clinton Global Initiative (CGI), which is part of The Clinton Foundation. It has sponsored CGI's annual meetings in past years,

105. The Russian State Atomic Nuclear Agency (Rosatom) is the government agency of Russia that governs all issues in Russia related to nuclear energy.

106. Rosatom has assisted and continues to assist Iran in developing nuclear energy technology and nuclear reactors (although Iran has vast supplies of oil, which is cheaper).

107. Rosatom proposed to buy 52% of the company Uranium One (with which Frank Giustra's UrAsia Energy merged earlier), which owned uranium mines in the United States and which was aggressively buying more uranium mines inside the United States.

108. Many U.S. Government officials and political leaders opposed Rosatom's purchase of a 52% controlling share of Uranium One both because of the risk of uranium being transferred to Iran by Rosatom and the loss of U.S. uranium resources as a strategic resource of the United States or restrictions on U.S. uranium.
109. The sale of a stake in Uranium One to Rosatom had to be approved by the Committee on Foreign Investment in the United States (CFIUS), which is a high-level board made up cabinet level officials including the U.S. Secretary of State Defendant Hillary Clinton.
110. The Chairman of Uranium One Ian Telfer, as a result of the Defendants criminal RICO enterprise, then, using the wires, mails other illegal means, fraudulently "donated" \$2.35 million to The Clinton Foundation through Telfer's foundation The Fernwood Foundation and another \$1 million to the Clinton-Guistra Sustainable Growth Initiative.
111. Financial advisors arranging the Uranium One – Rosatom deal, Robert Disbrow and Paul Reynolds, also gave multi-million dollar "donations" to The Clinton Foundation, which so-called "donations" benefitted all of the Defendants illegally and criminally as part and parcel to the criminal RICO enterprise as plead with specificity herein.
112. Salida Capital, identified in Rosatom's annual report as a wholly owned subsidiary of Rosatom, "donated" another \$2.65 million to The Clinton Foundation and thus all of the Defendants as pled herein in furtherance of their criminal RICO conspiracy.

113. Salida Capital also cosponsored a speech by Bill Clinton in Calgary, Canada, for which Bill Clinton was paid.¹³

114. Thereupon CFIUS led by Defendant Hillary Clinton as U.S. Secretary of State, through the use of the mails and wires and other means, fraudulently approved the sale and the Russian Federation through its agency Rosatom purchased 52% of Uranium One. (LK STOP).

115. Similarly, the U.S. State Department proposed to impose sanctions against sales of telecommunications equipment and services to Iran between 2009 and 2012, as part of a Congressionally mandated effort to pressure Iran to stop developing nuclear bombs.

116. On November 12, 2011, Swedish telecommunications giant Ericsson paid Bill Clinton \$750,000 for a single speech, the largest fee he had been paid to date.¹⁴

117. In late 2010, the U.S. Securities and Exchange Commission sent a letter to Ericsson about Ericsson's sales of advanced telecommunications equipment and technology to countries that are listed as state sponsors of terrorism by Hillary Clinton's U.S. State Department, including Iran.¹⁵

¹³ The speech was apparently titled "The Power Within."

¹⁴ Francesca Chambers, "Bill Clinton once made \$1.3 million in TWO DAYS from speaking gigs and has made \$105m in twelve years," The Daily Mail, June 27, 2014, <http://www.dailymail.co.uk/news/article-2672292/Bill-Clinton-1-3-million-TWO-DAYS-speaking-gigs.html>

¹⁵ Larry Spigel, "Form 20-F for the Fiscal Year Ended December 31, 2009," September 29, 2010.

118. U.S. State Department officials were in this same time period regularly and increasingly protesting Ericsson's sales to Iran and other state sponsors of terrorism with Sweden's Prime Minister.¹⁶
119. In April 2011, Ericsson was accused in a U.S. State Department report of supplying telecommunications equipment to the oppressive, Stalinist regime of Belarus.¹⁷
120. In June 2011, the U.S. State Department proposed expanded sanctions on Iran and other state sponsors of terrorism, with an expanded list of products and services, including telecommunications equipment and services, to be further restricted.¹⁸
121. But then on November 12, 2011, Bill Clinton was paid \$750,000 by Ericsson to give a vague, superficial speech about the role that telecommunications play in all our lives to an Ericsson telecommunications conference in Hong Kong.
122. One week later on November 19, 2011, Hillary Clinton's U.S. State Department unveiled its new list of sanctions for Iran, not coincidentally, by and through Defendants acting in concert through the use of mail and wire fraud in furthering the criminal RICO enterprise, and removed the type of telecommunications equipment and services sold by Ericsson from the restrictions in previous drafts.¹⁹
123. In April 2012, President Obama signed an Executive Order imposing sanctions on sales of some telecommunications equipment and services to Iran, but exempting the equipment and services that Ericsson was selling to Iran.

¹⁶ U.S. Department of State, Embassy in Stockholm, "Swedish-Iranian Economic Relations: Business as Usual, Resistance to Financial Sanctions," WikiLeaks, December 15, 2009, <http://www.wikiLeaks.org/plusd/cables/09STOCKHOLMD778a.html>

¹⁷ U.S. Department of State, "2010 Human Rights Report: Belarus," April 8, 2011.

¹⁸ "Escalating Sanctions on Iran," *Frontline: PBS*, June 3, 2011

¹⁹ U.S. Department of State, Bureau of Public Affairs "New Sanctions on Iran," News Release, November 21, 2011, <http://www.State.gov/r/pa/prs/ps/177609.htm>

124. In 2012, President Obama needed the support of Bill and Hillary Clinton in his campaign for re-election for President in November 2012.
125. Ericsson obtained a waiver of sanctions against doing business with Iran by bribing U.S. Secretary of State Hillary Clinton and the other Defendants, acting in concert through agreed overt acts and conspiring to further their criminal RICO enterprise, with a payment of \$750,000 paid to Bill Clinton under the guise of a speaking fee for a single superficial speech.
126. In 2011, Bill Clinton, and thus all of the Defendants, acting in concert in furtherance of the criminal RICO enterprise through the fraudulent use of the wires and mails and other instrumentalities, was paid \$700,000 for one speech in Nigeria, a country suffers from overwhelming poverty among the ordinary populace, by a newspaper publishing company, in an era when newspapers are struggling financially even in the United States.
127. The \$700,000 speaking fee paid by the Nigerian newspaper publishing company in 2011 was actually a bribe by undisclosed interests to U.S. Secretary Hillary Clinton and the other Defendants, all of whom were acting in concert in furtherance of the agreed upon conspiratorial criminal RICO enterprise.
128. In 2011, Bill Clinton, and thus the other Defendants, acting in concert through the fraudulent use of the wires and mails, and other instrumentalities, as is true of all the predicate acts pled throughout this Second Amended Complaint, in furtherance of the criminal RICO enterprise, was paid an inflated \$550,000 for a speech to a business conference in Shanghai, China.

129. In 2010, while Hillary Clinton was U.S. Secretary of State overseeing delicate issues involving Egypt and the “Arab Spring,” Bill Clinton, acting in concert with the other Defendants, was paid \$250,000 to address the American Chamber of Commerce in Egypt, while other sponsors for the event were proposed to include Etisalat, a large Middle Eastern telecommunications company whose majority owner is the government of the United Arab Emirates.
130. Donations to The Clinton Foundation were, are being, and will be used in the future to benefit Bill Clinton, Hillary Clinton, Chelsea Clinton, Cheryl Mills, Bruce Lindsey, Sidney Blumenthal and others personally.
131. The Defendants had engaged in similar pattern and practice under their ongoing RICO criminal enterprise, which raises a strong evidentiary inference that the RICO conspiracy is ongoing, when during the Clinton administration they engaged in the sale of seats on U.S. Government trade missions to foreign countries in exchange for “donations” to the Clinton/Gore re-election campaign. This was a scandal largely uncovered by the undersigned counsel, when he was head of Judicial Watch. As explained by Peter Schweizer in his book Clinton Cash, published by Harper Collins Publishers and released on May 5, 2015, the ongoing and more current course of identical conduct under the continuing RICO criminal enterprise works this way.

Here is how it worked: Bill flew around the world making speeches and burnishing his reputation as a global humanitarian and wise man. Very often on those trips he was accompanied by “close friends” or associates ***who happened to have business interests pending in those countries.*** Introductions were made, deals struck, and photo ops arranged before an admiring foreign press. Meanwhile, bureaucratic or legislative obstacles were mysteriously cleared or approvals granted within the purview of his wife, the powerful senator or secretary of state. Huge donations then flowed into the Clinton Foundation while Bill

received enormous speaking fees underwritten by the very businessmen who benefitted from these apparent interventions.

(emphasis added). In sum, the Defendants, acting by agreement and in concert, to form a conspiracy to violate the RICO laws, have for many years perfected their wire and mail fraud, obstruction of justice, bribery and other criminal acts such that they have reaped millions of dollars in illegally acquired funds.

132. According to The New York Post, “The Clinton family’s mega-charity took in more than \$140 million in grants and pledges in 2013 but spent just \$9 million on direct aid. The group spent the bulk of its windfall on administration, travel, and salaries and bonuses, with the fattest payouts going to family friends.” And “The Clinton Foundation’s finances are so messy that the nation’s most influential charity watchdog put it on its “watch list” of problematic nonprofits last month.”²⁰ Accordingly, the Defendant The Clinton Foundation has no demonstrable corporate legitimacy and simply acts in further the conspiracy and criminal RICO enterprise as alleged herein, as the alter ego of the other individual Defendants. Thus, Defendants have a unity of criminal interests and are acting in concert to violate RICO laws.

133. According to a study of The Clinton Foundation’s tax returns by The Federalist,²¹ in 2013, only ten percent (10%) of The Clinton Foundation’s budget went to charity, but ninety percent (90%) to overhead, including nearly \$8.5 million for travel, nearly \$4.8 million for office supplies, \$3.7 million for employee fringe benefits, \$4 million for rent,

²⁰ Isabel Vincent, “Charity Watchdog: Clinton Foundation a ‘Slush Fund,’” The New York Post, April 26, 2015, accessible at: <http://nypost.com/2015/04/26/charity-watchdog-clinton-foundation-a-slush-fund/>

²¹ Sean Davis, “In 2013, The Clinton Foundation Only Spent 10 Percent of Its Budget on Charitable Grants,” The Federalist, April 27, 2015, <http://thefederalist.com/2015/04/27/in-2013-the-clinton-foundation-only-spent-10-percent-of-its-budget-on-charitable-grants/>

\$9.2 million for conferences and conventions headlined by the Clinton family, and \$2.1 million for information technology expenses.

134. For example, The Clinton Foundation received an estimated \$36 million in “donations” to help rebuild Haiti after a devastating earthquake in 2010.

135. However, in January 2015, Haitians demonstrated outside The Clinton Foundation offices in New York City protesting how five years later The Clinton Foundation has still not used the donations to benefit Haiti and has also arranged kickbacks to The Clinton Foundation siphoning off aid money meant to help Haitians. The Haitian demonstrators protested that \$10 billion in aid money including “donations” to The Clinton Foundation has gone missing and has not been used to benefit the people of Haiti.

136. Moreover, in or about 2006 to 2009, Defendants Bill and Hillary Clinton, acting in concert with the Defendant Clinton Foundation, agreed to conspire and conspired as part of their RICO criminal enterprise, procured and furthered through the fraudulent use of the wires and mails, to solicit, take and receive bribes to procure the help and influence of the U.S. Government and the Government of Kazakhstan to benefit Canadian businessman Frank Giustra and his company UrAsia Energy (later merged with Uranium One) and the company’s investors.

137. Canadian businessman Frank Giustra was experienced at trading in penny stocks in mining companies but had no experience in the actual work of uranium mining.

138. Far more experienced international mining companies were seeking to mine uranium in Kazakhstan including by purchasing interests in Kazakhstan mining companies.

139. Giustra's company UrAsia Energy had no chance in winning the competition for mining rights in Kazakhstan according to industry analysts.

140. Yet, with the intervention of former U.S Senator and then U.S Secretary of State Hillary Clinton, acting again in concert with the other Defendants in furtherance of the criminal RICO enterprise, Giustra's company leapt ahead of highly-experienced competitors to get mining resources and rights to uranium in Kazakhstan by buying a 30 percent stake in the Kharassan uranium and a 70 percent stake in the Betpak-Dula joint venture project.

141. As stated in a video that Dzhaishev recorded in 2009, which Plaintiff re-alleges herein, Mukhtar Dzhakishev, the President of Kazatomprom – Kazakhstan's government-owned energy company – claimed that U.S. Senator Hillary Clinton, acting in concert as part of a criminal RICO conspiracy, as pled throughout herein, at the time pressured Kazakhstan government officials to secure the uranium deal for Giustra's Canadian company and investors.

142. At the time, U.S. Senator Hillary Clinton sat on the U.S. Senate Armed Services Committee, specifically the Subcommittee on Emerging Threats and Capabilities.

143. That Subcommittee had responsibility for the hundreds of millions of dollars of financial aid from the United States to Kazakhstan for non-proliferation.²²

144. Specifically, according to Dzhakishev, which Plaintiff re-alleges herein, when Kazakhstan's Prime Minister Karim Massimov visited the United States and needed to meet with Senator Hillary Clinton, Senator Clinton cancelled the meeting and explained that the meeting was being cancelled because the investors connected to the Clintons

²² When Kazakhstan was part of the Union of Soviet Socialist Republics, the Soviet military had nuclear and other strategic weapons stationed on Kazakh territory.

were having problems working in Kazakhstan, and until Kazakhstan solved those problems there would be no meeting and “all manner of measures would be taken.”

145. When Prime Minister Massimov returned to Kazakhstan he called Dzhakishev and instructed Dzhakishev to resolve the obstacles to Giustra obtaining the uranium mining concessions, approvals, and rights in Kazakhstan.

146. An adviser to Bill Clinton, Tim Phillips, then contacted Dzhakishev and told Dzhakishev that there would be no further meetings with Senator Hillary Clinton until Kazakhstan officials approved Giustra’s uranium deal.

147. Meanwhile in this same time period, many organizers and shareholders in Giustra’s UrAsia Energy (later merged with company Uranium One) “donated” heavily to The Clinton Foundation:

- a. Frank Giustra “donated” \$31.3 million to The Clinton Foundation and committed to donate another \$100 million over time.
- b. Frank Holmes, another major stockholder in the deal, “donated” between \$250,000 and \$500,000 to The Clinton Foundation.²³
- c. Giustra’s colleague Neil Woodyer pledged \$500,000 to The Clinton Foundation and committed to provide “ongoing financial support.”
- d. Ian Telfer, Chairman of UrAsia Energy and later Chairman of the merged company Uranium One, pledged \$3 million to The Clinton Foundation.
- e. Robert Disbrow “donated” between \$1 million and \$5 million to The Clinton Foundation after assisting in floating the shares of UrAsia Energy in a private placement.

²³ Many financial transactions are reported only in ranges.

- f. Robert Cross, a major shareholder and director of UrAsia Energy, “donated” a portion of his future income to The Clinton Foundation.
 - g. Paul Reynolds “donated” between \$1 million and \$5 million to The Clinton Foundation after facilitating the UrAsia Energy placement.
 - h. GMP Securities, Ltd., a large shareholder in UrAsia Energy and underwriter in various UrAsia Energy deals, “donated” between \$1 million and \$5 million.
 - i. Sergei Kurzin, a shareholder in UrAsia Energy and a Russian dealmaker involved in the Kazakhstan uranium deal pledged \$1 million to The Clinton Foundation.
148. In February 2007, UrAsia Energy announced a merger with Uranium One, a company based in South Africa and Canada.
149. However, the merger of companies involved in the mining of and trade in uranium from Kazakhstan required approval from the government of Kazakhstan.
150. That same month, Frank Giustra arranged for Mukhtar Dhakishev, the head of Kazatomoprom to travel to Chappaqua, New York, for a private meeting with the Clintons.
151. Bill and Hillary Clinton, agreeing to and acting in concert with The Clinton Foundation to further the criminal RICO enterprise conspiracy, as alleged throughout herein, fraudulently used the wires and mails to pressure the government of Kazakhstan to approve the merger of UrAsia Energy and Uranium One for the benefit of Giustra and his colleagues.
152. Similarly, at the end of Bill Clinton’s presidency, India surprised the world by exploding five nuclear bombs in underground tests.

153. As a result, the Clinton Administration imposed trade sanctions upon India similar to the trade sanctions imposed on Iran to try to stop Iran's nuclear weapons development.

154. However, after, the Clintons left the White House, India directly and through intermediaries paid millions of dollars to The Clinton Foundation and as speaking fees to Bill Clinton, acting on behalf of the all of the Defendants in furtherance of the criminal RICO enterprise as pled throughout this Second Amended Complaint.

155. "Donors" to The Clinton Foundation related to India ignored charities in their own country in India, where there is extensive poverty and disease, to "donate" via mail and wires, to The Clinton Foundation because the donations were actually bribes paid to Hillary Clinton, acting on behalf of all of the Defendants in furtherance of their criminal enterprise as pled herein.

156. Bill and Hillary Clinton switched positions from being in favor of continuing trade sanctions on India to encourage them to slow their nuclear weapons development to supporting legislation to lift the trade sanctions on India.

157. Hillary Clinton as Senator supported legislation to tighten restrictions on India.

158. Then for the first time, significant sums of money started to flow into The Clinton Foundation, on behalf of all of the Defendants, from interests in India, and Indian businessman started to participate in The Clinton Foundation events.

159. In or about 2008, Sant Chatwal, a supporter of loosening U.S. legislation on India's nuclear energy programs, arranged for Bill Clinton to be paid \$450,000 for a speech at a London charity event, \$170,000 more than his typical overseas speech up until that time. The fee paid to Bill Clinton was 30% of the total amount raised at the event for global relief efforts.

160. Indian legislator Amar Singh “donated” between \$1 million and \$5 million to The Clinton Foundation on behalf of all of the Defendants, acting in concert in furtherance of the RICO criminal enterprise as alleged with specificity throughout herein.

161. In September 2011, Amar Singe was arrested in India for bribing three members of parliament during a 2008 vote related to the U.S./India nuclear deal.

162. With the encouragement of then U.S. Senator Hillary Clinton, agreeing to as part of their criminal RICO enterprise and conspiracy and acting in concert with the other Defendants in furtherance of the criminal RICO enterprise, effectuated through the fraudulent use of the wires and mails, and other criminal means as pled herein throughout, the sanctions on India related to its nuclear weapons development were lifted.

163. Meanwhile, during 2014-2015, the U.S. Department State, at the direction of Defendant Hillary Clinton, acting in concert with the other Defendants in furtherance of their criminal RICO conspiracy, funneled millions of dollars to organizations and interests in an attempt to defeat Prime Minister Netanyahu and his Likud Party in the March 2015 parliamentary election.

164. In return, oil-rich Arab countries “donated” to The Clinton Foundation, which was acting in concert with the other Defendants to further, through the fraudulent use of the wires and mails, and other criminal means, the criminal RICO conspiracy and enterprise, and sponsored high-paying speeches by Bill Clinton, which collectively inured to the benefit of all of the Defendants herein.

165. 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.

166. This action, and the appropriation of State and U.S. taxpayer funds to finance this criminal enterprise, was a *quid pro quo* for contributions by Arab and Palestinian interests to The Clinton Foundation, acting in concert with the other Defendants, as well as the payment of large speaking fees to Defendants Bill and Hillary Clinton, as well as other illegal gratuities.

167. Specifically, 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.

168. Furthermore, the State Department, acting at the direction and in concert with the other Defendants in furtherance of the RICO enterprise, expedited visas for Arab political leaders organizing campaigns in Israel²⁴ against Benjamin Netanyahu to come to the U.S. and receive political campaign training for their efforts to defeat Netanyahu.²⁵

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

170. The State Department mysteriously “misplaced” and “lost” approximately \$6 billion mostly during the tenure of U.S. Secretary of State Hilary Clinton, according to an Inspector General report released in April 2014. The Inspector General warned that “The

²⁴ 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.

²⁵ “**GOP Pollster McLaughlin: Obama, Allies Heavily Involved in Anti-Netanyahu Vote,**” Greg Richter, [Newsmax.com](http://www.newsmax.com/Newsfront/mclaughlin-obama-anti-netanyahu/2015/03/22/id/631785/#ixzz3VL5LbNv6), March 22, 2015, accessible at: <http://www.newsmax.com/Newsfront/mclaughlin-obama-anti-netanyahu/2015/03/22/id/631785/#ixzz3VL5LbNv6>

failure to maintain contract files adequately creates significant financial risk ..." and "creates conditions conducive to fraud, as corrupt individuals may attempt to conceal evidence of illicit behavior by omitting key documents from the contract file."

<http://www.washingtontimes.com/news/2014/apr/4/state-dept-misplaced-6b-under-hillary-clinton-ig-r/?page=all>.

171. This pattern and practice of criminal conduct is also shown 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.
172. 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.).
173. 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.
174. Similarly, Ethiopian-born Saudi Arabian businessman Sheikh Mohammed al-Amoudi pledged \$20 million to The Clinton Foundation, acting in concert with the other

Defendants in furtherance of the RICO criminal enterprise, shortly after Hillary Clinton announced her 2008 campaign for President.

175. As warned in a letter to the U.S. Department of State by an Ethiopian human rights organization, “Why would a wealthy man from one of the poorest countries in the world say no to organizations [charities] in his own country and yet easily cough up \$20 million for an American organization 10,000 miles away?” Plaintiff alleges herein the allegation inherent in this question that Amoudi “donated” \$20 million to The Clinton Foundation as a bribe to Hillary Clinton, acting in concert with the other Defendants in furtherance of the criminal RICO enterprise.

176. As warned in a letter to the U.S. Department of State by an Ethiopian human rights organization, which Plaintiff re-alleges herein, “Local AIDS organizations that appealed to the billionaire [Amoudi] were turned down.”

177. Amoudi was at this time head of the Mommmed International Development Research and Organization which had extensive investments in Ethiopia in mines, agriculture, hotels, hospitals, the steel industry, and cement factories. Amoudi’s wealth is largely a result Amoudi’s close relationship with Ethiopia’s dictator Meles Zenawi.

178. Then U.S. Senator Hillary Clinton, acting in concert with the other Defendants as part of the bribery scheme and conspiracy in furtherance of the RICO criminal enterprise, fraudulently used the wires and mails, to influence and vote in the U.S. Senate to derail the Ethiopia Democracy and Accountability Act (Support for Democracy and Human Rights in Ethiopia Act of 2008 in the U.S. Senate), introduced by New Jersey Democrat and African-American Congressman Donald Payne which would have harmed Amoudi’s vast business empire in Ethiopia.

179. Then as U.S. Secretary of State, Hillary Clinton, acting in concert with the other Defendants in furtherance of the criminal RICO enterprise, in exchange for bribes collectively to the Defendants, acting in concert, granted Ethiopia – through the fraudulent use of the wires and mails and other criminal means – waivers of transparency requirements related to the United States’ massive financial aid to Ethiopia.

180. Similarly, while Hillary Clinton was U.S. Secretary of State, the country of Colombia greatly desired a free trade agreement with the United States.

181. Hillary Clinton as U.S. Secretary of State had great influence over these negotiations.

182. At that same time, Bill Clinton asked for and received a \$20 million “donation” from Frank Giustra to The Clinton Foundation, on behalf of and as bribes for all of the Defendants in furtherance of the criminal RICO enterprise, to further this illicit business in Colombia.

183. At that same time, Frank Giustra had large investments in Colombia and was seeking to expand his investments in oil, natural gas, coal, and timber in Colombia.

184. As a *quid pro quo* for his \$20 million “donation” bribe to The Clinton Foundation, Frank Giustra received the assistance from the U.S. Secretary of State Hillary Clinton for his illicit business interests in Colombia, primarily by supporting the government of Colombia’s diplomatic goals in return for Colombia’s support for Frank Giustra’s businesses.

185. Days after Hillary Clinton’s visit to Bogota, Colombia, in or about 2010, Frank Giustra’s company Flagship Industries not coincidentally received permission, arranged for bribes to the Defendants, acting in concert in furtherance of the RICO criminal

enterprise bribery conspiracy, through the fraudulent use of the wires and mails and other means. Giustra sought to cut timber in an environmentally protected forest.

186. Days later, Pacific Rubiales Energy, associated with Frank Giustra, received the right to drill for oil on six desirable lots from President Uribe's government.

187. Pacific Rubiales then donated \$4 million to the Clinton Giustra Sustainable Growth Initiative of The Clinton Foundation.

188. Local charities inside Colombia protested that Pacific Rubiales ignored local charities to give to The Clinton Foundation associated with the U.S. Secretary of State.

189. Another of Giustra's companies, Petroamerica, in exchange for the bribes to the Defendants, acting in concert, furthered a conspiracy to violate RICO as pled with specificity herein, then not coincidentally received the right to explore for and produce oil in Colombia, even though it had only been founded a few months earlier and was legally prohibited at the time.

190. Throughout Hillary Clinton's terms as U.S. Senator and U.S. Secretary of State, The Clinton Foundation and Bill Clinton's speeches and appearances focused on resource rich areas of the world with oppressive and anti-democratic governments with serious human rights and political scandals and questions, where the Clintons' influence in return for a share of the natural resource riches could help whitewash and front for disreputable governments to "clean up" their image and obtain other benefits for them.

Personal Benefits Derived from "Donations" (That is Bribes) to The Clinton Foundation and the Other Defendants, Acting in Concert In Furtherance of the Criminal RICO Conspiracy

191. 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.”²⁶

192. Unlike regulated campaign funds, which cannot be used for personal expenses, “donations,” that is, bribes, to Defendant The Clinton Foundation 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 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. Defendants control these decisions in furtherance of the RICO criminal enterprise as alleged herein with specificity in this Second Amended Complaint.

193. 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 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.

194. 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.

²⁶ “**Foreign donations to foundation raise major ethical questions for Hillary Clinton,**” Jennifer Rubin, The Washington Post, February 18, 2015.

195. Coincidentally, a confidential source inquired within the last year, motivated by humanitarian concerns for unemployed Haitian migrants living in slums 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 create biodiesel fuel. Defendant The Clinton Foundation, acting in concert with the other Defendants in furtherance of the criminal RICO enterprise, replied that it does not have any grant application process, has no standards or procedures for evaluating potential projects, and does not make grants.

196. 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 agreed to and derived illegally pursuant to the ongoing RICO criminal conspiracy enterprise.

197. 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.

198. 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 U.S. 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 the U.S. State Department.

199. 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 (and their children where applicable) who were material witnesses in the Paula Jones and Monica Lewinsky scandals, all of whom claimed to have been sexually harassed or allegedly raped by Defendant Bill Clinton or have been involved in a sexual affair with Defendant Bill Clinton. Their names are Gennifer Flowers, Paula Jones, Dolly Kyle Browning, Juanita Broaddrick and Kathleen Wiley and were represented by the undersigned counsel, Larry Klayman. Though the fraudulent use of the wires and mails, Lindsey threatened to destroy them if they testified or talked to authorities.

200. 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.”²⁷ “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.*

Continuing Conspiracy to Conceal, Withhold, and Destroy Records Evidencing the Criminal RICO Enterprise

201. Plaintiff requests discovery to further establish the facts and violations herein in addition to the facts known at this time.
202. However, the continuing conspiracy and ongoing crimes are demonstrated by the pattern of similar conspiratorial schemes orchestrated by Defendant Hillary Clinton and the other Defendants, acting in concert.
203. 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 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.
204. Thus, similar to the concealed emails in this case, 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

²⁷ “**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.”)

material testimony from a lawfully convened body exercising oversight authority of the U.S. Congress under the U.S. Constitution.

205. The same Cheryl Mills now serves on the Board of Directors of Defendant The Clinton Foundation after being Chief of Staff at the U.S. Department of State and, along with the Defendants, agreed to and did create and further their criminal RICO enterprise.

206. Cheryl Mills earlier was a member of a much-smaller Board of Directors of The Clinton Foundation for many years before becoming Chief of Staff and Counsel at State.

207. Previously, Hillary Clinton conceived of and orchestrated for her husband, then President Bill Clinton, the sale of seats on international trade missions sponsored by the U.S. Department of Commerce in return for campaign “donations” and personal gratuities.

208. In that scandal, Clinton Commerce Department documents were also destroyed, at the direction of Defendants Bill and Hillary Clinton, and those documents evidenced 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.

209. 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).

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

211. Defendant Bill Clinton 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.
212. 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 missions for campaign donations for the Clinton/Gore 1996 Presidential campaign.
213. 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).
214. This type of obstruction of justice and bribery 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,²⁸ and other criminals, 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 donations²⁹ from Indonesian businessman James Riady. Riady controls the

²⁸ 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>

²⁹ “**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>

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.³⁰

215. As support and strong factual grounds to substantiate Plaintiff's allegations, Defendants Hillary Clinton and Bill Clinton and the other actors have agreed to and continue an ongoing 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, or other legal processes, such as FOIA.

216. 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 Defendants, and their co-conspirators such as Mills and Lindsey, have still never been produced and are still being withheld and concealed to this day.

217. 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

³⁰ “**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>

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.'³¹

218. Not coincidentally, Cheryl Mills was at that time a key actor in The White House Counsel's Office and Hillary Clinton's "right hand woman."

219. 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.

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

221. Whistleblowers who were victims of having their FBI files illegally obtained and their privacy violated by Defendants Bill and Hillary Clinton, disclosed to Plaintiffs' legal counsel, the undersigned attorney Larry Klayman, that computer contractors had been threatened to keep the major gaps in email records that were under subpoena secret.

222. 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).

223. When The White House computer contractor Betty Lambuth and her colleague Cheryl 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

³¹ 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 as a warning to keep their mouths shut.

224. 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.
225. In circumstances almost identical to the instant case, Judge Lamberth ordered the missing emails reconstructed, searched, and produced as responsive.
226. 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).
227. 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.
228. The billing records were clearly withheld from the grand jury and independent counsel. Eighteen (18) months after being subpoenaed, the records mysteriously appeared on a flower table in the Presidential Residence in The White House.
229. Defendant Hillary Clinton clearly lied about the location and subsequent mysterious appearance of the billing records in The White House residential area.

230. 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."

231. 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.³²

232. But, earlier, as confirmed by Bob Woodward at The Washington Post,³³

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.

* * *

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

³² "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/>

³³ "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>

counterintelligence investigations, sources said. . .

233. 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.³⁴

234. As confirmed by reports in The New York Times,³⁵ 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:

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.

235. 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.

³⁴ 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 an intercontinental missile to drop a nuclear bomb within a few miles of the center of a U.S. city easy by comparison.

³⁵ "**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>

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

236. 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.

237. 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 illegally³⁶ funneled to the Clinton campaigns, China obtained advanced missile guidance technology.

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

239. 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 with great precision almost anywhere in the United States at will by missile.

240. 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

³⁶ Foreign sources for campaign donations to U.S. federal campaigns are prohibited.

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.

241. 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.
242. 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.
243. 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.
244. As a result, in this ongoing conspiracy by the Clintons and their co-conspirators including mainly Cheryl Mills and Bruce Lindsey, Defendants sold 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.
245. After they sold 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 Criminal Enterprise

246. For any RICO 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.” The RICO criminal enterprise includes Defendant Hillary Clinton, Defendant Bill Clinton, Defendant The Clinton Foundation, Foundation Board member Cheryl Mills though not named as a Defendant, Sidney Blumenthal though not named as a Defendant, Foundation Board member Chelsea Victoria Clinton though not named as a Defendant, Foundation Board member Bruce Lindsey though not named as a Defendant, and Foundation Board member Frank Giustra though not named as a Defendant, and others mentioned in this Complaint.

247. This pattern of illegal activities committed by the Defendants, the “Predicate Acts,” discussed herein and below, were done with the purpose of financial gain and were done within the past ten (10) years and continuing. Starting in January 2001, when Bill Clinton left office as President and set up what is now known as The Clinton Foundation and Hillary Clinton was sworn in as a U.S. Senator, Defendants Bill Clinton, Hillary Clinton, and The Clinton Foundation entered into an agreement and conspired with one another to create what the law calls a criminal enterprise within the meaning of RICO.

248. By the acts alleged herein, Defendants, each and every one of them, jointly and severally, agreed to and have entered into, and taken overt acts in furtherance of a RICO conspiracy, and have undertaken a number of overt acts to aid and abet and conspire to actually violate mail and wire fraud and bribery laws, obstruction of justice and FOIA and other laws, through their ongoing criminal enterprise as set forth below. The Defendants Bill Clinton, Hillary Clinton, and The Clinton Foundation further entered into an agreement and conspired with one another to solicit, take and receive bribes as

payment *quid pro quo* to sell official actions, influence over, and insider access to the U.S. Government and/or its officials, procure changes in U.S. Government policy, procure government endorsements and statements, and/or influence foreign governments, for the benefit of those paying them bribes.

249. The law presumes generally that a person intends the obvious results of their actions. The Defendants Bill Clinton, Hillary Clinton, and The Clinton Foundation further entered into an agreement and conspired with one another as a further part of said conspiracy to engage in money laundering to disguise the true nature and source of the bribes paid to them – those payments being the fruit of criminal activity – and falsely and fraudulently misrepresent those payments as being speaking fees for speeches by Defendant Bill Clinton and at times Defendant Hillary Clinton and/or donations to The Clinton Foundation. The Defendants Bill Clinton, Hillary Clinton, and The Clinton Foundation further entered into an agreement and conspired with one another as a further part of said conspiracy to commit obstruction of justice and anticipatory obstruction of justice by concealing, hiding, and destroying the evidence of their conspiracy including among official government records. Between 2001 and 2006, additional members of the conspiracy also joined in all of these agreements and conspiracy, specifically being Cheryl Mills, Bruce Lindsey, Sidney Blumenthal, Chelsea Victoria Clinton, Frank Giustra, and others.

Predicate Criminal Acts of Obstruction of Justice

250. 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.

251. 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.

252. 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.”

253. 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, Remove and Destroy Records and Commit Acts of Bribery and Obstruction of Justice Through the Fraudulent Use of the Wires and Mails

254. 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.

255. 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

256. 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.

257. 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

258. 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.

259. 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.

260. 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.”
261. Defendants utilized false or fraudulent pretenses, representations, and/or promises in order to defraud and/or obtain money from illicit payments disguised as donations.
262. Specifically, Defendants agreed to, devised, and materialized a conspiratorial scheme to defraud Plaintiff and the American people and caused the use of the U.S. Postal Service (mail) and wires to be used in furtherance of the scheme, and specifically intended to commit this fraud by utilizing the U.S. Postal Service and wires.
263. Defendants, each and every one of them, jointly and severally, acted with knowledge that the use of the mail service and wires would follow in the ordinary course

of business in order to further Defendants' scheme to defraud Plaintiff and the American people.

264. As already pled above, in or about 2011 to 2012, Hillary Clinton, while U.S. Secretary of State, acting in concert with the other Defendants in furtherance of a criminal conspiracy RICO enterprise, bribed and fraudulently used the wires and mails to effectuate this conspiratorial scheme through a number of overt acts as also pled herein, granted a waiver to Victor Pinchuk and his company Interpipe Group as an exemption from U.S. Congressional sanctions against doing business with Iran as a *quid pro quo* for bribes disguised as donations made to The Clinton Foundation and the other Defendants.

265. In or about 2011, interested parties bribed U.S. Secretary of State Hillary Clinton and the other Defendants, acting in concert in furtherance of the RICO criminal conspiracy enterprise, to influence her official actions in office by arranging or orchestrating large speaking fees paid to Bill Clinton and large "donations" to The Clinton Foundation and the other Defendants acting in concert.

266. This action, and the appropriation of State and U.S. taxpayer funds to finance this criminal enterprise, was a *quid pro quo* for contributions, that is bribes, 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.

267. As admitted by Defendant Hillary Clinton and State, U.S. 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 U.S. 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 U.S. Secretary of State.

268. Defendants agreed to and concealed and destroyed official government documents to cover up their criminal RICO conspiracy enterprise, such that they were not available to be searched and produced to the Plaintiff. Defendants agreed to and did intend to operate an ongoing covert enterprise of trading political favors and governmental acts in exchange for “donations,” which are bribes, to Defendant The Clinton Foundation and/or speaking fees to Defendants Bill and/or Hillary Clinton. All of these Defendants at all material times acted in concert in furtherance of their criminal RICO conspiracy enterprise, soliciting, and accepting bribes through the fraudulent and illegal use of the wires and mails, and other illicit means.

269. Using concealed communications on the private email server, 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 bribes disguised as “donations” to Defendant The Clinton Foundation and extraordinarily high, inflated speaking fees paid to Defendant Bill Clinton and Defendant Hillary Clinton.

270. Reporter David Sanger published information in The New York Times clearly leaked from the U.S. Department of State that included classified information about American-Israeli plans and efforts to sabotage Iran’s nuclear weapons development programs and facilities and American-Israeli war plans and operations against Iran should that prove necessary, among other sensitive and classified information.

271. In responding to the Plaintiff legal request for records as he was entitled under FOIA from State, its then Chief of Staff Cheryl Mills, and its then U.S. Secretary, Defendant Hillary Clinton, fraudulently used the wires and mails to make false statements to Plaintiff and to the lower court, as they claimed that there were no responsive documents.

272. Defendant Hillary Clinton, in concert with the other Defendants, agreed to and furthered the criminal RICO conspiracy enterprise, through said private, unofficial email account secretly housed and maintained on a computer file server operating email addresses (accounts) such as at “@clintonemail.com,” situated in Defendants Bill and Hillary Clinton’s private mansion in Chappaqua, New York.³⁷

273. As explained by Law Professor Ronald D. Rotunda, distinguished ethics expert, which Plaintiff alleges herein, Defendant Hillary Clinton’s and the other Defendants conspiratorial actions were an intentional and pre-mediated effort, in violation of the law, to evade Congressional subpoenas and other legal accountability:

274. These procedures required Defendant Hillary Clinton, acting in concert on behalf of herself and the other Defendants, to certify that she had returned to State all documents in her possession, including on Form 109.

³⁷ Emails used by Hillary Clinton identified so far include:

hdr@clintonemail.com
hdr18@clintonemail.com
hdr19@clintonemail.com
hdr20@clintonemail.com
hdr21@clintonemail.com
hdr22@clintonemail.com
h.clinton@clintonemail.com
Hillary@clintonemail.com
hrod17@clintonemail.com
Also, as Hillary Clinton's key aide, usually by Hillary's side, Huma Abedin used the email address huma@clintonemail.com

275. Defendant Hillary Clinton, furthering a criminal RICO enterprise conspiracy through a number of the enumerated overt acts pled herein in this Second Amended Complaint, 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.

276. Even if Defendant Hillary Clinton falsely claims that she did not sign the form, Defendant Hillary Clinton, acting in concert with the other Defendants in furtherance of the RICO criminal conspiracy enterprise, was 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 . . .

277. In order to achieve or attempt to achieve the wire and mail fraud and acts of bribery and obstruction of justice by concealing and destroying documents as described in the preceding paragraphs, Defendants sent correspondence, fraudulently using the mails and wires to defraud Plaintiff and others, as well as commit obstruction of justice. The Defendants therefore gained “donations” – that is, bribes – by their mail and wire fraud, and later concealed their criminal RICO enterprise from Plaintiff and others.

278. Negotiations by email, fraudulently using the wires in furtherance of the criminal RICO conspiracy enterprise, 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.

279. Defendants, acting in concert, materially misrepresented to Plaintiff, by way of the wires and mails, through the State Department, that documents did not exist in response to his FOIA requests. Defendants intentionally concealed and omitted the production of documents responsive to his FOIA requests in order to further their criminal conspiracy enterprise and fraudulently used the Postal Service and wires to do so.

280. 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

281. 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.

282. As pled throughout this Second Amended Complaint, Defendants further acted in criminal violation of the federal wire fraud statute under 18 U.S.C. § 1343. It 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.

283. As pled herein, Defendants agreed to and devised or intended to (and did) 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, but which in fact were and are bribes in furtherance of their criminal RICO conspiracy.

284. Specifically, Defendants agreed to and devised and materialized a scheme to defraud Plaintiff and the American people and caused the use of wires to be used in furtherance of the scheme, and specifically conspired and did commit this fraud in furtherance of their ongoing criminal RICO enterprise by utilizing these wires.

285. Defendants, each and every one of them, jointly and severally, acted with knowledge that the use of wires would follow in the ordinary course of business of their criminal RICO conspiracy enterprise in order to further Defendants' conspiratorial scheme to defraud Plaintiff and the American people.

286. Specifically, Defendants, acting in concert, agreed to, devised and materialized a scheme to defraud Plaintiff and the American people and also caused the use of the U.S. Postal Service to be used in furtherance of their conspiracy and scheme, and specifically intended to commit this fraud by utilizing the U.S. Postal Service to further their criminal RICO enterprise.

287. Defendants, each and every one of them, jointly and severally, acted with knowledge that the use of the mail service would follow in the ordinary course of business in order to further Defendants' conspiracy and scheme to defraud Plaintiff and the American people in furtherance of their criminal RICO conspiracy and enterprise.

288. As also pled in preceding paragraphs of this Second Amended Complaint, in or about 2011 to 2012, Hillary Clinton, acting in concert with the other Defendants in

furtherance of their criminal RICO enterprise conspiracy, while U.S. Secretary of State, granted a waiver to Victor Pinchuk and his company Interpipe Group as an exemption from U.S. Congressional sanctions against doing business with Iran as a *quid pro quo* for bribes disguised as “donations” made to The Clinton Foundation and the other Defendants, acting in concert.

289. On or about 2011, interested parties, as pled herein, bribed U.S. Secretary of State Hillary Clinton and the other Defendants, pursuant to 18 U.S.C. § 201, acting in concert, as a conspiracy in furtherance of the criminal RICO enterprise, to influence her official actions in office by arranging or orchestrating large speaking fees paid to Bill Clinton and large donations to The Clinton Foundation on behalf of all of the Defendants, acting in concert.

290. This action, and the appropriation of State and U.S. taxpayer funds to finance this criminal enterprise, was 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, pursuant to 18 U.S.C. § 201, by fraudulently using the wires and mails to further Defendants’ conspiratorial RICO enterprise.

291. As admitted by Defendant Hillary Clinton and State, on behalf of all of the Defendants, acting in concert to conspire and further an illegal criminal RICO enterprise, U.S. 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 her own private, ‘off the books’ email system and server secretly set up in Defendants’ mansion in Chappaqua, New York.

292. Defendants agreed to and took a number of pled overt acts to conceal and destroy official government documents such that they were not available to be searched and produced to the Plaintiff. Under FOIA, Plaintiff had a vested property interest in these documents. Defendants intended to did agree to devise and operate a covert conspiracy and criminal RICO enterprise of trading political favors and governmental acts in exchange for “donations,” which are bribes, pursuant to 18 U.S.C. § 201, to Defendant The Clinton Foundation and/or speaking fees to Defendants Bill and/or Hillary Clinton, which benefited all of the Defendants.

293. Using concealed communications on the private email server, the Defendants devised, 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 bribes, pursuant to 18 U.S.C. § 201, disguised as donations to Defendant The Clinton Foundation and extraordinarily high speaking fees paid to Defendant Bill Clinton and Defendant Hillary Clinton.

294. Reporter David Sanger published classified national security information in The New York Times leaked by Defendant Hillary Clinton in concert with the other Defendants disclosing American-Israeli plans and efforts to sabotage Iran’s nuclear weapons development programs and facilities and American-Israeli war plans and operations against Iran should that prove necessary, among other sensitive and classified information. This classified information, as pled herein in this Second Amended Complaint, was leaked by the Defendants through the fraudulent use of the wires and mails to engage in a conspiracy to further their criminal RICO enterprise.

295. In responding to the Plaintiff's subject FOIA request State, its Defendant Hillary Clinton's then Chief of Staff Cheryl Mills, and at Defendant Hillary Clinton's and the other Defendants' direction, fraudulently used the wires and mails to lie to Plaintiff and to the lower court, as they claimed that there were no responsive documents. This was one of many overt acts in furtherance of Defendants' conspiracy to engage in and reap the financial benefit of their criminal RICO enterprise, and to damage the property and other economic interests of the Plaintiff, who as a public advocate earns an income by obtaining documents uncovering scandal and promoting ethics in government.
296. Defendant Hillary Clinton, acting in concert with the other Defendants in a conspiracy to agree to, devise, implement and further a criminal RICO conspiracy and enterprise, fraudulently used the wires and mails to conduct illicit and illegal business and commit crimes in furtherance of their criminal RICO enterprise through said private, unofficial email account secretly housed and maintained on a computer file server operating email addresses (accounts) such as at "@clintonemail.com," situated in Defendant Hillary Clinton's private mansion in Chappaqua, New York.
297. As explained by Law Professor Ronald D. Rotunda, distinguished ethics expert, which Plaintiff alleges herein, Defendant Hillary Clinton's and the other Defendants actions were an intentional and premeditated effort, in violation of the law, to evade Congressional subpoenas and other legal accountability:
298. These procedures required Defendant Hillary Clinton, acting in concert with the other Defendants, to use the wires and mail to fraudulently certify that she had returned to State all documents in her possession, including on Form 109.

299. Upon information and belief, 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.

300. Even if Defendant Hillary Clinton falsely claims that she did not sign the form, Defendant Hillary Clinton, acting in concert with the other Defendants, was 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 . . .

301. Defendants engaged in overt acts in furtherance of their criminal RICO enterprise by utilizing the wires and mails to effect their false or fraudulent pretenses, representations, and/or promises in order to defraud and/or obtain money from illicit and illegal payments disguised as donations and other forms of gratuities and therefore gained “donations” by their mail and wire fraud in violation of the federal bribery criminal statute 18 U.S.C. § 201.

302. Negotiations by email fraudulently using wires and mails 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 the emails, evidencing bribes to the Defendants, would not be with a U.S. Government official.

303. Defendants, in furtherance of their criminal RICO conspiracy and their overt acts, agree to effect and implement this conspiracy 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.

304. 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

305. 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
...

306. Given that Defendant Hillary Clinton admits, acting in concert with the other Defendants, in furtherance of their conspiratorial RICO enterprise, that she did not return 30,490 emails relating to official business until two (2) years after her separation from the U.S. Department of State on February 1, 2013, it is admitted that Defendant Hillary Clinton, acting on behalf of herself and the other Defendants, committed wire and mail fraud by lying on her Form 109, and perjured herself and obstructed justice,

acting in concert with the other Defendants and their other co-conspirators Mills and Lindsey as alleged herein, by attesting that she had already returned all official State records.

307. Congressional committees and investigators have repeatedly issued subpoenas for records of State on many topics which required a search of U.S. Secretary of State Hillary Clinton's email messages.

308. Many FOIA requests, including those by the Plaintiff, required a search of and the production of Defendant Hillary Clinton's emails, as Plaintiff and others had a vested property right in these documents.

309. Cheryl Mills and Defendant Hillary Clinton, acting in concert with the other Defendants, have repeatedly engaged in overt acts in furtherance of their criminal RICO enterprise conspiracy, to falsely certify under oath, under penalty of perjury, 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 Defendants' private mansion in Chappaqua, New York were not searched for responsive documents and almost certainly do contain responsive documents, some of which are classified, which should have been produced to Plaintiff and others. (Exhibit 1).

310. Mills' and Defendant Clinton's statements, using the wires and mails, to Congressional investigators and State FOIA officers that they had searched and produced all responsive documents, were false in violation of 18 U.S.C. § 1001.

Predicate Act Criminal Violation of Mishandling of Classified Information

311. 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.

312. 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.

313. 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.

314. Here, the Defendants, agreeing to and acting in concert as part of a criminal conspiracy and enterprise as alleged with specificity herein, engaged in over acts in furtherance of this criminal conspiracy to solicit and accept and benefit from bribes, illegal pursuant to 18 U.S.C. § 201, by agreeing to and devising to set up an email computer file server in Chappaqua, New York, in Defendants' mansion, through which all of Defendant Hillary Clinton's emails for her official business as U.S. Secretary of State were illegally and criminally processed.

315. That email service was subject to hacking by the simplest of electronic surveillance and certainly by the intelligence services of foreign governments. Indeed, it has been reported nationally that the Chinese, Iranians, Russians and others already have access to these emails.

316. Defendants, acting in concert and committing overt acts in furtherance of their criminal RICO enterprise and conspiracy, 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 and the other Defendants' emails were obtained by private and/or foreign government "hackers" (spies).

V. CAUSES OF ACTION

FIRST CAUSE OF ACTION

Common Law Conversion of Plaintiff's Property

317. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs, 1 through 316, as if fully set forth herein.

318. 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 requests as pled herein.

319. Plaintiff was deprived of the records as personal property (chattel) to which Plaintiff is entitled.

320. The Defendants have misappropriated and thus converted the personal property (chattel) of Plaintiff, which also has a value in excess of \$75,000, based on the intrinsic worth of the documents themselves and their use to Plaintiff's furtherance of his livelihood as a public advocate who investigates and prosecutes government corruption

and abuse, with the intent to permanently deprive the Plaintiff and other information requestors 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)***

321. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs, 1 through 320, as if fully set forth herein.
322. 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).
323. Non-sovereign Defendants are each “persons” within the meaning of the Racketeer Influenced and Corrupt Organizations Act.
324. Defendants operate as an “enterprise” within the meaning of RICO, the activities of which effect interstate and foreign commerce.
325. By virtue of the overt predicate acts pled in this Complaint, including without limitations: laundering of monetary instruments in violation of 18 U.S.C. §§ 1956, 1957, 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).

326. 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 as pled herein.

327. The loss of the documents to which Plaintiff is entitled is an injury to property, which has a pecuniary impact and results in a financial loss and economic loss. The misappropriation of documents by Defendants damages Plaintiff in his trade and profession as a public advocate and to earn a living exposing government corruption and abuse and therefore Plaintiff has suffered economic damage by not being able to provide the American people with documents they are entitled to and which some of whom hire Plaintiff to obtain and disseminate to the public.

328. 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*.

329. 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)., ^[1] 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);

330. Plaintiff has been damaged in his business and his property rights have been violated because Defendants, each and every one of them, acting in concert, gained an interest in and solicited and received “donations,” that is bribes, pursuant to 18 U.S.C. § 201, because and in furtherance of their criminal conspiracy and enterprise and a pattern of racketeering activity.

331. Plaintiff demands that judgment be entered against Defendants, each and every one of them, jointly and severally, including an award of treble 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)

332. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs, 1 through 331, as if fully set forth herein, and specifically repeat and re-allege the allegations under the Second Cause of Action concerning RICO liability.
333. 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.
334. Likewise, all Defendants, acting in concert, 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).
335. 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 overt 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).
336. As Plaintiff pled previously, 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*.

337. Plaintiff demands that judgment be entered against Defendants, each and every one of them, jointly and severally, including an award of treble 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)

338. Plaintiffs repeat and re-allege each and every allegation of the foregoing paragraphs, 1 through 337, as if fully set forth herein, and specifically repeat and re-allege the allegations under the Second Cause of Action concerning RICO liability.

339. All Defendants did, acting in concert, 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).

340. 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).

341. 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).

342. 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)

343. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs, 1 through 342, as if fully set forth herein.

344. 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.

345. 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).

346. Defendants, each and every one of them, acting in their personal and official capacities, violated the constitutional rights of the Plaintiff and those similarly situated by intentionally violating the rights of all those within the United States.

347. 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.

348. 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)

349. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs, 1 through 348, as if fully set forth herein.
350. Defendant Hillary Clinton, Defendant Bill Clinton, and Defendant The Clinton Foundation, acting in their personal and official capacities, abridged and violated Plaintiff's First Amendment right of freedom of speech and association by significantly disallowing the public and Plaintiff discord to discuss and disseminate to the public and citizenry in the public interest what the Defendants have done and will do with regard to compromising U.S. national security interests with Iran in exchange for bribes, pursuant to 18 U.S.C. § 201, and their criminal enterprises by not providing the misappropriated records and documents which Plaintiff is entitled to.
351. These violations are compensable under *Bivens v. VI Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).
352. 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.

353. 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 personal 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 the U.S. Department 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 in on amount to be determined by the jury, 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 in an amount to be determined by the jury and as consistent with 18 U.S.C. § 1964(c), compensatory and actual damages in an amount to be determined by the jury, reasonable attorneys' fees and costs, pre-judgment interest, post-interest, costs and an award that this Court deems just and proper.
- V. An order pursuant to 18 U.S.C. § 2071(b) that Defendant Hillary Clinton be disqualified from holding any office under the United States.
- VI. Plaintiff prays for in excess of \$5 million USD in compensatory damages and in excess of \$100 million USD in punitive damages in an amount to be determined by the jury, not including the trebled damages for the RICO causes of action.
- VII. Attorney's fees and other litigation costs reasonably incurred in this action pursuant to the Racketeer Influenced and Corrupt Organizations Act and any other provision of law.
- VIII. Any other relief the Court deems just or proper.

JURY DEMAND

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

Dated: July 2, 2015

Respectfully submitted,

/s/ Larry Klayman
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Exhibit 1

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Clinton emails reveal Blumenthal influential in crafting diplomacy

By [Seth McLaughlin](#) and [S.A. Miller](#) - *The Washington Times* - Wednesday, July 1, 2015

A cache of 3,000 pages of emails released by the State Department revealed that Hillary Rodham Clinton's off-the-books adviser Sidney Blumenthal was more deeply involved in crafting diplomacy at the agency than previously disclosed, while top White House officials knew early on that she was using a private email account to conduct business as secretary of state.

Perhaps most damaging for Mrs. Clinton, the State Department said two dozen of the emails included classified information — potentially undercutting the former first lady's claims that she did not handle classified information on the secret account.

The revelations were unearthed as part of the first in a series of emails that the State Department has been forced to release under a federal court order.

The batch of emails provides a window into a variety of issues such as Mrs. Clinton's showdown with a fax machine, calendar mishaps and concerns over whether the secretary had less access to the White House than one of her predecessors, Henry Kissinger.

The information dump also showed that Mr. Blumenthal's exchanges with Mrs. Clinton went beyond well-noted memos about Libya, as he offered advice on her public addresses and the influence she could wield in European politics.

The Republican National Committee, meanwhile, said the emails show that Mr. Blumenthal, a longtime Clinton confidant who served as a hatchet man during her 2008 campaign against Mr. Obama, played a bigger role in her decision-making than she has suggested.

They pointed out that Mr. Blumenthal continued to give Mrs. Clinton advice after White House

members barred him from landing a job at the State Department.

Mr. Blumenthal went on to work for the Clinton Foundation and stayed in contact with Mrs. Clinton via her private email address.

The RNC said the emails raised doubts about Mrs. Clinton's claim that Mr. Blumenthal's advice was unsolicited.

They pointed to various exchanges Mrs. Clinton had with Mr. Blumenthal, who encouraged the secretary of state to get behind former British Prime Minister Tony Blair's bid to become president of the European Union, and asked her to lobby German Chancellor Angela Merkel on his behalf.

"Jonathan Powell [Mr. Blair's chief of staff] tells me that remarks about Tony would be appreciated but that what would really be significant will be your conversation with Merkel," Mr. Blumenthal wrote Mrs. Clinton on Oct. 25, 2009.

In another, Mrs. Clinton emailed Mr. Blumenthal at 10:35 p.m. on Oct. 9, 2005, asking, "Are you still awake?"

"I will call if you are," she said.

RNC Chairman Reince Priebus called the discoveries "troubling."

"These emails however are just the tip of the iceberg and we will never get full disclosure until Hillary Clinton releases her secret server for an independent investigation," Mr. Priebus said in a statement.

The emails have become the focal point of a Republican-led House special committee investigating the 2012 attack on the U.S. diplomatic compound in Benghazi, Libya, which killed U.S. Ambassador J. Christopher Stevens and three other Americans.

The Clinton campaign responded with a Web video Wednesday that used a montage of clips to show that seven previous investigations and 32 hearings failed to find a conspiracy involving Mrs. Clinton or other Obama administration officials covering up the circumstances surrounding the attack.

"The Benghazi Select Committee is spending \$8,000 a day in taxpayer money to keep digging," says on-screen text. "How long will Republicans keep spending tax dollars on this political charade?"

The State Department had planned a Jan. 15 release date for all 55,000 pages of emails that Mrs. Clinton turned over to the agency from her private account, but a federal judge in May ordered the agency to release them on a rolling basis every 30 days beginning June 30.

The State Department redacted 25 of the 3,000 pages released late Tuesday night because they contained classified information. On Wednesday, State spokesman John Kirby said the pages were deemed classified at the time of review and does not mean they needed to be classified at the time Mrs. Clinton handled or sent them.

"In the review process, it was deemed that some of the information, at least some of the information in that traffic, should be classified and so it was," Mr. Kirby said. "That doesn't mean that at the time it was sent it needed to have been classified."

On the question of whether the State Department would try to determine that, he said, "I'm not aware of any investigative effort to affix blame for that."

The release of the emails cast a pall over Mrs. Clinton's celebration Wednesday of a quarterly fundraising effort that topped \$45 million and set a record for the most money raised by any party's presidential candidate in the first three months of a campaign.

The huge tally cemented Mrs. Clinton's standing as the prohibitive favorite to be the party's presidential nominee and showed grass-roots support for her candidacy with about 91 percent of her donors giving \$100 or less.

But the convergence of the State Department release of the emails and the Federal Election Commission's quarterly deadline for fundraising highlighted how the email controversy will dog Mrs. Clinton throughout the campaign, with a fresh batch of her emails released every 30 days.

Indeed, Republican presidential candidate Jeb Bush used it as a chance to draw contrasts with Mrs. Clinton. The former Florida governor highlighted his transparency by releasing 33 years of tax records.

The emails, most from 2009, included exchanges with David Axelrod and Jacob Lew, former senior advisers to Mr. Obama, indicating that the White House may have had been aware that she was working off a private email address.

Mr. Axelrod tried to clear the air via Twitter on Wednesday, saying "As I said before, I knew HRC had private email.

"I did not know she used it exclusively or had her own server," he said.

In a Dec. 13, 2009, email, Mrs. Clinton pondered whether the White House was giving her short shrift after reading about the access Mr. Kissinger had with President Nixon.

"In thinking about the Kissinger interview, the only issue I think that might be raised is that I see POTUS at least once a week while K saw Nixon everyday," she wrote. "Of course, if I were dealing w that POTUS I'd probably camp in his office to prevent him from doing something problematic. Do you see this as a problem?"

Mrs. Clinton set up and used her own email server and account during her time at the State Department. As a result, her communications were not subjected to open records searches or congressional information requests as required by law.

Under fire from Republicans, Mrs. Clinton provided the State Department with about 30,000 emails, but she deemed another 32,000 unrelated to government business and discarded them.

Rep. Lynn A. Westmoreland, Georgia Republican and member of the House special committee investigating the Benghazi attack, said Wednesday that there are still too many unknowns about Mrs. Clinton's emails.

"We don't know if Hillary Clinton has turned over all the email yet," he said on Fox News. "It's seen in the fact that there were 60 new emails that we got that we had not previously had. Fifteen of those had never been turned over by Mrs. Clinton to the State Department and then the State Department was holding 45 of them. Why didn't we get those with the last tranche of emails that we got?"

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Admission of Hillary Clinton's classified emails opens door for feds to seize her servers

By [Rowan Scarborough](#) - *The Washington Times* - Wednesday, July 1, 2015

The State Department on Wednesday conceded that two dozen of Hillary Rodham Clinton's emails did contain classified information, a fact that could trigger a U.S. policy that authorizes the government to take control of her private server and sanitize the contents.

A former senior intelligence official told *The Washington Times* the policy also requires the government to check other Internet paths her secret information could have taken.

The procedures are spelled out by the National Security Agency's special panel on controlling leaked secrets, called the Committee on National Security Systems. It published a policy, "Securing Data and Handling Spillage Events," that fits the case of Mrs. Clinton's unauthorized private server, kept at her home while she was secretary of state, according to the retired officer's reading of the regulations.

States the policy: "Malicious attacks are alarming, but more often spillages occur from unintentional user error or negligence."

"Hillary Clinton's server has classified information and should be taken by the government and sanitized, wiped clean or destroyed," said the former officer who conducted cybersecurity. The source asked not to be identified because he still does business with the intelligence community.

The intelligence source told *The Times* it is unclear at this point whether these steps already have been taken in the case of Mrs. Clinton, the Democratic Party front-runner for the presidential nomination. The source said investigators would not just be concerned with her server, but with any server through which the classified information could have passed.

The NSA policy contains an "After Incident 'To Do' List" once it is determined that classified information has spilled into unauthorized servers, software or other systems.

The NSA "to do" list contains this directive: "Isolate and contain to minimize damage and preserve evidence that may be required for damage and risk assessment, law enforcement, or counterintelligence purposes. Identify all information hardware and software systems and applications affected, and execute approved procedures to ensure that spilled data does not propagate further."

Under the heading of "Sanitization and Recovery," the guidance tells government officials the options are to sanitize, destroy or dispose of the "contaminated media," which would include Mrs. Clinton's server since it was not authorized to handle classified information.

Mrs. Clinton said last spring that none of her thousands of emails contained classified information.

"When authorized, execute approved sanitization procedures using approved utilities to permanently remove spilled data from contaminated systems, applications, and media," the policy directs.

The intelligence source said Mrs. Clinton's communication, whether telephone or emails, would have been targeted by a number of foreign agencies. This source said it is likely her private server was breached.

A senior State Department official testified before a Senate committee that Mrs. Clinton's use of a private server for government business violated regulations and was "not acceptable."

The NSA defines data spillage as "the transfer of classified or sensitive information to unaccredited or unauthorized systems, individuals, applications, or media."

"The risk of data spillage is a problem largely because of inadequate end user security awareness, unmanageable networks, and poorly implemented data policies," states the policy.

Republican congressional investigators have said they would like to inspect Mrs. Clinton's server for evidence of any cover-up in their Benghazi investigation.

The State Department released 3,000 pages of Mrs. Clinton's emails Tuesday night, and 25 were redacted because they contained classified information.

State spokesman John Kirby said on Wednesday those 25 were deemed classified at the time of review and that it does not necessarily reflect on Mrs. Clinton.

"In the review process it was deemed that some of the information, at least some of the information in that traffic, should be classified, and so it was," Mr. Kirby said. "That doesn't mean that at the time it was sent it needed to have been classified."

When asked whether State will try to determine that, he said, "I'm not aware of any investigative effort to affix blame for that."

The intelligence source told The Times that State did not have the option of classifying them in the past because they did not know they existed until an internal State review and pressure from the House committee investigating Benghazi.

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