

21-7881

No. _____

In the
Supreme Court of the United States

Justin P. Sulzner, member of Christian Cong. of Jehovah's Witnesses (CCJW)

Plaintiff

- vs. -

Federal Intelligence Surveillance Court (FISC)
United States Department of Intelligence Agencies, (ODNI) et al

Defendants

**APPLICATION FOR
WRITS OF MANDAMUS IN THE
FEDERAL INTELLIGENCE SURVEILLANCE COURT**

In Re: Justin Paul Sulzner

FILED

APR 11 2022

OFFICE OF THE CLERK
U.S. SUPREME COURT

ORIGINAL

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QUESTION PRESENTED

1. Whether the FISC should have followed its own established rules concerning action taken on the Movant's two complaints and should have granted emergency injunctive & monetary injunctive relief against an ODNI covert community operating inside the CCJW, **when proof is abundant that ODNI covert operations were conducted for multiple decades within Christian Congregation of Jehovah's Witnesses (CCJW).**

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1. Federal Rule of Civil Procedure 12(b)6 - "Failure to State a Claim"

CONGRESSIONAL AUTHORITY

1. Religious Freedom Restoration Act (RFRA) - 42 U.S.C. § 2000bb - 4

JUDICIAL CASES

1. Bivens vs. "Six Agents" - 403 U.S. 388 (1971)
2. In re First S. Sav. Ass'n, 820 F.2d 700, 707 (1987)
3. Haines vs. Kerner 404 U.S. 519 (1972)
4. La Buy vs. Howes Leather Co., 352 U.S. 249, 256-258, (1957)
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6. Nelson vs. Campbell (2004), citing 18 U.S.C. 3626(a).
7. Nietzke vs. Williams (1989)
8. Naranjo vs. Thompson (2015)
9. Parham vs. Johnson, 126 F.3d 454, 457 (3rd Circuit) (1997)
10. Ex parte Peterson, 253 U.S. (1920)
11. Tummino vs. Torti, 603 F. Supp. 519 (2009)
12. In re Vuitton Et Fils S.A., 606 F.2d 1, 3 (1979)

STATUTES

1. 28 U.S.C. § 1254(1)
2. 28 U.S.C. § 1361
3. 28 U.S.C. § 1651(a)(b)
4. 28 U.S.C. § 1915(d)(e)

MISCELLANEOUS AUTHORITY

1. (Bible)1 Timothy 3:1-5 , Titus 1 , Dan. 7:26, 27

LIST OF PARTIES

FISC Presiding Judges and ODNI (Neil Wiley, Laura Schiao, Beth Sanner, Jeffrey Kruse, Dustin Weiss, Steve Vanech, William Evanina, Alan McDougall, Ben Huebner, Thomas Monheim, Bradley Brooker, Matthew Kozma, Trey Treadwell, Amanda Schoch, Avril Haines.

JURISDICTION

This petition is for the writs of mandamus. Jurisdiction is invoked under 28 U.S.C. 1254(1), 28 USC § 2106, & requested writs in 28 U.S.C. 1651(a)(b) & 28 U.S.C. 1361.

CASE OPINIONS

Two complaints were filed on November 21st, 2021 and January 21st, 2022 with the FISC. Both were completely ignored. Another request citing Rule 39 was sent to the FISC on February 14th, 2022: **Initial Review: (a) The Judge must review the petition within 72 hours after being assigned the petition. Frivolous Petitions - Non Frivolous petitions. This review was completely ignored. FISC would not even provide information concerning a case number or progress concerning the complaint.**

CONSTITUTIONAL & STATUTORY PROVISIONS

1. **1st & 14th Amendments** - "Petition the Government for a redress of grievances for practices restricting individual religious practice." "ODNI covert operation resulted in a violation of "separation of church and state"
2. **Free Exercise Clause** - " Prohibits ODNI interference with religious belief and, within limits, religious practice

3. **Religious Freedom Restoration Act (RFRA) - 42 U.S.C. § 2000bb - 4** " ODNI has intentionally burdened Plaintiffs' religious exercise with an internal intelligence operation and must now show that the burden is (1) in furtherance of a compelling governmental interest and (2) the least restrictive means of furthering that interest."
4. **Bivens vs. Six Agents 403 U.S. 388 (1971)** - "ODNI has violated (1st and 14th) Amendments by directing and controlling an intelligence operation within the sanctuary of CCJW's, allowing for a "Bivens" action to proceed.

STATEMENT OF THE CASE

1. **Nietzke vs. Williams (1989)** held: "A complaint filed *in forma pauperis* is not automatically frivolous within the meaning of § 1915(e) because it fails to state a claim...and should **not** be dismissed". Prior complaints in Iowa N. District Court and 8th Circuit improperly cited Fed Civ. R. 8(a) (2) "failure to state relief" as a reason for dismissal. Relief is clearly requested under "Request for relief" at the end of Plaintiff's filed complaint. (Billions of dollars in compensation and MOST IMPORTANTLY writs of mandamus that would uncover the sinister operations guided by ODNI agents operating within CCJW.
2. Plaintiff clearly stated "relief" in complaint seeking many emergency and financial injunctions. This is the only "adequate means of relief" and the "only appropriate remedy" under the circumstances. FISC ignored the complaint.

Mandamus is appropriate where Plaintiff "lacks adequate alternative means to obtain the relief they seek"- **Mallard vs. Iowa S. District Court, 490 U.S. 296 (1989)**. ODNI refuses to answer any further FOIA's concerning details surrounding any intelligence operation within CCJW. The Judge would not move forward with the Plaintiffs claim that there are still impostors within the CCJW knowing it is easier to dispense with this legal case by ignoring the facts of the complaint and refusing to hear & obey the rules of the FISC.

Rather than order innocuous writs of mandamus requested to truly discover the facts behind this ODNI ongoing operation, The FISC judge has ignored the hard NARA facts presented to him on past ODNI covert operations, and is seeking to keep current ODNI operations from discovery.

FACTS OF THE CASE

Pro Se, age 51, third time Federal filer, have attended the Christian Congregation of Jehovah's Witnesses (CCJW) all my life. Around 2009, Mr. Sulzner began to take note of many "suspect members" being appointed to positions of high responsibility within various CCJW's he had attended in eastern Iowa

It was a cause for alarm, as these individuals had no qualifications to lead religious congregations. (1 Timothy 3 and Titus 1) In 2019, Mr. Sulzner began to suspect his wife and extended family may be involved and confronted his (now divorced) wife and family members

of 30 years about this matter and they blatantly admitted they were involved. In 2019, at the local ACLU office, he filed a complaint alleging these “impostors” were part of a large ODNI intelligence community within CCJW. The ACLU said : Seek more proof of the suspect ODNI government’s intrusion!

In the next four months, 18 FOIA’ s were filed for more information on ODNI communities within the CCJW.

National Archives (NARA) responded to the FOIA and confirmed TWO covert ODNI intelligence operations with 13,600 pages of unredacted information, within CCJW from 1921 to 1977. Strong merits for a court case now existed. - (“we look first to the likelihood of merit of the underlying dispute.”) - **Parham vs. Johnson, 126 F.3d 454, 457 (3rd Circuit) (1997)** (“Plaintiff’s must have some merit in fact & law”)

In May, 2021, a state of Iowa complaint was filed against ODNI. It was moved to the Iowa N. District Federal Court by the Assistant Attorney. Plaintiff alleges ODNI operatives were still inside the CCJW and requested many injunctive reliefs after discovering 2 active intelligence operations directed by ODNI within CCJW over 56 years. Mr. Sulzner twice requested attorney assistance from the Federal Courts and notified both Courts early concerning his mental disability.

This religious freedom issue “is one committed to the discretion of the trial court, a clear and indisputable right to the issuance of the writ of mandamus will arise only if the district court has clearly abused its discretion, such that it amounts to a judicial usurpation of power.” - **In re First S. Sav. Ass’n, 820 F.2d 700, 707 (1987).**

The FISC has unquestionably failed to follow its rules.

When NARA released the FOIA information, it was a surreal feeling knowing only ODNI, NARA and Mr. Sulzner knew of the existence of this multi-decades long top secret covert intelligence operation. In the first cases brought before the U.S. Supreme Court (**20-7660**) and (**21-6172**), the Iowa N. District didn't care and said it was just a "conspiracy theory." and used this as one reason for dismissal. A 3rd identical case was filed with the FISC seeking immediate injunctions and monetary relief damages. They ignored the Petitioner completely. More information is yet to be discovered, and it will unquestionably affect other innocent bystanders. The NARA information is indisputable. These ODNI impostors also hold normal jobs within the community, affecting others who they contact that are unaware of their real role.

How is it possible for a stupid janitor from Olin, IA (pop. 691) to discover a multi-million dollar intell. operation inside CCJW and then be treated by both Courts as if that information is of no consequence to his filed complaint? The lower courts have truly "refused to perform their true adjudicator role & duty." - **La Buy vs. Howes Leather Co., 352 U.S. 249, 256-258, (1957)**

Further FOIA information demands were stalled by ODNI stating: "scope request is not applicable" or "we can neither confirm nor deny any of your questions."

Mr. Sulzners complaint is simple....ODNI did not tell their trained, embedded intelligence operatives to just "go home" after the 1977 investigation for treason had ended (without results). ODNI had invested billions of

dollars in time and training this “invisible” intelligence army. They would stay within the CCJW, weaken the congregation from within, and patiently execute adverse decisions. Eventually the Kingdom Hall (place of worship) would be sold and the door - to - door preaching work would cease. The circumstances surrounding these two intelligence operations are quite perplexing.....for **57 years** ODNI felt there was enough “evidence” to justify a functioning treason investigation and that operation was CONTINUALLY APPROVED decade after decade....yet there were never ANY federal charges filed against Jehovah’s Witnesses for treason.

If an ODNI covert operation were found looking for “treasonous judges” inside the Iowa N. District, 8th Cir. Appellate Court or FISC for over 57 years, I’m 100% confident it would not be labeled as a “conspiracy theory!” Every judge (maybe?) would be appalled and demand more details on the operation!...**Why are judges not appalled in THIS situation ? Why aren't there more court ordered demands from ODNI ?**

EXCEPTIONAL REASONS FOR GRANTING THE WRITS OF MANDAMUS

To justify the granting of any such writ, this petition shows that the writ will be in aid of the Court's appellate jurisdiction, that exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court: (Rule 20)

Over 2 years, injunctive requests were clearly explained to the Iowa N. District Court and the 8th Circuit Appellate Court and finally the FISC (3 cases). In this final case, FISC refused to reply to basic requests for information and relief could not be granted to Petitioner for the FISC intentional refusal to consider the matter.

The Supreme Court has repeatedly stated that “three conditions must be satisfied” before granting an extraordinary writ of mandamus:

First : “Petitioner seeking writ must have no other adequate means to obtain the relief sought.” Both the Iowa N. District and 8th Cir. Appellate Courts have unjustly and unfairly DENIED ALL REQUESTS. Now the FISC has ignored the most basic requests..i.e assigning a case number, 72 hours decision on frivolous cases. The U.S. Supreme Court is the last available “adequate means” to rectify this important religious matter.

Second : Petitioner must show the right to the writ is “clear and indisputable.”

- A. Observed “impostors” had no Biblical concern related to leading others inside the CCJW. Loving concern for “the sheep” was truly lacking. (1 Timothy 3:1-5)
- B. Ex-family members admitted intelligence involvement.
- C. NARA FOIA confirmed **TWO covert operations** within the CCJW over MULTIPLE decades starting in 1921.

- D.** No other action can be taken without the “hammer” of a court order forcing discovery in this covert operation or the injunctions ordering ODNI departure and discovery detailing the operation. ODNI refuses to reply to any further inquiries or questions.
- E.** ODNI has a legal duty to divulge ANY involvement in the CCJW, even if considered to be minimally invasive. They choose not to divulge anything.
- F.** Discovery in this case would be completely different from discovery in an ordinary case. In any other case, a plaintiff can demand written discovery and deposition. In this case, deposing any high-ranking government officials is extremely difficult and virtually impossible. Nor are ordinary Plaintiffs able to access to documents and communications that ODNI would claim is protected by legislative and executive privilege - See **Tummino vs. Torti, 603 F. Supp. 519 (2009)** (detailing the huge burden getting discovery from FDA and branch official exec's)

Third : Petitioner must establish the writ is appropriate under the present circumstances. In this case, the injunctive relief is similar to a “restraining order” - See **In re Vuitton Et Fils S.A., 606 F.2d 1, 3 (1979).**

Injunction is the only appropriate remedy to identify and “purge” those who do not truly belong to the CCJW, so the practice of individual religious worship can prosper. ODNI will simply deny any involvement today, as they would have denied involvement if they were asked for information between the years of 1921 and 1977.

The requested injunctive relief was also very “specific and narrowly drawn.” **Nelson vs. Campbell (2004), citing 18 U.S.C. 3626 (a).** The injunctive and monetary reliefs against ODNI were drafted in a manner to avoid years of unwanted burdensome legal discovery. It would prevent fighting about qualified immunity and privileged release of information protected by executive privilege. All monetary requests against the United States government should be approved by the Supreme Court. By ordering the writs, the Court's decision would be felt for many millennia by individuals desiring to worship without secret, caustic government intervention. (Dan. 7:26, 27)

Under Rule 20 of the Supreme Court rules, a copy of **ANY** FISC ruling cannot be provided to the Supreme Court. Their refusal to acknowledge (in spite of numerous telephone calls) the most basic requests regarding this matter were ignored at all levels.

CONCLUSION

Yes, I am one of those “treasonous” Jehovah’s Witnesses, relentlessly known for filing 1st Amendment complaints with the U.S. Supreme Court to secure religious freedom however, I can assure the U.S. Supreme Court if one of Jehovah’s Witnesses is at their front door, there is a MAJOR CONSTITUTIONAL ISSUE that needs and requires fair, impartial judicial consideration. This complaint is just that!

Every petition for a writ of mandamus requesting orders of injunctive relief against the FISC and against ODNI should be granted under these unusual circumstances for the reasons described above. (Rule #20)

This petition complies with the Rule #14, #18, #20 and #33 - Rules of the Supreme Court and has 2700 words.

Respectfully submitted -

"I declare and certify under penalty of perjury that the foregoing fact within this Supreme Court petition are true and correct in compliance with 28 U.S.C § 1746 " :

Dated this 11th day of May, 2022

/s/ Justin Paul Sulzner

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CERTIFICATE OF SERVICE

I certify that I served a copy of the Application for Writs of Mandamus with Appendix in support on May 11th, 2022 by personal service or U.S.P.S. to:

Solicitor General	ODNI
of the	LEGAL DEPARTMENT
United States	ATTN: CHRIS FONZONE
Room 5616	Washington D.C. 20511
950 Pennsylvania Ave.	
Washington D.C. 20530-0001	

"I declare and certify under penalty of perjury that the foregoing service within this Supreme Court brief are true and correct in compliance with 28 U.S.C § 1746 and Rule 29 - Rules of Supreme Court" :

Dated this 11th day of May, 2022

/s/ Justin Paul Sulzner

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13 DIFFERENT FISC COURT FILINGS

13 TOTAL FISC FILINGS - NO CASE NUMBERS
PROVIDED AFTER SEVERAL REQUESTS)