

FILED _____ ENTERED _____
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SEP 18 2018 CA

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY _____ DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

AMAR SAFADI, et al.,

Plaintiffs,

v.

STATE OF WASHINGTON,

Defendant.

CIVIL ACTION NO.

18-CV-1304 JCC

COPY

On behalf of the United States of America, Amar Safadi hereby serves a copy of the Complaint against the United States to the State of Washington. A copy will also be served via first class mail per the State's request.

COPY

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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

The Honorable John C. Coughenour

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

THE UNITED STATES OF AMERICA,
ex rel., AMAR SAFADI, appearing qui tam,
Plaintiff,

v.

THE UNITED STATES,
Defendants.

NO.

18-CV-01375

COMPLAINT (AMENDED)
[28 U.S.C. § 1331]

Amar Safadi, a US Citizen and a veteran with the US Army National Guard, brings this QUI TAM action on behalf of himself and the UNITED STATES OF AMERICA against the defendants.

I. JURISDICTION

This court has original jurisdiction under the provisions of the United States Code, Title 28 § 1331.

II. TERMS OF REFERENCE

- THE UNITED STATES OF AMERICA: *The United States Government*
- THE UNITED STATES: *The fifty States in the Union, the District of Columbia, and the US Territories.*
- STATE: *any individual state, commonwealth, district or territory*

///

COMPLAINT (AMENDED)
[28 U.S.C. § 1331]

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III. DEFENDANTS

- 1
- 2 1. STATE OF ALABAMA
- 3 2. STATE OF ALASKA
- 4 3. STATE OF ARIZONA
- 5 4. STATE OF ARKANSAS
- 6 5. STATE OF CALIFORNIA
- 7 6. STATE OF COLORADO
- 8 7. STATE OF CONNECTICUT
- 9 8. STATE OF DELAWARE
- 10 9. STATE OF FLORIDA
- 11 10. STATE OF GEORGIA
- 12 11. STATE OF HAWAII
- 13 12. STATE OF IDAHO
- 14 13. STATE OF ILLINOIS
- 15 14. STATE OF INDIANA
- 16 15. STATE OF IOWA
- 17 16. STATE OF KANSAS
- 18 17. COMMONWEALTH OF KENTUCKY
- 19 18. STATE OF LOUISIANA
- 20 19. STATE OF MAINE
- 21 20. STATE OF MARYLAND
- 22 21. COMMONWEALTH OF MASSACHUSETTS
- 23 22. STATE OF MICHIGAN
- 24 23. STATE OF MINNESOTA
- 25 24. STATE OF MISSISSIPPI

COMPLAINT (AMENDED)
[28 U.S.C. § 1331]

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- 1 25. STATE OF MISSOURI
- 2 26. STATE OF MONTANA
- 3 27. STATE OF NEBRASKA
- 4 28. STATE OF NEVADA
- 5 29. STATE OF NEW HAMPSHIRE
- 6 30. STATE OF NEW JERSEY
- 7 31. STATE OF NEW MEXICO
- 8 32. STATE OF NEW YORK
- 9 33. STATE OF NORTH CAROLINA
- 10 34. STATE OF NORTH DAKOTA
- 11 35. STATE OF OHIO
- 12 36. STATE OF OKLAHOMA
- 13 37. STATE OF OREGON
- 14 38. COMMONWEALTH OF PENNSYLVANIA
- 15 39. STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
- 16 40. STATE OF SOUTH CAROLINA
- 17 41. STATE OF SOUTH DAKOTA
- 18 42. STATE OF TENNESSEE
- 19 43. STATE OF TEXAS
- 20 44. STATE OF UTAH
- 21 45. STATE OF VERMONT
- 22 46. COMMONWEALTH OF VIRGINIA
- 23 47. STATE OF WASHINGTON
- 24 48. STATE OF WEST VIRGINIA
- 25 49. STATE OF WISCONSIN

COMPLAINT (AMENDED)
[28 U.S.C. § 1331]

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- 1 50. STATE OF WYOMING
- 2 51. DISTRICT OF COLUMBIA
- 3 52. AMERICAN SAMOA
- 4 53. GUAM
- 5 54. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
- 6 55. COMMONWEALTH OF PUERTO RICO
- 7 56. VIRGIN ISLANDS OF THE UNITED STATES

8 IV. PROCEDURAL HISTORY

9 During the 1930s, the United States of America was facing the Great Depression, a time when poverty
10 was universal. On August 14th, 1935, President Franklin D. Roosevelt signed the Social Security Act
11 (SSA) into law (U.S.C. Title 42 Chapter 7, §§ 301 to 1397mm.) This Act became law at such a
12 difficult time in our history when the nation needed a solution for poverty, unemployment, and the
13 burdens of widows and fatherless children.

14 It was a great initiative by the federal government to advocate federal assistance for the needy. The
15 Act provided benefits to retirees and the unemployed, and a lump-sum benefit at death. The Act also
16 gave money to states to provide assistance to aged individuals (Title I), for unemployment insurance
17 (Title III), aid to families with dependent children (Title IV), maternal and child welfare (Title V),
18 public health services (Title VI) and the blind (Title X).

19 Signing this Act into law was historic and in good faith. However, over the years, few sections of this
20 law became outdated and mismanaged. Neither FDR nor Congress foresaw this at the time. However,
21 part of this law indirectly led to the weakening of the American family and it created many absent-
22 parent households. The American family is the core foundation of this nation. Undermining the
23 American family would undermine the nation as a whole.

24 ///

25 ///

V. LEGAL ARGUMENT

A. CUSTODY OF CHILDREN

The law as written violates the legal custody of children. Both mothers and fathers have equal rights to the *legal* custody of their children under the equal protection clause of the Fourteenth Amendment.

Legal custody and physical custody are two distinct terms. If one parent is the *physical* custodian, that should not deprive the other parent of his/her *legal* custody of a child.

The rights of parents to the care, custody and nurture of their children is of such character that it cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions, and such right is a fundamental right protected by this amendment (First) and Amendments 5, 9, and 14.

Doe v. Irwin, 441 F Supp 1247; U.S. D.C. of Michigan, (1985).

The several states have no greater power to restrain individual freedoms protected by the First Amendment than does the Congress of the United States.

Wallace v. Jaffree, 105 S Ct 2479; 472 US 38, (1985).

Loss of First Amendment Freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury. Though First Amendment rights are not absolute, they may be curtailed only by interests of vital importance, the burden of proving which rests on their government.

Elrod v. Burns, 96 S Ct 2673; 427 US 347, (1976).

Law and court procedures that are “fair on their faces” but administered “with an evil eye or a heavy hand” was discriminatory and violates the equal protection clause of the Fourteenth Amendment.

Yick Wo v. Hopkins, 118 US 356, (1886).

Even when blood relationships are strained, parents retain vital interest in preventing irretrievable destruction of their family life; if anything, persons faced with forced dissolution of their parental rights have more critical need for procedural protections than do those resisting state intervention into ongoing family affairs. Santosky v. Kramer, 102 S Ct 1388; 455 US 745, (1982).

1 Parents have a fundamental constitutionally protected interest in continuity of legal bond with their
2 children. Matter of Delaney, 617 P 2d 886, Oklahoma (1980).

3 The liberty interest of the family encompasses an interest in retaining custody of one's children and,
4 thus, a state may not interfere with a parent's custodial rights absent due process protections.

5 Langton v. Maloney, 527 F Supp 538, D.C. Conn. (1981).

6 Parent's right to custody of child is a right encompassed within protection of this amendment which
7 may not be interfered with under guise of protecting public interest by legislative action which is
8 arbitrary or without reasonable relation to some purpose within competency of state to effect.

9 Regenold v. Baby Fold, Inc., 369 NE 2d 858; 68 Ill 2d 419, appeal dismissed 98 S Ct 1598, 435 US
10 963, IL, (1977).

11 Parent's interest in custody of her children is a liberty interest which has received considerable
12 constitutional protection; a parent who is deprived of custody of his or her child, even though
13 temporarily, suffers thereby grievous loss and such loss deserves extensive due process protection.

14 In the Interest of Cooper, 621 P 2d 437; 5 Kansas App Div 2d 584, (1980).

15 The Due Process Clause of the Fourteenth Amendment requires that severance in the parent-child
16 relationship caused by the state occur only with rigorous protections for individual liberty interests at
17 stake. Bell v. City of Milwaukee, 746 F 2d 1205; US Ct App 7th Cir WI, (1984).

18 Father enjoys the right to associate with his children which is guaranteed by this amendment (First) as
19 incorporated in Amendment 14, or which is embodied in the concept of "liberty" as that word is used
20 in the Due Process Clause of the 14th Amendment and Equal Protection Clause of the 14th
21 Amendment. Mabra v. Schmidt, 356 F Supp 620; DC, WI (1973).

22 "Separated as our issue is from that of the future interests of the children, we have before us the
23 elemental question whether a court of a state, where a mother is neither domiciled, resident nor
24 present, may cut off her immediate right to the care, custody, management and companionship of her
25 minor children without having jurisdiction over her in personam. Rights far more precious to appellant

1 than property rights will be cut off if she is to be bound by the Wisconsin award of custody.”

2 May v. Anderson, 345 US 528, 533; 73 S Ct 840, 843, (1952).

3 A parent’s right to care and companionship of his or her children are so fundamental, as to be
4 guaranteed protection under the First, Ninth, and Fourteenth Amendments of the United States
5 Constitution. In re: J.S. and C., 324 A 2d 90; supra 129 NJ Super, at 489.

6 The Court stressed, “the parent-child relationship is an important interest that undeniably warrants
7 deference and, absent a powerful countervailing interest, protection.” A parent’s interest in the
8 companionship, care, custody and management of his or her children rises to a constitutionally secured
9 right, given the centrality of family life as the focus for personal meaning and responsibility.

10 Stanley v. Illinois, 405 US 645, 651; 92 S Ct 1208, (1972).

11 Parent’s rights have been recognized as being “essential to the orderly pursuit of happiness by free
12 man.” Meyer v. Nebraska, 262 US 390; 43 S Ct 625, (1923).

13 The U.S. Supreme Court implied that “a (once) married father who is separated or divorced from a
14 mother and is no longer living with his child” could not constitutionally be treated differently from a
15 currently married father living with his child.

16 Quilloin v. Walcott, 98 S Ct 549; 434 US 246, 255^Q56, (1978).

17 The U.S. Court of Appeals for the 9th Circuit (California) held that the parent-child relationship is a
18 constitutionally protected liberty interest. (See; Declaration of Independence –life, liberty and the
19 pursuit of happiness and the 14th Amendment of the United States Constitution — No state can
20 deprive any person of life, liberty or property without due process of law nor deny any person the
21 equal protection of the laws.) Kelson v. Springfield, 767 F 2d 651; US Ct App 9th Cir, (1985).

22 The parent-child relationship is a liberty interest protected by the Due Process Clause of the 14th
23 Amendment. Bell v. City of Milwaukee, 746 f 2d 1205, 1242^Q45; US Ct App 7th Cir WI, (1985).

24 No bond is more precious and none should be more zealously protected by the law as the bond
25 between parent and child.” Carson v. Elrod, 411 F Supp 645, 649; DC E.D. VA (1976).

COMPLAINT (AMENDED)
[28 U.S.C. § 1331]

1 A parent's right to the preservation of his relationship with his child derives from the fact that the
2 parent's achievement of a rich and rewarding life is likely to depend significantly on his ability to
3 participate in the rearing of his children. A child's corresponding right to protection from interference
4 in the relationship derives from the psychic importance to him of being raised by a loving, responsible,
5 reliable adult. *Franz v. U.S.*, 707 F 2d 582, 595^Q599; US Ct App (1983).

6 A parent's right to the custody of his or her children is an element of "liberty" guaranteed by the 5th
7 Amendment and the 14th Amendment of the United States Constitution.

8 *Matter of Gentry*, 369 NW 2d 889, MI App Div (1983).

9 Reality of private biases and possible injury they might inflict were impermissible considerations
10 under the Equal Protection Clause of the 14th Amendment.

11 *Palmore v. Sidoti*, 104 S Ct 1879; 466 US 429.

12 Legislative classifications which distributes benefits and burdens on the basis of gender carry the
13 inherent risk of reinforcing stereotypes about the proper place of women and their need for special
14 protection; thus, even statutes purportedly designed to compensate for and ameliorate the effects of
15 past discrimination against women must be carefully tailored. The state cannot be permitted to classify
16 on the basis of sex. *Orr v. Orr*, 99 S Ct 1102; 440 US 268, (1979).

17 The United States Supreme Court held that the "old notion" that "generally it is the man's primary
18 responsibility to provide a home and its essentials" can no longer justify a statute that discriminates on
19 the basis of gender. No longer is the female destined solely for the home and the rearing of the family,
20 and only the male for the marketplace and the world of ideas.

21 *Stanton v. Stanton*, 421 US 7, 10; 95 S Ct 1373, 1376, (1975).

22 Judges must maintain a high standard of judicial performance with particular emphasis upon
23 conducting litigation with scrupulous fairness and impartiality.

24 28 USCA § 2411; *Pfizer v. Lord*, 456 F.2d 532; cert denied 92 S Ct 2411; US Ct App MN, (1972).

25 State Judges, as well as federal, have the responsibility to respect and protect persons from violations

1 of federal constitutional rights. *Gross v. State of Illinois*, 312 F 2d 257; (1963).

2 The Constitution also protects “the individual interest in avoiding disclosure of personal matters.”
3 Federal Courts (and State Courts), under *Griswold* can protect, under the “life, liberty and pursuit of
4 happiness” phrase of the Declaration of Independence, the right of a man to enjoy the mutual care,
5 company, love and affection of his children, and this cannot be taken away from him without due
6 process of law. There is a family right to privacy which the state cannot invade or it becomes
7 actionable for civil rights damages. *Griswold v. Connecticut*, 381 US 479, (1965).

8 The right of a parent not to be deprived of parental rights without a showing of fitness, abandonment
9 or substantial neglect is so fundamental and basic as to rank among the rights contained in this
10 Amendment (Ninth) and Utah’s Constitution, Article 1 § 1. *In re U.P.*, 648 P 2d 1364; Utah, (1982).

11 The rights of parents to parent-child relationships are recognized and upheld.

12 *Fantony v. Fantony*, 122 A 2d 593, (1956); *Brennan v. Brennan*, 454 A 2d 901, (1982).

13 State’s power to legislate, adjudicate and administer all aspects of family law, including
14 determinations of custodial; and visitation rights, is subject to scrutiny by federal judiciary within
15 reach of due process and/or equal protection clauses of 14th Amendment...Fourteenth Amendment
16 applied to states through specific rights contained in the first eight amendments of the Constitution
17 which declares fundamental personal rights...Fourteenth Amendment encompasses and applied to
18 states those preexisting fundamental rights recognized by the Ninth Amendment. The Ninth
19 Amendment acknowledged the prior existence of fundamental rights with it: “The enumeration in the
20 Constitution, of certain rights, shall not be construed to deny or disparage others retained by the
21 people.” The United States Supreme Court, in a long line of decisions, has recognized that matters
22 involving marriage, procreation, and the parent-child relationship are among those fundamental
23 “liberty” interests protected by the Constitution. Thus, the decision in *Roe v. Wade*, 410 US 113; 93 S
24 Ct 705; 35 L Ed 2d 147, (1973), was recently described by the Supreme Court as founded on the
25 “Constitutional underpinning of ... a recognition that the “liberty” protected by the Due Process

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1 Clause of the 14th Amendment includes not only the freedoms explicitly mentioned in the Bill of
2 Rights, but also a freedom of personal choice in certain matters of marriage and family life.” The non-
3 custodial divorced parent has no way to implement the constitutionally protected right to maintain a
4 parental relationship with his child except through visitation. To acknowledge the protected status of
5 the relationship as the majority does, and yet deny protection under Title 42 USC § 1983, to visitation,
6 which is the exclusive means of effecting that right, is to negate the right completely.

7 *Wise v. Bravo*, 666 F.2d 1328, (1981).

8 FROM THE COLORADO SUPREME COURT, 1910

9 In controversies affecting the custody of an infant, the interest and welfare of the child is the primary
10 and controlling question by which the court must be guided. This rule is based upon the theory that
11 the state must perpetuate itself, and good citizenship is essential to that end. Though nature gives to
12 parents the right to the custody of their own children, and such right is scarcely less sacred than the
13 right to life and liberty, and is manifested in all animal life, yet among mankind the necessity for
14 government has forced the recognition of the rule that the perpetuity of the state is the first
15 consideration, and parental authority itself is subordinate to this supreme power. It is recognized
16 that: ‘The moment a child is born it owes allegiance to the government of the country of its birth, and
17 is entitled to the protection of that government. And such government is obligated by its duty of
18 protection, to consult the welfare, comfort and interest of such child in regulating its custody during
19 the period of its minority.’ *Mercein v. People*, 25 Wend. (N. Y.) 64, 103, 35 Am. Dec. 653;
20 *McKercher v. Green*, 13 Colo. App. 271, 58 Pac. 406. But as government should never interfere with
21 the natural rights of man, except only when it is essential for the good of society, the state recognizes,
22 and enforces, the right which nature gives to parents [48 Colo. 466] to the custody of their own
23 children, and only supervenes with its sovereign power when the necessities of the case require it.
24 The experience of man has demonstrated that the best development of a young life is within the sacred
25 precincts of a home, the members of which are bound together by ties entwined through

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1 'bone of their bone and flesh of their flesh'; that it is in such homes and under such influences that the
2 sweetest, purest, noblest, and most attractive qualities of human nature, so essential to good
3 citizenship, are best nurtured and grow to wholesome fruition; that, when a state is based and built
4 upon such homes, it is strong in patriotism, courage, and all the elements of the best
5 civilization. Accordingly these recurring facts in the experience of man resulted in a presumption
6 establishing prima facie that parents are in every way qualified to have the care, custody, and control
7 of their own offspring, and that their welfare and interests are best subserved under such
8 control. Thus, by natural law, by common law, and, likewise, the statutes of this state, the natural
9 parents are entitled to the custody of their minor children, except when they are unsuitable persons to
10 be entrusted with their care, control, and education, or when some exceptional circumstances appear
11 which render such custody inimicable to the best interests of the child. While the right of a parent to
12 the custody of its infant child is therefore, in a sense, contingent, the right can never be lost or taken
13 away so long as the parent properly nurtures, maintains, and cares for the child.

14 Wilson v. Mitchell, 111 P. 21, 25-26, 48 Colo. 454 (Colo. 1910)

15 **B. CHILD SUPPORT**

16 The current law regarding child support is in direct violation of the United States Constitution (Article
17 I, Sections 9 and 10) that prohibits bills of attainder or *ex post facto laws*. The law currently classifies
18 divorcing parents as custodian (oblige) and non-custodian (obligor), denies the non-custodial parent
19 equal due process by trial, then "punishes" the non-custodial parent with child support. Punishment
20 has the forms of wage withholding, liens on property; offset of unemployment compensation
21 payments; seizure and sale of personal or real property; reporting arrearages to credit agencies to
22 prevent the undeserved extension of credit; seizure of State and Federal income tax refunds;
23 revocation of various types of licenses (driver's, business, occupational, recreational), attachment of
24 lottery winnings and insurance settlements of debtors parents; requirement that recipients of financial
25 assistance from the Small Business Administration, including direct loans and loan guarantees, must

1 certify that the recipient is not more than 60 days delinquent in the payment of child support, authority
2 to seize assets held by public or private retirement funds and financial institutions; deprivation of a
3 debtor to a fresh start to discharge a debt completely, pay a percentage of the debt, or pay the full
4 amount of the debt over a longer period of time because debts for child support and alimony are not
5 dischargeable, and State or Federal imprisonment, fines or both.

6 The Supreme Court has explained that a bill of attainder is a law that legislatively determines guilt and
7 inflicts punishment upon an identifiable individual or group of individuals without provision of the
8 protections of a judicial trial. *United States v. Brown*, 381 U.S. 437, 448-50 (1965)

9 There are 3 requirements for a bill of attainder (1) specification of the affected person or persons; (2)
10 punishment; and (3) lack of conviction by trial. The Bill of Attainder Clause is to be liberally
11 construed in the light of its purpose to prevent legislative punishment of designated persons or groups.
12 *United States v. Brown*, 381 U.S. 437 (1965)

13 "The Due Process Clause" is a restraint on the legislative as well as on the executive and judicial
14 powers of the government, and cannot be so construed as to leave congress free to make any process
15 "due process of law," by its mere will.

16 *Rafeedie v. INS*, 880 F. 2d 506 - Court of Appeals, Dist. of Columbia Circuit 1989,

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COMPLAINT (AMENDED)
[28 U.S.C. § 1331]

VI. CONCLUSION AND RELIEF

The Social Security Act was enacted into law in good faith. However after 83 years of its implementation, it should be reformed to conform with the changing time and to the current needs of the American people.

The United States of America shall:

- uphold the United States Constitution, Articles, and Amendments,
- reform the United States Code – Title 42 – Chapter 7 [42 U.S.C. §§ 301 to 1397mm] to be in compliance with the United States Constitution, Articles, and Amendments by 12/31/2019,
- immediately halt the issuance of all Bills of Attainder,
- immediately halt child support enforcement nationwide, and
- release all detainees who are imprisoned for failing to pay child support.


Every State shall:

- uphold the United States Constitution, Articles, and Amendments,
- reform its statutes in compliance with the United States Constitution, Articles, and Amendments by 12/31/2019,
- allow for *equal* due process in its courts,
- prosecute for perjury to the maximum allowed by law,
- reform its family courts,
- allow 50/50 *legal* shared custody of children,
- not interfere with the *physical* custody of children if there is no limitation on their parents,
- defer *physical* custody decision to dispute resolution in the absence of limitations,
- immediately halt the issuance of all Bills of Attainder,
- immediately halt child support enforcement, and
- release all detainees who are imprisoned for failing to pay child support.

Let's "MAKE AMERICA GREAT AGAIN" – President Regan (1980), President Trump (2016)

1 Done in open Court this 18th day of September 2018.

2 Presented By: Amar Safadi, qui tam

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5 Signature

U.S. District Judge / U.S. Magistrate Judge

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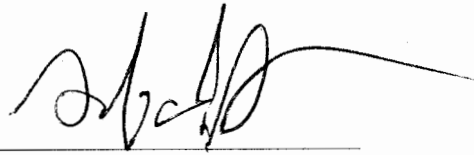
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was manually filed with the United States District Court, Western District of Washington – Seattle Division. I certify that service will be accomplished upon:

- The President of the United States of America
- The United States Congress
- The United States Supreme Court
- The United States Department of Justice
- The Attorney Generals of the United States

Dated: September 18th, 2018



Amar Safadi

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