

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

<p>Brian P. Carr, Rueangrong Carr, and Buakhao Von Kramer Plaintiffs versus United States, US Department of Justice, USPS, USPS OIG, USPS BoG, US CIGIE, Department of State, Department of State OIG, USCIS, DHS OIG, and SSA Defendants</p>	<p>Civil No. 3-23CV2875 - S Affirmation Supporting Count 6 and 9 Against CIGIE and DoJ</p>
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**Affirmation Supporting Count 6 and 9¹ Against CIGIE and DoJ
CIGIE Count 6**

CIGIE Bound By Statutes Requiring Reporting of Federal Crimes

Each IG member of CIGIE is bound by the requirement to report federal crimes to DoJ as previously cited in [5a USC IG Act 1978](#) as well as the CIGIE charter in [5a USC IG Act 1978](#) § 11 which requires the council to 'continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse'² as well as an Integrity

¹ ECF 29 is the First Amended Verified Complaint which includes a typographical error in that there are two Count 8's and no Count 9. A Second Amended Verified Complaint is being prepared which corrects such typographical and clerical errors. Count 9 is on Page 44 just before paragraph 247.

² [5a U.S.C. IG Act 1978](#) § 11 states:

(c) Functions and Duties of Council. -

(1) In general. - The Council shall -

(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse; ...

(B) in consultation with the Office of Special Counsel and Whistleblower Protection Coordinators from the member offices of the Inspector General, develop best practices for coordination and communication in promoting the timely and appropriate handling and consideration of protected disclosures, allegations of reprisal, and general matters regarding the implementation and administration of whistleblower protection laws, in accordance with Federal law.

Committee which 'shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and staff members.'

As all IG's and OIG staff members are required to report all federal crimes to DoJ (a clear and unambiguous mandate) the failure to report such crimes is clearly 'wrongdoing' (as well as a potential crime of obstruction of justice) and so must be referred for correction which CIGIE did not do.

IG's are not permitted to simply look away when plausible allegations of federal crimes are reported to them. In the two cases which were brought to CIGIE attention with USPS IG and DoS IG, the CIGIE took no action to correct their failure to report federal crimes to DoJ and we suffered the damages cited in Counts 1, 3, and 4.

In contrast, had the CIGIE since its inception actively insisted that each IG and OIG report crimes to the DoJ and DoJ had done its job of insuring future compliance with federal criminal statutes and eliminating future violations of individual constitutional rights, none of the damages would have occurred.

For example, had the USPS OIG 2017 audit (see ECF 18-7 DR-AR-18-001) been reported to DoJ as 1.9 million federal crimes of falsifying government records and had DoJ done its job of insuring the suggested corrections were implemented, then the USPS problems with falsified documents and broken business processes would almost certainly not have led to the claim for a credit for future services of \$26.35

(d) Integrity Committee. - (1) Establishment. -

The Council shall have an Integrity Committee, which shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described under paragraph (4)(C).

in 2021.

The relief sought from CIGIE is simply that they insure that in the future IG and OIG staff report federal crimes to DoJ as required by statute.

The widespread falsification of delivery times and other records in USPS must be curtailed. Similarly, the widespread lack of due process in visa denials and the intrinsic omission of required information (the evidence considered in the denial) must be corrected.

CIGIE is asked to participate with DoJ, USPS OIG, DoS OIG, and DHS OIG in the process of putting in place procedures to resolve the problems in USPS, DoS, and USCIS as well as other problem areas.

The dangers of illegal orders and widespread falsified records is discusssed in my Response of 18 Mar 2024 (ECF 18) pages 36 to 40 and the Afghan Fiasco. My standing in that particular matter is tenuous at best but the solutions proposed herein addresses much wider concerns. It is hoped that by adopting the principles of good governance not only can future fiascos be avoided, but we also develop senior Military Service Officers (MSOs) who could refuse orders to use Seal Team Six to assasinate federal judges or federal attorneys and, if necessary, collude to insure that any commander which orders such heinous crimes is held accountable for those crimes. That is only possible with strong support of the appropriate IGs, DoJ, and courts.

Sovereign Immunity and Executive Discretion Do Not Apply

The primary relief sought is strict adherence to foundational statutes and mandates as supported in [Marbury v. Madison \(1803\)](#) and APA [5 USC § 702](#). The restrictions on 'sovereign immunity' are discussed at length in my Response of 18 Mar 2024 (ECF 18) pages 1 to 4 and won't be repeated here.

Further, contrary to the broad claims of executive discretion by USATXN, it is not applicable here as the relief sought is simply a mandate that IG and OIG staff members be required to report federal crimes to DoJ as dictated in clear and unambiguous statutes. Executive discretion is discussed at length in my Response of 18 Mar 2024 (ECF 18) pages 4 to 6.

Conclusion

The court is asked to direct that CIGIE adapt its training and review standards to insure that all IG's and OIG staff report all federal crimes to DoJ. CIGIE is also asked to work with DoJ and relevant OIG's and their monitored agencies to insure future compliance with federal criminal statutes and individual constitutional rights.

Count 9, DoJ Must Monitor Allegations of Federal Crimes

DoJ Can Refer Reported Allegations

The DoJ is given broad and exclusive powers to enforce the law, both the constitution and lawful congressional statutes in [28 USC Part II](#) - Department Of Justice. The DoJ has adopted its [own mission statement](#) with 'The mission of the Department of Justice is to uphold the rule of law, to keep our country safe, and to

protect civil rights.³

Congress and the courts have wisely given the DoJ sole authority and responsibility to ‘uphold the law’ to include prosecution as necessary. It simply would not work to have multiple agencies with ambiguous responsibilities to ‘uphold the law’ and prosecute federal crimes.

However, that authority and responsibility to ‘uphold the law’ comes with a price. The constitution has three branches of government with Congress, the Courts, and the Executive branch. As the sole executive agency with authority and responsibility to ‘uphold the law’, DoJ is required to uphold all lawful statutes and court decisions.

This is not to say DoJ has no executive discretion. When faced with ambiguous or contradictory statutes, the DoJ can grant each agency executive discretion to choose the best solution for following the law just as the courts do in such situations. Of course, this never extends to violating clearly stated and unambiguous mandates of Congress such as federal crimes (which are never an option for a federal agency) or violating the Constitution, particularly individual rights guaranteed by the constitution.

That said, the DoJ still has significant executive discretion in how to ‘uphold the law’. The DoJ has to exist within the same budgetary constraints as any other

³ These is also an [expanded mission statement](#) with:

The mission of the Department of Justice is to enforce the law and defend the interests of the United States according to the law, to ensure public safety against foreign and domestic threats, to provide Federal leadership in preventing and controlling crime, to seek just punishment for those guilty of unlawful behavior, and to ensure the fair and impartial administration of justice for all Americans. In carrying out its mission, the Department is guided by four core values: (1) equal justice under the law; (2) honesty and integrity; (3) commitment to excellence; and (4) respect for the worth and dignity of each human being.

agency. The DoJ has the authority to refer matters to other agencies such as the relevant OIG and even local management as long as DoJ monitors the results to insure that future violations are eliminated, thereby upholding the law.

The DoJ can also use the threat of prosecution as necessary to get recalcitrant individuals or agencies to comply, offering immunity for testimony (to quickly get to serious crimes) and plea deals as necessary and appropriate.

However, executive discretion for DoJ does not extend to ignoring lawful statutes or court decisions. The relief sought does not violate DoJ executive discretion as the requested orders simply require the DoJ to 'uphold the law' in whatever fashion it finds most expedient.

Sovereign Immunity Does Not Apply

The primary relief sought is for DoJ to enforce the law as in its mission and charter which is supported in [Marbury v. Madison \(1803\)](#) and APA [5 USC § 702](#). The restrictions on 'sovereign immunity' are discussed at length in my Response of 18 Mar 2024 (ECF 18) pages 1 to 4 and won't be repeated here.

Conclusion

The court is asked to direct CIGIE and DoJ to work with USPS OIG, DoS OIG, and DHS OIG as well as their monitored agencies (USPS, DoS, and USCIS) to avoid future violations of criminal statutes and individual constitutional rights. Further, whenever CIGIE and / or DoJ become aware of other federal crimes (e.g.

falsified readiness reports for Afghan government units) then they are asked to diligently pursue all violations to insure a culture of falsified records or other crimes do not become ingrained in the agency under consideration.

Mr. Carr hereby affirms under penalty of perjury in both the United States and Thailand that as an individual:

1. I have reviewed the above affirmation and believe all of the statements to be true to the best of my knowledge.
2. I have reviewed the associated documents and exhibits and believe them to be true and accurate copies with the exception of the documents identified as being redacted. The redacted documents have only been altered to remove sensitive personal information or other redactable information (as cited in the redaction) according to normal redaction procedures.

I hereby reaffirm that the above is true to the best of my knowledge under penalty of perjury in both the United States and Thailand.

/s Brian P. Carr

Brian P. Carr
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Irving, TX 75061

Date: 27 May 2024

Location: Irving, Texas