

No. 20-1652

SUPREME COURT OF THE UNITED STATES

Meghan Belaski et al.,

Petitioner(s)

vs.

Securities and Exchange Commission

Respondent

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the DC Circuit

PETITIONER'S SUPPLEMENTAL BRIEF

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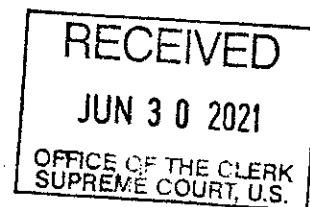


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PETITIONER'S SUPPLEMENTAL BRIEF

Petitioner's Meghan Belaski et al., respectfully submit this supplemental brief pursuant to this Court's Rule 15.8 which allows for a supplemental brief to be filed while a writ of certiorari is pending. Petitioner Belaski believes it appropriate to file this supplemental brief based on the June 21, 2021, filing by the Acting Solicitor General for the United States stating that "the government hereby waives its right to file a response to the petition in this case, unless requested to do so by this Court".

This supplemental brief is in part a response to the United States of America failing to uphold its commitment to justice by waving its right to file a response to the petition for writ of certiorari in this case, because waving the right to file a response allows the Respondent and the United States of America to subvert fundamental fairness of constitutional due process, suggests a lack of candor on behalf of the United States of America, impedes Meghan Belaski et al., in her capacity to petition her government for a full and fair redress of her grievances, restricts and removes the only legal and legitimate way to more fully inform this court, borders on defamation of Meghan Belaski's character, and the public's right to know the truth about the facts of this case. The remaining portion of this supplemental brief is to reiterate to this Court that due process has not been upheld in this case or this untenable situation prior to the petition for a writ of certiorari being filed with this Court.

INTRODUCTION

The filing by the Acting Solicitor General for the United States Department of Justice in this case on June 21, 2021, waiving the right to file a response to the petition for a writ of certiorari is nothing short of a deceit on this Court, Petitioner Belaski et al., and the American people, and exhibits a perceived lack of candor by the United States of America to this Court, to Petitioner Belaski et al., and to the American people.

Ludlum v. Department of Justice, 278 F. 3d 1280 (Fed. Cir. 2002) and *Ebron v. Department of Homeland Security*, 475 Fed. Appx. 752 (April 10, 2012), are both cases in which federal employees were charged with a “lack of candor”. A lack of candor can be thought of as a dishonesty by omission. According to mspattorneys.com or Melville Johnson, P.C., a lack of candor in these cases involved an “element of deception” and in order “to discipline a federal employee for a lack of candor the agency must prove two things: that the employee failed to be fully forthright, and that the employee did so knowingly”.

Bonnie Turley at law.georgetown.edu writes about the “Law of Deception”. Her article titled: A Double Standard in the Law of Deception: When Lies to the Government Are Penalized and Lies by the Government Are Protected, says everything to Meghan Belaski about what has happened with the United States waiving their right to respond to the petition for a writ of certiorari. It’s nothing short of a deceit, the United States is lacking candor, and it should not be allowed to continue in this Court.

It is described by USLegal.com or definitions.uslegal.com that *Gum v. Dudley*, 202 W. Va. 477, 485 (W. Va 1998), is a case where “the duty of candor towards the tribunal is a widely recognized one within the legal profession”. USLegal.com describes duty of candor as the “duty of a public authority to disclose material facts. The general duty of candor requires attorneys to be honest and forthright with courts. Attorneys should also refrain from deceiving or misleading courts...through silence”.

Considering the extraordinary constitutional questions that have been raised by Meghan Belaski in the petition for a writ of certiorari to this Court, and the allegations and implications that the Federal Bureau of Investigation (FBI) et al., and the Respondent for the United States have been involved with Meghan Belaski in a manner where a servitude and a “taking” had and has occurred for many years due to a glorious long-term agreement, for the United States to simply state in one-sentence it has nothing to say and waives its right to file a response in this most extraordinary case is nothing short of the United States of America and the Department of Justice using deceitful practices to withhold information to less fully inform this Court which is the opposite of what a writ of certiorari is intended to do.

The Acting Solicitor General for the United States waving the right to file a response, suggests that the typical silence, where the United States waives its right to file a response to a petition for a writ of certiorari in this Court generally means the United States believes the case is not worth responding to, has failed to realize

the brevity of the constitutional questions of national importance raised by Meghan Belaski in the original petition for a writ of certiorari before this Court, but also the impact a non-response, the United States of America waiving its right to file a response, has on Meghan Belaski's good character, as waving the right to respond to the petition, to stay silent, somehow implies Meghan Belaski has made false statements to this Court, and is essentially a liar.

How can Petitioner Belaski claim she sent approximately 600 emails to the FBI et al., through the U.S. Court of Appeals for the DC Circuit's pro-se email address from October 2020-April 2021, that had nothing to do with her case in the DC Circuit Court, and somehow the United States of America has nothing to say about that? The United States could have easily filed a brief in opposition and settled any questions or concerns about any of the public-facing statements Petitioner Belaski has made in her lawsuits as it concerns the United States of America and the Respondent but failed to do so by waiving its right to be heard in this Court.

According to Cornell Law School, at www.law.cornell.edu, 28 U.S. Code § 4101 (1) states that "the term defamation means any action or other proceeding for defamation, libel, slander, or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented any person in a false light, or have resulted in criticism, dishonor or condemnation of any person".

REASONS TO GRANT THE WRIT

The failure of the United States and the Acting Solicitor General for the Department of Justice to respond to the constitutional questions raised in the petition for a writ of certiorari, that a constitutional violation(s) has occurred because an unconstitutional taking from the Petitioners, a taking used for the public good by the United States government that failed to justly compensate the Petitioners, and the statutory rules of the Respondent to qualify for award violate the Double Jeopardy and Takings Clauses in the Fifth Amendment, alone is worth responding to.

The additional and outlandish claims Meghan Belaski has made about being a conduit of information for multiple national security entities and individuals, including the FBI et al., going on the better part of 6-7 years now, to this very day, and the United States failing to oppose or respond to the petition by waving their right to respond suggests they are comfortable allowing Meghan Belaski's good name to be defamed with their lack of response because it suggests she is a liar and there is nothing to respond to.

If there was nothing to respond to the United States of America should have told this court Meghan Belaski is suffering from delusions, is possibly suffering from schizophrenia, should seek professional mental health help and is mentally unsound in her claims etc., and that the United States of America has no idea what she's talking about when referencing people like former FBI Director James Comey, former Deputy Attorney General for the U.S. Department of Justice Rod

Rosenstein, and current FBI Director Chris Wray et al., but that didn't happen because the United States of America knows Meghan Belaski is telling the truth but has failed to convey the truth to this Court with their silence.

The United States waving their right to respond to the petition suggests everything Meghan Belaski has said in this Court and the U.S. Court of Appeals for the DC Circuit is false. The silence of the United States Department of Justice waving their right to respond to this petition is a defamation of Meghan Belaski's good character and a violation of 28 U.S. Code §4101.

The silence of the United States waving their right to respond to the petition has presented Meghan Belaski in a false light, has damaged her reputation, has caused severe emotional distress and suggests what she has told this Supreme Court is false and the United States of America should not be allowed to hide behind a simple sentence waving their right to respond, and in doing so, also waiving Petitioner's right to due process. Petitioner Belaski respectfully requests this Court ask the United States to offer a more forthright response to more fully inform this Court at this time.

This Court should require the Acting Solicitor General and the United States Department of Justice to fully respond to the petition for the writ of certiorari as significant and exceptional constitutional questions of national importance have been raised, and because the United States of America does not get to take Meghan Belaski's good name and good character and defame it with a simple sentence

waiving their right to respond by essentially calling her a liar with their biting silence.

United States Constitution, Amendment I states: Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The failure of the United States to uphold their end of the long-standing bargain made with Meghan Belaski many years ago, to the point where a “servitude has been acquired either by agreement or in the course of time”, (*U.S. v. Dickinson* 331 U.S. 745 (1947)), means that Meghan Belaski’s petitioning of her government for a legitimate and fair redress of her grievances, has been totally upended by the current position the United States has taken by waiving their right to respond to the petition for a writ of certiorari. There’s nothing fair or legitimate in a redress of constitutional grievances when the very government you’re petitioning opts to withhold information and knowingly deceive this Court, the Petitioners and the American people by waving a right to speak the truth through silence.

This isn’t a redress of grievances but rather a way to bury and hide those grievances and clearly not address them in any meaningful manner. Meghan Belaski has been petitioning her government for years and her government has failed her. Meghan Belaski has long understood that the right to petition her government for a redress of grievances, a right granted in the First Amendment of the U.S. Constitution, means standing up for what’s right and just, and fighting

against what's not right and unjust, and somehow, somehow, having the power to change injustice with the full force of the United States government backing this Constitutional right.

Yet, with the United States taking the position that they would rather sit on the sidelines and waive their right to respond to the petition filed by Meghan Belaski et al., in this Supreme Court, means the United States is actively blocking and preventing Meghan Belaski's ability to seek a full and fair redress of her grievances because the United States has chosen silence over the truth.

United States Constitution, Amendment V states:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be put twice in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Because this petition for a writ of certiorari stems from a judgement from the U.S. Court of Appeals, it should be made clear that ultimately this judgment is rooted in an administrative decision by the Respondent. At no point have the Petitioners been able to call witnesses, at no point has the U.S. Department of Justice said that Petitioner's whistleblower materials were used, at no point has there been a denial by the U.S. Department of Justice that Petitioners whistleblower materials and information were used to garnish the largest settlement in U.S. history for the public good. This is not due process. This is what a

lack of due process does; leaves unsettled questions and relevant facts out of the process due the Petitioners in this case which is why Petitioners respectfully request this Court require a more forthright response from the United States of America at this time.

CONCLUSION

Several significant constitutional questions of national importance have been raised in the petition for a writ of certiorari and now this supplemental brief to this Court. The fact the United States of America would choose to sit on its hands and to continue to remain silent is viewed by Meghan Belaski as nothing short of an utter betrayal to the law and justice in its purest form. This is written in honor of Meghan Belaski's father who died on this very day 2 years ago, who was the epitome of a just and upright man, and who always taught Meghan Belaski to fight like hell for what's right and just and she pleads to this Court to fight like hell for what's right and just in this case and to grant the writ of certiorari and compel the United States of America to more fully inform this Court of the truth with a more compelling and robust statement rather than waving their right to respond.

June 25, 2021

June 25, 2021

Respectfully submitted,

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