

1 Donald Rose  
58 West Portal Way, 312  
San Francisco, California 94127

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3 Northern States District Court  
4 Northern District of California  
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6  
7 Donald Rose, ) Case No.: No.  
8 )  
9 Plaintiff, )  
10 vs. ) 42 U.S.C. Section 1983  
11 City of San Francisco, ) Complaint.  
12 Gavin Newsom, Mayor San Francisco, ) Jury Trial Demanded  
13 Joyce Crum , San Francisco, Director  
14 of Homeless Services,  
15 St Vincent de Paul Society, San  
16 Francisco,  
17 Stanley Raggio, President, Board of  
18 Directors, St Vincent de Paul  
19 Society,  
20 Lessy Benedith, Director, MSC-South  
21 Homeless Shelter,  
22 Defendants

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23 1.

24 JURISDICTION AND VENUE.  
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26

1 The Court has Jurisdiction under 42 USC Section 1983. Venue is proper under  
2 28 U.S.C. § 1391(b).

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4 2.

5 EXHAUSTION OF ADMINISTRATIVE REMEDIES.

6 Plaintiff swears he is not a Pre-Trial Detainee, Sentenced Prisoner, or on  
7 Probation or Parole, and Administrative Remedies are not available, nor  
8 applicable in this cause of action.

9 3.

10 PARTIES.

11  
12 Plaintiffs true name is Donald ( nmi ) Rose.

13 Plaintiffs physical address is mostly at 525 5<sup>th</sup> Street, San Francisco, Ca,  
14 94107

15 Plaintiff is essentially homeless.

16 Plaintiffs mailing address is: 58 West Portal Ave 312, San Francisco, 94127

17 4.

18 DEFENDANTS.

19  
20 The US Supreme Court has held that " although the conduct of private parties  
21 lies beyond the Constitutions scope in most instances, Governmental authority  
22 may dominate a activity to such a extent that its participants must be deemed  
23 to act with the authority of the Government, and as a result, be subject to  
24 constitutional restraints "

25 Edmonson v leesville Concrete co, 500 U.S. 614,610 ( 1991 )  
26

1 Defendants City of San Francisco, Crum, Newsome and undiscovered others have  
2 transferred exclusive and total City of San Francisco authority to Defendants  
3 Benedith, Raggio and the St Vincent de Paul Society, in order to evade  
4 liability for Illegal Acts at MSC-South, and politically shield and distance  
5 themselves from the " Psychological Operations " conducted at MSC-South  
6 Homeless Shelter.

7

8 Gavin Christopher Newsom

9 Mayor, City of San Francisco

10 1 Dr Carlton B Goodlet Place

11 San Francisco, California 94102

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13 Joyce Crum

14 Director of Homeless Services, City of San Francisco

15 1 Dr Carlton B Goodlet Place

16 San Francisco, California, 94102

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18 St Vincent de Paul Society

19 169 Stillman Street

20 San Francisco, California 94107

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22 Stan Raggio

23 President, Board of Directors

24 St. Vincent de Paul Society

25 169 Stillman Street

26 San Francisco, California, 94107

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Lessy Benedith  
MSC-South Homeless Shelter, Director  
525 5<sup>th</sup> St, San Francisco, 94107

5.

LEGAL FRAMEWORK.

Plaintiff states that his claims of violation of Due Process, Equal Protection and Cruel and Unusual Punishment are supported in part by the following:

TITLE 18--CRIMES AND CRIMINAL PROCEDURE

PART I--CRIMES

CHAPTER 113C--TORTURE

Sec. 2340A. Torture

(a) Offense.--Whoever outside the United States commits or attempts to commit torture shall be fined under this title or imprisoned not more than 20 years, or both, and if death results to any person from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

(b) Jurisdiction.--There is jurisdiction over the activity prohibited in subsection (a) if--

(1) the alleged offender is a national of the United States; or

1 (2) the alleged offender is present in the United States,  
2 irrespective of the nationality of the victim or alleged offender.  
3

4 (c) Conspiracy.--A person who conspires to commit an offense under  
5 this section shall be subject to the same penalties (other than the  
6 penalty of death) as the penalties prescribed for the offense, the  
7 commission of which was the object of the conspiracy.  
8

9 (Added Pub. L. 103-236, title V, Sec. 506(a), Apr. 30, 1994, 108 Stat.  
10 463; amended Pub. L. 103-322, title VI, Sec. 60020, Sept. 13, 1994, 108  
11 Stat. 1979; Pub. L. 107-56, title VIII, Sec. 811(g), Oct. 26, 2001, 115  
12 Stat. 381.)  
13

14 United Nations Convention against Torture and other cruel, inhuman or  
15 degrading treatment or punishment, G.A. Res 39/46, annex, 39 U.N. GAOR Supp (   
16 no 51 ) at 197, U.N Doc A/39/51 ( 1984 ) *Entered into force June 26 1987.*  
17

18 Universal Declaration of Human Rights, GA. Res 217, ( 111 ) U.N. Doc A/810 at  
19 71 ( 1948 );

20 International Convention on Civil and Political Rights, G.A. Res 2200A,  
21 ( XXI ), 21 U.N. GAOR Supp ( No 16 ) at 52, U.N. Doc A/6316 ( 1966 ) 999  
22 U.N.T.S. 171, *Entered into force*, March 23 1976.  
23

24 6.

25 LONG TERM BACKGROUND.  
26

1 Plaintiff has been the continued victim of Ritual Harassment and Torture for  
2 a period of over 9 years, at his Residences. This patten of assaultive  
3 behavior, and use of high tech and conventional methods has followed  
4 Plaintiff, to the MSC-South Homeless shelter. The Defendants are deploying  
5 and directing Torture at the Plaintiff.

6  
7 Plaintiff will develop materials at trial that establish the " Techniques  
8 used " on " the Plaintiff have been used in Illegal Behavioral Modification  
9 programs in Logging camps, Hospitals, Jails and Prisons, Truck Drivers and  
10 Large Ship Crews, as these Persons are socially isolated. Points of reference  
11 for " Normal " behaviors are blurred or lost.

12  
13 C.I.A. was demonstrated to use the same " Techniques " at a Mental Hospital  
14 in Canada in the 1980's onward, as referenced in the book " The Levesque  
15 cases ". The government of Canada was found guilty at Trial in Canada, as  
16 acting as a agent of the U.S.A. Government.

17  
18 F.B.I. Was publicly noted to use the same " Techniques " publicly in the Waco  
19 Tragedy. Open source materials record this beyond a shadow of a doubt.

20  
21 The U.S.A. Department of Defense has also been noted to use in the Iraq  
22 Conflict, " Psychological Operations " to the detriment of Physical and  
23 Psychological health, causing permanent impairment. Including but not  
24 limited to approximately 7.5 Hertz Sub-Audible Sound that induces Nausea,  
25 Vomiting and severe Psychological Injury. Also, Microwave " Poppers " that  
26 have little known function.

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Plaintiff alleges that the methods of ritualistic torture directed at his person consists of Defamation of Character, Verbal Harassment, Death Threats, Audible Sound techniques and other methods to be proven at Trial consisting of methods that that been known to have been developed strictly to harass , psychologically injure, and physically injure human beings.

Plaintiff has suffered great Psychological and Physical injury from the methods the Defendants have directed at him.

Plaintiff states he went to the Tenderloin Sub- Station for the San Francisco Police Department in 2005 with documentation including Video and Audio tapes containing information regarding Assaults and Harassment directed at him while a resident of 55 Mason Street, San Francisco. He was told to leave the Substation or be subject to arrest.

Plaintiff went to the F.B.I. Field Office in Long Beach, California in August of 2001, and met with Special Agents there, he turned over Investigatory Materials developed by 2 Private Investigators, One of which was was a retired F.B.I Agent. These materials supported the claims of Ritual Torture even as far back 2000. Plaintiff did not receive a Case Number, was never formally interviewed by the F.B.I, and was never contacted after him initiating contact. The Special Agents told the Plaintiff to leave.

The second time Plaintiff went to the United States of America, Department of Justice, Federal Bureau of Investigation in 2005, at the F.B.I Field Office

1 in San Francisco regarding ritual assault and harassment. Plaintiff was told  
2 " Come back with someone who can prove you are sane ". The Plaintiff wrote an  
3 account of the Torture, Plaintiff brought a large amount of Audio, Video,  
4 Notes, reports written by Plaintiff at time of occurrence, and Physical  
5 Evidence. He was never contacted by the F.B.I San Francisco office. Special  
6 Agents refused to examine or accept any of the evidence.

7  
8 Plaintiff signed a Non-Disclosure agreement in 1974 with a arm of the United  
9 States Government concerning activities Plaintiff was directed to conduct by  
10 the United States.

11  
12 Plaintiff alleges that his involvement with a undisclosed arm of the United  
13 States Government has morphed into a Torture and Harassment Project, that is  
14 now conducted by the named Defendants, the Torture project using the  
15 constellation of techniques known loosely as " Psychological Operations " has  
16 now spread into a widespread social Phenomena.

17  
18 Plaintiff may need a separate Evidentiary hearing to ascertain the extent of  
19 the " Agreement " and to determine if Plaintiff possesses Confidential,  
20 Secret or Top Secret materials belonging to the United States Government.

21  
22 Plaintiff has no actual knowledge of possession of these  
23 " Materials ". Plaintiff has no intent whatsoever to disclose any potential  
24 " Materials ".



1 Plaintiff was never provided a copy of the " Agreement " and cannot remember  
2 the wording or exact contents as the Plaintiff was 18 years old at the time  
3 of signing. Plaintiff alleges the persons he signed the " Agreement " with  
4 were probably were operating under O.C. " Official Cover " of the United  
5 States Government, and misrepresented the Agency they were associated with,  
6 and most probably totally misrepresented the actual reason for approaching  
7 the Plaintiff.

8  
9 Plaintiff has been subjected also to Harassment, and unusual attention by  
10 several Police and Sheriffs departments over the past Ten Years.

11  
12 During the period of November 1994 and 2001 Plaintiff noticed numerous white  
13 cars parked outside his residence, that were not associated with Residents of  
14 his neighborhood.

15  
16 Also Plaintiff observed numerous Electronic devices mounted to Utility  
17 Structures over the last Ten years, that were not consistent with normal  
18 Utility Installations.

19  
20 Plaintiff is currently, and in the past has been a Resident and Tenant of the  
21 MSC-South Homeless Shelter.

22  
23 The named Defendants solely and in conspiracy, have allowed Techniques that  
24 Harass and Injure Human beings to be deployed at the MSC-South Homeless  
25 Shelter. The " Care not Cash " Program as engineered by Defendant Newsome  
26 and the City of San Francisco, has forced the Defendant and other persons to

1 use the City of San Francisco Homeless Shelter system exclusively. Recent  
2 surveys conducted among City of San Francisco Homeless Shelter residents, run  
3 in the 20% to 30% of respondents indicating " Abusive " Staff.

4  
5 Most Residents do not have a adequate Scientific Background to even suspect  
6 Technologically based " Psychological Operations " are being deployed against  
7 them.

8  
9 Plaintiff expects the Defendants to also implicate United States Government  
10 personnel and potentially Defense Contractors, as being involved and  
11 directing Human Experimentation at the San Francisco City Homeless Shelter  
12 system, without gaining Informed Consent of the individuals involved.

13  
14 Plaintiff has been repeatedly assaulted at MSC-South Homeless Shelter by  
15 conventional and High-Tech methods, from a period of time May 05 2008 until  
16 the date of this filing.

17  
18 Plaintiff has intermittently stayed at the MSC-South Homeless Shelter , and  
19 will produce evidence showing so.

20  
21 Plaintiff has been the victim of Targeted Verbal Harassment, by the staff of  
22 MSC-South and others that the staff of MSC-South has directed.

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24 7.

25 STATEMENT OF CLAIM.

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COUNT ONE

Plaintiff alleges between May 06, 2008 and March 27, 2009 Defendants and undiscovered other persons and entities solely and in a conspiracy deprived Plaintiff of his right to Due Process of Law, numerous times, under Article Six, United States Constitution, Bill of Rights by applying Torture using the constellation of techniques known as " Psychological Operations ".

COUNT TWO

Plaintiff alleges between May 06, 2008 and March 27, 2009 Defendants and undiscovered other persons and entities solely and in a conspiracy deprived Plaintiff of his right to be free of Cruel and Unusual punishment, numerous times, under Article X, United States Constitution, Bill of Rights by applying Torture, causing Physical and Psychological damage to the Plaintiff, using the constellation of techniques known as " Psychological Operations ".

COUNT THREE

Plaintiff alleges between May 06, 2008 and March 27, 2009 Defendants and undiscovered other persons and entities solely and in a conspiracy deprived Plaintiff of his right to be free of equal protection , numerous times, under Article 11 , United States Constitution Bill of Rights by applying Torture, causing Physical and Psychological damage to the Plaintiff, using the constellation of techniques known as " Psychological Operations ".

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REQUEST TO FILE AMENDED COMPLAINT.

Due to Plaintiff's indigence and the potential involvement of the United States Of America, Plaintiff request the right to file a amended complaint as additional Defendants may come to light. Also, Technical Instrumentation that can be classed as a Military Munition, under U.S.C. Title 50, may be necessary to survey the area of MSC-South and the surrounding properties.

9.

REQUUEST FOR RELIEF.

The Plaintiff respectfully requests that the Court grant the following relief:

A. Compensatory damages in a amount to be proven at Trial, but in a amount over 200,000 dollars.

B. For Punitive and exemplary damages to be proven at Trial, if allowed under this cause of action.

C. For Reasonable Attorney's fees and cost of Suit.

D. For other relief as the Court deems Fair and Just.

JURY TRIAL DEMAND.

A Jury Trial is demanded on all triable issues.

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Dated,

March 27, 2009

Respectfully Submitted,

Donald Rose, Pro-Se

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\_\_\_\_\_  
Judge

Dated this 16<sup>th</sup> of March, 2009

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Donald Rose