

# COMPLETELY FICTIONALIZED

From: Alexander Avakov

To: A Lawyer

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## 1) SURVEILLANCE

Dear All,

**I am sending you this letter with the hope to get a lawyer. Unbelievable, but it is a fact: I have been subjected to surveillance by feds, but cannot do anything about it. Nobody should be deprived of their Fourth Amendment privacy the way I was.**

I was born in the U.S.S.R. in 1954. My father was a very talented scientist engineer who had an interest in philosophy. My mother was a gifted engineer too, with a life-long passion for literature. The family was well to do by Soviet standards, but relatively poor by the American standards. It was a typical one for Soviet intelligentsia, which existed on bad wine and good poetry. Since a young age I had been intellectually curious and interested in philosophy. Since the age of 11 I had intensely studied economics and economic statistics. Needless to say, the inadequacy of the Soviet economic model was obvious to me. After completing high school, I entered the Mathematical Department of the Ural State University in Sverdlovsk (now Ekaterinburg), because in the Soviet Union all serious advances in economics were done with the help of mathematics. I had studied at the Mathematical Department for five years, specializing in mathematical economics. The circle of my interests included the constitutions of the countries of the world. I was particularly drawn to the American constitution as the key to understanding why America avoided the historical catastrophes of Russia. I started my "subversive" activities by writing on walls slogans like "Freedom to Political Prisoners!" In 1975, as I was in my fifth year in the University and all courses had been completed, I distributed five types of leaflets — or more exactly pamphlets — about the history and current political conditions of the Soviet Union. The leaflets (or pamphlets) called for guarantees of constitutional rights, economic reforms, freedom for the Warsaw Pact members, and independence of the Soviet republics. The further time goes, the more I think that it was God's providence — something was floating in the air, and I just caught it. As it was long before perestroika, in the depths of the Brezhnev era, I was arrested, accused of "Anti-Soviet Agitation and Propaganda" (which was a notorious article of the Criminal Code, in effect annulling freedom of speech guaranteed by the constitution) and sentenced to 1 and ½ years of hard labor.

My sentence was served in a KGB-run labor camp among other dissidents, including former journalists, historians, military people, and diplomats. During my time in the prison camp and after it, using my chance to socialize with many interesting people. I have expanded my education by including semiotics, anthropology, law, sociology, demography, and history. After completing the sentence, I was subjected to extrajudicial punishment of "administrative supervision" for refusing to cooperate with the KGB.

In 1981, when the country was "cleansed" of subversive elements, I was allowed to emigrate from the U.S.S.R. The same year while in Italy, we were given OK by the CIA and the State Department to immigrate to the U.S. But, "Intelligence looks for friends, counterintelligence looks for enemies." Russophobia is very organic for American counterintelligence and political establishments. **Even though I was officially welcomed with my family in the United States, I have never been completely trusted by the U.S. authorities, in particular the FBI.**

In America, in the beginning for a short while I had been watched apparently by the CIA (such surveillance on the U.S. territory was allowed by the Executive Order 12333) and then for years by the FBI. I have hard documentary proof about the FBI surveillance in 1982-1988. It is also highly likely that the FBI surveillance or surveillance by the FBI-affiliated entities has continued after 1988.

Surveillance by the FBI counter-intelligence had been conducted under the pretext (according to the FBI documents received under the Freedom of Information/Privacy Act) that I “had a solid educational background” and “was not Jewish”; I am in fact of Armenian-Russian descent, but the whole idea that if you are not of the “correct” identity (“not Jewish”) and have a good education, you should be subjected “national security investigation” and surveillance by the FBI, is absurd and discriminatory. But it is not my issue to distinguish between Jewish and non-Jewish immigration from the Soviet Union — it is the issue of the FBI. With regard to “a solid educational background” I can only say that it is remarkable that there exists an immigration law of the United States that allows entrance into the country of exceptionally bright people (“exceptional ability” visas EB-2(B)). The more surprising thing is that the FBI can start an investigation once they realize that you are really not stupid. All this was accompanied by the commentaries of the FBI operatives that I was “too bright” and “wrong bright.” **In the process they made a real mockery of the Fourth Amendment.**

Meanwhile, I have had a successful career as a computer programmer and have travelled extensively abroad at an international software company. During my travels, I have had episodic collisions with the CIA and other international intelligence organizations, and have been continuously watched domestically.

According to my observations, since the 1980s, there have been signs that I was subjected to persistent surveillance by an unrevealed yet tremendously sophisticated party; I suspect, in particular: wiretapping of my phone and home conversations, of conversations during walks and in my car, and electronic wiretapping of my computers. The wiretapping of computers is very thorough — they surveilled **EVEN** a computer not connected to the Internet, apparently either by monitoring keystrokes or Van Eck monitoring. The more interesting technologically is, as I know from practice, that I have been also subjected to surveillance by covert CCTV. Covert CCTV includes such from smart TV and electric bulbs, which used to be a big spy secret. (Please see the discussion in my book “*Metafolklore*” about the technical feasibility of these methods of surveillance).

“There was of course no way of knowing whether you are being watched at any given moment. ... You had to live — did live, from habit that became instinct — in the assumption that every sound you made was overheard, and ... every movement scrutinized.” (George Orwell in *1984*)

“Most individuals may be confident that there is no possibility that they could be followed on a 24-hour basis for a period ranging from months to years, having their most intimate secrets and conversations compromised without any indication. There are a number of spies, terrorists, and general criminals in prison today who now know the truth.” (ACM IV Security Services)

Basically, there are two theories with regard to who may conduct this surveillance now: a private party (like an employer), or a public, government party (like the federal or New Jersey national security agencies):

- If this surveillance is conducted by a private party or without a warrant, it opens a question of a civil liability. By the law of New Jersey each day of wiretapping or other electronic surveillance without consent and a warrant is punishable by 100 dollars penalty (for 38-42 years in my case it accrues to more than 1.39-1.53 million dollars).
- Or, if the surveillance is conducted by the federal or New Jersey national security agencies with a warrant, it means it is done with a flimsy probable cause. In which case they have been misrepresenting the evidence for probable cause before the court, and are guilty of extreme professional malpractice by pushing the continuation of such intrusive surveillance for so many years; and the only reason they continue to do so is because they are unable to admit such an egregious mistake. Additionally, there are reasons to believe they may be engaged in some pretty nasty counterintelligence disruption behavior. All of which needs to stop; and people conducting these actions must be reprimanded and punished.

A few words about the FBI surveillance in particular. My early encounters with the FBI surveillance are documented in my book. I found support for the idea that surveillance is practiced more or less routinely in America in the 1987 article “Hi, Spy” in *The New York Times* that wrote: “Former F.B.I. chief and newly appointed Director of Central Intelligence, introduced a colorful new bit of spy-speak in a speech last December. Addressing the tricky problem of counterintelligence in our democratic society, he said: ‘As our main tactic... we ‘spiderweb’ known or suspected intelligence operatives. Spinning our webs with physical and electronic surveillance... we weave a barrier between hostile agents and our citizens.’”

There was one problem: I am a kind of person, for whom everything must be conceptually at its place. I bought books about American constitutional law: in them, citing the decisions of the U.S. Supreme Court, it was written that only a court could order surveillance. So, I thought, there should have been court proceedings, charges of a crime — but there was none of that. And, finally, in 1990, there came a publication in the *New York Times* about some secret “Foreign Intelligence Surveillance Court”. It was a bombshell: why secret, what crime, who made the accusations, where was the advocate? When I came to America, I expected the least to deal with such a Kafkaesque court. The big portion of the U.S. Constitution was suddenly in a garbage box.

What makes matters even worse is that surveillance ordered by this secret Court is fantastically total. In 2002, on a rare occasion, one decision of this Court became known to Congress. In this decision the Court noted that after it grants a surveillance request, “the FBI will be authorized to conduct simultaneously, telephone, microphone, cell phone, e-mail and computer surveillance of the U.S. person target’s home, workplace and vehicles. Similar breadth is accorded the FBI in physical searches of the target’s residence, office, vehicles, computer, safe deposit box and U.S. mails where supported by probable cause.” (As I said before, the wiretapping of computers included monitoring of the computer not connected to the Internet; and you should add to the above revelation of the FISA Court surveillance through covert CCTV, including from electric bulbs and smart TV.)

The Constitution says that nobody should be deprived of life, liberty, or property without due process of law. The breadth and totality of surveillance employed against “foreign intelligence” amounts, as a minimum, to a deprivation of liberty; one can argue that such surveillance affects also life and property. “Due process of law” is commonly understood as the right for “a day in court”, with all those procedural rights defined in the Bill of Rights (we should remind that four of the 10 amendments of the Bill of Rights deal exactly with these procedural rights: Fourth, Fifth, Sixth, and Eighth Amendments; and most of the specific “rights” enumerated in the Bill of Rights are described in these four amendments; also Fourteenth Amendment should be added to the list because of its importance with regard to due process). It seems, it was decided that — real or imaginary — “foreign intelligence” does not deserve the requirements of due process of the U.S. Constitution.

One of the hallmarks of the existing Foreign Intelligence Court (FISC) procedure is that the target of surveillance cannot redress the injury caused by the FISC surveillance. In a recent critique of the Foreign Intelligence Surveillance Act (FISA) warrant-procedure as amended by the PATRIOT Act, a Note in the *Yale Law Journal* proposes that FISA be repealed and that the United States return to use of warrantless foreign intelligence surveillance in which “targets could challenge the reasonableness of the surveillance in an adversary proceeding in an Article III court after the surveillance was complete.”

For the Note, “the possibility of after-the-fact reasonableness review of the merits of their decision in Article III courts (in camera or not) would help guarantee careful and calm DOJ decisionmaking,” and would allow to redress the injury caused by this surveillance.

That after-the-fact review, either instead of the Foreign Intelligence Surveillance Court (FISC) procedure or in addition it, makes sense. The existence of FISC does not change the nature of the decision to start surveillance as an executive discretion. FISC is a “court” only in name, as the lawyers for the target of surveillance do not take part in its proceedings, and FISC rubber-stamps decisions to start surveillance.

The situation with FISC surveillance illustrates that over decades the U.S. counterintelligence apparatus has created a legal system where all the usual judicial ways of achieving justice are blocked. You can spend all your life figuring out which of the many federal, state and local police and intelligence agencies do surveillance against you. History books tell us that intelligence operatives usually behave as a mafia in courts and engage in perjury when asked about national security surveillance. With nominal punishment of 100 per day for electronic surveillance without a warrant, nosy policemen or individuals and corporations with motives and resources have a license for such warrantless electronic surveillance. And the U.S. intelligence community considers this situation normal.

People conducting surveillance do not do their job perfectly — they make mistakes and they talk. But they can afford to make mistakes and talk, because the American laws and judicial system are designed in such a way that it is very difficult to prove the fact of electronic surveillance in the court of law. Please do not think that modern surveillance does not affect you, because it is “not a KGB surveillance”. When you notice it, even if the FBI agents are professional, it works as harassment and is exhausting for you. Also, I can identify a couple of people, who are privy to the details of wiretapping and electronic eavesdropping, who appear in public places (like Starbucks) that we visit regularly in our town, who intentionally mix surveillance with harassment (probably as part of their job assignment).

Generally, my issues are around the lack of redress against unjustified surveillance by the government or a private party. My efforts to get redress meet strong resistance. It reminds the situation once described by Justice Douglas:

“[W]e are currently in the throes of another national seizure of paranoia, resembling the hysteria which surrounded the Alien and Sedition Acts, the Palmer Raids, and the McCarthy era. Those who register dissent or who petition their governments for redress are subjected to scrutiny by grand juries, by the FBI, or even by the military. Their associates are interrogated. Their homes are bugged and their telephones are wiretapped. They are befriended by secret government informers. Their patriotism and loyalty are questioned. ... We have as much or more to fear from the erosion of our sense of privacy and independence by the omnipresent electronic ear of the Government as we do from the likelihood that fomenters of domestic upheaval will modify our form of governing.” (Cited by: Solove (2021), p. 178.)

Likewise, proving my allegations of surveillance encounters some systemic problems.

The first problem is the ability to state a claim upon which relief can be granted. At the moment, I have a well-founded conjecture. But, no “smoking gun”, no admissions, no specific interaction. I have my suspicions of continuing surveillance based on

- a series of suspicious conversations described in my book “*Metafolklore*”;
- the fact of the FBI surveillance in 1982-1988 confirmed by FOIA/PA request.

I would like to ask your advice and assistance regarding possible legal recourse concerning my suspicions. I would also be interested in discussing what additional research may be done to obtain documents or question potential witnesses to support my claim.

But I realize that I will have a nearly impossible time of making a claim that will satisfy the pleading standards of a complaint required by *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79, 129 S. Ct. 1937, 1949-50 (2009). If you read that case, you will understand the problem.

The next issue I will undoubtedly have, if I get past the *Iqbal* pleading problem, is the government will simply assert the military or state’s secret privilege to prevent me from obtaining the information to litigate my case. Further, my case will run a high risk of being dismissed on that ground alone.

As explained in *United States ex rel. Schwartz v. TRW, Inc.*, 211 F.R.D. 388, the scope of the military or state secrets privilege is quite broad:

The government may use the state secrets privilege to withhold a broad range of information. Although “whenever possible, sensitive information must be disentangled from nonsensitive information to allow for the release of the latter,” *Ellsberg v. Mitchell*, 228 U.S. App. D.C. 225, 709 F.2d 51, 57 (D.C. Cir. 1983), courts recognize the inherent limitations in trying to separate classified and unclassified information[.]

*Kasza*, 133 F.3d at 1166. “Once the privilege is properly invoked and the court is satisfied as to the danger of divulging state secrets, the privilege is absolute[.]” *Id.*

*United States ex rel. Schwartz v. TRW, Inc.*, 211 F.R.D. 388, 393 (C.D. Cal. 2002)

If, having been introduced to the depth of the problem, nevertheless, you think you can take the role of a human-rights lawyer in my case, you are welcome.

**Please find more documentation of my allegations in my book “*Metafolklore*”:** the latest Seventh Edition, with Six Volumes and with all archives of the versions of the book, can be downloaded for free from the website: <https://metafolklore.ru>. Also, the Seventh Edition with Six Volumes can be bought on Amazon.com.

This book represents a collection of my life works, observations, and thoughts, which I consider interesting. Please do not be afraid of the large amount of documentation — I try to show surveillance in the broad context of my life. Within that context, many of my observations and thoughts in these volumes are about the specific facts of intrusion into my private life and describe my search for protection against surveillance and violations of privacy — as such “*Metafolklore*” is directly related to the main topic of my letter to you and provides references to evidence, which you as a lawyer may need.

## 2) DEFAMATION

The people conducting surveillance have been involved in some pretty outrageous defamation efforts against me. **Let me share some of my experience and make educated guesses.** I hope my “educated guesses” are not completely deprived of logic and will make at least some sense to you.

Intelligence services love to collect compromising material (especially, if the targets of surveillance show some degree of political activity). The things they were looking for, however commonplace, would not be moral, and I would try to avoid them anyway. But they have added an additional determination not to give to them the compromising material. As a result, they are unhappy with me and think I am too independent. My life experience in America has led me to perceive the “big world” according to the old Soviet habits: as living “not by truth”. Sigmund Freud writes in *“Civilization and Its Discontents”*: “The man who sees his pursuit... come to nothing in later years can still find consolation in the yield of pleasure of chronic intoxication; or he can embark on the desperate attempt at rebellion.” I rebelled but adapted as a not-so-desperate and completely sober non-conformist in America.

The FBI complained that I had too many books (I have about 20,000 of them). Half of the library is in Russian, and that is “wrong culture” — sure, “we do not need Pushkin, Tolstoy, and Sakharov”! It is a recognition of the fact that Russian culture presents a problem, which the Western world is not able to handle. But, as a Soviet nonconformist almanac *“Metropol”* (which was published in the U.S. in 1979) reminds us in the essay “Uncomfortable Culture”, “How to ... justify **the need for multilingualism**, in which each language looks in relation to the other as incorrect and unthinkable? Where, exactly, does this need for misunderstanding, for failures, for ‘crazy ideas’ come from in the semiotic device, designed (by definition) for **understanding**? Understanding becomes cultural only through overcoming misunderstanding, which always remains incomplete. In the process of impossible-possible translation into another ‘language’ (i.e., on the border with another language), each existing language tries to go beyond its own limits.” (*“Metropol”* (1979), p. 752.) “Culture (the same way as a personality) completely lies on **its own border**, that is on the border **with a different culture**.” “‘Borderliness’ is an internal definition of a culture that does not have any ‘own’ territory closed on itself: ‘The cultural atom’ exists only in dialogue and, ‘abstracted from borders,’ becomes empty, arrogant, degenerates and dies.” (Ibid., p. 750.)

Another half of our library is in English, and here many of the books are on the subject of surveillance and raise the alarm about a real danger of electronic totalitarianism in the U.S. — and that is “tantamount to espionage”! Oh, and you notice spectacular achievements of our propaganda — you are a real, real spy! On top of that the FBI profilers said that I had “the profile of a terrorist” and that our family was a “terrorist cell”.

And I hear things like that from time to time from the FBI or police operatives: “You have to watch this dog 24 x 7. He is a dog.” In their slang “dog” is opposite to “god”, a bad person. I am in no way a God-maniac, but to be called a “bad person” is unpleasant and meaningful. To call somebody a “dog” is a language trick to justify continuing surveillance. There are also other indications that the FBI and my political ill-wishers are behind a campaign to create the image of me being “Devil” among the poorly educated and prejudiced people. What can I say? You are mad, if you believe that. But this myth more or less successfully lives his life and is a form of defamation. **A former owner of our Company was obsessed with the idea that I, being non-Jewish, was a “wrong god” (we will leave quasi-religious phraseology on his consciousness) and bragged that defamation was his “social control”. This attitude is very much shared by the current leadership of the Company.**

There are also other forms of systematic defamation by my ill-wishers, which have continued for many decades and have been transmitted to countless number of people. I will provide the details of all forms of defamation and the names of some people, who have been involved with surveillance-associated defamation, if you take my case. **Thus, we are talking about the possibility of an anti-defamation legal action against these my detractors.**

## 3) CONCERNS REGARDING PUBLISHING MY BOOK

Because of its coverage of surveillance in America my book *“Metafolklore”* has run into certain resistance from some part of the public in the United States. An archetypically hostile reaction to this book was expressed in *LA Times* by William Askins, ex-CIA Clandestine Service Senior Operations Officer: “This book is chock full of secrets. The public doesn’t need to know this stuff and it should be suppressed!” These words, representing usual criticism from certain circles

to this kind of literature, were written about one of the contributing sources to this book; the opposition to the cumulative effect of my book is even more acute. Here is another piece of reality: today, in America you cannot outright forbid such a book, but you can suppress it. The desire to “suppress” my book “*Metafolklore*” has practical consequences.

In addition to the website, I also have the printed version of “*Metafolklore*,” which I self-published. And it has encountered obstacles. I would like to underscore that *World Human Rights Guide*, published by *The Economist*, defines “independent book publishing” as one of 40 basic human rights and says that it is protected by Article 19 of the Universal Declaration of Human Rights.

During the preparation of the publication of my book on Amazon, I specified search keywords: KGB, FBI, CIA, MI5, Mossad, NSA, privacy. I often buy a lot of books on Amazon by specifying these keywords in Advanced Search — my book never appears in the search results. When I buy a single copy of some books of other authors, finding them by these keywords, they immediately jump in the search results to the first pages. I know for sure that dozens of copies of my book “*Metafolklore*” are being sold on Amazon each month, but my book never jumps to the first pages of the Amazon book search by these keywords. In fact, I have never seen my book in the Amazon search results by these keywords in the first (maximum displayable) 75 pages of the search results.

It proves that Amazon search keywords are a complete profanation, and that they have the ability to suppress undesirable books, and that they indeed use this suppression mechanism against my book.

I would not be surprised if the FBI is behind the efforts to suppress “*Metafolklore*”, but I am not necessarily blaming the government — it is more probably the result of actions of overcautious employees of Amazon who stumbled against a “subversive-looking” book. And even if the government is involved in some indirect way, I am not sure that the government would be liable in this case. This case is more about Amazon itself. I think I have very concrete evidence of Amazon’s unjustified efforts to exclude my book from normal ranking algorithms.

**This situation with Amazon rankings cannot be tolerated and can open the direction of an additional legal action.**

## **4) ADDITIONAL CONCERNS REGARDING FIRING OF OUR FAMILY**

On July 29, 2022, our company fired me “without any problems with performance.” A week later, on August 08, 2022, our company fired my wife, Lina Manayeva. The third key person for our Company, who was fired, was R. P., a good friend of our family. She was responsible for the Workflow subsystem and was also doing a very good job in other areas. Without false modesty, I can say that 3 of us, R. P., my wife Lina Manayeva and I worked with brilliance, and we were among the best 5 workers of the company, out of a couple of hundred employed world-wide. My older daughter, Jane Avakov, who worked for the Company, was also fired. The firings of my wife and daughter were done in a hurry, a week after me and R. P., without even preparing HR for the firings. These later firings were targeted – nobody else was fired. Again, “there were no problems with performance.” Our daughter also possessed some unique qualifications, thanks to the fact that she listened carefully to my DBA instructions. **First of all**, the best 5 people I am talking about had been doing 95% of the work in the company, when the company had on payroll many practically useless workers, some of whom should have been paid not to touch the product at all. Of these 5, three were fired. **Second**, the management of our company was not really fond of teamwork. These 5 people, due to their experience and abilities, were part of an excellent New York team and were its informal leaders. But that informal culture was met with hostility. **Third**, the management was alien to the very idea of creative work. They did not understand that sometimes it is necessary to take risks, let people display their creativity and see what they can come up with. Instead, the truly capable workers were marginalized, while the people in the positions of authority, who produced nothing but presentation papers, were cultivated.

The secret of our Company has long been that there was a team of talented workers, who were sabotaged and undermined by inept and dishonest management. For example, they claimed on their website that they invested 100 percent of the maintenance fees from the banks into the development of the product, which is a complete lie, because we have not seen that investment. They have developed an illusory reliance on Colombia recently. For one thing, they tried to replace the New York team with Colombian team for maintaining the application the way it exists now (developed in C++, Java, and COBOL with the use of 4GL tools), which, knowing the level of the team in Colombia, is a complete non-starter. Also, there had been rumors in the Company that they diverted resources to a behind-the-scenes development in Colombia of a fully blown Java alternative to our application. To a degree, to which it was justified, Java was already part of our product. But it is incomprehensible that somebody might try to completely rely

on Java, because we have a number of crucial so-called “online batch processes”, for which Java is too slow. If they tried to move in this direction without a consultation with experts, they are complete idiots.

The bottom line, they fired the workers who had done the best job. That is swinishness morally, but also it does not have any obvious logical explanation. If our system still works a long time after our firing, that is a testimony to the good quality of the job done by us. Eventually, of course, the Company will lose badly as a result of our firing. But here we will try to navigate through the incomprehensible — through the possible “reasons” for our firing.

There are four theories why they fired the best people and destroyed the main team, three work-related and one political:

- Theory No. 1. Our sales people are masters of their craft — with their usual smoke and mirrors they sold to the owner of the company a truly delusional plan of outsourcing the development to Colombia. That what happens when the leadership is incompetent and does not know the true value of each of its workers.
- Theory No. 2. The management of our Company was preparing to sell the Company. They wanted to show a low payroll and fired the best, most expensive people. Being real con artists they did not care about the future of the business.
- Theory No. 3. They are thoroughly evil and idiotic (often comes together) and just wanted to destroy a competitor to their pet JAVA project.
- Theory No. 4. Our owner and his lieutenants have strong political opinions and do not want Russians to play prominent roles, even at the peril of their Company.

Another idea fix of our management is, instead of developing the product, put it into the cloud. I do not know any international bank, which would put such an important financial application as ours into the cloud. With these fictitious projects they are buying time to continue write themselves fat bonuses.

A secret of our Company was that the management for decades had cut corners on documentation. The design of the system existed only in the heads of a few key workers. With firing of these key workers nobody is able to do proper development of the system. One of the areas (but not the only area) where it manifested itself is SWIFT.

Our system had a status of SWIFT Gold system and was responsible for 25% of word SWIFT traffic. With our firing they lost all the capable developers who could maintain this status with new releases of SWIFT. The top management, being incompetent, considered any true professionals in management positions a threat to themselves. There were two functional leaders in management who also formulated the tasks of the development of the SWIFT subsystem, J. S. and J. T. Incidentally, my wife and I had excellent professional relationships with these two. The top management made a considerable effort to get rid of them. A year before our firing they got rid of J. S. who had been the main functional person in our Company and had overseen the SWIFT development for decades. And one year after our firing the management forced out J. T. who was the last person capable of formulating functional tasks for the system in general and new releases of SWIFT in particular. J. T. was a competent, relatively young, person in the management and represented direct competition for the incompetent group of managers headed by the President. By getting rid of J. T., the incompetent President of our Company finally solved the problem of the competition that J. S. and J. T. represented for him. Bye-bye, SWIFT Gold status. The banks which are on maintenance will start leaving our system. The irony of the situation is that the U.S. government made such a point by denying Russian banks access to SWIFT; we do not have Russian banks as our clients, but our incompetent management undercuts American footprint in the worldwide SWIFT market.

In any case, we can say for sure that the office of the Company in America without us will prove itself useless very soon, and that in turn will hasten the demise of our company worldwide. They will crush and burn like a train with hazardous materials.

**Layoffs are normal in America; I am writing about these layoffs in the sense of the book “*The Troubled Air*”, i.e., more from the cultural-political point of view (see below).**

## 5) CULTURAL ANTHROPOLOGY OF THE CASE

Programmers in the main, New York office of our Company were “Russians”: immigrants from the former Soviet Union. (“Russians” is, of course, a misnomer – these were primarily Jewish immigrants, but all of them were bearers of Russian culture.) Russians as a group are more team players than the Western people: it was not shameful

to ask for help in our team, and it was not shameful to help. But the management of our Company was American, and they had very American, that is extremely individualistic, ideas of how people should interact at work.

If you add to this a more conservative basic family morality of the Russians and the current atmosphere of the conflict with Russia, you have a perfect recipe for a broad cultural conflict. Geopolitics is one thing, but the West suddenly realized that Russians are different on a deep cultural level, and that leads to some pretty ugly forms of animosity to Russians as such, regardless of their political background. Yet, the slogan of the Russian education campaign was: “We are not slaves, slaves are not we — slaves are silent”.

## 6) POLITICS OF THE CASE

Within a week of our firings, on August 12, 2022, my niece, who worked for Verizon, was also fired. There were no problems with performance; we always admired the excellent work ethics of my niece. When her boyfriend said that the U.S. should bomb Russia, she objected saying that there were our relatives and friends in Russia. That view was shared by our entire family, and we thought that the situation with Ukraine was analogous to the Cuban Missile Crisis of 1962. It is also worth mentioning that, in the same week as all of us, was fired my second cousin in law – remember the category “family member” of an “enemy of the people” described by Solzhenitsyn in “*Gulag Archipelago*”? Also, a very good friend of our family, Y. K., with whom we were closely aligned philosophically and politically, was fired. Also, a good friend of ours, R. S., with whom we had coinciding views on Ukraine, was fired. They also fired D. V., with whom we with pleasure were working as a team, and who had similar views on Ukraine.

(Our younger daughter, Jessica, is also a bright cookie and is working hard — that must be in the genes. She was not fired immediately with us because she worked in a different jurisdiction, in Britain; she was fired later. My first cousin was not fired because his mom and he demonstratively distanced themselves from our family as soon as with the beginning of the Ukrainian crisis hostile attitudes towards Russians became widespread. I hope we will restore relations, but this side of the story was very symptomatic.)

**So, the full list of people, who were fired within the same week and who by their phone metadata were connected to my wife and me (the epicenter of unorthodox views on Ukraine in our Company), looks like this:**

The 3 key workers of our Company (out of 5) who were fired and who included our family members and our very good friend were:

- Me, Alexander Avakov,
- My wife, Lina Manayeva,
- Our very good friend, R. P.

Some workers understood very well what the firing of the 3 key leaders of development meant for them and left the Company soon after our firing, for example:

- M. T., who was supposed to be in charge of SWIFT.

Other family members, with whom we had the same position on Ukraine, who were fired, were:

- Our daughter, Jane Avakov,
- My niece,
- My second cousin in law.

Our other good friends, with whom we enjoyed working as a team and who had similar views on Ukraine, who were fired, were:

- Y. K.,
- R. S.,
- D. V.



## **The timing is telling – all firings across two companies had happened within one week.**

The natural question is: Why does Ukraine seem to be such a sensitive issue?

There are two narratives about the Ukrainian crisis. The Western one is that Russia violated international law in Ukraine. It makes certain sense. And there is the Russian one that the whole crisis was predicated by NATO's expansion to the East. It also has some truth. If we want to find an exit from the current crisis, we have to start from the admission that our governments' positions are only half the truth. That admission can come only as a result of a search for objectivity. If you want to develop the Western narrative, no issue – just go to ChatGPT. The problem is to look at both narratives, try to see what is reasonable in the position of your opponent, and try to find a solution. Yet, any attempt to look at the Russian narrative is declared to be a "support" for the Russian government.

President Biden is on the record saying that anybody who "supported" the Russian government point of view on Ukraine would be punished. The rumors are that the signal to fire people like we, who are active in expressing their disagreement with the party line on Ukraine, came down from the White House.

Nobody from the ranks of our family and our friends "supports Russian government point of view". We are not by any means Russian government agents. We are American citizens with all rights of the American citizens. Using our First Amendment rights we openly expressed our questions about the U.S. position in the Ukrainian crisis.

Question No. 1: Is there anything more provocative to Russia, taking into account its history, than to entertain the prospect of Ukraine joining NATO? **James Schlesinger**, who served as the CIA director and the U.S. Secretary of Defense, was categorical: NATO expansion "was a policy error of historic importance". "European security depends on the effective collaboration of the five major powers; it will be undermined by the extension of NATO, a policy driven by US domestic politics. The main threats to security are: the breakdown of political and economic stability; unintended nuclear proliferation and/or failure of the START process; Russia's evolving political and territorial aspirations. All three will remain marginal as long as Russia is constructively engaged with the West. NATO expansion threatens that engagement. It is seen by all strands of Russian opinion as violating the bargain struck in 1990 and will likely lead to the withdrawal of cooperation." (<https://academic.oup.com/ia/article-abstract/84/6/1281/2417113?redirectedFrom=fulltext&login=false>.) **George Kennan**, who was best known as an advocate of a policy of containment of Soviet expansion during the Cold War, described NATO's enlargement as a "strategic blunder of potentially epic proportions". During a 1998 interview with *The New York Times* after the U.S. Senate had just ratified NATO's first round of expansion, he said "there was no reason for this whatsoever". He was of the opinion that it would "inflame the nationalistic, anti-Western and militaristic" opinions in Russia. "The Russians will gradually react quite adversely and it will affect their policies," he said. ([https://en.wikipedia.org/wiki/George\\_F.\\_Kennan](https://en.wikipedia.org/wiki/George_F._Kennan).) **William Burns**, who is an American diplomat who has served as director of the CIA in the Biden administration, in 2008, being ambassador to Russia, wrote to Secretary of State Condoleezza Rice: "Ukrainian entry into NATO is the brightest of all redlines for the Russian elite (not just Putin). In more than two and a half years of conversations with key Russian players, from knuckle-draggers in the dark recesses of the Kremlin to Putin's sharpest liberal critics, I have yet to find anyone who views Ukraine in NATO as anything other than a direct challenge to Russian interests." ([https://en.wikipedia.org/wiki/William\\_J.\\_Burns\\_\(diplomat\)](https://en.wikipedia.org/wiki/William_J._Burns_(diplomat)).) Needless to say, what people like George Kennan and William Burns are describing can lead to very unpredictable consequences. Developing the debate further **Henry Kissinger** said that after the initial enlargement of NATO the West should refrain from further expansion to the East and stated: "If Ukraine is considered an outpost, then the situation is that its eastern border is the NATO strategic line, and NATO will be within 200 miles (320 km) of Volgograd. That will never be accepted by Russia. On the other hand, if the Russian western line is at the border of Poland, Europe will be permanently disquieted. The Strategic objective should have been to see whether one can build Ukraine as a bridge between East and West, and whether one can do it as a kind of a joint effort." ([https://en.wikipedia.org/wiki/Henry\\_Kissinger](https://en.wikipedia.org/wiki/Henry_Kissinger).)

The fact that Russia was primarily focused on not allowing Ukraine to join NATO was confirmed by one of the leaders of the Ukrainian governing party of Zelensky, Davyd Arakhamia. On November 24, Arakhamia, who led Ukraine's delegation in peace talks with Russia, said in an interview that the Kremlin offered in the spring of 2022 to end the war if Ukraine dropped its aspirations to join NATO. The lawmaker also said that one of the people who discouraged Ukraine's delegation from negotiating with Russia at the time was then-British Prime Minister Boris Johnson, who urged the country's leaders to "just fight." (<https://meduza.io/en/feature/2023/11/28/we-had-to-buy-time>.) What we as the result of Ukraine and the West's stubbornness now have is Ukraine destroyed and hundreds of thousands of people killed. Who is peace loving and who is a warmonger after that?

Would you for a moment think about the interests of the whole humankind, as opposed to your narrow selfish interests? Would our media personalities care about more than paying for their mortgages? The same applies not only

to media personalities, but to Washington lobbyists, journalists, and establishment politicians, who all are primarily concerned with their careers.

In the history of the modern-day Crusaders the presidency of Woodrow Wilson occupies a special place. He provided an example of a militant foreign policy, by leading the United States into World War I. Wilson formulated highly ideological foreign policy aims, but at the same time was blind to some of his own motivations in this regard. There is a good book by Ted Goertzel, *“Turncoats & True Believers: The Dynamics of Political Belief and Disillusionment”*, one of the best parts of which is an analysis of Wilson’s psychological blind spots. To put it in more theological terms, is it possible to save the world without regard for individual salvation? Is it possible to say that you would never cry peace if there is injustice and sin in the world? — You would never be at peace then. Or, as it was said in discussions in Russia between religious people and revolutionaries: can you improve the world without addressing the propensity of individuals for sins?

As Carl Jung noted, in wars there is always somebody else at fault — that is just the nature of human psychology. The more remarkable is that Robert McNamara, the U.S. Secretary of Defense from 1961 to 1968, in his documentary *“The Fog of War”* said that one of the most important lessons of the Vietnam War is the ability to put yourself in the shoes of your opponent and empathize with it. Yet, you godlessly play with the idea of a nuclear war, as if we all would not be gone in the case of a nuclear Armageddon.

CNN says that Hollywood has difficulty in choosing whom to endorse in the election season of 2024 because “it is too risky”. **The risk is not in endorsing not the right party — the risk is a nuclear war.** What has led us to this predicament? — Morally flawed foreign policy driven by unrecognized dangerous subconscious passions. It is a fairly typical human drama played in the arena of international relations. The passion in focus is *the will to power*. (The term “the will to power” was introduced by Nietzsche and developed in the context of psychoanalysis by Alfred Adler.) Human nature is such that a person is unable to psychoanalyze himself, including the understanding of the true motives of his country’s foreign policy motives. Even when the West does obviously bad things, and an average Western person is in a self-justifying delusion that the motives of the West are noble. But if an outside observer tries to psychoanalyze the motives of the foreign policy of the collective West, he can see that it all can be explained by the desire of the U.S. for the unrestricted world domination and of the Western Europe to be the second in the pecking order. Very well. But what about the media, which is supposed to be a check on governments? It seems that the organization of the society achieved such a level that mass media of the West, being closely associated with the governments, have become the instruments of mass disinformation. A nuclear war, to which we are sliding, if it were to happen would be a complete surprise for millions of the Western people. That tells us about modern social control. Also, the technology now gives the power to decide the use of the most powerful weapons to a very small group of insular politicians. In this sense, the political decision makers of the West and the population of the West exist in two different universes. But there is also a broader cultural context. The current crisis is very much a product of primordial, almost racial, prejudices of the Western peoples against Russians. These biases have been a backdrop for a series of fateful misjudgments, which have happened in relations between NATO and Russia since the collapse of Communism. We should be talking about these biases being an integral part of *collective unconscious* by Jung. Or we should be talking about a Freudian *death drive* that masses of people acquire at certain junctions of history. Also, the average Western person does not have a habit to look at the deep essence of things, which requires intellectual effort and a habit of critical thinking — he is accustomed to go with a flow of superficial political correctness.

When Tulsi Gabbard, an Army veteran who put her life on the line to defend the United States, draws attention to the danger of a nuclear war, you call her a Kremlin agent. You are also quick to call Russian agents any honest journalists. As a result, journalists who dare to be independent, like Tucker Carlson or Glenn Greenwald, are in a small minority or live in exile. You are suppressing the words of Roger Waters of Pink Floyd on the war in Ukraine, in which he says that the invasion had been provoked. You suppressed the conclusion of an investigation by a veteran journalist, a Pulitzer Prize Winner, Seymour Hersh that the U.S. and Norwegian governments were directly responsible for the sabotage of the Nord Stream gas pipeline. You practically ignored China’s peace initiative as well as peace initiatives of many other third-world countries. On April 18, 2023, a federal grand jury in Florida indicted four members of the African People’s Socialist Party who opposed the Ukraine war accusing them of being foreign agents. The indictment says that they “sow discord and spread pro-Russian propaganda”. It continues to say that these black socialists “weaponized our First Amendment rights”. The way any normal person would see it is that they were true dissidents. They are threatened with 10 to 15 years of imprisonment. How ironic that the U.S. government punishes them exactly for what it accuses the Russian government of doing with its dissidents. You suppressed the news that Bill Gates called the Ukrainian government the worst government in the world. And you suppressed the news about the peace plan of a trillionaire Elon Musk, and you suppressed the words of Elon Musk that in 2014 in

Ukraine there was a supported by the U.S. coup d'état against the democratically elected government. **For sure, Bill Gates and Elon Musk are clever people and huge personalities, who have proved the correctness of their judgment by creating enormous enterprises. But with your treatment of them, what fair treatment can you expect for small people like us?**

I have a suspicion that the simultaneous firing of our entire extended family plus our best friends was the punishment for our political views. We have a hunch that this firing across two companies was a thinly disguised COINTELPRO-style counterintelligence operation, which would have made even the KGB envious. Two weeks after our collective firing, Daria Dugina, the daughter of a Russian philosopher who supported the Russian war effort in Ukraine and a prominent journalist herself, was assassinated through a remotely controlled car bomb in Moscow. Russia accuses the Ukrainian intelligence service in the assassination. The complicity of the CIA looks likely. Again, the timing is telling.

According to the report of the House Judiciary Committee, after the invasion, the SBU asked the FBI to help identify and disrupt Russian influence operations. The SBU gave the FBI lists of media accounts that allegedly spread Russian disinformation. But, according to the committee's investigators, the list targeted U.S. officials and U.S. journalists. ([https://news.yahoo.com/fbi-ukraine-sbu-told-social-102100906.html?fr=sycsrp\\_catchall.](https://news.yahoo.com/fbi-ukraine-sbu-told-social-102100906.html?fr=sycsrp_catchall)) Before the firing, I had actively distributed my book "*Metafolklore*", which explained my political views, including a critical eye on American policy in Ukraine. I considered distributing of my writings a continuation of my Soviet tradition of distributing leaflets, and before my firing had spent these amounts for distributing "leaflets" ("*Metafolklore*"):

YEAR	EDITION	SPENT ON "LEAFLETS"	SPENT ON "LEAFLETS" PLUS CONTRACTUAL EXPENSES ON PREPARATION OF THE BOOK
2013	First	15,109.16	15,937.16
2014	First	7,469.80	13,160.30
2015	First, Second, Third	3,048.92	748.86
2016	Third, Fourth	4,259.44	6,705.44
2017	Fourth	1,352.67	105.17
2018	Fourth	7,784.88	7,784.88
2019	Fourth	6,663.15	6,663.15
2020	Fourth	11,963.72	13,216.60
2021	Fourth	24,394.01	25,630.76
2022, before the firing in July	Fourth, Fifth	21,083.05	22,164.55

Right before our firing, in the first half of 2022, I had spent 22,000 dollars on these "leaflets", that is, had been spending at the rate of more than 40,000 dollars per year. Plus, I had spent about 5,000 dollars annually to buy books for updates of my book to keep it up-to-date on intelligence and surveillance matters. (I could afford it — in the year before our firing our household income constituted 480K. Remember the Supreme Court decision, which equates money with free speech?) I had to drastically curtail these expenses with my firing:

YEAR	EDITION	SPENT ON "LEAFLETS"	SPENT ON "LEAFLETS" PLUS CONTRACTUAL EXPENSES ON PREPARATION OF THE BOOK
2022, after the firing in July	Fifth	686.86	842.11
2023	Sixth	2,230.42	5,024.92
2024, so far	Sixth, Seventh	1,806.15	2,737.65

— Does this distribution of "leaflets" qualify for disruption? Obviously, some people in the intelligence community do not like "citizen's oversight" of their activity. Plus Ukraine.

This is an attempt to destroy independent voices among the Russian political immigration in the U.S. It is done by destroying the economic potential and social status of independent people among this immigration group.

Only politically active persons who are under control are acceptable for American counterintelligence in Russian political immigration.

Depriving someone of their livelihood for political reasons was a despicable practice of the McCarthyism era — there is an excellent novel, *“The Troubled Air”* by Irwin Shaw, which draws on his own experience and describes what happens in America during a time of political hysteria. (The hero of the novel, Clement Archer, also voted for the Democratic U.S. president, but found himself suffering from the consequences of his policies.)

There have been recent reports about collusion between the U.S. intelligence community and corporations. Euronews reported on January 04, 2023 that responding to the news the U.S. government made an official statement that private companies are independent entities and the FBI only notifies them and they are making their own decisions. Even a totalitarian state could make such claims of independence from scary national security services. My expulsion from the university in the U.S.S.R. in 1976 was done in a similar manner. It was initiated simply by a short letter from the KGB to the university where it notified the university that I had engaged in “Anti-Soviet Agitation and Propaganda” and asked to “take measures”, and the university independently decided what those measures should be and independently took them. It is called a democracy – just do not oppose the opinion of the majority and do not engage in “Anti-propaganda”.

Incidentally, my wife and I had continued to work until the very moment of emigration from the Soviet Union, even though I had made a lot of political headaches for the Soviet authorities. But what about the famous American spirit of independence? — Seems to be not respected very much. On October 14, 2022, a former CIA director John Brennan discussed on CNN with Erin Burnett the dangers of how “influencers” might express their opinions on foreign policy. This reminds me, first of all, of how fellow inmates in the Soviet political camp explained to me that the KGB did not put people in prison for “Anti-Soviet Agitation and Propaganda” for expressing their opinions — **it punished them for being persons.**

I would insist that we are not being over-suspicious. On September 10, 2022, there was a program on “Book TV” titled “Experience of being arrested in U.S. history”. A professor giving the presentation said some groups in U.S. history have been over-policed for political reasons. The examples of such groups include communists, anarchists, and certain black organizations, like Black Panthers. When you belong to such groups and are being arrested, you are well aware that you are being over-policed. In a similar manner, if I am subjected to surveillance because I am “Russian”, even though I was a dissident in the Soviet Union, or more broadly, from the point of view of social control, if we are being fired NOT for work reasons, we are well aware that we being “over-policed”. Our fault is that we belong to the group called “Russians”.

## 7) HIGHLIGHTS OF THE CASE

Some relation of our Company with the FBI is likely.

It is common knowledge in our Company that some of its employees had prior careers in the U.S. Army Intelligence, the CIA, and Colombian military intelligence, and possibly have used extensive international travels in our company for some clandestine activity. In the final account, I think that the leadership of our Company does not care much about their business — they care about their reputation with the intelligence community. The owner of our Company is [...]. The president of the Company, the chief of operations is J. He abuses his official position to enrich himself at the expense of the investments to the Company. He was a former sales manager and does not have aptitude for programming — he is just an incompetent. The fact that he is incompetent for the position of authority he occupies in our Company and does harm to the business is only half of the story. He does not like me personally and is opposite to me on the whole range of issues. **Theory no. 1:** He is the FBI officer in charge. He knows how to scare people with his FBI. As *The Economist* wrote about the organization of modern surveillance in the West, “It apparently takes from 20 to 60 people to follow a single suspect around the clock.” (*The Economist*, November 21<sup>st</sup>-27<sup>th</sup>, 2015, p. 22). “But the numbers [of suspects] are so large that it is impossible even for the most generously funded agencies to monitor them all.” (Ibid.) For this reason and because of legal restrictions on electronic surveillance by government entities, a group conducting surveillance would often be constituted mostly from regular people. The same pattern of organization of surveillance has been used when targeting me. These regular people involved in surveillance talk and often express their reservation about watching me, but they are frightened by the FBI. In fact, as a result of our Company’s incompetent President’s actions the whole town where I live is damn scared of the FBI. It is like dealing with the mafia: people in our town know a lot about their activity against me, know that I have done nothing wrong,

but they have families and keep quiet. One of the incompetent President's favorite tactics is to wiretap people and then to use the information gained through the wiretaps to hint to those people that he "knows everything" about their lives. He uses similar intimidation tactics left and right when conducting his business. I have encountered people complaining about such abuse of wiretaps many times (the witnesses to this are: our co-worker, R. S.; my pulmonologist office; etc.). When confronted he claimed that "the FBI can do anything". What makes matters worse he had a stroke a few years ago, after which he cannot think straight. He is a real psycho who cannot formulate any coherent thought at work, and is dangerous because he mixes his extreme right-wing politics and intolerance and boorishness to "Russians" with pseudo-religious phraseology. He prides himself on his vendetta against our family and goes around proclaiming: "We will never allow a Russian to be our god". His boss is also a pseudo-religious psycho. I have heard his conversation in which he too, out of the blue, expressed politically motivated hatred towards me and my family, calling me "Satan". The incompetent President and his boss position themselves as absolute extremists and fanatics. They are not subject to any rational discussion or moral limitations. In the final account you can say that they are stupid; maybe so, but that is not the complete or exact picture — they just revel in their power. The boss of the incompetent President by his psychological profile and thirst for power is a caricature of a senior intelligence officer. It is reminiscent of a foul-smelling, tyrannical dumpster fire with strong political overtones. The issue is whether we allow personalities like these two — the incompetent President of the Company and his boss — to define our reality. I am afraid, we may be talking about a systemic issue. Judge Reggie Walton, who was then the chief judge of the Foreign Intelligence Surveillance Court, has told the *Washington Post* that the court lacks tools to provide oversight of the government's surveillance programs. He stated, "The FISC is forced to rely upon accuracy of the information that is provided to the Court. The FISC does not have the capacity to investigate issues of noncompliance, and in that respect the FISC is in the same position as any other court when it comes to enforcing [government] compliance with its orders." (*Washington Post* (August 15, 2013).) William Barks argues: "At a minimum, the unraveling of FISA and emergence of TSP [warrantless surveillance program] call into question the virtual disappearance of effective oversight of our national security surveillance. The Congress and federal courts have become observers of the system, not even participants, much less overseers." (William C. Barks, "The Death of FISA," *91 Minnesota Law Review* (2007)", p. 1209, 1297.)

**Theory no. 2:** Our Company bosses conducted corporate surveillance on their own initiative or law enforcement has conducted surveillance without a warrant. This is not such a far-fetched possibility. "Most of us streetwise countermeasures folks just about fall out of our chairs when we see these published statistics on the number of court-ordered wiretaps. If you have some long talks with honest ex-lawmen, you will quickly realize that these 800 to 900 [it was written in 1996 — now this number is bigger] reported court-ordered electronic surveillance operations are just tip of the iceberg. Perhaps 100 illegal operations to 1 legal operation may be understating the fact." (Larsen (1996), p. 86.) If it were our Company, a threat of being liable 100 dollars per day for electronic surveillance without a warrant, as New Jersey law stipulates, has not really deterred them. I can easily see the possibility that they worked in accord with law enforcement. They could just receive a phone call from the FBI: "Why are you employing the Avakovs?" Not being heroes, they reacted to this by our firing.

**A small modification of Theories 1 & 2:** "J.", who is responsible for the immediate conduct of surveillance, appears constantly in oral intercepts. It is possible that this is "another J."

There are myriads of basic books on constitutional law, which proclaim that only electronic surveillance with a warrant is allowed in the U.S. (see, for example: Spaeth (1987) and Ducat (1988)). Any lawyer, for sure, know that as the basics of his profession. Yet the whole town where we live talks about our electronic surveillance — some of it may be well intentioned towards our family, some not. I can testify from my own experience that, perhaps due to the fact warrantless electronic surveillance operates completely outside of the scope of the court system, surveillance powers to be then forget about many requirements existing in the case of surveillance according to a warrant, for example, they completely forget about minimization. Of course, the results of electronic surveillance without warrant may be good for harassment, but they are not usually admitted as evidence in court due to the exclusionary rule. Let me underscore the point completely obvious to professional jurists: "In the federal courts and most state jurisdictions, the usual procedural method by which this issue is raised is a pre-trial motion to suppress filed by the defendant seeking the suppression of any evidence obtained by government agents in violation of the defendant's Fourth Amendment rights." (Hubbart (2015), p. 392.) But there is another problem. There are some remarkable legal opinions

expressed in the context of discussion of the exclusionary rule. As American theorist of law, Richard Posner says applying cost-benefit analysis, a violation of one's constitutional right is justified if its cost is less than the cost of a "crime" it supposedly prevents (see discussion of Posner's thinking in Schwartz (1993), p. 572). The actual action according to this precept has low probability, but even theoretical discussion is very symptomatic. It is an influential line of thought developed by a prominent jurist, and it may affect any legal thinking in my case. This way of thinking, combined with the usual for lawyers' habit to balance conflicting interests, opens the road for manipulations: it is enough to assign low costs to personal rights and high costs to government interests, and the government will always win. I would think that, if one of your fundamental rights (right to the Fourth Amendment privacy) is violated by electronic surveillance without a warrant, it should cost not 100 dollars, but 1 million dollars a day. It insults intelligence and sense of justice to assign 100 dollars a day for electronic surveillance without a warrant — then all the books on the U.S. constitutional law, which say that only electronic surveillance according to a warrant is allowed, are meaningless, and their promise of a constitutional rule of law runs hollow.

In any case, I think we are talking about the gross violations of my, my family and our friends' civil rights: surveillance, defamation, contacting Amazon to suppress my book, and improper firings. It is highly probable that efforts have been made to prevent me from achieving redress of my injury. I feel like living 40+ years with an electronic bracelet. I might as well have been arrested. 42-year restriction of liberty for what?

So, first, I believe 100% that I am the subject of constant surveillance. Second, I believe that it is more likely than not that my career and the distribution of my writings has been interfered with at the behest of the Intelligence agencies and their Big Tech collaborators. Third, in addition to being on a watch list, my government "case agents" found ideological soul-mates in managers of our Company and Verizon and caused my entire family and my close friends across two companies (our Company and Verizon) to be simultaneously fired, without any regard to our professional qualities.

**Surveillance is the main problem, but, as you see, there are a number of other problems arising from surveillance and the resulting loss of privacy. With regards to us this story is Kafka multiplied by Orwell. What they have done against us is an exercise in a quasi-totalitarian regime.**

While my claims may resound in federal law, there is still a state law Component.

Please note that there are the following statutes of limitations:

New Jersey law has a two (2) year statute of limitations to bring "injury to person" case and a six (6) year limit to sue for "injury to personal property".

When filing a claim against the Federal Government, the claim must be filed within two (2) years from the date of the incident, and suit must be filed within six (6) months of the government notice of denial (if the federal agency does not respond within six (6) months, the claim cab deemed denied).

So, independently from whether the investigation concludes that the Federal Government or a private party is liable for firings, the statute of limitations for firings will expire in August 2024. With a looming statute of limitations in August, you may not have enough time to consider the firing portion of the claims. But **other violations of civil rights — surveillance, defamation, obstacles to publishing and distributing the book — are continuing and, therefore, are not subject to statutes of limitations.** Also, to the degree to which firings can be found related to other violations of civil rights, the information about those firings can be informative for claims about them.

***NOTE: I would agree to your services if they were pro bono or if the charges were a percentage of a civil settlement.***

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For more bibliography about the FBI modus operandi, see free “**Metafolklore**” at <https://metafolklore.ru>. Or, if you do not mind spending some money, you can buy “**Metafolklore**” on Amazon.com.

## RETURN RECEIPT

Since February 19, 2017, I have sent 6038 letters to lawyers with a request for a human rights lawyer. Initially, the letters were solely devoted to the theme of surveillance; later other themes have been added. Many lawyers respond with their commentaries. Some of my letters are returning with notes “insufficient address” or “not deliverable as addressed”.

For whatever reason, the postal mail does not seem to be exactly punctual. Many of the returning letters come back open. Fair enough, but I am concerned about the spectrum of potential disruptions – either by the government initiative or by the nosiness or ineptitude of postal workers. **Therefore, if you received the letter with the request for a human rights lawyer, please, if it is not too difficult, send me a short one-page letter as a “return receipt” (for example, you can return this page 16).**

Sincerely,

Alexander Avakov