California Coalition for Families and Children
4891 Pacific Hwy., Ste. 102
San Diego, CA 92110
Cole.Stuart@Lexevia.com
D: 858.504.0171

July 24, 2013

Mayor Bob Filner/Director
San Diego Family Justice Center
1122 Broadway, Suite 200
San Diego, CA 92101

Ms. Gael Strack, Chief Executive Officer
Family Justice Center Alliance
707 Broadway Ste. 700
San Diego, CA 92101

Regarding: Notice and Demand per 42 U.S.C. §§ 1986, 1985; California Coalition for Families and Children

Dear Mr. Filner:

This correspondence will provide Notice of and Demand to cease and desist from ongoing illegal activity within your "power to prevent or aid in preventing" pursuant to Title 42, United States Code, Chapter 21, subchapter 1, section 1986 ("42 U.S.C. § 1986") which provides in pertinent part:

> Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented

Please direct all future correspondence in this matter to my attention.

You have received this correspondence because you have oversight responsibility for others who are violating civil rights as describe herein. Your failure to exercise your power to prevent or aid in preventing the violations identified herein subjects you to civil and criminal liability for your acts and the acts of others as discussed more fully below.

Exhibit A details the accused agency entities, actions, and citations to relevant authority. Exhibit B consists of excerpts from documents produced by the accused entities which evidence the violations accused. Table B.1 contains relevant supplemental materials. Exhibits C-I are detailed publications by the accused entities corroborating the allegations herein. Exhibits J and K are recitations and discussion of relevant authority cited herein.

NOTICE AND SUMMARY OF OFFENSES

The illegal activities accused herein center on the invidiously discriminatory provision of social services, legal advice and representation, obstruction of justice, illegal malingering between public and private entities, and fraudulent fundraising by the San Diego Family Justice Center, the Family Justice Center Alliance and their affiliates, partners, agents, and collaborators (the "Alliance"). A summary of these allegations follows.

I. Provision of Social Services in Violation of Equal Protection of the Laws: The entities identified in Exhibit A, including social workers, prosecutors, courts, and court staff, intentionally provide separate and unequal social and legal services to females while withholding equal services for males in violation of state and federal rights to Equal Protection of the Laws.

A. De Facto Discrimination: The services the Alliance claims to provide through Family Justice Centers and its partners include:

- Food subsidies, food stamp assistance, discount food shopping services;
- Short-term, transition, and long-term housing and housing placement assistance;
- Clothing and clothing subsidies;
- Free cell phones and service;
- Free internet access;
- Transportation assistance and subsidies;
- Free medical and dental care;
- Immigration assistance, language and communication skills training;
- Special access to general government agencies such as police, district attorney, and courts;
- Civil legal representation for family law, financial services (bankruptcy, credit repair);
- Psychological and spiritual counseling;
- Support groups and life coaching
- Child and adult camping/mentoring programs ;
- Pregnancy counseling and family planning;
- Short and long-term financial aid;
- Public benefits assistance
- Debt collection/credit repair legal representation and assistance;
- Bankruptcy counseling, financial advice and "coaching;"
- Free tax preparation, banking, and saving services;
- Money management and budgeting education;
- GED programs and vocational training;
- College application assistance;
- Scholarships and tuition subsidies;
- Resume preparation; interview coaching and career "inspirational" programs;

- Job search services, "action planning;
- Full time child care;
- Referrals to accountants, civil attorneys, and a network or legal professional services;
- Employment, social security, disability insurance services and benefit assistance;
- Home ownership/loan programs, financial assistance;
- "Asset development" and "financial justice advocacy";
- A future "campus approach": on-site housing, education, financial aid, and support; and
- "Vehicles for community capacity building."

(See Exhibit B pp. 1-11, 22-33, 55-82, 89-162)

Based on policies established and enforced by the Alliance, males, including fathers, victims of domestic violence, and single men, are excluded from receipt of such services at all Family Justice Centers throughout the nation. To the extent that the Family Justice Centers provide any services to males, they are formally and informally "screened" through a diversion process to inferior or even harmful "services" such as homeless shelters, "batterer's" programs which become the first step in criminal prosecution, extended waiting lists for short term male "transition" shelters, or simply denied services altogether. Ex. B pp. 34-46. Females undergo no such diversion in the "screening" process, but are permitted exclusive access to separate facilities, services, "victim" counseling, and aid by the Alliance's all-female counseling staff. Ex. B pp. 20-55.

As all services provided by the Family Justice Centers and the Alliance are appropriate for both males and females, and no rational basis for providing separate and unequal services most exists, these actions constitute de facto illegal discrimination under the laws cited herein. See Exhibits A, B.

B. Invidious Discriminatory Intent: The entities identified in Exhibit A will not dispute that they provide separate and unequal services to males and females. These entities justify such their discriminatory practices by reference to an overtly sexist and fraudulent ideology described in Exhibit A and evidenced in Exhibit B. Ex. B, pp. 5, 21, 163-190, 194-209, 309-312; Table B.1 pp. 3-32. As these entities recognize that their provision of social services is discriminatory, and as the ideological justifications for such discrimination fail to satisfy any relevant test for permissible unequal distribution of rights, privileges, and immunities, the practices identified herein are in violation of 18 U.S.C. section 1985. Your failure or refusal to "prevent or aid in preventing" the same is a violation of Title 42 section 1986. See *Authority* section herein and Exhibit K, hereinafter collectively referred to as the Civil Rights Criminal and Civil Statutes ("CRCCS").

II. Denial of Social Services in Violation of Due Process: The San Diego Family Justice Center ("Center") operates as a "screen" or gatekeeping process for victims of domestic violence in front of government agencies providing public and private social

services. Because the public services work closely with the Alliance, the Alliance's screen effectively converts what would otherwise be generally available social welfare services into a members-only club for those approved by the Alliance. In operating its screening process, the Alliance excludes applicants for whom the services are appropriate based upon irrational, prejudicial, and discriminatory criteria such as applicant ideology, gender identity, domestic relationship status, nepotism, and social status. Persons who do not fit the Alliance's personal and ideological profile are irrationally and maliciously diverted to harmful criminal justice system "services," or denied services altogether. Exs. A, B pp.34-53, Table B.1.

The San Diego Family Justice Center inserts itself or its agents as the de facto gatekeeper for eligibility determinations for a vast array of otherwise general social services. In so doing it has illegally usurped the role appropriately reserved for public agencies and in so doing deprived citizens of Due Process. Exs. A, B Sec. II, pp. 309-312, Table B.1, pp. 3-12.

III. Solicitation and Enforcement of Abuse of Process: Entities identified in Exhibit A play a central role in coordinating solicitation for and enforcement of unconstitutional injunctive orders in state family and criminal courts. This process initiates with legal opinions, and advice denominated "technical assistance" by lawyers with the Alliance and other national public and private nonprofit organizations. Their legal analysis is reduced to policies and ultimately formwork handed off to Alliance attorneys, prosecutors, and social workers not professionally trained in law. These practices are illegal, abusive, and inflict highly disruptive, unnecessary, and harmful deprivations of fundamental civil rights on all interested parties. Exs. A, B, pp. 22-33; Table B.1.

For example, California Judicial Council Form CR-160 imposes deprivations freedom of speech, freedom of association, familial relations, freedom from warrantless/unreasonable search and seizure, rights to keep and bear arms, confront adverse witnesses, effective assistance of counsel at liberty deprivation hearings, access to courts, and a variety of relevant rights to procedural and substantive due process base upon only a showing of "good cause" at an ex parte proceeding. See Ex. B Sec. III, pp, 1-17, 219-220, Table B.1.

Further, these illegal injunctive remedies are sought and imposed exclusively against persons within a protected class of persons defined under California Penal Code section 13700 (the "13700 Class"), and almost exclusively against males. As the illegal orders are intended to deprive two protected classes of Equal Protection of the Laws, their acquisition, grant, use, and enforcement constitute violations of 18 U.S.C. sections 241, 242, 1581, 1589, 1590, 1592, 1594, and 1951 and 42 U.S.C. sections 1983 and 1985(3). Ex. A, Table B.1.

As the parties identified in Exhibit A act individually and in coordination to obtain such illegal relief, such activities and your failure to prevent or aid in preventing the same constitute violations of the CRCCS. See Ex.s A, B Sec's. I, III, Table B.1.

IV. Obstruction of Justice: The entities identified in Exhibit A have established a network of social workers, prosecutors, and law enforcement directed to perform acts which amount to conspiracy to deprive citizens of civil rights and to obstruct justice. These entities commit witness and evidence tampering, abuse of process, spoliation, subornation of perjury, manipulation of police and criminal investigators, victim/witness intimidation and retaliation, and "victimless prosecution." Ex. B pp.221-323, 326-369, 393-395. Their manipulation of confidentiality laws, and judicial process facilitates and encourages illegal conduct, insults innocent crime victims, their families, the criminal justice system, and the accused alike. Table B.1.

Public and private social workers and prosecutors are instructed to perform "advocacy" for "clients" in and out of criminal and civil court without adequate standing, training, authorization, license, right, or agency relationships. Ex. B.1, pp. 22-32, 99-162, 360-369. These social workers improperly insert themselves into criminal investigations to direct first responders, investigators, and offer themselves as interloping after-the-fact "witnesses," "experts," and "victim advocates" or "coaches" during police investigation and courtroom proceedings to inject false, misleading, and invidiously discriminatory ideology into the criminal justice process. Table B.1, Ex. B, pp. 221-298, 313, 317.

Such activities and your failure to prevent or aid in preventing the same constitute violations of the CRCCS individually and in conspiracy/enterprise, specifically including 18 U.S.C. sections 241, 242, 1503, 1505, and 1512, 1592 and 42 U.S.C. sections 1983, 1985(2) and (3). Ex. K.

V. Unchartered Malingering Between Private and Public Entities: Under the umbrella of the Alliance, the entities identified in Exhibit A are performing activities beyond their charters and articles of incorporation or statutory authorization based thereon. For example, the Alliance and its Family Justice Centers insert themselves as "leadership" providing "accountability" to public law enforcement, prosecutors, and courts; provide false and misleading educational and training materials and services to a wide variety of public and private social agencies and services; purport to offer "court watch" services to "hold accountable" civil domestic relations and criminal justice courts and agencies for failure to adhere to prejudicial and otherwise ideology-infused "best practices." The programs—administered as "awareness campaigns"—consist largely of invidiously discriminatory misrepresentations as to crime statistics, economics, sociology, government, psychology, and law. See Exhibits A, B, Secs. I, V, pp. 309-312, 370-396.

Similarly, public entities, including police, courts, court staff, and prosecutors are involved in intimate "wrap-around" relationships with private Family Justice Center entities which well-exceed their statutory charters, effectively utilizing private entities as (unauthorized) agents of the private entities. Such abdication of public authority to private enterprise is unauthorized and therefore illegal. Ex. B, pp. 221-312, 393-395.

The Alliance also offers extensive public legal representation and services for civil matters including divorce, child custody, child and spousal support, child custody "advocacy" and related family and criminal law civil matters not authorized by statute, charter, or law. See Ex. B, sec. I, pp. 3-19, 22-33, 56-72, 94-162, 193. The intense intermingling of public and private functions (denominated by the Alliance as "co-location" or "wrap-around services") creates numerous de facto dual role and agency relationships which effectively abrogate separation of powers and therefore immunities attendant thereto. See Ex. B, Sec. V; cases cited in Ex. J.

As the described violations occur outside of any traditional recognition of governmental immunity to the CRCCS, the entities identified herein, as well as those empowered to influence them, are permitting non-immunized action in violation of law.

VI. Illegal Practice of Law:

For non-lawyer entities in California, many of the practices identified in the attached Exhibits—unauthorized, obstructive, dishonest or otherwise—constitute the illegal practice of law. Social workers practice law with no formal training, ethical fitness licensure, continuing education, oversight, or discipline. The entities identified in Exhibit A provide clients, other agencies, and one another with detailed and case-specific legal advice (denominated "technical assistance"), and individualized advocacy and representation. Ex. B, pp. 22-33, 94-159, 326-369. Such acts constitute the practice of law. See *People v. Landlords Professional Services, Inc.*, 178 Cal.App.3d 68 (1986); *People v. Sipper*, 61 Cal.App.Supp.844, 846 (1943); *In re Glad*, 98 B.R. 976, 977 (9th Cir.BAP 1989); *In re Anderson*, 79 B.R. 482, 484 (Bkrtcy.S.D.Cal.1987) (selection of forms, general advice about policies and procedures, assisting or advising others in "self help", and assisting others in determining strategies for legal proceedings is illegal practice of law). Equally troubling, to the extent these social workers are trained, they receive instruction exclusively through ideologically-engaged "awareness" programs. Ex. B, sec. VI, pp. 194-218. Further, the Alliance and its partner entities facilitate entities outside of the state of California to provide similar "technical assistance" services to entities inside of California without appropriate license or admission.

By copy of this letter we are alerting the State Bar of California of these allegations.

VII. Fraud on the United States and Private Financial Supporters:

The entities identified in Exhibit A obtain tens of millions of dollars in ongoing private and public funding for their illegal and discriminatory services by fraudulent means. Ex. B, pp. 1-19, 396-403, sec. VII,, Table B.1 pp. 33-38. Most alarming are the generation of and reliance on studies and statistics relied upon by certain of these entities in misrepresenting the frequency, nature, actors, and legality of "domestic violence". Ex. B. Sec. VII, pp. 221-235, 396-403, Table B.1. The funds fraudulently

obtained by the Alliance and its partners have further contaminated the public "wrap around" entities under Alliance influence or control. See Ex. B, sec. VII, pp. 221-323.

As applicants for and recipients of federal funding, the Alliance and its constituents are governed by state and federal laws, including 18 U.S.C. section 371, which prohibits "any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose." See AUTHORITY section below; Ex. K. Exhibits A, B, Table B.1 detail misrepresentations by the Alliance falsely describing the frequency, severity, morbidity, and character of domestic violence. The Alliance's reliance and promotion of these statistics constitute knowing and malicious falsehoods. Based upon such representations and the equivocations described herein, the Alliance has perpetrated fraud on the state and federal governments and private supporters. See Ex.s A, B, and Table B.1 pp. 33-38.

By copy of this letter we are alerting the United States Attorney for the Southern District of California, the Grand Jury for the Southern District of California, the Federal Bureau of Investigation, the Attorney General of the State of California, the District Attorney for the County of San Diego, Family Justice Center Alliance financial supporters, and the State Bar of California of these allegations, requesting investigation and, if warranted, prosecution of these allegations.

DISCUSSION

Your interaction with the Alliance entities identified in Exhibit A enables you to prevent or aid in preventing the illegal activities accused herein. The Civil Rights Criminal and Civil Statutes describe the parties potentially liable for civil rights deprivations. 42 U.S.C. section 1986 extends the scope of persons liable under the CRCCS beyond the entity violating section 1985 of the statutes to anyone who has the power to "prevent or aid in preventing" the violations. This broad category of entities who can "prevent or aid in preventing" includes not merely direct employee supervisors, but also executives, board members, policymakers, municipal entities containing offending departments, supporters, collaborators, and agents, and entities related by principles of agency and respondeat superior. Further, entities working in collaboration with offending parties may be liable as co-conspirators, co-operators of an illegal enterprise, as those terms are defined in the CRCCS, specifically including 18 U.S.C. sections 241, 371, 1596, 1983, 1985, 1962, 1964 and related predicate crimes identified in section1961 in conspiracy/attempt. Ex. K.

Further, to the extent that you directly or indirectly participate in deprivation of rights described herein, you and your agency may be independently or jointly liable for the actions of others. The state color of law actors and their co-conspirators identified in Exhibit A regularly commit violations of citizens' rights per the explicit direction, supervision, and guidance of the agencies for whom they are employed, as detailed in Exhibits B, C-I. You have received this Notice and Demand because you directly or

indirectly participate in, oversee, direct, supervise, prevent or aid in preventing such illegal activity.

Authority

We provide the following recitation of the key provisions of relevant law. A complete recitation is provided at Exhibit K.

42 U.S.C. section 1986 provides:

> Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.

As referenced above, 42 U.S.C. section 1985 (2) and (3) provide:

> (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 in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such 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 citizen the 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;

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

The corollary to section 1985, 42 U.S.C. section 1983, similarly provides:

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 causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an 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 decree was violated or declaratory relief was unavailable. For the purposes 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.

18 U.S.C. sections 241, 242, and 371 respectively provide:

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Section 242:

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Section 371:

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

The First Amendment to the United States Constitution provides:

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 Fifth Amendment to the United States Constitution provides in pertinent part:

> No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The Fourteenth Amendment to the United States Constitution provides in pertinent part:

> No State shall make or enforce any law which shall abridge the privileges 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.

Complete text of additional statutes cited herein is available at Exhibit K.

Ongoing Invidious Discrimination

We have investigated the activities of the entities identified in Exhibit A and found numerous violations of relevant state and federal law including violations of equal protection, due process, obstruction of justice, illegal practice of law, fraud, and racketeering. To assist you in understanding these allegations, we provide the following explanation and encourage your independent analysis.

Under the CRCCS and law interpreting the Equal Protection Clause of the 14th Amendment, a public or private actor may not discriminate against classes of persons without legal justification. Discrimination is allowed, for example, between men and women in providing reproductive health services. The different anatomy of males and females necessitates that each have different needs, and as such, discrimination by gender is permitted because it is "substantially related" to a "legitimate state interest." *See, e.g., Wengler v. Druggists Mutual Ins. Co.*, 446 U.S. 142, 15 (1980).

However, where discrimination concerns fundamental rights such as due process, free speech, and free association, discrimination is permissible only if necessary and must be "narrowly tailored" to fit the necessity for discriminate treatment (the "strict scrutiny" test). Here, the rights affected by the activities of the entities in Exhibit A are fundamental—parental rights and rights of association and speech, due process, access to courts, rights to confront witnesses, and more. See,

Troxel v. Granville, 530 U.S. 57 (2000) and cases cited in Exhibit J. As such, all but *absolutely necessary* discrimination restricting fundamental rights is *illegal*.

Further, discrimination based on stereotypes, prejudices, or other pernicious justifications—called "invidious discrimination"—is illegal. *Griffin v. Breckenridge*, 403 U.S. 88, 102, 91 S.Ct. 1790, 1798, 29 L.Ed.2d 338 (1971). In California, no entity may discriminate against a person because she is a member of a group that has been identified by government as deserving of special protection—called a "suspect class." *Sever v. Alaska Pulp Corp.,* 978 F.2d 1529 (9thCir. 1992). A class is entitled to heightened "suspect class" protection provided it can show a "governmental determination that its members require and warrant special federal assistance in protecting their civil rights." *Schultz v. Sundberg*, 759 F.2d 714, 718 (9th Cir.1985); *Denney v. Drug Enforcement Admin.*, 508 F.Supp.2d 815 (E.D. Ca. 2007). Any discrimination against such a person or suspect class by any entity—public or private—is illegal. We provide further explanation of two types of illegal discrimination being inflicted below.

"Domestic Relations" Class Invidious Discrimination

With respect to the class-specific protective orders, arrest, prosecution, sentencing, and parole policies identified herein, such orders discriminate against the a "domestic relations" class. This class has been identified as a class entitled to special protection by the state of California in California Penal Code section 13700 and related law. The "13700 Class" includes:

> . . . an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

This 13700 Class is defined and treated as a special class entitled to heightened protection under California and federal law. *Griffin v. Breckenridge*, 403 U.S. 88 (1971); *Sever v. Alaska Pulp Corp.*, 978 F.2d 1529 (9th Cir.1992); *Schultz v. Sundberg*, 759 F.2d 714, 718 (9th Cir. 1985); *Denney v. Drug Enforcement Admin.*, 508 F.Supp.2d 815 (E.D. Ca. 2007). Like marital status, the 13700 Class is defined by a "relational" characteristic: persons in a current of former identified *relationship*, but also applies only to certain behavior of such person/s vis-a-vis *interaction* with others in the same Class. For example, a husband and wife are within the 13700 Class with respect to

one another, but not the rest of the world. Parents and children, boyfriend/girlfriend, brother/sister, etc. as well.[1]

The 13700 domestic relations Class is entitled to special protection because of a lengthy history of invidious discrimination against its members. The Alliance's foundational manifesto produced by its CEO Gail Strack and CFO Casey Gwinn, *Dream Big, A Simple, Complicate Idea to Stop Family Violence*, notes that the problem of family strife has been invisible to social support mechanisms dating to the days of Cain and Able. Gwinn, C., Srack, G, *Dream Big, A Simple, Complicate Idea to Stop Family Violence,* Wheatmark 2010, p. 21-24; Ex. B pp. 412-417. Our research concurs. Table B.1 pp. 1-32.

Dream Big notes that unlike society's increasingly enlightened embrace of other "social" ills, family conflict and the sometimes tragic consequences that result from its mismanagement more frequently arouse disdain rather than support. Discrimination against the 13700 Class is invidious social, economic, and legal discrimination similar to racial, ethnic, gender, or legitimacy. *See, e.g., Griffin v. Breckenridge,* supra; *Caban v. Mohammed*, 441 U.S. 380 (1979). In addition to the inevitable and debilitating economic, social, and psychological impact of divorce, children and parents within the 13700 Class are the historical targets of ridicule, prejudice, and scorn amounting to invidious discrimination. 13700 Class members are stamped with stereotypes as "broken family," "latch-key kids", "damaged goods," "gold diggers", "divorcees", "sugar daddies", "first wives", "wife beater", "histrionics", "single moms", "broken homers"—and the list goes on. See Ex. A, Table B.1.

Like any illness, domestic strife is treatable and as such the 13700 Class rightly deserves the "special protection" provided under California law. *Sever v. Alaska Pulp Corp.*, supra. California has adopted an extensive scheme of statutory privileges, programs, services, protections, set-asides, funding, and immunities, including 13700 Class-specific social services, law enforcement resources and social welfare programs with the honorable aim of addressing the "governmentally-determined" special needs of this Class. The mechanisms for "protecting" the 13700 Class have become ensconced in California Penal Code section 13700, and include Penal Code sections 136.1, 136.2, 646.91, etc., and Family Code sections 6250, 6320, 6380, etc., hereinafter referred to as the "Domestic Violence Intervention Legislative Scheme" ("DVILS").

Yet the Alliance, in its unique role in marshalling the DVILS extends not merely healing aid to families in crisis, but supports, houses, educates, trains, and commands police powers in aggressive enforcement of the DVILS—conveniently "co-located"

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[11] A scholarly analysis of the gender discrimination inflicted against the 13700 Class is described by Dr. Stephen Baskerville entitled *Taken Into Custody, The War Against Fathers, Marriage, and the Family* (available at ISBN-10: 1581825943, ISBN-13: 978-1581825947). We also enclose herewith a recently-filed Petition for Certiorari in the U.S. Supreme Court, Case No. 12-1438, *Tadros v. Lesh, et al.*, which identifies the 13700 Class and relevant state law defining its vulnerability to historic and ongoing invidious discrimination. Please consider the Petition for Certiorari and Dr. Baskerville's publication as matter incorporated to this Notice by reference as if set forth in full.

under the same roof and management as the Family Justice Centers (See Ex. B, pp. 3-19). The Alliance deploys these state police powers to reflexively respond to allegations of misdemeanors with "pre-crime arrests," victimless prosecutions, novel "predominant aggressor" investigation and prosecution ideologies, specialized "DV investigation" forms, subsidized "community conversant" "victim-advocates" and "expert witnesses," "therapy for batterers" which becomes the unwise and discriminatory first step in the criminal justice process, and stiff penalties or threats of penalties which are abundantly capable of and often do dramatically and irretrievably impact the entire family's lives.

With that delicate intervention the police and criminal justice system are known for, under the DVILS, the crisis-stricken family receives little aid, but is instead unwittingly cast as players in an Alliance-orchestrated crime drama pitting the family as "victims," "perpetrators," and "witnesses" against one another. Now awash in the state-declared "epidemic of domestic violence," the family is effectively cordoned to a state of marshal law—stripped of virtually every ordinary right to criminal due process. Rights universally available to witnesses or suspects of any other crime—even far more serious ones—are disposed of in favor of special rules to force special prosecution even when the special victim feels it not in her best interest to do so. Ex. B, pp. 219-220, 236-238, 243-301.

Hence, rather than extend additional healing services to the entire 13700 Class, the DVILS in the hands of the Alliance and its partners offer a heady in-house trained and supported criminal justice arsenal of aggressive and illegal pro-arrest policies, interrogation techniques, victimless prosecution, and more "assistance." Perhaps therein lies a response the domestic violence misdemeanor prosecutor's often-expressed scoffing at their own clients whom, they begrudge, are "so ungrateful." Ex. B, pp. 309-325, 221-308, Table B.1, pp. 39-50.

The actions described in the enclosed exhibits regularly deprive the targets thereof—namely the 13700 Class and particularly males therein—of Due Process and Equal Protection of the Laws and as such are illegal. Though the deprivations are putatively undertaken to "protect" the 13700 domestic relations class, they in fact represent an "imposed disability" on the entire Class, imposing constitutional deprivations at even the ideological appearance of domestic impropriety. See *U.S. v. Windsor*, No. 12-307 (U.S. June 26, 2013). As the 13700 Class is entitled to heightened protection under California law, and the Alliance and its partners' interpretation and enforcement of the DVILS deprive the entire 13700 Class of Due Process and Equal Protection, and illegally impose, facilitate, and enforce peonage on some, the DVILS and the protective orders based thereon are a violation of the CRCCS.

Invidious Feminist Discrimination

Exhibit A, B, sections IV and V also demonstrate what we perceive to be the shocking extent to which an invidiously feminist ideology has been and continues to be perpetrated by the Alliance with its partners, clients, victims, investors, and our

civil and criminal justice institutions. Exhibit B, sec. VII and Table B.1 detail how the Alliance perpetuates feminist UFV/UMP stereotypes and prejudice to fraudulently obtain federal funding, and you are likely aware of the Alliance's efforts to obtain private donations based upon the same fraudulent ideology. As the anti-male bias exhibited by the Alliance is irrational, prejudicial, malicious, and invidious, it is illegal, as is your tolerance, support, or participation with it.

Exhibits A and B exhibit the invidiously discriminatory feminist ideology adopted and promulgated by the Family Justice Center Alliance, including "UFV/UMP" ideology, fraudulent science and statistics, and fraudulent misrepresentations concerning Alliance practice and services. Exhibits B, section I and Table B.1 reveal the invidiously discriminatory practices permeating the Alliance and its partners, including its self-proclaimed devout feminist leadership, all female staff, adoption of "rape/incest" survivor perspectives on all male/female relationships, prejudicial pre-criminal justice system "screening" processes, and irrational and discriminatory provision of social services. Ex. A, B, pp. 5, 20-55, 137-141, 163-218, 227-230, 402, 406, 411, 417, Table B.1. In combination these attitudes and behaviors impose a "WE RESERVE THE RIGHT TO REFUSE SERVICE TO ANYONE" sign—as arrogant, discriminatory, and illegal today as it was in the 1960s era post-integration South.

The Alliance's feminist ideology interprets all social phenomena through a "gender" lens which invariably attribute social ills to men, and women's role as "survivors" of male oppression (Ex. B, pp. 167-172) in a "power and control" struggle overcome male oppressors. Ex. B. 165-192. Under these assumptions, all social ills are in one way or another attributable to "paternalism" and interpersonal relational ills to "male dominance." See, e.g., Ex. B, pp. 190 attributing AIDS, teen pregnancy, STDs, all family violence, poverty, and most crime to "traditional masculinity." According to the Alliance's own literature, men have a secret agenda intent on "mass murder" "family annihilation" "societal breakdown" "rape and incest" intimidation, emotional abuse, isolation, using children, economic abuse, coercion and threats, and "a war on women." Ex. A, B. pp. 165-179. The Alliance's public relations demonstrate a shocking deafness to the shrill tones of fascist demagoguery which the free world evolved from midway through the last century. Perhaps their youth and relative lack of advanced learning limits their appreciation of the horrific history of their ideas. See detailed exhibits available in "Resources" section of Family Justice Alliance's website at http://www.familyjusticecenter.org/jdownloads.html (copies provided at Ex. C and portions excerpted in Ex. B).

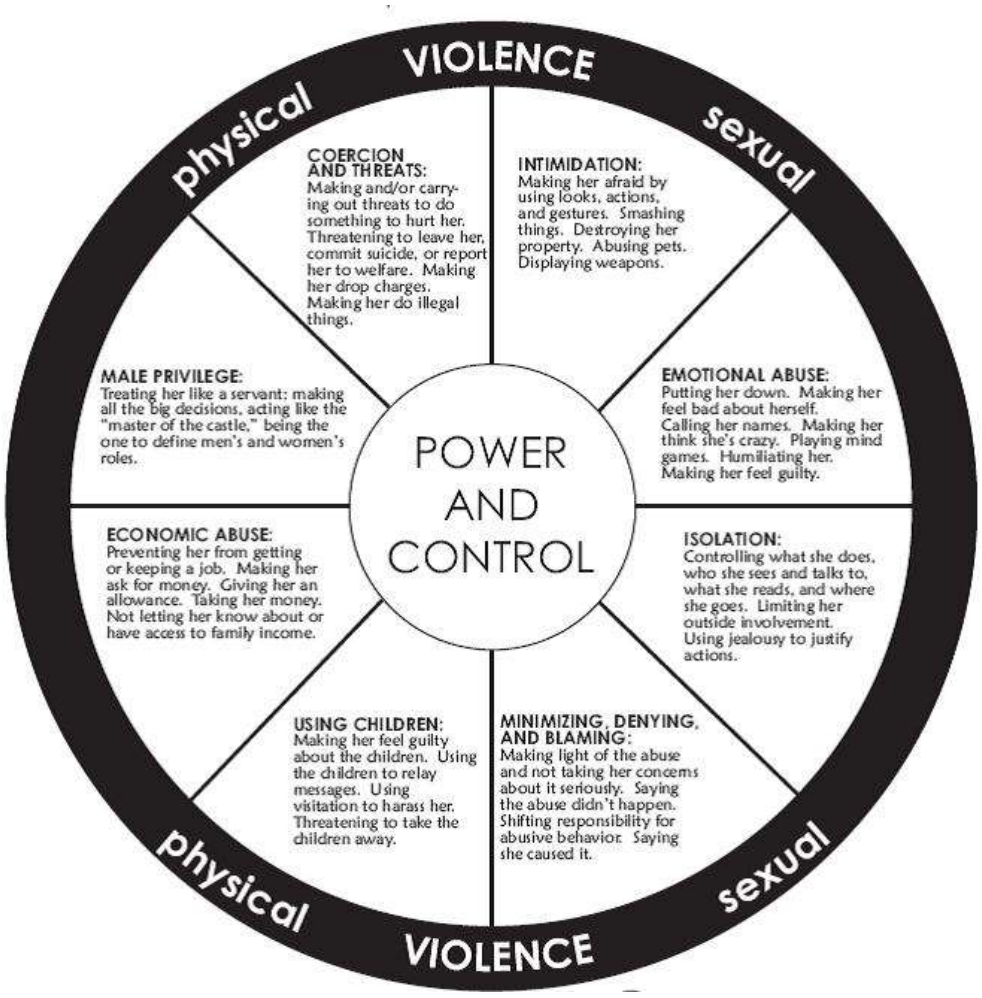
The Alliance literature is not, as we initially expected, affirmative women's-oriented self-help, but instead a surprisingly pro-state intrafamily intervention plan motivated not by traditional feminism, but by rape and incest survivor perspectives. Ex. A. Should you desire further evidence of the intensity of the Alliance's ideological intoxication, we invite your attention to the recorded statements of Mr. Gwinn in the webinars produced by the Alliance available at the Alliance's website at http://www.familyjusticecenter.org/jdownloads.html.

The Alliance's feminist "power and control" lens translates all interpersonal strife into "male oppression" terms. From the Alliance's own literature (Ex. B. p. 405-410):

Power And Control In Abusive Relationships

Physical and sexual assaults, or threats to commit them, are the most apparent forms of domestic violence and are usually the actions that allow others to become aware of the problem. However, regular use of other abusive behaviors by the accused, when reinforced by one or more acts of physical violence, make up a larger system of abuse. Although physical assaults may occur only once or occasionally, they instill threat of future violent attacks and allow the abuser to take control of the victim/survivor's life and circumstances.

The Power and Control diagram is a particularly helpful tool in understanding the overall pattern of abusive and violent behaviors, which are used by an accused to establish and maintain control over his or her partner. Very often, one or more violent incidents are accompanied by an array of these other types of abuse. They are less easily identified, yet firmly establish a pattern of intimidation and control in the relationship.



According to the Alliance, domestic strife is not the product of incompatible moments, all-too-ordinary economic stress, unhealthy jealousy, conflicting personalities, selfishness, psychological disorders or substance abuse (See "DV 101 - Information & Resources for Survivors and their Supporters – SDFJC" at http://www.familyjusticecenter.org/index.php/jdownloads/finish/56-domestic-violence-101/356-dv-101-information-a-resources-for-survivors-and-their-supporters-sdfjc.html, Ex. A, Table B.1) but instead by "male privilege, oppression, dominance, isolation, intimidation, coercion, and denial." See "Wheel" above, Table B.1, Ex. B, sec. VIII, p. 406. Facilitated by such explanations, an "epidemic" of "violence against women" arises not by analyzing police blotters, crime statistics, or neighborhood feedback, but by editing dictionary entries for "abuse" "violence" "community" "batter" and "self-defense" and "perpetrator." Exs. A, B., pp. 174-179, Table B.1.

Though it is funded by local, state, and federal taxes and donations from men and women, virtually none of whom are feminists of the type behind the Alliance, the Alliance neither offers nor suggests use of remedies such as pre-intervention religious and secular counseling, equal support groups, equal relationship or empowerment literature, financial assistance, substance abuse counseling, child care, or other social services which might be effective at ameliorating the underlying causes of domestic strife.

The Alliance prescribes as its *sole remedy* for domestic disharmony a coerced "intervention" of the family's perceived "power and control imbalance." Upon initial "screening" if it is perceived that the relationship is "out of balance," the diagnosis is complete, and intervention mechanisms for a state-sponsored extraction of children, property, and liberties are put into motion. Relationship terminated, lives altered, and salaries paid; but for the welfare state fallout care, government's work is done. Table B.1 pp. 1-17.

The Alliance also promotes its ideology onto police and courts despite a near absence of relevant experience. No Family Justice Center employee has any observable experience as a law enforcement officer, judge, or court employee. Indeed only a few have law degrees, and of those only Ms. Strack and Mr. Gwinn cite service prosecuting misdemeanors for the San Diego City Attorney's Office as first jobs out of law school. Ex. B pp. 20-33. Yet the Alliance creates, distributes, promotes, and enforces detailed "policies and procedures" onto law enforcement and courts nationwide. These extensive policies describe and encourage "pre-crime intervention" arrests, victimless prosecutions, "therapeutic jurisprudence," and novel sentencing and post-sentencing "education" for misdemeanor crimes. Ex. B pp. 309-325, 370-395, et seq. The policies and procedures imposed irrefutably identify the sole perpetrator of such crimes and near-crimes as males. Ex. A, B pp. 221-325, 370-386, 389-392.

Nor are families consulted in creation of these aggressive intervention policies. These policies are instead forced on a family by emergency first responders to any disturbance involving members of the 13700 Class as "new policy." Officers are trained to "sense" a "domestic violence situation" and required to observe unique "DV

Investigation policies," contact a "DV counselor" to guide law enforcement in her investigation, to "build a case" for prosecution in case the family is unwilling to cooperate with prosecution of a family member for a "pre-crime" misdemeanor. Ex. A, B, pp. 208-209, 236-298. These "pro-arrest" policies require extensive training because they are a radical departure from standard police investigation and criminal prosecution. Ex. B pp. 236-238, 243-308. They utilize "DV specific" police reports, questioning techniques, and perspectives. Ex. B 221-242. The universal target of this invidious feminist discrimination—heterosexual men. Ex. B.

In sum, far from being the "fence at the top of the pit", the Alliance's support and enforcement of newly aggressive DVILS prosecution of "pre-crime" legal acts is more akin to *moving* the pit *into* the family living—thereby placing all members of the family at jeopardy at the whim of any, or the state on its own accord. Ex. A, Table B.1. Even if an accurate diagnosis of a single cause of all conflict in human intimate relations were conceivable, any solution invoking force or threat of force to remedy it betrays the wisdom of our own mothers that "violence begets violence." Table B.1. For those men and women truly empowered of equal liberties, others who categorically promote aggressive police state intervention into intimate relationships, pre-crime arrest, victimless prosecution, and predominant aggressor ideologies as honest, fair, safe, and effective methods to address family strife have been and *by Grace of God* will continue to be checked in their empowerment by those with equally or more benevolent ideals of justice and community prosperity. Ex. B, Table B.1, pp. 3-10, 20-32, 39-54.

Immunity

Because the activities identified herein implicate governmental functions which may fall under special rules relating to governmental immunities, to assist you in understanding your potential liability for the "monstrous" deprivations identified herein, we provide the following observations.

Judicial Immunity

Our analysis indicates that *none* of the "services" accused in Exhibit A fall within the traditional "prosecutorial" or "judicial" immunities for state color of law actors. The acts accused are either (1) unauthorized by charter or constitution, (2) not judicial acts, or (3) not "intimately associated" with the *criminal* judicial process. *Imbler v. Patchman*, 424 U.S. 409 (1976); *Atkinson-Baker & Assoc. v. Kolts,* 7 F.3d 1452 at 1454 (9th Cir. 1993); *Achterhof v. Selvaggio*, 886 F.2d 826, 830 (6th Cir. 1989); *Hoffman v. Harris*, No. 92-6161, 1993 WL 369140, at **2 (6th Cir. Sept. 21, 1993), *cert. denied*, 511 U.S. 1060.[2] The chart at Exhibit J details additional cases and analysis.

[2] "The courts that have accorded absolute immunity to social workers appear to have overlooked the necessary historical inquiry; none has seriously considered whether social workers enjoyed absolute immunity for their official duties in 1871. If they did not, absolute

You are also likely aware that even "absolute judicial immunity" does not extend to federal criminal prosecution[3] or prospective relief.[4]

Qualified Immunity

To the extent that any immunity could apply to you, your agency, or those over whom you have the ability to aid in preventing violations of law, we suggest that the acts described in the enclosed exhibits are merely "ministerial," or purely private. For such acts to which a qualified immunity analysis is relevant, you may be aware that immunity applies only for acts which do not violate "clearly established constitutional rights." *Harlow v. Fitzgerald*, 457 U.S. 800 (1982). You may also be aware of the significant body of authority prohibiting deprivations of fundamental rights which are identified herein. For example, Exhibit B includes California Judicial Council Form CR-160, which imposes numerous deprivations of rights, including the freedom of speech, association, familial relations, and other rights.

As such acts violate "clearly established"—indeed "fundamental—constitutional rights, they may not be abridged by your organization or those your organization may

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immunity is unavailable to social workers under §1983. This all assumes, of course, that "social workers" (at least as we now understand the term) even existed in 1871. If that assumption is false, the argument for granting absolute immunity becomes (at least) more difficult to maintain. cf. *Antoine* v. *Byers & Anderson, Inc.*, 508 U. S. ___ [sic] (1993) (denying court reporter absolute immunity in large part because official court reporters did not begin appearing in state courts until the late 19th century." (Justices Thomas, Scalia, writing specially) (internal citations omitted).

[3] "We emphasize that the immunity of prosecutors from liability in suits under 1983 does not leave the public powerless to deter misconduct or to punish that which occurs. This Court has never suggested that the policy considerations which compel civil immunity for certain governmental officials also place them beyond the reach of the criminal law. Even judges, cloaked with absolute civil immunity for centuries, could be punished criminally for willful deprivations of constitutional rights on the strength of 18 U.S.C. section 242. . . . The criminal analog of 1983. *O'Shea v. Littleton*, 414 U.S. 488, 503 (1974); *cf. Gravel v. United States*, 408 U.S. 606, 627 (1972). The prosecutor would fare no better for his willful acts. Moreover, a prosecutor stands perhaps unique, among officials whose acts could deprive persons of constitutional rights, in his amenability to professional discipline by an association of his peers. These checks undermine the argument that the imposition of civil liability is the only way to insure that prosecutors are mindful of the constitutional rights of persons accused of crime." *Imbler v. Pachtman*, 424 U.S. 409, 428-29 (1976).

[4] "The section's purpose was to provide redress for the deprivation of civil rights. It was recognized that certain members of the judiciary were instruments of oppression, and were partially responsible for the wrongs to be remedied. The parade of cases coming to this Court shows that a similar condition now obtains in some of the States. Some state courts have been instruments of suppression of civil rights. The methods may have changed; the means may have become more subtle; but the wrong to be remedied still exists." *Pierson v. Ray* , 386 U.S. 547 (1967); *Pulliam v. Allen*, 466 U.S. 522 (1984).

influence. For your convenience we enclose a citation list and summary analysis relating these immunities to the accused activities at Exhibit J.

Immune Yet "Monstrous"

Further, whatever your entity's amenability to suit for acts in violation of the CRCCS, the moral and professional responsibility implications and understandable public indignation at and contempt for violations by color of law actors have been described thusly:

> It does indeed go without saying that an official, who is in fact guilty of using his powers to vent his spleen upon others, or for any other personal motive not connected with the public good, should not escape liability for the injuries he may so cause; and, if it were possible in practice to confine such complaints to the guilty, it would be *monstrous* to deny recovery.

Gregoire v. Biddle, 177 F.2d 579, 581 (1949) (emphasis added). You're likely aware of the "duty to do justice" attendant to every color of law officer as described generations ago in *Berger v. United States*, 295 U.S. 78, 88 (1935) and re-emphasized recently in *Connick v. Thompson*, 578 F.3d 273 (2011). Regular, willing, and maliciously fraudulent violations of the CRCCS are unlikely to abide by such standards regardless of the law of immunity.

In short, whatever of your perception of your organizations *legal amenability* to federal suit at law or equity, or vulnerability to a discretionary federal criminal indictment, you surely aspire to ensure the entities over whom you have power to "prevent or aid in preventing" violate no laws or inflict no "monstrous" acts. Common to all human societies which maintain a record of history is the observation that present day actions, through the focused lens of hindsight, reveal "monstrosities" not appreciated—or at least not acknowledged—by the generation committing such actions. We would hope that such a precisioned perspective from future generations will not tarnish your organization's future reputation, and we venture to speculate that modern United States District Judges would agree.

No Immunity for Municipalities

Municipalities enjoy no immunities for violations of the CRCCS. As such, the City and County of San Diego entities including the City Attorney's Office, the District Attorney's Office, and San Diego County Court administrative offices identified in Exhibit A, and numerous functions of the county judges themselves enjoy *no immunity whatsoever* for policies, procedures or acts in violation of the CRCCS. *See, e.g., Monell v. Department of Social Serv.*, 436 U.S. 658 (1978); *Pembaur v. Cincinnati*, 475 U. S. 469, 480 (1986); *McMillian v. Monroe County, Alabama*, 117 S. Ct. 1734 (1997); *Carter v. City*

of Philadelphia, 181 F.3d 339 (3rd Cir. 1999); *Board of the County Comm'rs v. Brown*, 117 S. Ct. 1382 (1997); *Connick v. Thompson*, 131 S.Ct. 1350 (2011).

Given the gravity of the consequences from participating directly or indirectly in, overseeing, or failing to prevent any act—independently or in furtherance of a conspiracy—in violation of the statutes recited herein, we would assume that color of state law officials would have given significant forethought to the implications of your agency's customs and policies regarding such activities. However, our investigation has revealed little, if any, consideration of these issues. For example, there appears no observable measures to train or control in the prevention or aid in prevention of ongoing violations of citizens' civil rights. Further, to the limited extent that such polices appear to be enacted (see Ex. A's "notice" regarding what court administrative offices "CANNOT" do), those entities' practices appears to be entirely inconsistent with policy. It would seem wise to have addressed risks of for constitutional deprivations through, for example training and supervision of the social workers under your influence or control. *See, e.g., City of Canton v. Harris*, 489 U. S. 378, 388.

Moreover, to the extent that any such policies exist, they appear to encourage violations of law. The Alliance entities observe an explicit policy to solicit illegal protective orders such as those described in Exhibit B Sec. III, pp, 1-17, 219-220, Table B.1. Given this illegal behavior, we question whether the Alliance has policies which facilitate a "culture of indifference" to constitutional deprivations. *Connick v. Thompson*, 563 U.S. ___, 131 S.Ct. 1350 (2011); *Monell v. New York City Dept. of Social Services*, 436 U.S. 658, 691 (1978).

No Immunity for Equal Protection Violations

Further, no entity is immune from "invidiously discriminatory" activity described in the attached exhibits in violation of equal protection of the laws—including deprivations based upon sex, gender, marital status, and status as a member of the "Domestic Relations" class described in California Penal Code section 13700. *See, e.g.*, *Adarand Constructors v. Peña*, 515 U.S. 200 (1995); *Griffin v. Breckenridge*, 403 U.S. 88 (1971). The Ninth Circuit Court of Appeals has acknowledged that Equal Protection extends to include discrimination against persons or classes "identified by Congress or the courts as needing special protection." *Sever v. Alaska Pulp Corp.*, 978 F.2d 1529 (9th Cir.1992). In California a "class" is entitled to heightened protection provided it can show a "governmental determination that its members require and warrant special federal assistance in protecting their civil rights." *Schultz v. Sundberg*, 759 F.2d 714, 718 (9th Cir. 1985); *Denney v. Drug Enforcement Admin.*, 508 F.Supp.2d 815 (E.D. Ca. 2007).

No Immunity for Private Acts in Collaboration with Public Officials

Private partners working with government officials rarely enjoy the governmental immunities of their government partners. Thus, even should your private agency be working with, for example, a prosecutor's office, no private entity

enjoys immunity even though they are acting pursuant to the government agencies' direction. See *Dennis v. Sparks*, 449 U.S. 24 (1980); *Polk County v. Dodson*, 454 U.S. 312 (1981). Similarly, where one agency may be immune for a certain act—such as prosecutors for acts at trial—other government agencies working with prosecutors—such as social workers coaching witnesses or police—are not covered by another agency's immunity.

No Immunity for Discrimination Even if Pursuant to State Law

It is no defense to liability under the CRCCS that the discriminatory acts are authorized under state or federal law. In *Guinn v. United States* 238 US 347 (1914), the U.S. Supreme Court ruled that defendants acting under color of law could raise no defense that their discriminatory acts were specifically permitted under state law.[5] In *Screws v. U.S.*, 325 U.S. 91 (1945), the U.S. Supreme Court considered whether state "color of law" actors could be punished for violating the U.S. Constitution while acting in an official capacity. The Court concluded:

> Of course the petitioners are punishable. . . . Congress said that no state can empower an officer to commit acts which the Constitution forbade the state from authorizing, whether such unauthorized command be given for the state by its legislative or judicial voice, or by a custom contradicting the written law.

Regardless of whether the color of law entities and their agents identified in Exhibit A were acting pursuant to state law or otherwise, they are liable under the CRCCS for any violations of U.S. citizens' rights.

No Immunity Use of Process to Commit Extortion, Peonage

Alliance enforcement of the domestic violence restraining orders further violates state and federal law as it facilitates extortion by those enforcing them. In the *Peonage Cases,* 123 F 671 (DC 1903), it was held that conspiracies to accuse a person

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[5] In *Guinn*, the purpose of the state statute was to circumvent the equal protection requirements of the United States Constitution, and was therefore no defense to violation of federal law. *See also, U.S. v. Buntin*, 10 F 730(1882, CC); *U.S. v. Stone*, 188 F. 836 (1911). Such has been the law in the 9th Circuit for California courts for over a century. *See, e.g., Yick Wo v. Hopkins* 118 U.S. 356 (1886). Such is the case even where "the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution." *Id.*

of a crime before a judge with the intent to extort forced labor from him was a violation of a right or privilege "secured" to him by the United States Constitution.[6]

Threats and use of the illegal restraining orders are often used in civil custody and dissolution proceedings to coerce extraction of value from the target. To the extent you or your agency's "civil legal" advocates are involved in procuring restraining orders, they are subject to criminal and civil liability under 18 U.S.C. sections 241, 242, 1581, 1589, 1590, 1592, 1593, 1593A, 1594, 1595, 1951, 1961, and 1962; Exs. A, B sec. I, K.

No Immunity for Racketeering/Predicate Crimes/Conspiracy to Operate Enterpris

Similarly, neither judicial nor qualified immunity accrues to acts constituting "racketeering" under 18 U.S.C. sections 1961, specifically including 18 U.S.C. sections 242, 242, 371, 1341, 1343, 1503, 1505, 1510, 1512, 1513, 1515, 1581, 1589, 1590, 1592. Such acts also constitute wrongful "overt acts in furtherance of conspiracy" under 42 U.S.C. 1985 and "operation of an enterprise" under 18 U.S.C. 1962. See *Vierria v. California Highway Patrol*, 644 F.Supp.2d 1219 (E.D. CA 1219); *U.S. v. Angelilli*, 660 F.2d 23 (2d Cir. 1981); Ex. K.

No Immunity for Declaratory or Prospective Relief, Attorneys Fees, Costs, Divestiture, Imprisonment

A defendant to an action at equity under 42 U.S.C. sections 1983 and 1985, or 28 U.S.C. section 2201 may not claim immunity. *Pulliam v. Allen*, 466 U.S. 522 (1984). Further, attorney's fees and costs are awardable as damages to the prevailing party in any action necessary to assert the CRCCS statutes identified herein. 18 U.S.C. section 1593, 1594, 1595, and 1964; 42 U.S.C. section 1988. Injunctive remedies may include divestiture of all interest in and/or prohibitions against future practice with any entity liable under 18 U.S.C. sections 1593, 1593A, 1594, 1595, 1962, and 1964. In all cases the acts are criminal under Title 18 United States Code.

DEMAND TO CEASE AND DESIST; COMPENSATION FOR INJURIES

Please consider this notice of and demand to cease and desist from participation, oversight, or control in the illegal activities described herein. Please also consider this a Demand for compensation under the California Tort Claims Act under California Government Code section 910 et seq. on behalf of the undersigned for denial of services requested of the San Diego Family Justice Center on June 26, 2013.

Should you refuse to comply with this Notice and Demand, please understand that we intend to pursue all actionable remedies.

The novel and intricate relationships between public and private entities under the "co-location" model of the Alliance generate a complexity of exposures to derivative liability based on principles of respondeat superior, conspiracy, and enterprise See *Anderson v. Creighton*, 483 U. S. 635, 646 (1987); *Wyatt v. Cole*, 504 U. S. 158 (1992); *Richardson v. McKnight*, 521 U. S. 399 (1997*); Filarsky v. Delia*, 566 U.S. ___ (2012). These rules on these relationships generate an analysis far too complex for us to undertake. We assume that your agency has resolved the questions of defense and indemnification rights among co-located parties and partners. We therefore request that you deliver this Notice and Demand to any indemnitor or insurer and request their acknowledgement of receipt of this Demand so that we may communicate further with such entity/ies.

Please note that this Notice and Demand represents a claim under the California Tort Claims Act under California Government Code section 910 et seq. We further request a copy of any indemnity/insurance binder agreements, endorsements, and specific indemnification amounts/policy limits, and coverage for these claims in order that we may consider providing you with a specific demand package. In your response hereto, please also advise if any insurer or indemnitor has denied or reserve rights with respect to coverage for this claim.

Please also consider this notice our intent to present additional claims for damages under the CRCCS against you, the entities identified in Exhibit A, and the "partners," advisors, and "supporters" identified in the cc list to this letter. Further correspondence to these entities will be forthcoming.

REQUEST FOR RESPONSE

In conducting any analysis in response hereto, we would respectfully suggest your consideration of the following questions:

1. Is any entity in which you participate or have influence guilty of the allegations set forth herein?

2. What, if any, immunity applies to any of the entities identified in Exhibit A for:

    a. Criminal violations of the CRCCS;
    b. Injunctive relief proscribing future illegal judicial or quasi-judicial acts;
    c. Provision of social services;
    d. Advising others regarding laws, procedures, or formwork;
    e. Advocacy not "intimately associated with" the judicial phase of criminal prosecutions;
    f. Civil advice, counseling, or support in divorce/custody proceedings;

g. Advice, guidance, support, or investigation on behalf of victims;
h. Advice to other social workers, police, or courts;
i. Statements or advice to the public, partners, financial supports, or media including "webinars" and lobbying activities;
j. Collaboration, agency, conspiracy, enterprise, or respondeat relationships between divorce lawyers, criminal prosecutors, law enforcement, criminal defense lawyers; and
k. General (non-criminal) "victim advocate" representation and counseling;
l. The moral indignation and contempt rightly attributable to those committing "monstrous" and criminal violations of civil rights laws. See *Imbler v. Pachtman*, *Gregoire v. Biddle*, supra.

3. Are supervising and/or participating municipal-level entities properly training, educating, supervising, disciplining, and retaining subordinates charged with enforcing illegal laws, policies, and procedures?

4. Does the intricate entanglement, including coordination, and implementation of custom, policy, and practice between the entities in Exhibit A as described therein exceed relevant charters, constitutions, or articles of incorporation for such entities? Do the intricately coordinated activities of Alliance entities violate constitutional separation of powers, and thereby expose state actors and their collaborators, partners, co-conspirators or enterprise partners to liability under the CRCCS?

5. Similarly, for acts not authorized by such charters or other organizing/authorizing documents, are such actors liable as mere trespassers for deprivations perpetrated under color of law?

6. Do the domestic violence restraining orders procedures, process, and use of the concepts of "good cause," "harass", "annoy", "contact", "transfer", "follow", "keep under surveillance", "surrender", "dissuade", "electronic communication", "obscene language", deprive citizens of state and federal constitutional rights such as Due Process, Equal Protection of the Laws, parental autonomy, free speech and association?

7. Can any entity be exempted from federal civil or criminal liability by asserting reliance—in "good faith" or otherwise—on California law putatively permitting acts in violation of the United States Constitution?

8. Can inter-agency coordination as described in the enclosed charts and exhibits be considered a "conspiracy" under the Chapter 18 and 42 sections described above, or a "criminal enterprise" for purposes of extortion under color of law pursuant to 18 U.S.C. sections 1962 and 1951? Is such activity conspiracy, furtherance, or assistance in peonage under 18 U.S.C. sections 1581 et sec. and actionable civilly under 18 U.S.C. sections 1595 and 1962?

9. Has any of the parties identified herein committed violations of federal law racketeering crimes as defined under 18 U.S.C. section 1961, including sections 1951, 1341, 1343, 1346, 1503, 1505, 1510, 1512, 1513, 1581, 1589, 1590, and 1592, or state law fraud and racketeering laws? Even if the United States Attorney exercises discretion illegally by refusing to prosecute such crimes, do such entities remain vulnerable to civil suit under 18 U.S.C. sections 1595 and 1962/1964?

10. *In addition* to the predicate crimes recited in 18 U.S.C. section 1961, can violations of criminal statutes under 18 U.S.C. sections 241, 242, 371, 372, under 42 U.S.C. sections 1983, 1985, or as part of a criminal enterprise under 18 U.S.C. section 1962, form the foundation of civil and/or criminal liability under 18 U.S.C. sections 1962 and 1964—*even though they are not themselves predicate crimes*?

11. Even if not directly involved in such activities, does your organization have any ability to "prevent or aid in preventing" such violations? If so, to what extent have your agency entered defense and indemnity relationships with other public/private entities which may subject your agency to indirect liability?

By copy of this letter we are alerting the United States Attorney for the Southern District of California, the Grand Jury for the Southern District of California, the Federal Bureau of Investigation, the Internal Revenue Service, the Attorney General of the State of California, the District Attorney of the County of San Diego, and the State Bar of California of these allegations. Further Notice by copy is provided to Alliance public and private "partner" entities who may be empowered, and therefore responsible, to act to assure compliance with law.

Suggestions for Consideration

In presenting this demand we convey our agreement that domestic violence is a very real social malady which in some cases if ignored can precede more harmful consequences. We support your and others' intent to address this social issue.

Yet we consistently observe ***enormously harmful and even dangerous consequences to parents and children*** which the Alliance appears to ignore. Because of the uniquely sensitive interpersonal nature of domestic disputes, dogmatic, unbalanced, or clumsy law enforcement intervention can and often does exacerbate, prolong, and effectively institutionalize conflict and its fallout. See Table B.1.

Further, reflexive mandatory police intervention seems to us to directly contradict the expressed goals of the Alliance—to foster individual empowerment and autonomy, heal families and support those in need.[7] While incarceration is a sure

[7] Mr. Gwinn has himself acknowledged the importance of parental autonomy in resolving intrafamily conflict without police intervention, and the exposure of Alliance entities to

"quick fix" to a tense domestic confrontation,[8] prolonged insertion of state actors into decision-making roles within the family represent a dramatic shift from a history of national respect for individual rights and family autonomy. *See, e.g., Troxel v. Granville*, Ex. J. Moreover, promoting a long-term criminal justice role in the day-to-day life of a family is untested in free western countries, and the consequences for its failure potentially grave. To deny any family member autonomy is not only to disrespect the very values of independence and self-worth; it is also simply illegal, and in many cases we have observed, morally despicable.

Nor do we intend to suggest that we have exhaustively and accurately described the extent to which the Alliance and its partners have achieved in deploying the integration and social welfare agenda set forth in their exhibits. Regardless of how far along the Alliance's plans have developed, their direction and intent are clear. Whether advanced through a board meeting, political debate, or one of the several civil rights lawsuits framed herein, we intend that these issues will be confronted and fairly resolved in a forum in which *all* parents—men and women—children, and the entire interested citizen population affects have a seat at the table.

In addition to the above Demand to cease and desist, we urge that in implementing any policy with respect to families and children, you and your agency consider:

1. *Restraint and Respect*: Intervention based on novel or speculative theories guarantees immediate harm to individual rights while "hoping" for a net favorable outcome. Oddly, this directly contradicts Alliance values of autonomy and empowerment. Recognize the harmful consequences of overreaching and coercion by the monolithic perspective of a criminal justice response—especially one based upon novel, speculative, or downright inaccurate, biased, or malevolent ideologies. No matter how worthy the cause or pure-hearted the leaders, commanding behavior by force in intimate relations is at best a tolerable last resort, but increasingly a ham-fisted (and potentially catastrophic) blunderbuss;

2. *Responsible Awareness*: There are many appropriate social responses to domestic disputes which are based on real science and law and not solicitous of government entanglement. A monolithic criminal justice response is strong medicine with inevitably serious, often unforeseeable side effects. Given the many appropriate

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"significant" liability for injuries to citizens facilitated by novel state intervention strategies. http://www.youtube.com/watch?v=mATtBh2UPIo from 2:30-3:58. We concur.

[8] The Alliance provides an exhibit referring to an ABA survey of women who received domestic violence services from the criminal justice system indicating that such women don't want the relationship to end, but simply to change the behavior of their partner. For women, a "successful" criminal justice system intervention seems not to be a successful prosecution, but (1) by ending the tense conflict, and (2) by using the coercive fear of future prosecution to adjust the "power and control" while maintaining the relationship. If so, the threat of jail is a novel aphrodisiac in the Western world, though apparently still successfully practiced with child grooms and brides in certain Hindu regions of India.

modern tools available to address domestic strife, awareness and mastery of available resources may be wise;

3. *Fairness*: "Studies" are often flawed or biased, particularly when the subject is complex human interaction or control. When adopting policies, carefully scrutinize relevant supporting (and contradicting) data and assumptions to identify and minimize the harm from adoption of erroneous, speculative, biased and/or ideological approaches. Skillfully manipulated by sophisticated criminal justice professionals facile with the implements of coercion, might sometimes appears to make right. Few disinterested professionals would succumb to such conveniences. When conflicts among science and ideology appear, caution and restraint ***are*** justice.[9] Our grandparents wisely advised "if you can't do it right, don't do it at all." Your grandchildren may appreciate the dignity you maintained (or ignominy you avoided) by obedience to that wisdom;

4. *Sensitivity to Our Common Humanity*: Unlike generic criminal justice matters, domestic disputes ordinarily involve genuinely differing perspectives on the nature of acts and actors accused.[10] Intimate relations are uniquely incompatible with intensive criminal justice intervention, and recent history tells us that hasty accusations not only poison relationships, but can also be dangerous for years to come. Table B.1.

5. *Efficiency Is Effectiveness*: The criminal justice system is expensive; not just in terms of police and courts, but indirectly to the participants themselves. We regularly observe costs in dollars and tears which the Family Justice Center Alliance analysis fails to account for. Awareness of appropriate alternatives to criminal prosecution saves taxpayers, children, and ultimately the parties themselves both fiscally and psychologically;

6. *Obedience to Yours and Others*: Those who formed your entity imbued it and you with empowerments *and restrictions*—and for good reason. So did others who formed the entities with whom you interact. Alliance "partner collocation" or as code for "public/private integration" is disingenuous and largely illegal. Law and tradition advises respect for obedient, honest, and independent government functions central to social prosperity;

7. *Don't Make it Worse*: A policymaker or administrator has no training in psychotherapy for ordinary humans, but abundant training in coercion of criminals. If you chose to apply such learning beyond its prescribed confines to impose coercive "therapy" to remedy misdemeanor domestic strife, observe the ancient law of genuine healers: *Above all else, do no harm*

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[9] "What sorrow awaits you teachers of religious law and you Pharisees. Hypocrites! For you are careful to tithe even the tiniest income from your herb gardens, but you ignore the more important aspects of the law—justice, mercy, and faith." Matt. 23:23.

[10] Judge Hand observed that "right conclusions are more likely to be gathered out of a multitude of tongues than through any kind of authoritative selection. To many, this is, and always will be, folly, but we have staked upon it our all." *United States v. Associated Press*, 52 F.Supp. 362, 372 (D.C.S.D.N.Y.1943).

"Hope" Isn't Far Away

We share the Alliance's vision for hope, most notably the praiseworthy solutions the Alliance proposes to its own employees, members, and partners to their internal "power and control" conflicts. The slides below are copied from the May 4, 2009 Family Justice Center Presentation entitled "Family Justice Center Vision" available at slides available at http://www.caseygwinn.com:

Worthy advice—yet perhaps underutilized. From these slides (excerpted at Exhibit B, pp. 404-417) it appears that many who have joined the Alliance benefited from this wise guidance toward the historical virtues of successful human joint endeavors—that honesty, humility, humor and grace are highly effective antidotes to "power and control" struggles. Given the success of the Alliance movement, the advice appears to have been miraculously successful, and we would not be surprised if Alliance employees fortunate enough to have adopted those virtues in their personal lives have experienced similar improved personal outcomes.

It is a surprise though that given the Alliance's own appreciation of the empowerment bestowed by disciplined practice of "honesty, grace, and humility" the Alliance nevertheless fails to deploy this awareness in their aid of Alliance clients. Alliance clients and their families in crises are coached to perceive and therefore resolve their problems--not with integrity, humility, humor and grace—but with "power and control" ideology enacted through a coerced "power exchange" subsidized by state police powers and "long-term accountability to survivors"—prison. In other words, newly enlightened Alliance employees tell their clients:

> *While our new Alliance leadership has bestowed upon us wisdom with which we have escaped our own "power and control" silos to empower ourselves to relate better with others, we won't be similarly empowering you. For you we offer police officers, courts, prison for those who disagree. To repair the damage this we know this will cause, we offer welfare, food stamps, relocation, day care in case you get a job, and a camp for children without fathers. Your family, friends, network, career—well, good luck but don't worry, our jobs depend on supporting you through this so we'll be here as long as your kind coming back. Sign here and right this way.*
>
> Ex. B., pp. 22-55.

Empowerment indeed.

What a horrific nightmare we would wake up from if, in a generation we realize that the Alliance's emancipation of women from an unstable relationship with one fallible human simply rebounded them into a terminally stable relationship with an infallible welfare state. The promise of "pre-crime intervention" is that by imposing the disability of state receivership onto your life, your now-former loved one's life, your children's life, your relationships with your employer, banker, network, friends, neighbors, creditors, landlord, and perhaps even your God, you receive in exchange the "hope" of an improvement in all of these, via police and welfare state services. While we also hope it works, from our perspective such folly is persuasive uniquely to those motivated by the "hope" of lotto-funded wealth, nicotine confidence, and plastic-bottled spirituality. In perspective, the Alliance's solution seems more a punishment for a woman's autonomy than empowerment of it.[11]

We would hope that the wisdom the Alliance imparts to its own in improving relations within its understandably harried community might be at least as "empowering" if adopted, taught, and facilitated for interactions with others outside of the Alliance's bulletproof hearts and black-widow tinted glass? Hearts risen in hope are not well served by hands risen in fear.

We respectfully reference a free resource for domestic strife in families which contains guidance backed by a substantial body of academic research that enables others to understand and practice very much the same advice the Alliance has thus far adopted for its own at www.youtube.com/uptoparents. This resource provides tools which can empower parents and children without unnecessary reliance on government entanglement. It may be an additional tool which can empower the Domestic Class, given access to the many such tools available, to develop and deploy successful long-term solutions to whatever are the underlying causes of domestic strife. One place to start is the interview here: http://www.youtube.com/watch?v=rUH3mWzLeO4&feature=c4-overview-vl&list=PL75FBQp2qmEdBmfa15v5AftUEvHYtYrT2.

[11] From *The Theory of Moral Sentiments*, Adam Smith (1759): "The great source of both the misery and disorders of human life, seems to arise from over-rating the difference between one permanent situation and another. Avarice over-rates the difference between poverty and riches: ambition, that between a private and a public station: vain-glory, that between obscurity and extensive reputation. The person under the influence of any of those extravagant passions, is not only miserable in his actual situation, but is often disposed to disturb the peace of society, in order to arrive at that which he so foolishly admires. The slightest observation, however, might satisfy him, that, in all the ordinary situations of human life, a well-disposed mind may be equally calm, equally cheerful, and equally contented. Some of those situations may, no doubt, deserve to be preferred to others: but none of them can deserve to be pursued with that passionate ardour which drives us to violate the rules either of prudence or of justice; or to corrupt the future tranquility of our minds, either by shame from the remembrance of our own folly, or by remorse from the horror of our own injustice."

CONCLUSION

Thank you for your attention. Our analysis reveals that you and the organizations you oversee may be significantly exposed for a variety of potential violations of numerous civil rights laws as described herein. As the civil and criminal penalties for such violations, if proven, are severe, we urge your prudent attention and response to this Notice and Demand.

Because you likely do not recognize the undersigned we invite your attention to the activities of the California Coalition for Families and Children of which the undersigned is an officer and founder. Since 2008 our group has assisted mothers, fathers, and children in efforts to support and defend family autonomy through domestic strife and raise public and governmental awareness of alarming deprivations of parents' and children's civil rights. A search of parenting Internet websites such as angiemedia.com, uptoparents.com, and thepubliccourt.com will reveal significant details of our activities, intent, and ongoing mission.

As parents and children who have withstood abundant hardship resulting from deprivations of "clearly-established" liberties, insults to our and our colleagues' humanity, and "good-intentioned" degradation our and our children's futures, the issues raised herein are first on sharpened minds and fused to injured hearts. It is our perception that this present-day suffering of so many parents and children has and is being wrought at the hands of a small but vocal minority who advocate—often without sufficient education, training, professional ethics oversight, experience, or even intelligent thought—for reflexive governmental intrusion into intimate human affairs. We have observed that these often ideologically-attached entities generate and knowingly rely on fraudulent statistics and malicious, hypocritical judgment, and blindly politic for more of what has become their own obesity of "power and control."

We are *highly* motivated to reverse this pernicious erosion parents' and children's welfare and vindicate the deprecations of the tens of thousands of victim parents and children lying in the path of this "Alliance" and its partners. As a recent victim of many of the violations identified herein, the undersigned offers that he has adequate standing to assert actions at law and equity in United States District Court to remedy such deprivations, and hereby submits this Notice and Demand for compensation for such injuries pursuant to the California Tort Claims Act under California Government Code section 910 et seq.

If you share our values, we welcome your cooperation. If you do not, we shall keep you informed of our progress in obtaining compensation, relief, and prospective compliance with law.

Sincerely,

Colbern C. Stuart, President
California Coalition for Families and Children

cc:

Arthur Loevy, Esq.
Jon Loevy, Esq.
Loevy & Loevy

Jeff Grell
Grell & Feist

Ms. Bea Hanson
Office on Violence Against Women
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Mr. Eric Holder
United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Chief Judge Alex Kozinski
United States Court of Appeals For the Ninth Circuit
95 7th St.
San Francisco, CA 94103

Ms. Laura Duffy
United States Attorney
Southern District of California
880 Front Street, Room 6293
San Diego, California 92101-8893

Ms. Daphne Hearn
Special Agent in Charge
Federal Bureau of Investigation
10385 Vista Sorrento Parkway
San Diego, CA 92121

Foreperson
Grand Jury of The United States District Court, Southern District of California
880 Front Street
San Diego CA 92101-8893

Mr. Steven Jahr, Administrative Director
Ms. Jody Patel, Chief of Staff
Mr. Curt Child, Chief Operating Officer
Administrative Office of The Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Hon. Tani Gorre Cantil-Sakauye
Supreme Court, State of California
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-4797

Ms. Kamalla D. Harris
Office of the Attorney General
1300 I Street
Sacramento, CA 95814-2919

Hon. Tani Gorre Cantil-Sakauye
Hon. Marvin R. Baxter
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Mr. Brett Batson
Ms. Victoria Henley
Hon. Judith McConnell
California Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, CA 94102

Ms. Mary McQueen
President
National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185

Attorney Complaint Intake
Office of the Chief Trial Counsel
State Bar of California
180 Howard St.
San Francisco, CA 94105

United States Senator Patrick Leahy
437 Russell Senate Bldg
United States Senate
Washington, DC 20510

United States Senator Jeff Sessions
326 Russell Senate Office Building
Washington, DC 20510 -0104

United States Senator Barbara Boxer
600 B Street, Suite 2240
San Diego, CA 92101

United States Senator Diane Feinstein
750 B Street, Suite 1030
San Diego, CA 92101

United States Congresswoman Susan Davis
2700 Adams Avenue, Suite 102
San Diego, CA 92116

United States Congressman Duncan Hunter
1611 N. Magnolia Ave., Suite 310
El Cajon, CA 92020

United States Congressman John Conyers
2426 Rayburn H.O.B.
Washington, DC 20515

United States Congressman Lamar Smith
2409 Rayburn House Office Building
Washington, DC 20515

Mayor Bob Filner
City of San Diego
12th floor, 202 C St
San Diego, CA 92101

Ms. Marcella O. McLaughlin or current President
San Diego County Bar Association
401 West A Street, Ste. 1100
San Diego, CA 92101

Chief William M. Lansdowne
San Diego Police Department
1401 Broadway
San Diego, CA 92101

Sheriff William Gore
San Diego County Sheriff Department
John F. Duffy Administrative Center
PO Box 939062
San Diego, CA 92193-9062

Ms. Kim Wells, MA
Executive Director
Corporate Alliance to End Domestic Violence

National Family Justice Center Alliance Advisory Board, Board of Directors
c/o National Family Justice Center Alliance
707 Broadway Ste 700
San Diego CA 92101

Sarah Buel, JD Clinical Professor of Law
Director, Diane Halle Center for Family Justice
Sandra Day O'Connor College of Law, Arizona State University
Sandra.buel@asu.edu

Ted Bunch
Co-Founder, A Call to Men
342 Broadway, Suite 163
New York, New York
10013-3910
info@acalltomen.org

Denise Gamache, MSW
Director, Battered Women's Justice Project
1801 Nicollet Ave., So., Suite 102.
Minneapolis, MN 55403
technicalassistance@bwjp.

Dean M. Hawley, MD
Professor, Indiana University School of Medicine
Clarian Pathology Laboratory
350 West 11th Street, Room 4064
Indianapolis, IN 46202-4108
dhawley@iupui.edu

Verna Griffin-Tabor
Center for Community Solutions
4508 Mission Bay Drive
San Diego, CA 92109

Jennifer Anderson, Project Director
Lori Gillam, Director of Finance
Natalia Aguirre, Director
Mellissa Mach, Director
Alexia Peters, Managing Attorney
National Family Justice Center Alliance
707 Broadway Ste. 700
San Diego, CA 92101

Amy Sanchez
Casa de Esperanza
P.O. Box 40115
St. Paul, MN 55104

Yvonne Carrasco
Consultant to Foundations and the Non-Profit Sector

Michael Mason
Chief Security Officer, Verizon Communications
michael@familyjusticecenter.org

Nancy E. O'Malley, JD
District Attorney, Office of the District Attorney, Alameda County
1225 Fallon Street, Suite 900
Oakland, CA 94612

Jan Goldsmith
City Attorney, City of San Diego
1200 Third Ave., #1620
San Diego, CA 92101

Bonnie Dumanis
District Attorney, San Diego County
330 W. Broadway
San Diego, CA 92101

Michael Roddy
San Diego County Superior Court
330 W. Broadway
San Diego, CA 92101

Hon. Robert Tentacosta
Hon. David Danielson
Hon. Timothy Walsh
Hon. Maureen Hallahan
Hon. Lorna Alksne
All Criminal and Family
Court Judges
Mr. Michael Roddy
San Diego County Superior
Court
330 W. Broadway
San Diego, CA 92101

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A Call to Men

Alabama Coalition Against Domestic Violence

Alianza

American Bar Association Commission on Domestic Violence

American Medical Association

American Prosecutors Research Institute

Arizona Child and Family Advocacy Network

Avon Foundation for Women

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National Center for Victims of Crime's Stalking Resource Center

National Center for Women & Policing

National Center on Domestic and Sexual Violence

National Coalition Against Domestic Violence

National Council Of Juvenile And Family Court Judges

National Domestic Violence Fatality Review Initiative

National Domestic Violence Hotline

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National Resource Center on Domestic Violence

National Sexual Violence Resource Center

National Strangulation Training Institute

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That's Not Cool (Youth Outreach)

U.S. Department of Defense Domestic Violence Task Force

U.S. Department of Justice, Office for Victims of Crime

U.S. Department of Justice, Office on Violence Against Women

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San Diego County District Attorneys' Office, Family Protection Division

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Dr. Stephen Doyne

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California Board of Psychology

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