

ROBERT W. RACKSTRAW, Amici Pro se  
Disabled Homeless Veteran  
941 Orange Ave. #128  
Coronado CA 92118  
951/314-2575  
airbornebob@live.com

LEAVE TO FILE GRANTED  
Rackstraw, USDJ  
3/6/17  
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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

THOMAS J. COLBERT  
TJC Consulting, LLC  
1534 N. Moorpark Road, #373  
Thousand Oaks, CA 91360-5129  
Plaintiff

Re: CIVIL ACTION No. 16-1790  
Poor Man's Amicus Curiae

v.

FEDERAL BUREAU OF  
INVESTIGATION

935 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
and  
DEPARTMENT OF JUSTICE  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
Defendant.

DB COOPER FAKE NEWS,  
MURDER FOR HIRE  
LYING IN WAIT, CONSPIRACY  
ECONOMIC AND PERSONAL  
TERRORISM, UNJUST  
ENRICHMENT, EXTORTION,  
DEFAMATION, LIBEL &  
SLANDER PER SE, FRAUD  
INTENTIONAL INFLICTION OF  
EMOTIONAL AND MENTAL DURESS  
PHYSICAL DISTRESS AND INJURY  
VIOLATIONS OF FTCA ADA  
VETERANS ACT et al., and  
OTHERS TO BE DETERMINED  
PENDING \$1,000,000,000.00 AND  
TREBLE DAMAGES COMPLAINT  
PERMISSION BY LEAVE OF THE COURT

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**Amicus Curiae**

The Plaintiffs in this case said they could duplicate another boondoggle similar to what was aired by the national and international media back in April 1986 that featured Geraldo Rivera hell bent on revealing "Al Capone's Vault." Another FALSE NEWS ruse by the media conglomerates conspiracy to fool the public and everyone involved. So here it is again with copycat Plaintiffs doing the same thing in the DB Cooper/NORJAK case. Now, this Amici thinks that the court

conspiracy for the American public and everyone involved. So here it is again with copycat Plaintiffs in this case. Now, this Amici thinks that the court might want to consider that.      Note: The Plaintiffs have the wrong envelope.

**1.** This is a friend of the court submission by Robert W Rackstraw (hereinafter referred to as Bob Rackstraw) who is not an attorney and cannot afford one, is a disabled homeless veteran and has a strong, vested and personal and constitutional interest rights and views in the subject matter of this action in the case at bench and is not a party of this action, who is petitioning for leave of the court for permission to file a brief that suggests a rationale consistent with his own views concerning matters of a broad and great personal and public interest and constitutional interest and his civil and personal and constitutional rights of himself as a disabled veteran and senior citizen and similarly situated individuals, the general public, and the Congress and President and Vice-President of the Republic of the United States of America, regarding the Plaintiff's FAKE NEWS Journalists, their editors, producers and their sponsors, which in the case at bench are destroying our nation and our PERSONAL, CIVIL AND CONSTITUTIONAL rights in combination with Economic terrorism and premeditated murder-for-hire, lying in wait ambushes for unjust enrichment and illegal use of a person and the utilization of technology to photo shop pictures, edit, distort and change voice communications and amass a huge pile of manure for the international media specifically and intentionally designed to falsify history and destroy the lives of their targeted victims the Amci (Bob Rackstraw in this case) by the plaintiffs in this case, who told him that as a disabled homeless aged veteran he is an "easy target." The people of the United States of America are also a Real Party in Interest.

**2. Venue:** It is established that this court is the proper venue as this case is already before it. Please excuse the format and grammar, Amici is not a legal writer and begs the courts indulgence and understanding of that fact throughout this brief.

**3. First Legal Question:** Although Bob Rackstraw is not a party in this action his name and person are splattered negatively throughout the plaintiff's complaint and succeeded in permanently destroying his life and that of his family just as the plaintiff promised to do. The defendant FBI and DOJ closed the DB Cooper/NORJAK case and much to the chagrin of the plaintiff did not assist him in selling his book "Last Master Outlaw" (LMO) replete with everything EXCEPT proving that Bob Rackstraw is DB Cooper, which allegedly is their reason for the original FOIA request. To wit: to obtain information about the NORJAK case. Then what? To give it back to the FBI after they speculate, lie, falsify and Fake the event even more then they have at taxpayer's expense? Therefore without his permission and refusal to confess to a crime that he did not commit, Mr. Rackstraw and his property were brought into this case without his permission as a continuing victim in perpetuity of the plaintiff's assaults, both mental and physical as well as continuing harassments, (from grocery

store tabloids to media conglomerates on an International level). Wherein Amici moves this court to allow this Amicus brief to be received as a submission to this court such that this court may and can rule and declare the law, constitutional law and Acts by Congress and agencies et. seq. on the issues raised in this poor-man's Amicus Curiae. And respectfully moves the court to Order a few things at the end of this brief and again please excuse the lack of legal writing skills et al.

4. Comes Amici, Robert W (Bob) Rackstraw who begs the court's indulgence in this matter, and respectfully requests the court's permission and moves the court to declare the law for an unrepresented disabled and homeless veteran Amici who is suffering greatly and permanently damaged including a heart attack as a direct causal and intentional act of the malicious plaintiffs and each of them, from an unrelenting conspiracy of FAKE NEWS and murder-for-hire and lying in wait attack, (clearly described in LMO supra) (Federal Crimes and the Federal Tort Claims Act et seq) and economic terrorism, unjust enrichment, illegal use of Amici (Bob Rackstraw) likeness and property with malicious intentional unscrupulous designated media gang and thugs hired by, and co-conspirators and accomplices of, Thomas Colbert, TJC, Jim Forbes and Mark Zaid esq. et. al., the plaintiffs in this case. (clearly described in LMO book) and paid for by their pre program producers LMNO, Ted Skillman, Eric Shotz, Lisa Bourgoujian, Allison Berg, April Richards, Erik LeDrew, Avrielle Gallagher, and the History, (Director/Producers) [unable to accurately determine depending on source] and other producers within, to wit; the Owners, board of directors, producers, editors and employees of The History Channel, Hearst Corporation, Disney Corporation, A&E and its owners and its affiliates NBC and reproduced and aired by CBS, CNN, AP, REUTERS and others and their sponsors to be named (partial list attached see exhibit 1.) as they provide the money for the plaintiff's criminal and unconstitutional crimes and activities and civil and unconstitutional offenses, and as such are designated as purposeful, willing and intentional accomplices and coconspirators who seek any information that would prove that Bob Rackstraw is DB Cooper as stated in a FAKE AND FALSE and international press release and associated press release (AP) by one Mark Zaid on or about 16 July 2016. Mark Zaid has maliciously and flatly and knowingly falsely stated that "Bob Rackstraw is DB Cooper". Which maliciously and intentionally damaged Bob Rackstraw mentally with duress and permanent damage, physically and emotionally forever in perpetuity, by the failed attempts to prove that Bob Rackstraw is DB Cooper to the FBI with; a parachute and money that the agency requires . That's all they have to do. Like Price Waterhouse they have the wrong envelope. And we are told from reliable sources that a lot of people are looking for their money from Colbert and his gang of sponsors including the sponsors he defamed. If it please the court some of this should be considered a complaint as the evidence is before it.

**5. FACT:** Plaintiff Tom Colbert (TJC Consulting, LLC) and Mark Zaid as counsel in their book which is a document submitted to this court within this case and is incorporated by reference throughout this brief as to the information contained within it, and the History Channel's continuing airing( also in the complaint's submission) of DB COOPER Case Closed ? and as such are **not new submissions** or additions to this case. Plaintiff's have stooped so low utilizing others internationally at their disposal and now specifically this court in this particular case as their own personal relations (PR) and marketing office and news stand for Colbert's book wherein **the plaintiffs declared disdain for our government, the media specifically the History Channel (see complaint pages 4-5 para 8-9) and the FBI on numerous pages (page 20 para 10) and now this court.** Inferring that with plaintiff's apparent idol Heinrich Himmler's historical examples as guidance, Colbert could do a better job at destroying innocent people up to this time with impunity, which he infers that he learned at CBS, and an individual known as Clark Sueryes who told him, "throw enough crap at the wall and something will stick even if its false", as he did it all the time. Which with the rulings and Orders of this court will bring this FALSE NEWS concept to a screeching halt with this courts "Justice for All" decision.

6. The defendant's the FBI (Federal Bureau of Investigation) and the DOJ (Department of Justice) and most of the personnel within them are noteworthy and without a doubt considered the finest and most professional institutions and personnel on the face of the earth, serving in their respective investigative capacities, forensic labs, and other stuff. Sometimes, as in most government agencies, their leadership's decisions are questioned.

**7. FACT:** The Defendant FBI as a federal agency has the full legal authority to refuse to release information under the FOIA under Nine categories, eight of which are probably applicable to this case. Obviously if the FBI had in its evidence THE parachute and THE money, the Bureau would not take the position of reopening the case once it received THAT evidence from someone else if it already had it. Therefore it is also obvious that the plaintiffs in this case only desire access to add to their huge manure pile and have stated on many occasions that they do not need tangible reliable and truthful evidence to destroy and or murder someone. Only more manure (please see stick figure drawing exhibit 2).

**8. FACTS:** The plaintiffs and each of them have now (end of February 2017) stooped even lower as scam artists, in their self-created cesspool and swamp, now utilizing **this court** as their personal platform to spread rumors and disinformation as their personal public relations news stand, dishonoring and humiliating defaming, extorting, bribing, fraud, misrepresenting, intentionally inflicting mental and emotional and physical duress and distress with malice and with foresight that led to a heart attack, maliciously and intentionally destroying the constitutionally protected and personal

rights of Bob Rackstraw's person and his property and by impersonating without the permission of Bob Rackstraw in violation of and including but not limited to; the ADA, Federal Privacy Act, Veteran's Rights Act, Federal Tort Claims Act, the Personal Constitutional Rights of Rackstraw and his family, individual citizens, as well as the History channel, the Hearst Corporation, Disney Corporation, A&E, and the owners and sponsors of the aforementioned and the US Government, **the FBI DOJ and now this Federal court and the Justice(s) on the bench of all courts who do not agree with them, under false pretenses and Fifth Amendment abuse of process and fraud upon the court et seq.**

9. Plaintiff and each of them are now utilizing the AP, Reuters and other national and international global news sources all the way down to grocery store tabloids to insure large financial and unjust enrichment rewards to the plaintiffs, at the expense of Bob Rackstraw, his name and person et al. An unconscionable event that this court should not allow. LEGAL MAXIM: "He whose risk a thing is done, should receive the profits arising from it." the unjust enrichment of the plaintiffs and their gang continues to this day and must be stopped, their bank accounts and property(s) Ordered seized by this court.

10. It's interesting that it appears that the plaintiffs and each of them have duped other media personnel, corporations sponsors and the general public and are also attempting and by virtue of this case are trying to get this court to do their marketing for them.

11. The Plaintiff in this action is Tom Colbert et al., counseled by Mark Zaid esq. by reference, both of whom demanded that Bob Rackstraw confess to a crime that he did not commit, or suffer the consequences of personal destruction and the wrath of the media conglomerates under their control, wherein they would use individuals in the corporate media that they and their co-conspirators function with to attain that end. They have !

12. Thomas J Colbert aka TJC consulting (who holds himself out as a journalist only in this particular case, in an obvious ruse to avoid paying fees to this court) However in a different scenario Colbert is now telling, old school friends, associates, media personnel etc. of Bob Rackstraw on a weekly basis stating that he, Colbert, is a "History channel and Hollywood producer" and a PR person for the FAKE NEWS media seeking only negative information about Bob Rackstraw suitable for editing and redacting. In addition we are told promising information fees and rewards (confirmed by media in the Northwestern US). So much for the journalist's code of ethics. (Society of Professional Journalists) [SPJ].

13. Colbert also tells us that he worked at CBS for over a decade and has alluded to the fact that he was deeply entrenched in the type of unethical conduct that he learned there and is now employing with murder for hire interviews et al., that resulted in Dan Rather of 60 minutes CBS fame being set up as the scapegoat for lying and FAKE NEWS as depicted in the movie "TRUTH" starring Cate Blanchett and Robert Redford (marketed as a true documentary, and refers to individuals like the plaintiffs at CBS). This brings up the question of how Rackstraw's sister died shortly after plaintiffs ambushed her, that resulted in her death a short time later. Under strange and conspicuous circumstances, and just prior to \$65,000 in cash that Colbert promised to pay to her for information, photos and data. Of interest to this court the FBI, IRS and JCE (see exhibit 3) et al.

14. In fact, Tom Colbert offered Bob Rackstraw two five figure cash advances (also in LMO), which is currently of interest to the IRS, if he (Rackstraw) would only confess to a crime (the DB Cooper Case) (NORJAK) that Bob did not commit, assuring him that a seven figure amount would probably be forthcoming which was also confirmed by Colbert's co-conspirator attorney one Mark Zaid (an attorney who has been turned in under formal Bar complaints and is under investigation for fraud, extortion and unethical conduct by various Bar Associations regarding his conduct in this matter, see attached letter from Bar Ethics committee, [see exhibits 4 (2pages) and 5 (one page)]).

15. In addition, Mark Zaid also assured Bob Rackstraw that he would represent him as his counsel for any legal actions that would be forthcoming as a result of a coerced false confession to a crime that he did not commit. Also, Mark Zaid was not licensed to practice law in the State of California at that time wherein the Bar Association of that state is also investigating his illegal unethical unconscionable conduct.

16. Further Bob Rackstraw was told by Colbert and Zaid, that the media and the History Channel in particular were headed by easily controlled idiots, that if he did not confess to a crime he did not commit that he would suffer, (through the actions of Tom Colbert and Mark Zaid et al.) a total destruction of his person and his family in perpetuity (note: Bob Rackstraw is 73 years old, the family patriarch, father of six children, grandfather of 14 children and great grandfather to be in March 2017). When Rackstraw asserted that untruths about him, exploited by anyone including the media, would not only libel and slander per se, extortion and fraud and be unconstitutional, and unjust enrichment as he would not and did not approve of his name and likeness as a personal property et al., in any content or context, notwithstanding it being a grievous violation of the Society of Professional Journalists Code of Ethics (SPJ). Colbert laughed, "do you really think that media mogul idiots and sponsors really care about the truth or Constitutional rights of individuals?" As it turns out,

plaintiff's control over the alleged "idiots" with FAKE NEWS terrorism and premeditated murder, lying in wait and intentional and malicious infliction of mental, emotional and physical distress and stomping on the constitutional rights of individuals turned out to be correct. So a cease and desist Order was sent to the History Channel (see exhibit 6) and the local newspaper. (see exhibit 7).

17. It is in serving his family and his country and its citizens in the twilight of life that Bob Rackstraw was ambushed by Tom Colbert and his coconspirators, Mark Zaid, Jim Forbes and other members of their gang (in LMO). The ambushes initially consisted of inquiring and soliciting type phone calls, with plaintiffs giving accolades to Bob Rackstraw's heroic conduct in combat, having been awarded numerous combat medal like the Bronze Star, 37 Air Medals, Two Distinguished Flying Crosses, the Silver Star etc. and asking for his participation in a documentary with other individuals that had served in the Vietnam War. Apparently the plaintiff opened classified military documents by lying about who he was and displayed them in this case and his LMO book and History Channel airing (oddly venue that the plaintiffs hated). they told Rackstraw that if he confessed to a crime he did not commit that he would be a "Folk Hero" and receive millions of dollars and forever legal representation in return, living in luxury and paradise etc. etc.

18. These offers in reality, turned out to be a phony ruthless, heartless attack on veterans everywhere and a ruse that proved to be the first of a huge multitude of out and out lies and untruths by the FAKE NEWS journalist gangster Plaintiffs, who laughed about their nefarious murderous conduct. And, printed it in the LMO congratulating themselves. Then the harassments and ambushes of Rackstraw became more intense from 2012 onward and began causing health problems for Bob Rackstraw. A direct cause of Bob's dramatic escalation of his blood pressure which began frequent spikes of 198/112 and climaxed at 220/125 in 2013 subsequent to the ambushes and harassments which resulted in a trip to ER and medications. But the harassments became worse, and culminated in a Bob Rackstraw suffering a stress induced heart attack.

19. Amici will deviate momentarily and ask the individual(s) in judgment in this court to place themselves in the position of having to personally endure what was been brought on by what can only be described as a nefarious sociopathic psychopathic group of criminal garbage media people from their swamp. Could you? Please think very carefully about that as you sit in constitutional judgment. What is your life and that of your family and children and grandchildren worth? Sitting in Constitutional judgment Under "Justice for All" you can and should stop it, in the name of Justice.

20. In 2013 Colbert, Forbes and Zaid apparently deciding that their harassments' had not yet caused Bob Rackstraw's death so they decided in addition to two camera crews then hire three murder-for-hire assassins with assault weapons to "interview" Rackstraw. (see page 207 LMO), and , "their fingers inched closer to gun triggers" (page 213) in Colbert's book being sold in this court). Murder for hire and lying in wait et seq. are federal offenses and this court has jurisdiction. (se exhibit 8, two pages).

21. Fortunately, the murder for hire gang members were thwarted by two elderly ladies inquiring about what the media gang was up to, wherein the gang members told them they were after DB Cooper. One of them had heard of it. (page 228 LMO) This resulted in rumors being spread throughout the community and an established disabled veteran business being totally destroyed by rumors initiated by the Colbert killers and blatant displays on the internet, on TV and printed media. It is believed that without the God sent timely appearance of those two kindly elderly ladies the Colbert's "journalist's" murder-for-hire team would have accomplished what they were hired by Colbert to do. Murder Bob Rackstraw. Obviously the trigger happy goons with assault weapons were not there to conduct a "normal media (SPJ)" interview. They were hired to kill Rackstraw. All of this is in Colbert's book LMO before this court. A true confession of guilt by the plaintiffs. All of the elements of murder for hire and lying in wait are there. Amici asks the court to take legal notice and declare the law and issue a warrant for the arrest of Tom Colbert, Mark Zaid, Jim Forbes and their accomplices.

22. It is well established that travel to the location and use of communications satisfies interstate (also intra state satisfies). 2). the intent to murder(admitted and documented) 3). Being paid. Court issues warrant for arrest to FBI.

23. The aforementioned is noted in the media ambush in 2013 and can be seen on the History channel documentary referred to by Plaintiffs in this case, when Rackstraw had to leave the media ambush to go to the doctor, and specifically stated by his friend in that History channel documentary (DB Cooper CASE Closed ??), about his blood pressure, all of which is also incorporated within the submissions by the plaintiffs in this case now in this case in this court.

24. As a direct result of the demands to confess to a crime he did not commit and the FAKE NEWS MEDIA onslaughts and demands by Colbert, Forbes, Zaid and their co-conspirators, in 2013 Mr. Rackstraw suffered a deadly hypertension heart attack and was rushed to the hospital where he in-fact died on a gurney on the way to ER. The medical staff tried various emergency procedures to no avail then reverted to the "paddles". After 12 high voltage shock applications Rackstraw began breathing to the surprise of the medical staff who had just given their very last attempt to restore life.



Subsequently a pacemaker and medical devices were installed and numerous medications which Rackstraw has to take daily for the rest of his life or die again. The stressful death of Bob Rackstraw was a direct cause of the harassing accusatory onslaughts and actions of Colbert, Forbes, Zaid and their co-conspirators accomplices, producers and sponsors and financial backers et al. Amici found out from a reliable source that when Colbert was confronted with the what-if question, "if Rackstraw dies?" His response was a smirk, "then I can say whatever I want. It's easy now as he is disabled and penniless but easier if he were dead"

25. Given the questionable conduct of the FAKE news Colbert Gang the questions must be asked about why in the world would they want those government agencies to release their files to this nefarious bunch of sociopathic-psychopaths under a false FOIA? The Colbert Gangs conduct can only be compared to those of the third Reich. Falsify, manipulate, distort, modify, pile up as much unrelated negativity as one can and maybe it will kill someone. So the next question is where would they take the information if it were allowed, Heinrich Himmler's Third Reich lab? That is the one of the few labs that had a history of distorting evidence and facts for the purpose of murdering millions of people via the legal system at that time in Germany under the Qualified Persons Act et seq., employing young prosecutors and judges to the bench who ignored the constitution of Germany at the time. Amici note: the constitutional law judges were reemployed after 1950 to restore order. Thank God that America today is NOT Nazi Germany !

26. The Bureau has the right to refuse the FOIA demand of the Plaintiffs because release would be harmful to a government or private interest et se. and as provided for in Exemptions 1 through 9 et. seq. In that regard, Bob Rackstraw has a "private interest" and will assist the FBI wherever and whenever asked as he has in the past for all government agencies such that the correct envelope can be found.

27. However any granting of the FOIA demand the plaintiffs by this court would be a very slippery slope given the fact that among others, Apple is suing the FBI in a similar law suit to obtain the information about how the Bureau was able to crack the code of Apple's Iphone, and this would set a set a dangerous precedence for that case. So Bob Rackstraw suggests to the court that it might consider the denial of the FOIA request in this case so that both the Bureau and the security of America can be protected, as far too many anti-American individuals are within our great nation notwithstanding those that have been allowed into our nation and killed our people.

28. The actions of the plaintiff have not succeeded in procuring the exact "proof" that the bureau has consistently required for the past 40+ years to wit: **the parachute, the money**. Any other allegations, innuendos, false accusations, defamation, destruction of persons and their constitutional rights must be stopped by this court, which Amici suggests; this court has a constitutional sworn duty to do so.

29. Denial of Equal protection under the law (personal and constitutional rights not just any types of rights for FALSE NEWS gangs calling themselves journalists) is a 5th amendment Abuse of process.

30. Premeditated conspiracy with malice aforethought, malice in fact murder-for-hire and lying in wait to deny Bob Rackstraw of his personal civil and constitutional rights and in-fact did raise Bob Rackstraw's blood pressure to such dangerous levels as a direct result of the actions of the plaintiff that he did in fact suffer a heart attack that killed him and only through technology "paddles" was he brought back to life. In his death Bob Rackstraw received a divine vision, that's why he is here for the rights of all Americans and most especially veterans.

31. The following damages are claimed but not limited to: Actual, Compensatory, Consequential, Continuing, Criminal, Exemplary, Expectancy, Fee Damages, Foreseeable, Future, General, Hedonic, Inadequate, Incidental, Inseparable, Necessary, Pecuniary, Proximate, Remote, Rescissory, Severance, Special, Speculative, Statutory, Substantial, Temporary and such other and further damages as this court deems necessary appropriate.

#### **RELIEF SOUGHT:**

32. The following are ORDERS requested of this court, to include but not limited to:

33. Quantum merit in favor of Amici Rackstraw, recovery of every penny that the plaintiffs, their producers, media corporations et al received for broadcasting every micro second of anything related to Bob Rackstraw and it will be justifiably passed on to him without question.

34. In favor Amici Rackstraw Unjust enrichment, utilizing name and likeness without compensation.

35. In favor of Amici Rackstraw Promissory estoppel, a clear and unambiguous promise (we will make you a \$\$\$\$\$\$\$\$\$) in its terms, reliance by the party to being reasonable and foreseeable and injury to the party (Bob Rackstraw) as a result, but it was FAKE news and illegal extortion.

36. Detrimental reliance K=consent. test=reliance reliant upon the plaintiffs to reveal the truth, none happened

37. In favor of Amici Rackstraw Intentional Infliction of Mental, Physical and Emotional Distress.

38. In favor of Amici Rackstraw Defamation per se with malice: told the whole world that Bob Rackstraw is DB Cooper.

39. In favor of Amici Rackstraw Economic terrorism by telling anyone who would listen during a media and assault weapons ambush that Bob Rackstraw was DB Cooper and as a direct result the business location he had helped build for over five years for the benefit of veterans and disabled veterans was totally wiped out.

**40. Wherefore Bob Rackstraw respectfully moves this court to issue a warrant for the arrest of Tom Colbert, Mark Zaid, Jim Forbes and does one thru 100 as may be determined by FBI and Rackstraw's discovery and investigations** and those that may be held as co-conspirators and accomplices to commit a premeditated with malice and aforethought documented and admitted and confessed to murder for hire crime scheme in this matter. 18 USC §1958, as well as squarely within the meaning of the RICO Act. and lying in wait and intentional with malice infliction of emotional and mental distress and personal injury. A prima fascia case of intentional infliction of emotional and mental and physical distress and such other and further crimes as this court may consider applicable and in addition brought to the attention of the FBI and DOJ. Note that the elements of the statute are satisfied as ruled by federal courts including the travel or use of facilities in interstate commerce via use of vehicles the internet, cell phones etc.

41. Court ORDER injunction preventing all of the plaintiffs and each of them and any other entity to retain and not destroy any evidence of any kind relating to this case.

42. Court ORDER to Cease and desist to the plaintiffs and each of them airing or revealing anything in regards to Rackstraw, as Colbert is contacting various individuals under false claims and instructing them to impersonate past friends, associates and family on social media triggering international speculation and more manure to his pile.43.

(a).Court Order and injunction to the History Channel Cease and Desist any further showing of anything implementing Bob Rackstraw in the DB Cooper case without his authorization/compensation. Re-aired 11 times with impunity 02-26-2017 and subsequent to the cease and desist sent on or about 6 July 2016.( See exhibit 3, two pages).

(b). A civil asset seizure conducted by all Federal agencies including but not limited to the FBI, the IRS et seq. of all detectible or discoverable physical and monetary assets of Tom Colbert, Mark Zaid, Jim Forbes the History Channel, the

Hearst and Disney Corporations and does 1 through 50 et seq. and their sponsors, to assure that said assets remain in the possession of the government as required by law and to be distributed as determined by a court of the proper jurisdiction.

(c) An injunction against the plaintiffs and each of them ordering them to cease and desist with any further contact or harassment of Bob Rackstraw, his family or any of his past friends associates or relations without first contacting this court about who, what, when and where with specific information as to just what they are looking for and the relevance of each item or contact other than contributing to furtherance of their pile of manure.

(d) An injunction prohibiting the History Channel, The Hearst Corporation and the Disney Corporation or any other media from televising or distributing any type of media or information of any type or source about Bob Rackstraw, his family or his associates, friends et al about any relationship to the DB Cooper event without the express written permission of Bob Rackstraw.

(e) Reject the plaintiff's assertion that he is a "journalist" to avoid paying fees as he is in fact holding himself out now as a "producer" and with tons of money illegally obtained from his manure pile he is fully capable of paying any and all court expenses notwithstanding one of his coconspirators in this case Mark Zaid who has stated previously that he has a personal financial interest in the debacle as well as many others. A fraud upon the court by both Colbert and Zaid.

Apple is demanding under the FOIA that the FBI release information on how it was able to hack the Iphone. Therefore it is suggested to this court that it not order the FBI to release anything to the plaintiffs in this case as it is just a fishing expedition to gather more manure for their Fake News manure pile and they have not specifically stated that it is to prove Bob Rackstraw is DB Cooper as they maliciously, knowingly and falsely stated. Perhaps they lied about that also.

AND, for such other and further relief as this court deems necessary and proper as this court has jurisdiction in this matter.

*Malitis hominum est obviandum* **(the wicked and malicious designs of men must be thwarted) by this court.**

44. Lastly, the Amici Bob Rackstraw believes that the real DB Cooper suspect probably survived and by this time most likely died subsequent to the NORJAK event of injuries or if nothing else old age.

45. It would seem reasonable that a lawsuit should be filed in the amount of \$1,000,000,000.00 (one billion US dollars) against the FAKE NEWS, conspirators, accomplices, their owners, sponsors, producers, directors et al. (see exhibit 9)

Amici Bob Rackstraw prays for relief; "please don't permit them to kill me again." Make them get the right envelope!

Thank you and

Respectfully Submitted,

*Bob Rackstraw*

Bob Rackstraw, Amici and victim, disabled homeless veteran in pro se 951/314-2575 submitted 2/28/2017

PRODUCER/DIRECTORS AND POSSIBLE FINANCIERS OF OR FOR HISTORY CHANNEL, A&E ET AL.

RESPONSIBLE FOR THE CONTINUOUS AIRING OF DB COOPER CASE CLOSED? AND ITS CONTENT

INCLUDING BUT NOT LIMITED TO

BASED UPON AIRING INFORMATION

1. Ted Skillman (called no less than a dozen times as "journalist" offering bribery money)
2. Eric Shotz (coconspirator)
3. Lisa Bourgojian (direct coconspirator with Skillman above)
4. Allison Berg (coconspirator)
5. April Richards (coconspirator)
6. Erik LeDrew (coconspirator)
7. Avrille Gallager (coconspirator)
8. Thomas Colbert (coconspirator)
9. TJC Consulting LLC (coconspirator)
10. LMNO LLC (coconspirator)

Such other and further to be named as discovered.

**SPONSORS and FINANCERS of  
HISTORY CHANNEL/A&E  
DB Cooper Case Closed ?**

Including but not limited to:

Note: There may be misspelling  
and repeats as they are recorded  
as they appeared over a dozen  
airings:

1. BMW
2. Sprint
3. Geico
4. ACE hardware
5. Advil
6. Johnson and Johnson
7. Lifelock
8. Head and Shoulders
9. Sonic
10. Omega XL
11. Realtor
12. Liberty Mutual
13. Flex Seal
14. Trivago
15. Applebee
16. Jaguar
17. Zales
18. Lincoln
19. Ford
20. Lowe's
21. Samsung
22. Mitsubishi
23. Carls Jr.
24. Farmers Insurance
25. Hillary for America
26. ATT
27. Volvo
28. Dell
29. T-Mobile
30. Nissan
31. Proctor and Gamble
32. Kia
33. V8 Juice
34. Smith and Forge
35. esurance/Allstate
36. Nexcom
37. Just for Men
38. Lexus
39. Capital One

40. Otezla
41. Febreze
42. Living spaces
43. Popeyes
44. Comfort Inn
45. Choice Hotels
46. Fruit of the Loom
47. Kelly Bluebook
48. Buffalo Wild Wings
49. Shell
50. Heinz
51. Subaru
52. Men's Wearhouse
53. Autotrader
54. Jeep
55. Fiat Chrysler
56. Aquafina
57. Hartford
58. ACE
59. Advil
60. Lifelock
61. Casper
62. Realtor
63. Febreze
64. Living spaces
65. Pfizer
66. Heinz
67. Autotrader
68. Otezla
69. Jeep
70. Aquafina
71. Hartford
72. Hemmsey
73. Uverse TV
74. Corona
75. Samuel Adams
76. Moen
77. Levy
78. Wendys
79. US Army
80. Walmart
81. INTEL
82. NutriSystems
83. Panera
84. Ancestry.com
85. Hometogo
86. BigBox
87. Fracturene.com
88. Vicks
89. Align

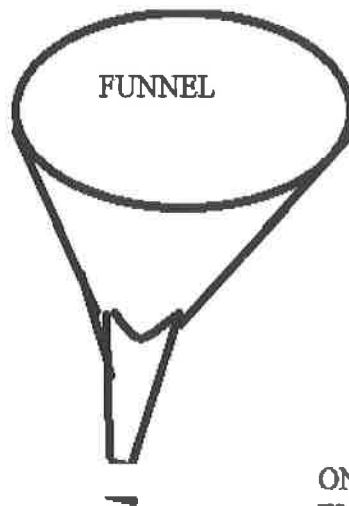
90. Progressive Insurance
91. Unilever
92. Edward Jones
93. Heineken
94. Levy konigsberg
95. Bayer
96. ADT
97. United Way
98. Breathe Right
99. Head and Shoulders
100. Tostitos
101. Land Rover
102. Range Rover
103. Post
104. Farmers Insurance
105. Mitsubishi
106. Cooper Tires
107. Gold Shield Group
108. Leinenkugel
109. Weiss
110. Sonic Burgers
111. Cadillac
112. Guinness
113. Dish Network
114. Liberty Mutual
115. Pulaski
116. Cheetos
117. Pepsi
118. Direct TV
119. Dove Unilever
120. Biotene
121. gsk
122. Chantix
123. Modelo
124. Ram
125. Fiat Chrysler
126. GMC
127. T-Mobile
128. Redd's Apple Ale
129. Credit Cards.com
130. Neulestas
131. eHarmony
132. Miller High Life
133. Anheuser Busch
134. Tasters Choice
135. Gillette

SUBMITTED FOR VISUAL CLARITY OF WHAT PLAINTIFF IS DOING

Colbert's Manure Pile



SHOVELING MANURE INTO  
FUNNEL



ONLY TWO ITEMS REQUIRED IN  
EVIDENCE COLLECTOR

1. PARACHUTE, OR
2. MONEY



FBI EVIDENCE  
COLLECTOR

AS OF 28 FEBRUARY 2017 NOTHING BUT  
200+ SHOVELS OF MANURE



Society of Professional Journalists

# CODE of ETHICS

## PREAMBLE

Members of the Society of Professional Journalists believe that public enlightenment is the forerunner of justice and the foundation of democracy. Ethical journalism strives to ensure the free exchange of information that is accurate, fair and thorough. An ethical journalist acts with integrity. The Society declares these four principles as the foundation of ethical journalism and encourages their use in its practice by all people in all media.

## SEEK TRUTH AND REPORT IT

Ethical journalism should be accurate and fair. Journalists should be honest and courageous in gathering, reporting and interpreting information.

Journalists should:

- ▶ Take responsibility for the accuracy of their work. Verify information before releasing it. Use original sources whenever possible.
- ▶ Remember that neither speed nor format excuses inaccuracy.
- ▶ Provide context. Take special care not to misrepresent or oversimplify in promoting, previewing or summarizing a story.
- ▶ Gather, update and correct information throughout the life of a news story.
- ▶ Be cautious when making promises, but keep the promises they make.
- ▶ Identify sources clearly. The public is entitled to as much information as possible to judge the reliability and motivations of sources.
- ▶ Consider sources' motives before promising anonymity. Reserve anonymity for sources who may face danger, retribution or other harm, and have information that cannot be obtained elsewhere. Explain why anonymity was granted.
- ▶ Diligently seek subjects of news coverage to allow them to respond to criticism or allegations of wrongdoing.
- ▶ Avoid undercover or other surreptitious methods of gathering information unless traditional, open methods not yield information vital to the public.
- ▶ Be vigilant and courageous about holding those with power accountable. Give voice to the voiceless.
- ▶ Support the open and civil exchange of views, even views they find repugnant.
- ▶ Recognize a special obligation to serve as watchdogs over public affairs and government. Seek to ensure that the public's business is conducted in the open, and that public records are open to all.
- ▶ Provide access to source material when it is relevant and appropriate.
- ▶ Boldly tell the story of the diversity and magnitude of the human experience. Seek sources whose voices we seldom hear.
- ▶ Avoid stereotyping. Journalists should examine the ways their values and experiences may shape their reporting.
- ▶ Label advocacy and commentary.
- ▶ Never deliberately distort facts or context, including visual information. Clearly label illustrations and re-enactments.
- ▶ Never plagiarize. Always attribute.

## MINIMIZE HARM

Ethical journalism treats sources, subjects, colleagues and members of the public as human beings deserving of respect.

Journalists should:

- ▶ Balance the public's need for information against potential harm or discomfort. Pursuit of the news is not a license for arrogance or undue intrusiveness.

- ▶ Show compassion for those who may be affected by news coverage. Use heightened sensitivity when dealing with juveniles, victims of sex crimes, and sources or subjects who are inexperienced or unable to give consent. Consider cultural differences in approach and treatment.
- ▶ Recognize that legal access to information differs from an ethical justification to publish or broadcast.
- ▶ Realize that private people have a greater right to control information about themselves than public figures and others who seek power, influence or attention. Weigh the consequences of publishing or broadcasting personal information.
- ▶ Avoid pandering to lurid curiosity, even if others do.
- ▶ Balance a suspect's right to a fair trial with the public's right to know. Consider the implications of identifying criminal suspects before they face legal charges.
- ▶ Consider the long-term implications of the extended reach and permanence of publication. Provide updated and more complete information as appropriate.

## ACT INDEPENDENTLY

The highest and primary obligation of ethical journalism is to serve the public.

Journalists should:

- ▶ Avoid conflicts of interest, real or perceived. Disclose unavoidable conflicts.
- ▶ Refuse gifts, favors, fees, free travel and special treatment, and avoid political and other outside activities that may compromise integrity or impartiality, or may damage credibility.
- ▶ Be wary of sources offering information for favors or money; do not pay for access to news. Identify content provided by outside sources, whether paid or not.
- ▶ Deny favored treatment to advertisers, donors or any other special interests, and resist internal and external pressure to influence coverage.
- ▶ Distinguish news from advertising and shun hybrids that blur the lines between the two. Prominently label sponsored content.

## BE ACCOUNTABLE AND TRANSPARENT

Ethical journalism means taking responsibility for one's work and explaining one's decisions to the public.

Journalists should:

- ▶ Explain ethical choices and processes to audiences. Encourage a civil dialogue with the public about journalistic practices, coverage and news content.
- ▶ Respond quickly to questions about accuracy, clarity and fairness.
- ▶ Acknowledge mistakes and correct them promptly and prominently. Explain corrections and clarifications carefully and clearly.
- ▶ Expose unethical conduct in journalism, including within their organizations.
- ▶ Abide by the same high standards they expect of others.

The SPJ Code of Ethics is a statement of abiding principles supported by additional explanations and position papers (at [spj.org](http://spj.org)) that address changing journalistic practices. It is not a set of rules, rather a guide that encourages all who engage in journalism to take responsibility for the information they provide, regardless of medium. The code should be read as a whole; individual principles should not be taken out of context. It is not, nor can it be under the First Amendment, legally enforceable.

EXHIBIT 3

Robert Wesley Rackstraw  
941 Orange Ave. #941  
Coronado CA 92118  
951/314-2575

19 July 2016

COMPLAINT AGAINST MARK ZAID, Esq. and Lis pendens

I do not believe that an attorney that is a member of the bar who offered to represent me and when I made a counter offer, that he can turn around and make unproven accusations that defame, libel and slander me in violation of civil and criminal law and violating my personal and constitutional rights, notwithstanding grossly unethical conduct as a sworn court officer and furthering and compounding this illegal and unethical conduct from a podium in the national media with the assistance of members of the media, and continue to be a member of a state's or district's bar.

Mark Zaid (hereinafter referred to as Zaid) offered to represent me on issues with the FBI if I signed a contract that included him, with his client one Tom Colbert (hereinafter referred to as Colbert) a reporter who was revisiting the DB Cooper case and who demanded in the contract a total and complete ownership in perpetuity of my name and person and everything regarding me etc. et al. including the representation of Zaid in said contract. At one point one of their minions told me that the two of them conspired together with others in the hopes that I would die such that they would be able to broadcast and publish whatever they pleased and would have, " an easy time selling it to media morons". Subsequently they were able to convince the History channel producers and accomplices and personnel and their connections with Disney and Hearst publications personnel wherein they had to air their works in four one-hour episodes on or about 10 and 11 July 2016 and later on or about 16 July 2016 known as: Is the DB Cooper Case Closed ??

Zaid knew that the FBI had closed the case such that his offer of representing me by inclusion in a contract was fraudulent on its face, but unknown to me. To me it turned out to be a ruse by Zaid to get me to sign a contract which included him, as my representative counsel for an issue that he knew was officially closed prior to the events addressed by the contract.

I reviewed their initial offer and a number of escalating in value offers, and made a counter offer. (an event that Colbert acknowledged on the History Channel event). Zaid and Colbert never responded as they obviously chose negative accusations and innuendos and made up circumstantial motives, means and opportunities instead of positive facts, locations and innocence which later proved to be to their detriment in their own History Channel presentation's conclusions. And, in the process disclosed Department of Defense classified data which they somehow obtained illegally.

It appeared that Colbert with Zaid's representation and a number of individuals decided to reinvestigate the case by using directed interviews (see the documentary Truth about Dan Rather and his producer Mary Mapes). Ultimately all of the investigative participants and witnesses that they hired and/or paid to appear on their History Channel program notwithstanding the FBI, apparently decided that I was not DB Cooper based upon everything that Zaid and Colbert produced and the Bureau's own exhaustive and costly investigations over the past four plus decades.

This apparently did not deter Zaid and Colbert. (see Hitler's Justice by Imgo Muller). They then apparently and obviously conspired to defame the FBI and myself in a national TV appearance made personally by Zaid on or about 11 July 2016 in what appears to be a desperate effort to attain monetary rewards, reimbursement of funds expended (which Colbert commented about at least twice on the aired program) contracts, book contracts and royalties and the notoriety for Zaid and their coconspirators via the court of public opinion through a televised presentation and statement by ZAID himself who stated emphatically:

"they (*the FBI*) are trying to avoid the embarrassment by the FACT that Bob Rackstraw DB Cooper has slipped through their fingers over the years" *note that Bob Rackstraw is combined with DB Cooper as one name.*

Subsequently, I was told by a reliable source that Zaid told Colbert to call all of the major media and newspapers in the US and Internationally and give them all of the information, names, addresses, and phone numbers of myself and my family instructing them to further harass under the auspices of investigation their case, and create a media frenzy to defame myself and my family. Media personnel did indeed begin the media frenzy, harassment and denial of our family's personal rights and continues to this day and most assuredly and without a doubt will continue indefinitely. (see Hitler's Justice by Imgo Muller).

I believe that the individuals in law enforcement and most especially the FBI have, and are doing, a supreme job in what we have asked them to do in our great nation and that sensationalism and notoriety seeking individuals such as Mark Zaid should be disbarred immediately if not sooner as he is in-fact facing criminal charges notwithstanding the ethical, civil and constitutional issues against him and his coconspirators, that would render him unqualified to serve as a lawyer.

I Robert Rackstraw am now seeking legal representation to pursue any and all civil, criminal and constitutional remedies and massive damages at law available to me and for what has been done to me, my family and our nation's law enforcement personnel by what I consider to be reprehensible and inexcusable conduct by Mark Zaid and would appreciate your assistance in seeking out a trustworthy law firm to further prosecute him and his coconspirators and sponsors.

Your assistance in this matter is greatly appreciated.

I hereby certify that all of the foregoing is true to the best of my memory, knowledge and understanding and what I have available to me, and is submitted under the penalty of perjury for the purpose of disbarring and punishing Mark Zaid and his coconspirators.

Respectfully submitted 19 July 2016

*Robert Rackstraw*

A homeless disabled veteran

EXHIBIT 4 P. 2

**DEPARTMENTAL DISCIPLINARY COMMITTEE**  
**SUPREME COURT, APPELLATE DIVISION**  
**FIRST JUDICIAL DEPARTMENT**  
**61 BROADWAY**  
**NEW YORK, NEW YORK 10006**  
**(212) 401-0800**  
**FAX: (212) 287-1045 (NOT FOR SERVICE OF PAPERS)**

**ERNEST J. COLLAZO, Esq.**  
**CHAIRMAN**

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**JORGE DOPICO**  
**CHIEF COUNSEL**

**SPECIAL TRIAL COUNSEL**  
JEREMY S. GARBER

**DEPUTY CHIEF COUNSEL**  
ANGELA CHRISTMAS  
NAOMI F. GOLDSTEIN  
VITALY LIPKANSKY  
RAYMOND VALLEJO

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NORMA I. MELENDEZ  
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ORLANDO REYES  
YVETTE A. ROSARIO  
REMI E. SHEA  
DENICE M. SZEKELY

August 26, 2016

**PERSONAL AND CONFIDENTIAL**

Robert W. Rackstraw  
941 Orange Avenue, Apt 128  
Coronado, CA. 92118

Re: Matter of Mark S. Zaid, Esq.  
Docket No. 2016.1742

Dear Mr. Rackstraw:

We have reviewed your complaint against Mark S. Zaid, Esq. This attorney's office for the practice of law, as reflected in the New York State Office of Court Administration records, is not located in Manhattan or the Bronx and is, therefore, not within our jurisdiction. Accordingly, we are forwarding your complaint, and any accompanying documentation, to the appropriate grievance committee named below:

Wallace E. Shipp, Jr.  
Bar Counsel  
District of Columbia Office of Bar Counsel  
409 E Street, NW  
Building B, Second Floor, Room 228B  
Washington, DC 20001

Very truly yours,

  
Jorge Dopico

JD: dmk

cc: Wallace E. Shipp, Jr., Bar Counsel

EXHIBIT 5

Robert Wesley Rackstraw  
941 Orange Ave #128  
Coronado CA 92118  
951/314-2575 email: airbornebob@live.com

AE, History Channel, Hearst Corporation, Disney Corporation and their affiliates and associates and subcontractors, employees relatives

Sent Directly to the email of Christian T. Palmieri as directed by him on this date pursuant to our telephone conversation on this date

christian.palmieri@AEnetwork.com

30 June 2016

RE: Cease and desist from airing or communicating, referring to anything involving my name, person, likeness et. al. in any way shape or form whether believed to be true or not or obtained in the public domain or any other means that will be used for any purpose by you and or your affiliates, associates et. al. that would implicate, harm, infer, prevent, destroy myself and or anyone related to and or associated with me et. al. within all of the issues involved with defamation and slander without express written permission from myself or my attorneys.

Dear AE, History Channel, Disney and Hearst Corporations and their affiliates and contributors and supporters, Tom Colbert, Jim Forbes, Ted Skillman, TJC consulting, LMNO and Does one through 1000 yet to be named.

This CEASE AND DESIST ORDER is to inform you that your persistent actions including but not limited to plan on airing a television event on or about 10 July 2016 involving the DB Cooper event and other shows and follow ons that may be known by the titles of 1979, 79 and other submissions by Tom Colbert, Jim Forbes, Ted Skillman, TJC consulting, LMNO, that we believe made both false and true accusations in submissions that consisted of issues and events that were and are patently false and relayed to me by persons that are privy to pre release information but could not or would not reveal the exact content that was or will be purchased by the aforementioned and is scheduled to be aired by the aforementioned with the intent to harm and defame both myself and my family and associates and friends without express written permission from myself or my attorneys.

You are hereby ORDERED TO STOP all activities immediately as they have been done and continue to be done in violation of the law.

I have the right to remain free from these activities as they constitute many of the issues constituting, defamation, libel, harassment stated specifically by Tom Colbert and TJC consulting et. al., and I will pursue any legal remedies available to me against any and all of you if these activities continue. These remedies include but are not limited to: contacting law enforcement to obtain criminal sanctions against you, and suing you civilly for damages I have incurred as a result of your actions.

Again, you must IMMEDIATELY STOP and actions stated above and send me written confirmation that you will stop such activities. You risk incurring some very severe legal consequences if you fail to comply with this demand.

This letter acts as your final warning to discontinue this unwanted conduct before I pursue legal actions against you. At this time, I am not contacting the authorities or filing civil suit against you, as I hope we can resolve this matter without authoritative involvement. I am not under any circumstances, however, waiving any legal rights I have presently, or future legal remedies against you by sending you this letter. This order acts as ONE FINAL CHANCE for you to cease your illegal activities before I exercise my rights.

To ensure compliance with this letter, and to halt any legal action I may take against you, I require you to send a full compliance letter to me at the above address or I will immediately seek legal avenues to remedy the situation.

Sincerely,

*Robert W. Rackstraw* \_\_\_\_\_  
Robert W. Rackstraw

Robert Wesley Rackstraw  
941 Orange Ave. #128  
Coronado, CA 92118  
Cellphone number: 951/314-2575

18 July 2016

San Diego Union Tribune  
600 B Street  
San Diego CA 92101

## **DEMAND FOR CORRECTION and Notice of Lis pendens**

This is a formal notice for your business to remove and submit a correction notice for using my name and likeness in an article that appeared in your newspaper subsequent to the History Channel airing on or about 10 and 11 July 2016 titled D.B. Cooper Case Closed and person or persons contacting you who may have said they were Tom Colbert. . . . and/or others associated with him and TJC or LMNO consulting.

Said article in its entirety made false references, innuendos and unproven theories about me, that you knew or should have known to be false, speculative or rumored, but for your failure to ascertain the truth about your accusations about my person and likeness that resulted in and constitute collusion, coercion, extortion, unjust enrichment of your organization, deceptive practices, deceit to defraud, defamation, libel, slander, personal injury, ruination, untold hardship, pain and suffering, emotional distress, of myself and my family and such other and further damages and injuries that shall be determined that are in violation of California Civil and Criminal, my personal and US Criminal and Civil Codes, the Federal Communications Act, Disabled Veterans Act, Unruh Civil Rights Act, Age Discrimination Acts and my rights as guaranteed by the Constitutions of the State of California and the United States of America et. seq.

This notice is served in a timely fashion as required by state and federal laws.

I can be reached at the above contact information on this letterhead.

Robert Wesley Rackstraw

Mailed via first class mail to the above address on 7/19/2016

Robert Wesley Rackstraw  
941 Orange Ave. #128  
Coronado, CA 92118  
Cellphone number: 951/314-2575

20 July 2016

San Jose Mercury News

## **DEMAND FOR CORRECTION and Notice of Lis pendens**

This is a formal notice for your business to remove and submit a correction notice for using my name and likeness in an article that appeared in your newspaper subsequent to the History Channel airing on or about 10 and 11 July 2016 titled D.B. Cooper Case Closed and person or persons contacting you who may have said they were Tom Colbert. . . . and/or others associated with him and TJC or LMNO consulting.

Said article in its entirety made false references, innuendos and unproven theories about me, that you knew or should have known to be false, speculative or rumored, but for your failure to ascertain the truth about your accusations about my person and likeness that resulted in and constitute collusion, coercion, extortion, unjust enrichment of your organization, deceptive practices, deceit to defraud, defamation, libel, slander, personal injury, ruination, untold hardship, pain and suffering, emotional distress, of myself and my family and such other and further damages and injuries that shall be determined that are in violation of California Civil and Criminal, my personal and US Criminal and Civil Codes, the Federal Communications Act, Disabled Veterans Act, Unruh Civil Rights Act, Age Discrimination Acts and my rights as guaranteed by the Constitutions of the State of California and the United States of America et. seq.

This notice is served in a timely fashion as required by state and federal laws.

I can be reached at the above contact information on this letterhead.

Robert Wesley Rackstraw

Mailed email to the above newspaper on 24 July 2016

EXHIBIT 7 PAGE 2



## What Colbert did with his co-conspirators:

1). Murder for hire is covered by a statute, 18 U.S.C. § 1958, enacted as part of the Comprehensive Crime Control Act of 1984, Pub.L. 98-473, Ch. X, Part A (Oct. 12, 1984). Section 1958(a) provides:

Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility in interstate or foreign commerce, with intent that a murder be committed in violation of the laws of any State or the United States as consideration for the receipt of, or as consideration for a promise or agreement to pay anything of pecuniary value, or who conspires to do so [violates this statute].

The law makes it illegal to 1) travel or use facilities in interstate or foreign commerce; 2) with intent that a murder in violation of state or federal law be committed; 3) for money or other pecuniary compensation.

According to the legislative history, § 1958 was intended to apply to both the "hit man" and the contractor under the theory that the contractor causes the hit man to travel or use facilities in interstate commerce. S. Rep. 225 at 306.

### 2). murder by lying in wait

A murder immediately preceded by lying in wait is murder of the first degree. The term 'lying in wait' is defined as "a waiting and watching for an opportune time to act, together with a concealment by ambush or some other secret design to take the other person by surprise even though the victim is aware of the murderer's presence. The lying in wait need not continue for any particular time provided its duration is such to show a state of mind equivalent to premeditation or deliberation. In the crime of murder by lying in wait, a necessary element is the existence in the mind of a defendant of a concealed purpose or plan to surprise the victim." *Nguyen v. Kane*, 2009 U.S. Dist. LEXIS 105952 (E.D. Cal. Nov. 12, 2009)

A number of statutes also provide the federal government with jurisdiction over killings that implicate civil rights. If two or more people conspire to "injure, oppress, threaten, or intimidate any person" to prevent, or because, the person exercised their Constitutional rights and death results, it becomes a federal offense. 18 U.S.C. § 241 (2010). Causing the death of another in the course of (1) depriving the person of his or her civil rights under color of law (18 U.S.C. § 242) or (2) damaging any "religious real property" for racial motives (18 U.S.C. § 247(c)), can also give rise to federal jurisdiction. Similarly, it is a federal offense if a person is killed because he or she is engaged in a federally protected or sponsored activity. 18 U.S.C. § 245 (2010). Section 245 incidently, is one of the statutes charged in connection with the January 2011 killings during the assassination attempt on Congresswoman Gabrielle Giffords

A. Murder-for-hire The murder-for-hire statute makes it illegal: 1) to travel or use facilities in interstate or foreign commerce; 2) with the intent that a murder in violation of federal or state law be committed; 3) "as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value . . ." 18 U.S.C. § 1958 (2010). Federal jurisdiction rests upon the travel or use of facilities in interstate commerce, which includes the use of the United States Mail (even if the mailing is intrastate). When the government uses informants in these investigations, it often gives rise to claims of entrapment. For example, in *United States v. Mandel*, 647 F.3d 710 (7th Cir. 2011), the defendant used facilities in interstate commerce, his cell phone, multiple times to arrange the murder of his business partner. The defendant appealed his conviction, claiming "he was entrapped into discussing the murder on a cell phone [because it was the informant who called him], so as to manufacture federal jurisdiction 4 UNITED STATES ATTORNEYS' BULLETIN JANUARY 2012 over an otherwise local offense, and that his purely intrastate use of an automobile [did] not constitute the use of a facility of interstate commerce." *Id.* at 712. The court rejected the defendant's challenge, finding the government "merely presented [the defendant] with the opportunity to use his own cell phone to plan the murder . . ." *Id.* at 720. The court further held that the defendant's driving on roads used in interstate commerce, even when the travel occurred intrastate, was sufficient to establish jurisdiction under § 1958. *Id.* at 721. "The intent element of § 1958 relates to murder; it does not relate to interstate activity. The interstate travel merely triggers federal jurisdiction. A defendant need not intend to travel across state lines to commit murder-for-hire; instead, a defendant need only intend to commit a murder-for-hire and, in doing so, travel across state lines." *Bertoldo v. United States*, 145 F. Supp. 2d 111, 115 (D. Mass. 2001) (internal citation omitted). The defendant must have a murderous intent at the time he caused another person to travel across state lines. In *United States v. Driggers*, 559 F.3d 1021 (9th Cir. 2009), the defendant caused a man to travel from California to Idaho on two occasions to discuss having the man kill the defendant's ex-wife. The Ninth Circuit found the jury instructions were erroneous because they did not require the jury to find that the defendant caused the travel with the intent kill; however, the error was held to be harmless. Anything of pecuniary

EXHIBIT B

value, even the payment of minor expenses, meets the third element. For example, in *United States v. Acierno*, 579 F.3d 694 (6th Cir. 2009), the defendant plotted to have a purported "hitman" murder her estranged husband and paid the "hitman" \$100 to cover his expenses. The court found that paying \$100 for expenses constituted a "quid pro quo" between the parties for something of pecuniary value. B. Murder during a kidnapping

Murder-for-Hire Jeff Breinholt Counsel for Law and Policy National Security Division Department of Justice I.

Introduction In the last several months, the U.S. Courts of Appeal have affirmed several murder-for-hire convictions under 18 U.S.C. § 1958. For example, in *United States v. Draven*, 2011 WL 933713, at \*2 (4th Cir. Mar. 18, 2011), the Fourth Circuit upheld the conviction of Michael Anthony Draven, who hired a hitman to kill his girlfriend's husband. On the night of the murder, Draven was in telephone contact with the hitman and drove to an area close to where the murder occurred. After the murder, he shared in his girlfriend's financial reward received by virtue of a death benefit. The First Circuit in *United States v. Bunchan*, 626 F.3d 29, 35 (1st Cir. 2010), affirmed the conviction of James Bunchan, a Massachusetts inmate. Bunchan plotted to kill a witness who was scheduled to testify against him in a fraud case. He enlisted the help of a fellow inmate who secretly went to the authorities and disclosed Bunchan's plan. Bunchan ultimately sent the would-be hitman a list of twelve people he wanted to see killed, including their location, relative priority, and how much he was willing to pay for their deaths. One of them was the federal prosecutor in the fraud case. These two cases exemplify the most quintessential factual scenarios in murder-for-hire jurisprudence since 2000. These cases involve love triangles and threats against law enforcement and witnesses. This article describes the § 1958 jurisprudence from the last decade, where it has been treated by every one of the 13 judicial circuits. While the Second and the Eleventh Circuits have been the most active, a complete listing of the modern murder-for-hire appellate case, by circuit, is appended to the end of this article. II. The statute The federal murder-for-hire statute proscribes a very limited category of behavior. It proscribes only those instances where one party agrees to commit a murder in exchange for another party's provision (or future promise) of payment. These scenarios are punishable under § 1958. See *United States v. Washington*, 318 F.3d 845, 854 (8th Cir. 2003) ("The consideration requirement of [§ 1958] has been interpreted in the traditional sense of a bargained-for exchange."); *United States v. Hernandez*, 141 F.3d 1042, 1057 (11th Cir. 1998) (noting that the language of § 1958 "undeniably contemplates a quid-pro-quo (or at least the promise of such) between the parties to the transaction, the murderer and the solicitor"). Moreover, the reach of § 1958 is further limited by the requirement that this payment take the form of "anything of pecuniary value," defined as "anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage[.]" 18 U.S.C. § 1958(b)(1) (2010); *United States v. Frampton*, 382 F.3d 213, 218 (2d Cir. 2004). Section 1958 was originally enacted as part of the Interstate Travel in Aid of Racketeering Statute (Travel Act), codified at 18 U.S.C. § 1952. The Travel Act, in its original form, established federal jurisdiction over organized crime and racketeering offenses that have a nexus with intrastate commerce.

DAMAGES: DB Cooper Case Closed?

The compliant will demand \$1,000,000,000.00 (one billion US dollars)

Actual  
compensatory  
Consequential  
Continuing  
Exemplary  
Fee  
Foreseeable  
Future  
General  
Hedonic  
Inadequate  
Incidental  
Inadvertent  
Irreparable  
Necessary  
Pecuniary  
Presumptive  
Prospective  
Proximate  
Remote  
Rescissory  
Special  
Speculative  
Statutory  
Substantial  
Temporary  
Treble  
Vindictive  
and others as may be determined