Case No. 23-6268

IN THE UNITED STATES
SUPREME COURT

Writ of certiorari

Clifford Arnell Gooden III, Petitioner

Vs.

United States, et al., Respondent

On writ of certiorari to the

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

PETTITION FOR WRIT OF CERTIORARI

Clifford Arnell Gooden III
Mount Pleasant Correctional Facility
1200 East Washington Street
Mount Pleasant, Iowa 52641

QUESTION PRESENTED

1. Is the original scope and purpose of a section 1983 action is to allow black citizens the right to sue racist government where it has been infiltrated by the Ku Klux Klan?

2. Is judicial immunity included in the original language of section 1983 drafting or its legislative history?

3. Mr. Gooden do move this court pursuant to 28 U.S.C. section 2403(a) to call into question the unconstitutional judicial amendment to section 1983 statute regarding governmental immunities. Is jurisdiction proper in the United States Supreme Court?

4. Do the immunity laws illegally injected into section 1983 actions designed to protect government officials, act to interfere with a citizens First Amendment right to petition the government for a redress of grievances?

5. Can common-law judicial immunity, which is a product of legislation from the bench, be applied to section 1983 statute without appropriate statutory amendment?

6. Is the slow erosion of the constitution and the people's rights an obvious indication of the stealthy infiltration into government by the Ku Klux Klan to eventually "overthrow the reconstruction laws and the people and state government they were designed to protect"?

7. Is common-law judicial immunity injected into section 1983 statutory application the creation of Judicial Activism?

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is subject of this petition is as follows:

1. Ku Klux Klan Organization

RELATED CASES

Gooden v. Corbin, et al., No. 4:22-cv-00399, U.S. District Court for the Southern District of Iowa. Judgement entered April 27,2023

Gooden v. Corbin, et al., No. 23-2380, U.S. Court of Appeals for the Eighth Circuit. Judgment entered August 18, 2023

Gooden v. United States, et al., 4:23-cv-00103, U.S. District Court for the Southern District of Iowa. Judgment entered April 28,2023

Gooden v. United States, et al., 23-2223, U.S. Court of Appeals for the Eighth Circuit. Judgment entered August 18, 2023

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully pray that a writ of certiorari issue to review the judgment below.

OPINION BELOW

On March 29, 2023, Mr. Gooden filed a Civil lawsuit in the Iowa Federal District Court pursuant to 42 U.S.C. section 1985(2) alleging a conspiracy to obstruct justice committed by the Ku Klux Klan (or its sympathizers) regarding the illegal alteration of **section 1983 statute**. That petition was adjudicated upon on April 26, 2023 and is unpublished. It appears at Appendix B. Judgment was entered on April 28, 2023. It is currently unpublished and appears at Appendix C. Finally, the Eighth Circuit Court of Appeals affirmed the Iowa Federal District Courts decision in a judgment entered August 18, 2023. That opinion appears at Appendix A, and is currently unpublished. The **related cases** are firmly established in this writ of certiorari under the "list of Parties" section for relevant history of my claims.

Jurisdiction

This case is from the **federal Courts:**

The date on which the United States Court of appeals for the Eighth Circuit decided my case was August 18, 2023. See Appendix A. A petition for rehearing was denied by the United States Court of Appeals for the Eighth Circuit on September 19, 2023, and a copy of the Order denying rehearing appears at Appendix D.

The Jurisdiction of this court is invoked under 28 U.S.C. section 1254(1). Also 28 U.S.C. section 2403(a) may apply since a constitutional challenge to a Federal Act of Congress is drawn into question. Particularly, **42 U.S.C. Section 1983.**

Furthermore, jurisdiction is compelling upon this court since **first Amendment rights** are being implicated which acts to dispense with the rigid rule of standing as set forth in *Broadrick v. Oklahoma, 413 U.S. 601, at 611-12.*

Constitutional and statutory provisions involved

42 U.S.C. section 1983—Civil Action for Deprivation of Rights

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or territory or the district of Columbia, subjects, or cause to be subjected, any citizen of the United States or other persons within the jurisdiction thereof to the deprivation of any rights, privilege, or immunities secured by the constitution and laws, shall be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory relief was unavailable. For the purpose of this section, any act of congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia."

42 U.S.C. section 1985(2)—Obstructing Justice, intimidating party, witness, or Juror.

" If two or more persons in any state or territory conspire to deter, by force, intimidation or threat any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any state or territory, with intent to deny to any citizens equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;....."

28 U.S.C. section 2403—Intervention by the United States or a State; Constitutional Question

(a) "In any action, suit, or proceeding in a court of the United States to which the United States or any agency, officer, or employee thereof is not a party,

wherein the constitutionality of any act of congress affecting the public's interest is drawn into question, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality."

1st amendment to the United States Constitution—"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."

5th Amendment to the United States Constitution—"No person shall be held to answer for a capital, or otherwise infamous crime.....nor shall any person be subject for the same offence to be twice put 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"

14th Amendment to the United States Constitution—"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privilege or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Fed. R. Civ. P. 5.1—Challenge of constitutional statute:

(a) A party that files a pleading, written motion, or other paper drawing into question the constitutionality of a federal or state statute must promptly:
(1) File a notice of constitutional question stating the question and identifying the paper that raises it, if
(A) A federal statute is questioned and the parties do not include the United States, one of its agencies, or one of its officers or employees in an official capacity--

Statement of the case

This writ of certiorari presents the occasion for this court to resolve the improper judicial activism committed by this court regarding the unlawful statutory amendment to **42 U.S.C. section 1983**. The act of judicial activism committed by this court severely altered section 1983 lawsuits to now include judicial immunity injected therein 56 years ago in *Pierson v. Ray, 386 U.S. 547 (1967)*, and again, 48 years ago in *Imbler v. Pachtman 424 U.S. 409 (1976)*. However, there exist no legislative history to support such judicial immunity laws, interpreted by this court under common-law rulings, that would justify its enforcement into said section 1983 statute. Moreover, it was done by way of an improper venue!!! In that regard, this court lacks the authority to legislate from the bench and thereby alter section 1983 statute to include judicial immunity laws. This was litigated by Mr. Gooden in the Iowa Federal District Court in a civil rights proceeding under congressional act 42 U.S.C. section 1985(2) assigned as *4:23-cv-00103*. The decision was expressly decided by that court and appended therein as Appendix B. It was thereby appealed to the Eighth Circuit Court of Appeals which subsequently affirmed the lower Federal Court's decision. See Appendix A. Rehearing was thereby denied and its results is attached as Appendix D. Jurisdiction was conferred upon the lower federal district court in this case pursuant to Article III of the United States Constitution. Nevertheless, because of

this particular improper functioning of government, this court is thereby obligated to revisit its prior court ruling's and rescind its prior decision's regarding "judicial immunity" in the interest of justice. Furthermore, this matter concerns an "overly-broad" federal statute that interferes with the people's 1st Amendment right. As such, this court should take judicial notice over this particular controversy by adhering to controlling authority located in *Broadrick v. Oklahoma, 413 U.S. 601 (1973)*. That particular case permits an exception to the ordinary rule of standing "in the first Amendment area", to allow attacks on overly broad statutes with no requirement that the person making the attack demonstrate that his own conduct could be regulated by a statute drawn with the requisite narrow specificity". *Id. 413 U.S. at 611-12*. Therefore, this action is necessarily instigated primarily to create breathing space on behalf of the 1st Amendment and to furthermore prevent political casualty restricting others not before the court to refrain from constitutionally protected speech or expression". See id; see also *Publius v. Boyer-vine*, 237 F.Supp.3d 997, at 1007-1008 (California 2017)("when the threatened enforcement effort implicates first amendment rights, the inquiry tilts dramatically towards a finding of standing"). Nevertheless, this case presents a constitutional challenge to a federal statute historically rooted in the Ku Klux Klan act of 1871. Specifically, **42 U.S.C. section 1983** allows a citizen to sue

government officials acting under color of authority who engages in "misuse of power possessed by virtue of state law". *Imbler v. Pachtman, 424 U.S. 409, 434.* It is deemed excessively broad and overreaching where governmental immunities have been improperly injected therein by application of unwritten principles of common-law. But as recognized in the case of *Riley v. Smith, 570 F.Supp. 522 (Mich 1983),* "section 1983 is a statute-not a constitutional provision". Id at 526. This is significant to this constitutional challenge where it appears the Ku Klux Klan or its sympathizers hijacked the federal remedy under section 1983 by its consistent infiltration into government and thereby caused or influenced "judicial decisions" to illegally inject governmental immunities, at common-law, into said statute. This, in effect, has restricted the overall usage and purpose of section 1983 actions from producing the original federal remedy it was designed to provide, especially to black citizens' post slavery rights! Therefore, by its restriction's the 1st Amendment have been abridged where "petitioning the government for a redress of grievances", under section 1983 statute, is limited and blocked by previously injected immunity laws. And because the Ku Klux Klan is a known racist "hate group", then it is presumed that a racial discriminatory animus lies behind the conspirator's actions. This represents compelling reasons for this court to grant certiorari in this case.

Reasons for granting the petition

ISSUE ONE—Is the original scope and purpose of a Section 1983 action is to allow black citizens the Right to sue racist Government where it has been Infiltrated by the Ku Klux Klan?

Ku Klux Klan act of 1871: The Ku Klux Klan was organized by southern whites in 1866 and a wave of murders and assaults was launched against, both, blacks and union sympathizers. *D.C. v.* Carter 409 U.S. at 425 (1983). Nevertheless, in 1871 the civil rights Act was amended as a result and ultimately reemerged as the newly entitled Ku Klux Klan Act. But each federal statue under that act including section 1983 was designed to address accountability and racial tension in the south post-civil war between blacks and whites. As the court in *Riley v. Smith,* 570 F. Supp. 522 (Mich 1983), states:

> "If the court were writing a fresh slate it would have real problems recognizing any type of governmental immunity in section 1983 actions. .... The reconstruction era was the first high point in the Klan's sinusoidal American history, and evidence abounds that the reconstruction KKK had infiltrated nearly every branch of southern government. The undoubted purpose of section 1983 was to afford the newly freed southern black's a federal court forum and right of action to redress constitutional violations committed by Klansmen or KKK sympathizers"

id. At *525.* However, the court in the *Riley* case offered a statement of confusion as to whether governmental immunity could legitimately apply to section 1983 actions lodged against the government. This was a statement immediately following its previous observation regarding the court's inability *"to recogniz[e] any type of governmental immunity in section 1983 actions"*. The court went on to write:

> "Neither the language nor the legislative history of section 1983 Suggests that its drafter contemplated absolute—or any other—immunity For government officials. Thus, this court, like Justice Marshall—cannot Help but wonder how and why immunities have been ensconded in Section 1983 jurisprudence"

Id. At *525*. That federal courts' analogy appears to suggest that an inappropriate political irregularity has been committed. As such, governmental immunity is injected suspiciously depriving people of their full capacity right to petition for redress allowed as the intended purpose of that statute. However, it would be of no benefit to allow governmental immunities to obstruct an action designed to hold the government liable under section 1983 lawsuits. The overall purpose of section 1983 civil suit is not only directed to hold each co-equal branch of

government liable for its racial inequalities, but also to weed out the racist Ku Klux Klan extremists from position of power in government altogether! This aggressive political abuse of power is, without a doubt, influenced by the Ku Klux Klan member and sympathizers alike in an attempt to encourage "absolute power" by enforcing immunity laws into section 1983 lawsuits. This exposes the scam to reinforce their (Klan members) routine mode of infiltration into government. This ultimately reveals a mass conspiracy effort on behalf of Ku Klux Klan members and its sympathizers under a united regime to takeover American government. Unfortunately, however this is a contradiction to the "legislative intent" as to the usage and intended purpose of section 1983 statute. If the original purpose behind the drafting of section 1983 statute (formerly section one of the Ku Klux Klan Act of 1871) was to allow black American citizens the fortitude to sue racist elected officials in government who pose a threat to democracy, then, logically, no immunity laws should prevent it from serving its purpose! The contradiction then would be additional barriers placed in front of section 1983 actions designed to nevertheless mute the moving party in question. In such instance, section 1983 civil suit would serve no purpose since federal courts would be prevented

jurisdiction to entertain it against government officials where it is otherwise overshadowed by hurdles of estoppel procedures in the form of immunities.

> **ISSUE TWO**—is governmental immunity included in the Original language of section 1983 drafting or its legislative History?

Immunity laws v. Section 1983 actions

In the verbatim dissenting statement provided by Justice Brennan in the case of *Briscoe v. Lahue* 460 U.S. 325 (1983), he set forth the following opinion:

> "Justice Marshall's dissenting opinion.... presents an eloquent argument that congress, in enacting section 1983, did not intend to create any absolute immunity from civil liability for 'government official's involved in the judicial process'.... Whatever the correctness of his historical argument, I fear that the court has already crossed that bridge in *Pierson v. Ray 386 U.S. 547 (1967)*, and *Imbler v. pachtman* 424 U.S. 409 (1976)"

In those two supreme court cases section 1983 actions were examined in relation to judicial immunity laws. In short, that supreme court in *Imbler v. Pachtman*, held that a state prosecutor is entitled to absolute immunity from section 1983 suits while acting under color of authority. Id *424 U.S. at 427*. Equally, the supreme court in *Pierson v. Ray*, applied the common-law principles afforded to the state

court judges to make judicial immunity available to judges against section 1983 actions as well as to police officers under certain conditions. Id. *386 U.S. at 554.* Nevertheless, the wisdom in enforcing immunities on behalf of government officials in any other suit or equity proceeding other than a section 1983 action serves a sound practical purpose. As revealed in the case of *Riley v. Smith*, "the absence of immunities would no doubt impair or inhibit the vigorous performance of certain officials". Id. *570 F.Supp. at 525-26.* But the conditions and atrocities that brought about section 1983 relevant statutory purpose and existence was created under extraordinary events following the end of the civil war. As observed by the Supreme Court in *D.C. v. Carter, 409 U.S. 418 (1973)*:

> "Any analysis of the purpose and scope of section 1983 must take cognizance of the events and passions of the time at which it was enacted. After the civil war ended in 1865, race relation in the south became increasingly turbulent.... Thus, at the end of the 42nd congress considerable apprehension was expressed by republicans about the insecurities of life and property in the south, and on March 23, 1871, President Grant sent a message to Congress requesting additional federal legislation to curb the rising tide of violence. Such legislation was deemed in light of the inability of the state government to control the situation."

id at *425*. It is certainly a grim reminder that in "1871.... The Ku Klux Klan was a powerful national and local entity, in effect laying siege to state and local

government in the south in order to deny African Americans their Post-Slavery rights". See *Zhang Jingrong v. Chinese Anti-Cult World Alliance, 311 F.Supp.3d at 524 (NY 2018)*. This absolutely confirms the *Riley v. Smith* courts' analogy in regards to the enormous political influence the KKK had in American Government which over time increased in population. Therefore, the method of infiltration into government by the Ku Klux Klan and its protected class members was nevertheless the cause of section 1983 statutory protection under the 1871 Ku Klux Klan Act. Furthermore, "in enacting section 1983, Congress sought to create a damages action for victims of violations of Federal rights [therefore] absolute immunity nullifies 'pro tanto' the very remedy it appears congress sought to create". *Briscoe v. Lahue,460 U.S. at 348*; citing *Imbler v. Pachtman 424 U.S. 409, 434.* The primary target for redress under a section 1983 action involved "misuse of power possessed by virtue of state law". Id at *434.* Moreover, unwarranted immunity laws have a tendency to promote the rule of absolute power which is untamable even by Ethics, Statutes, or Rules. It has therefore exceeded unabridged boundaries incapable of achieving a code for respect in law or humanity. As such, judicial immunity, as it applies to section 1983 statute, only serves to enforce injustice under a secretive Ku Klux Klan operation. Nevertheless,

it is formerly the position held in the *Riley* court that any erroneous application of immunities protecting government officials from section 1983 civil actions, enacted in case laws, is unconstitutional. Specifically, as stated in the *Riley v. Smith, 570 F.Supp. 522*, case:

> "Section 1983 is a statute-not a constitutional provision, and when statutes are involved judges have no power to impose their own ideas of wise policy. This court thus believes that immunities should have been added by statutory amendment to section 1983 rather than by judicial decisions."

Id. *570 F.Supp. at 526*. In that regard, any judicial attempts to pass legislation from the bench is deemed unconstitutional. In fact, legislation from the bench concerning unwritten history of a statute, which is another name for judicial activism, "destroys the proper end of judging, and therefore, is the greatest threat to judicial independence". See *Symposium the Ethics of judicial selection; Legislation from the bench: the greatest threat to judicial independence 43 S. Tex. L. Rev. 141 (2001)*. A "judicial activist is a judge who interprets the constitution to mean what it would have said if he instead of the founding fathers had written it". See *S. Erwin, Judicial verbicide: An affront to the Constitution, in a blueprint for judicial reform 78 (Patrick B. McGuigan & Randall R. Radar eds. (1981)*). As such, section 1983 statute cannot be read to include common-law

judicial immunity absent any supporting legislative history, as this would reconstruct the established roles of government to now include legislation from the bench. Therefore, such illegal usurpation of power must be called into question as well.

a.) Mr. Gooden do move this court, pursuant to 28-U.S.C. Section 2403(a), to call into question the unconstitutional Judicial activism amending section 1983 statute to include Judicial Immunity

Basis for Challenge: Section 1983 statute has been unlawfully obstructed or modified by Judicial Activism set forth in case laws decided in this United States Supreme Court. The unlawful modification was the product of legislation from the bench which altered section 1983 statute to be expanded under common-law, minus any legislative history, advancing or enforcing judicial immunity laws which is solely executed by the court itself. See *Stump v. Sparkman, 435 U.S. 349 (1948).* Therefore, this particular judiciary expansion made to section 1983 statute interpreting judicial immunities therein without any support from its legislative history exceeds that which is authorized under judicial independence. It has, furthermore, created an unconstitutional barrier against ones 1st amendment

right to "petition the government for a redress of grievances". This is an impermissible functioning of government to resort to such judicial activism which has contributed to a long history of political deprivation of people's rights. **In fact, judicial immunity creates the illusion of big government while it wields the intimidating banner of injustice.** There must be judicial intervention to reverse this unconstitutional policy judicial immunity has created. The legislative history of section 1983 reveals a congressional response to the widespread act of violence and lawlessness, particularly in the south, shortly after the end of the civil war. But the once powerful Ku Klux Klan Organization who continues to influence and infiltrate government reveals an unforeseen agenda. These illusive members of a distinguishable private hate group known as the Ku Klux Klan have joined forces with many of their sympathizers under various infiltrated branches of Government. Today, not only are they in position to attempt to "overthrow the[se] reconstruction laws and the people and state government they were designed to protect", e.g. *Witten v. A.H. Smith & Co., 567 F. Supp. At 1068 (Maryland 1983),* but they are influencing their protected class, inside government, to erode the constitution and inflict mass injustice nationwide! This obstruction of justice scenario reveals the Klan's silent attempt to "overthrow the

reconstruction laws" by way of slow erosion of the constitution and the people's rights. See *Zhang Jingrong v. Anti-cult World Alliance, 311 F.Supp.3d at 547-48 (NY 2018)*("Passage of the Ku Klux Klan act reflected the reality that private actors working with or without the state could deprive large groups of African Americans of their constitutional rights. Some at the time viewed the Ku Klux Klan as a quasi-governmental entity-an auxiliary of the democratic party"). (Note: plaintiff is merely relying on the history of that case law interpreted by the court, not its unrelated legal points). Nevertheless, common-law immunity, which is unwritten law, is incapable of being added to section 1983 statute because statutes are the product of civil law which cannot be read to assume a common-law interpretation. In other words, common-law cannot be read into a statute because those two principles derive from two different bodies of law. This dynamic presents an unusual obstacle for any petitioner or plaintiff since no fair notice of immunities is read into the statute itself. This includes its legislative history! This perhaps is a tactical underhanded trigger for inviting ignorance or mistake to frequently occur while denying any litigant Due Process of law, both, state and federal courts. See U.S.C.A. const. amend. 5th and 14th. This furthermore

reveals how "legislation from the bench" has caused section 1983 statute to be deemed "overly-broad" and "excessive".

Issue Three—Do immunity laws illegally injected Into section 1983 actions designed to protect government officials, act to interfere with a citizen first amendment right to petition the government for a redress of grievances?

Legislative Intent: In order to appreciate the legislative history involving section 1983 statute, one must comprehend that said statute is rooted in the history of the Ku Klux Klan act of 1871. See *section one*, 17 stat. 13, Act of April 20, 1871. According to the court in *Riley v. Smith, 570 F.Supp. 522*, "the undoubted purpose of section 1983 was to afford the newly freed southern blacks a federal court forum and right of action to redress constitutional violation's committed by Klansmen or KKK sympathizers". Id. at *525.* Nevertheless, it was passed primarily to enforce the provisions of the 14th Amendment. See *Wood v. Missouri Dept. of Mental Health, Kansas City Regional diagnostic center, 581 F.supp. 437, 441 (Missouri Div. 1984)*. In the Constitutional sense, Section 1983 civil rights statute was enacted to be compatible with our first Amendment right to "petition the Government for redress of grievances". See U.S.C.A. const. Amend. 1st. Therefore,

the unconstitutional adjudication administered by the Supreme Court imposing immunity laws on behalf of Government officials in protection against section 1983 actions totally abridged that constitutional right entirely! However, it has long been recognized that the 1st Amendment needs breathing space. *Broadrick v. California, 413 U.S. 601, 612 (1973).* Therefore, attacks on overly-broad statutes that interfere with one's first amendment right can, for example, be brought before a court by anyone regardless of the issue of standing. Id. *413 at 612.* In this case, the overly-broad Amendment made to section 1983 statute restricting ones right to "petition the government for a redress of grievances", see const. amend. 1st, is the unconstitutional "judicial decisions" at common-law enforcing governmental immunities. See on point *Pierson v. Ray, 386 U.S. 547 (1967)* and *Imbler v. Pachtman, 424 U.S. 409 (1976).* Insofar as section 1983 actions, it has historically been enacted as a remedy against the KKK "in response to the 'unwillingness' or 'inability' of the state government to enforce their own laws against those violating the civil rights of others". See *D.C. v. Carter, 409 U.S. 418 (1983) (footnote 17)—154 F.2d 96; 154-159 (Sen. Sherman); 322 (Cong. Stoughton); 374 (Cong. Lowe); 428 (Cong. Beatty); 516-19 (Cong. Shellabarger); 653 (Sen. Osborn); id at App. 72 (Cong. Blair); 78 (Cong. Perry); 100-110 (Sen. Pool).*

Therefore, while the Klan itself provided the principle catalyst for the legislation, the remedy created under section one nevertheless "was not a remedy against the Klan or its members [per se] but those representing a state in some capacity who were unable or unwilling to enforce a state law". See *Monroe v. Pape, 365 U.S. 167, at 175-76 (1961).* However, this particular inequality and neglect to enforce laws is premised on the fact that "the KKK had infiltrated nearly every branch of Southern Government", see *Riley v. Smith, 570 F.Supp. at 525*, and, therefore, "in effect, laying siege to state and local government in the south in order to deny African Americans their post-slavery rights." *Zhang Jingrong v. Chinese Anti-Cult World Alliance, 311 F. Supp.3d at 524 (NY 2018).* This familiar covert operation has significantly increased nationwide and provides the foundation for racial injustice affecting black people all over America today!!! A perfect example of this deep-cover operation was illustrated in politics approximately 30 years ago. This involved another Ku Klux Klan infiltration into government only this time portrayed in the public and throughout media. Particularly, in 1992, controversial political figure, David Duke, sought the republican party nomination for president of United States. See *Duke v. Massey, 87 F.3d 1226 (11th Cir. 1996).* His national controversy stems from the fact that he

is and was an active KKK member allegedly from Baton Rouge, Louisiana, participating his political affiliation in Georgia. Nevertheless, the republican party elected to remove him from the ballot due his open public image as being a known Ku Klux Klan member. However, David Duke initiated a section 1983 civil suit which is disrespectful based on the history of that statute and the fact it was enacted to provide a "federal court forum and right of action to redress constitutional violations committed by Klansmen or KKK Sympathizers". Id. *Smith 570 F.Supp. at 525*. Nevertheless, David Duke, a known Klansmen, sought to create yet another publicity stunt by utilizing a federal action historically created out of section one of the Ku Klux Klan act of 1871. The frivolous grounds David Duke alleged in his 1983 civil suit is set forth in the above cited case-law. See *Duke v. Massey, supra*. However, as a reminder of American history concerning the far-right, the U.S. Supreme Court in *Briscoe v. Lahue, 460 U.S. 325 (1983)*, exposed the extremist nature of the Ku Klux Klan and their defiance against equal protection rights afforded to black citizens. The court engaged this elaborate discussion in the following:

> "the Ku Klux Klan Act 17 stat 13, was enacted on April 20, 1871, less than a month after president grant sent a dramatic message to congress describing the breakdown of the law and order in the southern states. .... During the debate, supporters of the bill repeat-

> edly described the **reign of terror** imposed by the Ku Klux Klan upon black citizens and their white sympathizers in the southern states. Hours of oratory were devoted to the details of Klan outrages—Arsons, Robbery, whippings, shootings, murders, and other forms of Violence and intimidation—often committed in disguise and under-cover of night. These acts of lawlessness went unpunished, Legislators asserted, because Klan members and sympathizers **controlled or influenced the administration of state criminal justice.** In particular, it was alleged that Klan members were obligated, by virtue of membership in the organization, to protect fellow members who were charged with criminal activity. They had a duty to offer themselves for service on Grand and Petit juries, and to violate their oath by committing perjury, if necessary, to exculpate their Klan colleagues. Perjury was thus one of the means by which the Klan prevented state court's from gaining convictions of Klan members for crimes against blacks and republicans."

See id. *460 U.S. at 337-38.* Even today, as revealed in the David Duke charade in the 1990's, the notorious Ku Klux Klan organization have influential political ties and a variety of government affiliation. They have continued to commit to their willingness "to violate their oath" meaning to violate their duties while position of power—to enforce racial injustice and inequality against black citizens in America. In fact, the above passage cited in the supreme court case-law have depicted the Ku Klux Klan as a ruthless, cunning, racist, criminal, and oppressive "hate-group" incapable of embracing democracy. In fact, documented reference in the encyclopedia has revealed the Ku Klux Klan Organization as a **Terrorist Group**. See

THE WORLD BOOK ENCYCLOPEDIA 2003 ed.; Book letter T—**History of terrorism;** but see e.g. ("**Terrorism** is the use of violence to create fear and alarm, usually for political purposes")—pp. 177-79. From Mr. Gooden's personal experience, his wrongful conviction and staged mistrial bears the remarkable trademark of the racist Ku Klux Klan infiltration into state court. This time, however, they've apparently seized control of Scott County Courthouse located in Davenport, Iowa. Details of this egregious violation is set forth in Mr. Gooden's civil lawsuit assigned as 4:22-cv-00399 *Gooden v. Corbin, et al.*, (currently on appeal in the Eighth Circuit Court of appeals); citing criminal case number **FECR422651**. As demonstrated, that particular deliberate injustice Mr. Gooden experienced is directly linked to historical documents underlying the Civil Rights Act of 1866 and the Ku Klux Klan Act of 1871 involving sabotage and infiltration committed by the Ku Klux Klan and their sympathizers. Additional proof of their terroristic intention to "overthrow the reconstruction laws" is revealing during the COVID-19 era. For example, during the pandemic and around the year of 2020 several state and federal mandates were issued by the president and individual state governors in a sweeping effect to temporarily offset any state and federal rights ordinarily afforded to the people. One instance was the recent imposed "stay at home

orders" which was designed to replace our liberty rights pursuant to the 14th Amendment regarding our right to travel. Then there was the "social distancing order" that was issued to nevertheless suspend our 1st Amendment right to peacefully assemble. See U.S.C.A. Const. Amend. 1st. Furthermore, the obvious "slow erosion" impact of the people's rights can be felt by the recent **Anti-Terrorism and Effective Death Penalty Act (AEDPA)** which placed severe restrictions on the right of the people to file successive Federal Habeas Corpuses. All of these demonstrations are signs of the Ku Klux Klan's attempts to "overthrow the reconstruction laws", see *Witten v. A.H. Smith & Co., 567 F.Supp. 1063, 1068 (Maryland 1983)*, in recent memory that is instrumental to their overwhelming political control and influence in Government attributed to their vast infiltration methods. Furthermore, this revelation represents clear and convincing evidence of a Ku Klux Klan systemic takeover..... A hidden agenda to further engineer their concept of NEW WORLD ORDER!!!!

RELIEF DEMANDED: Due to the political negligence committed by this Federal Government, such relief demanded should encompass reparation to all black and/or African American citizens nationwide who've been affected by this

"Watergate Scandal" surrounding section 1983 lawsuits. It is clear that such scandal was perpetrated or improperly influenced by the Ku Klux Klan through Federal Government as a method of targeting black people in America, politically. This is another hideous method where the Ku Klux Klan is seeking to continue to deny "African Americans [our] post-slavery rights". Nevertheless, the scandal has been orchestrated by the Klan to defeat our right to obtain redress against state government or its officials who engaged in "misuse of power possessed by virtue of state law". In essence, the scandal has been instituted by the KKK to attack black citizenship in America and reinforce [modern-day] slavery. In fact, the damage it has created in the 56 years since the scandal was executed has prevented every citizen their right to sue state Government officials, including judge's and prosecutor's, under the appropriate federal civil rights action created for such occasion. Nevertheless, it was the Federal Government in America who allowed this infiltration by the KKK into its power-structure to be systematically ignored. As such, it is the Federal Government who is responsible for allowing this scandal to go uncorrected for over 56 years under its watch where it has a sworn duty to protect the Federal Constitution and all laws and statues under it. It is this failure that warrants reparation funding for all black citizen's in America.

Furthermore, this court must overturn the previous rulings of *Imbler v. Pachtman*, *supra*, and *Pierson v. Ray*, *supra*, regarding **judicial immunity** as that process is unlawful for amending section 1983 Federal statute where Judicial activism was inappropriately exercised.

For all reasons stated above writ of certiorari should be granted.

Dated: September 26, 2023

By Clifford Gooden

Clifford Arnell Gooden III
Mount Pleasant Correctional facility
1200 East Washington Street
Mount Pleasant, Iowa 52641-1804