

No. 24-173

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In the  
**Supreme Court of the United States**

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MALCOLM JOHNSON, *et al.*,  
*Petitioners*,

v.

TINA KOTEK, in Her Official Capacity  
as Governor of Oregon, SEJAL HAITI,  
in Her Official Capacity as Director of  
the Oregon Health Authority, *et al.*,  
*Respondents*.

—◆—  
**On Petition for a Writ of Certiorari  
to the United States Court of Appeals  
for the Ninth Circuit**

—◆—  
**PETITION FOR REHEARING**

—◆—  
STEPHEN J. JONCUS  
JONCUS LAW P.C.  
13203 SE 172nd Ave.,  
Ste. 166 #344  
Happy Valley, Oregon 97086  
(971) 236-1200  
steve@joncus.net

*Counsel for Petitioners*

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**PARTIES TO THE PROCEEDING**

**Petitioners** are Malcom Johnson, Stephanie Kaiser, Jessie Clark, Christina Carmichael, Tara Johnson, Kathleen Sanders, Dr. F, Travis Brenneman, Ms. D, Linda Riser, Chad Dillard, Heidi Hopkins, Glenn Hopkins, Leann Wagerle, Teresa Lynn Karn, Boaz Miller, Candy Barnett, Laine Ewry, Margaret Henson, Melissa Swancutt, Ms. B, Wendy Sumner, Adrian Park, Dr. C, Kimberly Swegar, Kelly Hickman, Ms. E, Gail Giltner, Ms. G, Jennifer Brier, Melanie Crites-Bachert, D.O., Marti Lamb, Mary Gabriele, M.D., Elisabeth Coates, Kori DiStefano, Terese Lampa, Jazmin Graff, M.D., Terri Kam, Stephanie Nyhus, Dr. A, David West, Nate Lyons, Susan Burdick, Alyssa Lake, Debra Burdette, Ms. H, Daniel Paul Penna, Ms. J, Janira Brannigan, Amanda Gayken, Karen Carreira, Ms. K, Dr. Shane Baker, Mitchell Moore, Andriele Stodden, Kristin Dill, Carrie Howe, Stacy Fletcher, Lucero Terrazas, Elaine Atkinson, Serena Bordes, Dean Johnson, Dr. Greg Nigh, Tailer Hart, Ms. L, Ms. M, Ms. N, Christina Tressel, Carolyn Brown, Amethyst White, Cassandra Dyke, Tamara Miletich, Free Oregon, Children's Health Defense, Oregon, and Jane/John Does 1 – 1000.

**Respondents** are Tina Kotek, in her official capacity as Governor of the State of Oregon; Sejal Hathi, in her official capacity as Director of the Oregon Health Authority; Kate Brown, former Governor of the State of Oregon, in her personal capacity; Patrick Allen, former Director of the Oregon Health Authority, in his personal capacity.

**CORPORATE DISCLOSURE STATEMENT**

Pursuant to this Court's Rule 29.6, petitioners state:

Petitioner Free Oregon has no parent corporation, and no publicly held corporation owns 10 percent or more of its stock. Petitioner Children's Health Defense, Oregon has no parent corporation, and no publicly held corporation owns 10 percent or more of its stock. All other petitioners are individuals.

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**PETITION FOR REHEARING**

Pursuant to Supreme Court Rule 44.2, Petitioners hereby petition this Court for rehearing of its October 15, 2024 Order denying the Petition for Writ of Certiorari.

Rehearing is sought because the Supreme Court has a unique opportunity to vindicate the principles established in the Nuremberg Code. Petitioners have contended that the Fourteenth Amendment's Due Process Clause guarantees protection from medical experimentation, and that when Congress wrote the Emergency Use Authorization Statute, it included the Nuremberg principle of informed consent for experimental drugs.

When Oregon mandated experimental COVID vaccines, Petitioners were victimized, and the federal courts have so far turned a blind eye to this atrocious abuse of Petitioners'—and all Americans'—rights. But Petitioners and the courts alike—indeed, all Americans—were targeted during the COVID panic in a psychological war still being perpetrated. To gain perspective and see this war requires us to step back in time to *another* mass psychosis. A mass psychosis that ended with the writing of the human rights standard which is the ultimate subject of this case.

Seventy-five years ago, the Nuremberg trials began to put to rest the German mass psychosis that led to the Final Solution. At the Nuremberg trials, the United States was determined to assemble irrefutable evidence of Nazi crimes, make the full scope of Nazi atrocities public, and delegitimize the German elite. President Truman appointed Associate Supreme Court Justice Robert H. Jackson as chief prosecutor. The Germans' Final Solution managed to kill six million people.

Medical experimentation on human beings was an aspect of the Nazi atrocities. The Nuremberg Trials of Nazi doctors resulted in the Nuremberg Code which requires that medical experiments only be conducted on human beings with their voluntary consent. Aspects of this voluntary consent are that a human being is entitled to be informed, and be able to exercise free power of choice without “any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion.”<sup>1</sup>

The Nuremberg Code, established after the horrors of World War II, was meant to be an unbreakable international standard. The World, having faced humanity’s darkest hours, emerged and established safeguards in the Nuremberg Code to prevent future abuses. Unfortunately, the sacred principles of the Nuremberg Code were grossly violated during of the COVID panic.

The COVID vaccines are experimental.<sup>2</sup> They are bioweapons. At 18 U.S.C. § 175(c), a biological agent, toxin, or delivery system developed or produced “for use as a weapon” means that it is so developed (and transferred, retained, or possessed) for “other than prophylactic, protective, bona fide research, or other peaceful purposes.” As researcher Karen Kingston has pointed out, the COVID-19 vaccines now appear to meet this definition: “the COVID-19 ‘vaccines’ do

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<sup>1</sup> Principle 1 of the Nuremberg Code, *See* Petition for Writ of Certiorari, App. 28a.

<sup>2</sup> *See* Petition for Writ of Certiorari, 10–16. “An investigational drug can also be called an experimental drug.” FDA, *Understanding the Regulatory Terminology of Potential Preventions and Treatments for COVID-19* (Oct. 2020). NIH described the EUA-authorized Moderna COVID-19 vaccine as “experimental.” NIH, *Experimental coronavirus vaccine highly effective* (Jan. 12, 2021).



not prevent infection or disease, were not conducted under bona fide research, and serve no peaceful purpose (meaning they cause harm) thereby meeting the definition of bioweapon under 18 USC 175.” Karen Kingston, *How Florida Can Bring Criminal Charges against Pfizer and the FDA Under Title 46 Ch. 790*, THE KINGSTON REPORT, Jan. 3, 2023.<sup>3</sup>

More than 5.5 billion people, about 72 percent of the world’s population, received a dose of an experimental COVID-19 vaccine. See Josh Holder, *Tracking Coronavirus Vaccinations Around the World*, N.Y. TIMES, March 13, 2023.<sup>4</sup>

How did Americans, including those entrusted with public oversight and judicial functions, forget the sacred principles of the Nuremberg Code? Why has there been no reckoning?

#### **A. The PsyWar caused many to forget first principles.**

We are witness to a modern mass psychosis that enveloped the entire western world. The mass psychosis was caused by a psychological war waged against the public.

An undeclared global class war was initiated in 2020, whose aim is the controlled demolition of liberal democracy and the institution of global technocracy—a novel, biodigital form of totalitarianism that threatens to lead to the irreversible enslavement of humanity. World War III looks

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<sup>3</sup> <https://karenkingston.substack.com/p/how-florida-can-bring-criminal-charges> (last viewed Nov. 11, 2024).

<sup>4</sup> <https://www.nytimes.com/interactive/2021/world/covid-vaccinations-tracker.html> (last viewed Nov. 11, 2024)

nothing like its two predecessors and is waged by the transnational deep state against populations using the novel methods of Omniwar, i.e. war waged in every domain, but clandestinely, so that the public does not recognise it as such. The opening campaign of World War III involved the largest psychological warfare operation in history, which I call the “Covid-19’ operation.” This was intended to demoralise, disorientate, and debilitate the public, thus weakening its resistance to the intended transition to technocracy.

David A. Hughes, “COVID-19,” *Psychological Operations, and the War for Technocracy* 1 (2024).<sup>5</sup> More than 65 years ago, Aldous Huxley warned us about the direction that society was heading. He foresaw the sedition against federal and state constitutions by government officials—how through incremental changes, authoritarians would take over the levers of power in disguise:

[B]y means of ever more effective methods of mind-manipulation, the democracies will change their nature; the quaint old forms—elections, parliaments, Supreme Courts and all the rest—will remain. The underlying substance will be a new kind of non-violent totalitarianism. All the traditional names, all the hallowed slogans will remain exactly what they were in the good old days. Democracy and freedom will be the theme of

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<sup>5</sup> See [https://link.springer.com/chapter/10.1007/978-3-031-41850-1\\_1](https://link.springer.com/chapter/10.1007/978-3-031-41850-1_1) (last viewed Nov. 8, 2024).

every broadcast and editorial—but democracy and freedom in a strictly Pickwickian sense. Meanwhile the ruling oligarchy and its highly trained elite of soldiers, policemen, thought-manufacturers and mind-manipulators will quietly run the show as they see fit.

Aldous Huxley, *Brave New World Revisited* 114-115 (Harper & Brothers, 1958).

In his new book, Dr. Robert Malone explains: “PsyWar is when a government or other organization coordinates and directs the deployment of propaganda, censorship, and psychological operations (psyops) tools and weapons in campaigns designed to manipulate public opinion. The United States government is now routinely waging PsyWar against US citizens.” Robert W. Malone, *PsyWar: Enforcing the New World Order* 17-18 (2024).

Censorship is a component of PsyWar that is easy to spot. Censorship of citizen speech on social media by United States officials has become rampant, as this Court was made aware last term. *See Murthy v. Missouri*, 603 U.S. \_\_\_, 144 S. Ct. 1972 (2024). The district court in that case wrote: “During the COVID-19 pandemic, a period perhaps best characterized by widespread doubt and uncertainty, the United States Government seems to have assumed a role similar to an Orwellian ‘Ministry of Truth,’” *Missouri v. Biden*, 680 F. Supp. 3d 630, 729 (W.D. La. 2023), *preliminary injunction*, 83 F.4th 350 (5th Cir. 2023), *rev’d sub nom. Murthy v. Missouri*, 603 U.S. \_\_\_, 144 S. Ct. 1972 (2024).

Echoing these concerns in his recommendation of Malone’s book *PsyWar*, Robert F. Kennedy Jr. wrote:

Psychological warfare methods were deployed to manage public responses to the

assassinations of my uncle and father. In the modern digital world, PsyWar is becoming more and more sophisticated and successful in manipulating populations, groups, and individuals, and is now being widely deployed on Western nation citizens by their governments. This book is a manual on how to recognize and fight the effects of these methods and technologies that strive to control all information, thought, feelings, and speech.

Malone, *supra*, at 1. Kennedy is well aware of the extraordinary and unconstitutional measures that the federal government took to censor his speech that was contrary to the government's COVID narrative, preventing the truth to be widely known. Last year Kennedy filed suit against President Joe Biden and a plethora of government agencies and employees. *Kennedy v. Biden*, Case No. 23-cv-381, Doc. 1 (W.D. La. March 24, 2023). As Kennedy's lawsuit states:

Since 2020, an ever-growing army of federal officers, at every level of the government—from the White House itself to the FBI, the CIA, the Department of Homeland Security, the CDC, the Office of the Surgeon General, and numerous less-well-known federal entities—has been engaged in the effort to induce those companies to censor constitutionally protected speech.

*Id.* at ¶ 9. For example, “A senior Facebook executive repeatedly emailed to Surgeon General Murthy, copying Slavitt, assuring the Surgeon General and the White House that Facebook was censoring

COVID-19 content in accordance with the White House’s demands.” *Id.* at ¶ 266.

Once one suspects propaganda, gaslighting becomes easier to spot. Gaslighting is a form of psychological manipulation that causes a person to “question the validity of their own thoughts, perception of reality, or memories,” which leads to “confusion, loss of confidence and self-esteem, uncertainty of one’s emotional or mental stability, and a dependency on the perpetrator.” Hughes, *supra*, at 195 (quoting Merriam-Webster Dictionary).

Today, no governmental entity in the United States has removed the COVID vaccines from the market despite mountains of evidence that they do not confer immunity, and they are dangerous. That is gaslighting. Hospitals and pharmacies continue to claim that the COVID vaccines are safe and effective while they advertise free shots. More gaslighting. Television advertisements by pharmaceutical companies using celebrities urge COVID boosters. More gaslighting.

Against these gaslighting narratives, however, the real-world consequences of the “Covid-19 operation” for the world have been devastating. The COVID vaccines are estimated to have killed 17 million people worldwide, one death per 470 recipients, in less than three years. Denis G. Rancourt, *COVID-19 vaccine-associated mortality in the Southern Hemisphere* 3, CORRELATION, Sept. 17, 2023.<sup>6</sup> The crime against humanity that has been committed is unprecedented and staggering.

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<sup>6</sup> <https://correlation-canada.org/wp-content/uploads/2023/09/2023-09-17-Correlation-Covid-vaccine-mortality-Southern-Hemisphere-cor.pdf> (last visited Nov. 11, 2024).

## B. Why has there been no reckoning in the United States?

Like all citizens, federal judges are human beings subject to the same PsyWar as everyone else. Indeed, all the lower federal courts mandated a COVID vaccine for their employees and some restricted courtroom access to only vaccinated lawyers and vaccinated jurors.<sup>7</sup>

In essence, this case has asked judges who have participated in the COVID vaccine mandate to judge the legality of that mandate. An ancient principle applies: “no one should be judge in his own case.” D. Lyman, *The Moral Sayings of Publius Syrus, a Roman Slave* 50 (L.E. Barnard & Co., 1856). The risk is that courts that implemented a vaccine mandate themselves would be so psychologically wedded to the correctness of their decision that they would consciously or unconsciously avoid the appearance of having erred or changed position. *See, e.g., Williams v. Pennsylvania*, 579 U.S. 1, 136 S. Ct. 1899, 1906 (2016). In defining the standards for inquiry into judicial bias, this Court has emphasized that objective standards, which do not require proof of actual bias, are appropriate in applying the Due Process Clause. This Court “has asked whether, under a realistic appraisal of psychological tendencies and human weakness, the interest poses such a risk of actual bias or prejudgment that the practice must be forbidden if the guarantee of due process is to be adequately implemented.” *See Caperton v. A. T. Massey Coal Co.*, 556 U.S. 868, 883-84 (2009).

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<sup>7</sup> Petitioners are unaware of whether this Court implemented a vaccine mandate.

Where the courts appear to universally reject hearing and deciding constitutional controversies raised in response to authoritarian mandates related to the recent COVID experimental injections, this practice must be reversed in order to guarantee due process. In the face of widespread judicial bias, Petitioners here have no choice. There is nowhere for Petitioners to turn but to the courts. And so far, the United States Courts have turned a blind eye to requests for relief from coercive mass medical experimentation on human beings.

**C. Will this Court save the United States from the COVID mass psychosis?**

The Nuremberg Code was written seventy-five years ago in the wake of the German mass psychosis. The fundamental human rights principles embodied in the Nuremberg Code have been ignored in the COVID era due to the mass psychosis that has infected the western world. In contrast to WWII, however, the COVID panic did not involve a kinetic war that was lost to a newly born superpower. Unlike the United States' role after WWII, appointing Justice Robert H. Jackson to lead the prosecution of German crimes against humanity, there is no superpower to assemble irrefutable evidence of COVID crimes, make the full scope of COVID atrocities public, and delegitimize the elite who prosecuted the "Covid-19 operation."

The recovery and healing must come from within if it is to come at all. There is some reason for hope. It is widely expected, and promised, that Robert F. Kennedy Jr. will take the leading role over the American health agencies in the new Trump administration. Kennedy is the author of *The Real*

*Anthony Fauci*<sup>8</sup> and *The Wuhan Coverup*.<sup>9</sup> Each book is a tour-de-force exposing United States government corruption and lies.

During the COVID panic, the federal courts placed inordinate trust in government health authorities. With the new administration, Petitioners expect that the government will soon acknowledge how much it lied about COVID-19 and the general public's future consensus understanding of what happened during the COVID-19 panic will be dramatically different than it is today.

However, that will not help compensate Petitioners and the millions of other Americans who faced coercive force to take experimental, very dangerous, and irreversible injections. This Court has an extraordinarily critical role to play in correcting the medical tyranny that Americans suffered during COVID, and the ill effects they are still suffering.

Step one is to recognize that the COVID vaccines were and are experimental. That is not difficult, because an EUA authorized drug is experimental—by definition and as a matter of law. The lower courts have universally failed to recognize this fundamental question of law.

Step two is to determine the constitutional and statutory protections that apply in view of the human rights principles prohibiting forced experimentation on human beings. Certainly, it must be the case that Americans are protected by the United States Constitution from medical experimentation. And Congress, when it enacted the Emergency Use Authorization statute, did not

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<sup>8</sup> Robert F. Kennedy Jr., *The Real Anthony Fauci* (2022).

<sup>9</sup> Robert F. Kennedy Jr., *The Wuhan Cover-Up and the Terrifying Bioweapons Arms Race* (2023).



mistakenly leave out the fundamental human right of an individual to refuse medical experimentation written down for the first time in the Nuremberg Code. Petitioners have presented their view of the contours of how the Constitution and the statutes protect them from medical experimentation. It is a question that this Court has never been asked to consider.

The hardest part is to overcome the effects of the PsyWar and the associated cognitive dissonance. Petitioners pray for this Court's wisdom and respectfully request that this Court grant rehearing of their Petition for Writ of Certiorari.

#### CONCLUSION

Petitioners respectfully request rehearing and for this Court to apply the human rights principles written under Justice Robert H. Jackson's leadership at the Nuremberg trials seventy-five years ago.

Respectfully submitted,

STEPHEN J. JONCUS  
JONCUS LAW P.C.  
13203 SE 172nd Ave., Ste. 166 #344  
Happy Valley, Oregon 97086  
(971) 236-1200  
steve@joncus.net

*Counsel for Petitioners*

**CERTIFICATE OF COUNSEL**

Pursuant to Rule 44.2, Counsel certifies that this Petition is restricted to the grounds specified in the Rule with substantial grounds not previously presented. Counsel certifies that this Petition is presented in good faith and not for delay.



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STEPHEN J. JONCUS