

## Federal Laws

### List of Most Important Federal Laws Involved in Case

- \* Civil Rights Act of 1991
- \* Title VII of the Civil Rights Act of 1964, (42 U.S.C.A. § 2000e-5(k)) et seq.
  
- \* Federal Tort Claims Act, 28 USCA §§ 2671 et seq.
  
  
- \* H. R. 3402 “Violence Against Women and Department of Justice Reauthorization Act of 2005”
  
  
- \* Fourth Amendment a) right to privacy b) right against unreasonable searches and seizures
- \* U.S. Const. amend. XIV, § 1 (“[N]or shall any State deprive any person of life, liberty, or property, without due process of law ....”).
- \* Fifth Amendment – right to practice one’s profession
- \* Sixth Amendment – right to a fair and impartial trial
- \* Fourteenth Amendment a) right to due process b) right to equal protection including the right to property c) right to be free from false arrest d) right to be free from malicious prosecution
- \* 42 USCA § 1983 § 1982 § 1988, §§ 11101 § 10606
- \* PUBLIC LAW 106–172 Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999
- \* Public Law No: 104-305 - Drug-Induced Rape Prevention and Punishment Act of 1996
- \* (42 U.S.C. § 1985(3)) Conspiracy to deprive a person of their civil rights is the most commonly applicable federal claim that victims are notified they may file.
  
  
- \* 42 U.S.C. § 3631 provides, in pertinent part: Whoever...by force or threat of force willfully injure, intimidates or interferes with, or attempts to injure, intimidate or interfere with—(a) any person because of his race, color, religion, sex, handicap..., familial status..., or national origin and because he is or has been... purchasing, [or] occupying... any dwelling... shall be fined under this subchapter or imprisoned not more than one year, or both...
  
  
- \* 18 U.S.C. § 241 provides, in pertinent part: If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State... in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States... They shall be fined under this title or imprisoned not more than ten years, or both...motive scenario. However, none of the statutes have, to date, been interpreted by case law.

- \* Hobbs Act (18 USCA § 1951)
- \* The Travel Act
- \* Federal rule of Evidence 412
- \* Federal Privacy Act
- \* HIPPA

II. Extortion performed "Under color of official right" so as to be in violation of Hobbs Act (18 USCA § 1951)

- 18 U.S.C.A. §§ 2, 1951. See § 17
- 18 U.S.C.A. § 2(b). See § 7[b], § 18[b]
- 18 U.S.C.A. § 1951. See § 1[a], § 1[c], § 4, § 9, § 17, § 18[b]
- 18 U.S.C.A. § 1951(b)(2). See § 18[b]
- 28 U.S.C.A. § 2(b). See § 7[b]
- The Travel Act

III. Deprivation of Rights Under Color of Official Right

- 8 U.S.C.A. § 1254(e). See § 8
- 28 U.S.C.A. § 1343. See § 2[b]
- 42 U.S.C.A. § 1983. See § 1[a], § 1[c], § 2[a], § 2[b], § 3, § 4, § 5, § 6, § 7, § 8, § 9, § 10, § 11, § 12, § 13
- 42 U.S.C.A. § 1985. See § 2[b]

IV. Federal rule of Evidence 412 The Privacy Protection for Rape Victims Act of 1978, Adoption of this "rape shield" restricted the introduction of evidence of a victim's prior sexual behavior and greatly changed the way practitioners try sexual offense cases. The rape shield rule of 412 is a victim-protection rule; its primary purpose is to safeguard sexual assault victims from the degrading and embarrassing disclosure of intimate details of their private lives.

V. Federal Privacy Act Procedures adopted by Department of Health and Human Services (DHHS) pursuant to Health Care Quality Improvement Act (HCQIA) for collection and dissemination of information relating to National Practitioners' Data Bank (NPDB) did not supersede protections provided under Privacy Act, and thus DHHS had to adhere to Privacy Act requirements when considering dispute to record in NPDB, even though NCQIA was promulgated after Privacy Act, where NPDB procedures provided less protection than procedures required by Privacy Act, there was no positive repugnancy between HCQIA and Privacy Act, and it was clearly intent of DHHS to adhere to Privacy Act when adopting NPDB regulations. 5 U.S.C.A. § 552a; Health Care Quality Improvement Act of 1986, §§ 421 et seq., 42 U.S.C.A. §§ 11131 et seq.; 45 C.F.R. § 60.14. Doe v. Thompson, 332 F. Supp. 2d 124 (D.D.C. 2004); West's Key Number Digest, Prisons Key Symbol31.

VI. Color of State Law- Deprivation of Right

- 42 USCA § 1983
- 42 USCA §§ 1982
- 42 USCA § 1988
- 42 U.S.C.A. §§ 11101

\* PUBLIC LAW 106-172 FEB. 18, 2000 114 STAT. 11 EMERGENCY SCHEDULING OF GHB

On February 18, 2000, the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 1999 was signed into law. The Act declared the abuse of GHB to be an imminent hazard to public safety and directed the DEA to schedule the drug within sixty days. In addition, the Act made GBL (an ingredient in GHB) a List I chemical. On March 13, 2000, DEA scheduled GHB as a Schedule I controlled substance.

**“ SEC. 6. DEVELOPMENT OF MODEL PROTOCOLS, TRAINING MATERIALS, FORENSIC FIELD TESTS, AND COORDINATION MECHANISM FOR INVESTIGATIONS AND PROSECUTIONS RELATING TO GAMMA HYDROXYBUTYRIC ACID, OTHER CONTROLLED SUBSTANCES, AND DESIGNER DRUGS.**

**(a) IN GENERAL.**—The Attorney General, in consultation with the Administrator of the Drug Enforcement Administration and the Director of the Federal Bureau of Investigation, shall—

**(1) develop—**

**(A)** model protocols for the collection of toxicology specimens and the taking of victim statements in connection with investigations into and prosecutions related to possible violations of the Controlled Substances Act or other Federal or State laws that result in or contribute to rape, other crimes of violence, or other crimes involving abuse of gamma hydroxybutyric acid, other controlled substances, or so-called “designer drugs”; and

**(B)** model training materials for law enforcement personnel involved in such investigations; and

**(2)** make such protocols and training materials available to Federal, State, and local personnel responsible for such investigations.

**SEC. 7. ANNUAL REPORT REGARDING DATE-RAPE DRUGS; NATIONAL AWARENESS CAMPAIGN.**

**(a) ANNUAL REPORT.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall periodically submit to Congress reports each of which provides an estimate of the number of incidents of the abuse of date-rape drugs (as defined in subsection (c)) that occurred during the most recent 1-year period for which data are available. The first such report shall be submitted not later than January 15, 2000, and subsequent reports shall be submitted annually thereafter.

**(b) NATIONAL AWARENESS CAMPAIGN.**—

**(1) DEVELOPMENT OF PLAN; RECOMMENDATIONS OF ADVISORY COMMITTEE.**—

Attorney General, shall develop a plan for carrying out a national campaign to educate individuals described in subparagraph (B) on the following:

**(i)** The dangers of date-rape drugs.

**(ii)** The applicability of the Controlled Substances

Act to such drugs, including penalties under such Act.

(iii) Recognizing the symptoms that indicate an individual may be a victim of such drugs, including symptoms with respect to sexual assault.

(iv) Appropriately responding when an individual has such symptoms.

(B) INTENDED POPULATION.—The individuals referred to in subparagraph (A) are young adults, youths, law enforcement personnel, educators, school nurses, counselors of rape victims, and emergency room personnel in hospitals.

(C) ADVISORY COMMITTEE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish an advisory committee to make recommendations to the Secretary regarding the plan under subparagraph (A). The committee shall be composed of individuals who collectively possess expertise on the effects of date-rape drugs and on detecting and controlling the drugs.

(2) IMPLEMENTATION OF PLAN.—Not later than 180 days after the date on which the advisory committee under paragraph (1) is established, the Secretary, in consultation with the Attorney General, shall commence carrying out the national campaign under such paragraph in accordance with the plan developed under such paragraph. The campaign may be carried out directly by the Secretary and through grants and contracts.

(3) EVALUATION BY GENERAL ACCOUNTING OFFICE.—Not later than 2 years after the date on which the national campaign under paragraph (1) is commenced, the Comptroller General of the United States shall submit to Congress an evaluation of the effects with respect to date-rape drugs of the national campaign.

(c) DEFINITION.—For purposes of this section, the term “daterape drugs” means gamma hydroxybutyric acid and its salts, isomers, and salts of isomers and such other drugs or substances as the Secretary, after consultation with the Attorney General, determines to be appropriate.

## SEC. 8. SPECIAL UNIT IN DRUG ENFORCEMENT ADMINISTRATION FOR ASSESSMENT OF ABUSE AND TRAFFICKING OF GHB AND OTHER CONTROLLED SUBSTANCES AND DRUGS.

(a) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall establish within the Operations Division of the Drug Enforcement Administration a special unit which shall assess the abuse of and trafficking in gamma hydroxybutyric acid, flunitrazepam, ketamine, other controlled substances, and other so-called “designer drugs” whose use

has been associated with sexual assault.

(b) PARTICULAR DUTIES.—In carrying out the assessment under subsection (a), the special unit shall—

(1) examine the threat posed by the substances and drugs referred to in that subsection on a national basis and regional basis; and

(2) make recommendations to the Attorney General regarding allocations and reallocations of resources in order to address the threat.

(c) REPORT ON RECOMMENDATIONS.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report which shall—

(A) set forth the recommendations of the special unit under subsection (b)(2); and

(B) specify the allocations and reallocations of resources that the Attorney General proposes to make in response to the recommendations.

(2) TREATMENT OF REPORT.—Nothing in paragraph (1) may be construed to prohibit the Attorney General or the Administrator of the Drug Enforcement Administration from making any reallocation of existing resources that the Attorney General or the Administrator, as the case may be, considers appropriate.”

VIII. Public Law No: 104-305 - Drug-Induced Rape Prevention and Punishment Act of 1996  
Drug-Induced Rape Prevention and Punishment Act of 1996 - Amends the Controlled Substances Act (CSA) to impose penalties of up to 20 years' imprisonment and a fine for violating CSA provisions by distributing a controlled substance to an individual without that individual's knowledge, with intent to commit a crime of violence (including rape) against such individual. Enhances penalties for certain activities involving flunitrazepam under: (1) the CSA, including manufacturing, distributing, or possessing with intent to distribute specified quantities of flunitrazepam (and increases penalties for unlawful simple possession of flunitrazepam); and (2) the Controlled Substances Import and Export Act, including possessing, manufacturing, and distributing for purposes of unlawful importation of such quantities.

Directs: (1) the United States Sentencing Commission to review and amend, as appropriate, the sentencing guidelines for offenses involving flunitrazepam and to ensure that such guidelines reflect the serious nature of such offenses; and (2) the Administrator of the Drug Enforcement Administration, in consultation with other Federal and State agencies as appropriate, to conduct a study on the appropriateness of rescheduling flunitrazepam as a Schedule I controlled substance. Sets forth reporting requirements.

Authorizes the Attorney General to create educational materials regarding the use of controlled substances in the furtherance of rapes and sexual assaults for dissemination to police departments

throughout the United States.

## IX. Title VII RAPE – Discrimination based on sex

### Title VII Same Sex Sexual Harassment – Discrimination based on sex

Sexual harassment as a form of employment discrimination traditionally has been invoked as a cause of action against coworkers, supervisors, or employers of the opposite gender. More recently, however, sexual harassment claims have been brought by employees against coworkers, supervisors, or employers of the same sex as the complainant. For instance, in *Tarver v. Calnex Corp.*, 125 Ohio App. 3d 468, 708 N.E.2d 1041, 76 Fair Empl. Prac. Cas. (BNA) 323, 73 A.L.R.5th 653 (7th Dist. Mahoning County 1998), an Ohio court held that same-gender sexual harassment was actionable under its state antidiscrimination statute (Ohio Rev. Code Ann. §§ 4112.01 et seq). This annotation collects and discusses all the cases considering whether and under what circumstances same- sex sexual harassment is actionable under state antidiscrimination statutes.

42 U.S.C.A. § 1981a. See § 2[b]

42 U.S.C.A. § 2000-e(2). See § 2[a]

42 U.S.C.A. §§ 2000e et seq.. See § 2[a], § 4, § 5[b], § 5[c]

42 U.S.C.A. § 2000e. See § 1[a], § 7[b]

42 U.S.C.A. § 2000e-2(a)(1). See § 3

Sex discrimination consisting of same-sex sexual harassment is actionable under Title VII; statutory prohibition against discrimination "because of sex" in terms or conditions of employment includes sexual harassment of any kind that meets statutory requirements. Civil Rights Act of 1964, § 703(a)(1), as amended, 42 U.S.C.A. § 2000e-2(a)(1). *Oncale v. Sundowner Offshore Services, Inc.*, 118 S. Ct. 998 (U.S. 1998)

Respondeat superior liability exists in connection with hostile environment sexual harassment claim under Title VII if either: (1) tort is committed within scope of employment, i.e. harasser has actual authority over victim, by virtue of his job description; (2) employer was negligent or reckless in failing to train, discipline, fire or take remedial action upon notice of harassment; or (3) offender relied upon apparent authority or was aided in commission of tort by agency relationship. Civil Rights Act of 1964, §§ 701 et seq., 42 U.S.C.A. §§ 2000e et seq. *Bonenberger v. Plymouth Tp.*, 132 F.3d 20 (3d Cir. 1997).

Note: See also, Claims Under the Gender Motivated Violence Against Women Act of, 42 Am. Jur. Proof of Facts 3d 85

X. 42 U.S.C.A. §§ 11101 Health Care Quality Improvements Act of 1986 (42 U.S.C.A. §§ 11101 et seq.), which provides for effective peer review and interstate monitoring of incompetent physicians, and grants qualified immunity from damages for those who participate in peer review activities, excludes from its coverage suits brought under Title VII. *Austin v. McNamara* (1992, CA9 Cal) 979 F2d 728, 92 CDOS 9074, 92 Daily Journal DAR 15051, 1992-2 CCH Trade Cases ¶70037

XI. Production of documents--Where there is claim of privilege

In a claim of disparate treatment, plaintiff physician held to be entitled to discovery of peer review reports of medical board denying her application for hospital staff privileges despite state law purporting to establish an "absolute privilege" against discovery, since plaintiff would otherwise be unable to argue and prove her case. *Dorsten v. Lapeer County General Hospital* (1980) 88 FRD 583.

*Dorsten v. Lapeer County General Hospital* (1980, ED Mich) 88 FRD 583, 26 BNA FEP Cas 806, 27 CCH EPD ¶32157, 7 Fed Rules Evid Serv 936; *Kenney v. Superior Court of Yolo County* (1967, 3d Dist) 255 Cal App 2d 106, 63 Cal Rptr 84.

*Dorsten v. Lapeer County General Hospital* (1980, ED Mich) 88 FRD 583, 26 BNA FEP Cas 806, 27 CCH EPD ¶32157, 7 Fed Rules Evid Serv 936.

Discovery of report of medical board of hospital which denied application of female physician for staff privileges permitted despite state statute making such report "absolutely privileged" where plaintiff asserted claim under 42 USCA § 1983 for sex discrimination. *Dorsten v. Lapeer County General Hospital* (1980, ED Mich) 88 FRD 583, 26 BNA FEP Cas 806, 27 CCH EPD ¶32157, 7 Fed Rules Evid Serv 936.

Section 46 Footnotes:

*Mt. Healthy City School Dist. Bd. of Education v. Doyle* (1977) 429 US 274, 50 L Ed 2d 471, 97 S Ct 568 (not followed *Wilson v. Thompson* (1979, CA5 Ga) 593 F2d 1375, reh den *Wilson v. Thompson* (1979, CA5 Ga) 597 F2d 772 and later app *Wilson v. Thompson* (1981, CA5 Ga) 638 F2d 799 and later app *Wilson v. Thompson* (1981, CA5 Ga) 638 F2d 801, 31 FR Serv 2d 1351) and (not followed *Boich v. Federal Mine Safety & Health Review Com.* (1983, CA6) 704 F2d 275, on reh *Boich v. Federal Mine Safety & Health Review Com.* (1983, CA6) 719 F2d 194

XII. Statutory peer review immunity 42 U.S.C.A. §§ 1983, 1085, 12101 et seq.; did not preclude physician's civil rights claims arising out of his being placed on indefinite probation and referred for psychological examination by hospital; peer review statute only granted immunity for an act or communication within the peer review committee's scope as a review entity, but it was not within the scope of a peer review committee to violate someone's civil rights, and violation of civil rights was a malicious act, for which there was no immunity under the peer review statute. 42 U.S.C.A. §§ 1983, 1085, 12101 et seq.; M.C.L.A. §§ 37.1101 et seq., 331.351. *Feyz v. Mercy Memorial Hosp.*, 264 Mich. App. 699, 692 N.W.2d 416 (2005); West's Key Number Digest, Civil Rights Key Symbol1373

XIII. Retaliation against litigious physician: Evidence in action for retaliation was sufficient to warrant conclusion that hospital's decision not to renew physician's appointment was motivated by retaliatory animus fueled by physician's filing of lawsuit against hospital alleging gender-based discrimination; physician was warned that proceeding with any legal action would "hurt her[]" and that hospital would "squash [her] like a bug[.]" physician was informed, the day after she removed her complaint to superior court, that clinical positions previously available were no longer available and that no clinical positions would be available for her, and administrator suggested that she work at home and complete any unfinished work. *M.G.L.A. c. 151B, § 4, subd. 4. Ayash v. Dana-Farber Cancer Institute*, 443 Mass. 367, 822 N.E.2d 667, 22 I.E.R. Cas. (BNA) 703, 33

Media L. Rep. (BNA) 1513 (2005), cert. denied, 126 S. Ct. 397 (U.S. 2005); West's Key Number Digest, Civil Rights Key Symbol 1744.

XIV. Attorney Fees 42 U.S.C.A. § 1983 Because the basic purpose of an award of damages under 42 U.S.C.A. § 1983 should be to compensate persons for injuries caused by the deprivation of constitutional rights, no compensatory damages may be awarded in a § 1983 suit absent proof of actual injury. However, a trial court must award nominal damages to a plaintiff who establishes a violation of his right to procedural due process even if he cannot prove an actual injury. *Farrar v. Hobby* (1992, US) 121 L Ed 2d 494, 113 S Ct 566, 92 CDOS 9968, 92 Daily Journal DAR 16669, 60 BNA FEP Cas 633, 60 CCH EPD ¶41881

Some of the "badges of state action" which have been held by the courts to constitute action "under color of state law" within the meaning of 42 USCA § 1983 include the following:

- ? receipt of Hill-Burton funds
- ? receipt of medicaid and medicare funds
- ? state regulations relating to the operation of private hospitals
- ? use of public funds for tax free municipal bonds, state and county grants, etc.
- ? exemption of the hospital from state and county real estate and income taxes
- ? funding through contributions which are deductible as charitable donations for federal income tax purposes

One of the most unique and attractive facets of a claim for denial of due process or equal protection, however, is that if the plaintiff prevails and is awarded even nominal damages, all actual costs and attorney fees may be recoverable under 42 USCA § 1988. The attorney fees must be reasonable and must be approved by the court, in its discretion, Even partial success on a claim under 42 USCA § 1983 entitles the plaintiff to an allowance of attorney fees to be determined by the court.

*Burt v. Abel* (1978, CA4 SC) 585 F2d 613, 18 CCH EPD ¶8833, on remand *Burt v. Abel* (1979, DC SC) 466 F Supp 1234, 20 CCH EPD ¶30120.  
*Davis v. Abbeville* (1981, CA5 La) 633 F2d 1161; *Harkless v. Sweeny Independent School Dist.* (1977, CA5 Tex) 608 F2d 594, 22 BNA FEP Cas 1571, 21 CCH EPD ¶30499 (disagreed with *New York State Asso. for Retarded Children, Inc. v. Carey* (1983, CA2 NY) 711 F2d 1136).  
*Johnson v. Georgia Highway Express, Inc.* (1974, CA5 Ga) 488 F2d 714, 7 BNA FEP Cas 1, 7 CCH EPD ¶9079 (disapproved *Hensley v. Eckerhart* (1983) 461 US 424, 76 L Ed 2d 40, 103 S

Ct 1933, 31 BNA FEP Cas 1169, 32 CCH EPD ¶33618) as stated in *Cooper v. Singer* (1983, CA10 NM) 719 F2d 1496, 114 BNA LRRM 3667 and (disapproved *Blum v. Stenson* (1984, US) 79 L Ed 2d 891, 104 S Ct 1541, 34 BNA FEP Cas 417, 33 CCH EPD ¶34226) as stated in *Jones v. Central Soya Co.* (1984, CA11 Ala) 748 F2d 586, 35 CCH EPD ¶34817; *Laje v. R. E. Thomason General Hospital* (1982, CA5 Tex) 665 F2d 724, reh den *Laje v. R. E. Thomason General Hospital* (1982, CA5 Tex) 670 F2d 181

**Attorney Fees in Police Misconduct** If a defendant in a civil rights case makes an offer to allow judgment (including accrued costs) to be entered in amount that is determined to be more favorable than a judgment that the plaintiff ultimately obtains, attorneys' fees that otherwise might be included in post-offer costs by reason of 42 U.S.C.A. § 1988 can be avoided by defendant. *Marryshow v. Flynn* (CA4 Md, 1993) 986 F2d 689, 24 FR Serv 3d 1173.

**Attorney Fees in Police Misconduct** Attorneys' fee award in 42 U.S.C.A. § 1988 case that was 47 times as great as damage award was not excessive, where trial court made detailed evaluation of fee, reduced or eliminated excessive hours, reviewed each attorney's requests individually and reduced hourly fees, and reduced lodestar by 40 percent to reflect limited success of plaintiff. *Estate of Borst v. O'Brien* (1992, CA7 Ill) 979 F2d 511, ALR Fed 4100.

Award of attorney's fees to prevailing defendants was justified under § 1988, in civil rights action alleging that defendants had conspired with police officers to deprive plaintiff of his constitutional rights, where litigation was frivolous from outset, plaintiff ignored defendants' repeated requests to discontinue baseless action, and it was clear that plaintiff would not refrain from bringing frivolous actions without threat of monetary penalty since he even filed motion for new trial after court ruling that action was frivolous. *Baasch v. Reyer* (1994, ED NY) 846 F Supp 9.

Prisoner, who recovered one dollar in § 1983 action against deputy sheriff who allowed K-9 patrol dog to attack him, was entitled to recover over \$2,000 in attorney's fees under 42 U.S.C.A. § 1988, where case went to trial and jury rendered verdict for prisoner, because attorneys expended time and effort to achieve result which changed legal relationship between parties, and established that use of K-9 patrol to control inmate who stayed on phone too long was unconstitutional, and because even prisoner who receives only one dollar in nominal damages is prevailing party. *Dillenbeck v. Hayes* (1993, ND NY) 830 F Supp 673.

Plaintiffs who received \$2,501 in damages in § 1983 action against police officers for violating their Fourth Amendment rights during traffic stop were "prevailing parties," and thus were entitled to award of attorney fees, even though plaintiffs asked for \$66 million in damages in their complaint, where plaintiffs prevailed against all of individual officers on their most significant constitutional claims relating to use of excessive force. Reduction of hours credited by attorneys for prevailing plaintiffs in civil rights case against police officers for work on unsuccessful claims for illegal search and intentional infliction of emotional distress was not appropriate in calculating fee award, where unsuccessful claims were inextricably intertwined and involved common core of facts with one plaintiff's successful claim for excessive force. 42 U.S.C.A. §§ 1983, 1988(b). *Anderson v. City of New York*, 132 F. Supp. 2d 239 (S.D. N.Y. 2001); West's Key Number Digest, Civil Rights Key Symbol296.

XV. Title VII of the Civil Rights Act of 1964, (42 U.S.C.A. § 2000e-5(k))

As part of Title VII of the Civil Rights Act of 1964, Congress included a fee-shifting provision (42 U.S.C.A. § 2000e-5(k)) which provides that the prevailing party's reasonable attorney's fees will be paid by the nonprevailing party.

29 U.S.C.A. § 791. See § 9

29 U.S.C.A. § 794a(a)(1). See § 9

42 U.S.C.A. § 794a(b). See § 9

42 U.S.C.A. § 1983. See § 2[a]

42 U.S.C.A. § 1988. See § 2[a], § 2[b], § 3, § 7[b], § 25 [a], § 29[a]

42 U.S.C.A. §§ 2000e et seq.. See § 1[a], § 2[a], § 3, § 28[a]

42 U.S.C.A. § 2000e. See § 3

42 U.S.C.A. § 2000e-5(f). See § 9

42 U.S.C.A. § 2000e-5(g). See § 3

42 U.S.C.A. § 2000e-5(k). See § 1[a], § 2[a], § 2[b], § 3, § 5, § 7[b], § 9, § 11, § 12, § 17[b], § 18, § 25[a], § 26[a], § 26[b], § 34[a], § 34[b]

42 U.S.C.A. §§ 2000e-16. See § 9

42 U.S.C.A. §§ 7401 et seq.. See § 2[a]

XVI. U.S. Constitutional Amendment VI U.S. Const. amend. VI ("In all criminal prosecutions, the accused shall enjoy the right ... to be confronted with the witnesses against him ...."). Thus, "[t]he Confrontation Clause provides two types of protections for a criminal defendant; the right physically to face those who testify against him, and the right to conduct cross-examination." U.S. Const. amend. VI ("In all criminal prosecutions, the accused shall enjoy the right ... to have compulsory process for obtaining witnesses in his favor ....").

U.S. Const. amend. XIV, § 1 ("[N]or shall any State deprive any person of life, liberty, or property, without due process of law ....").

The lack of due process for any doctor facing Bad Faith Peer Review includes the lack of the ability of the accused doctor to know who made allegations against him/her and the nature of those allegations. There is no adherence to the US Constitution and the right of the accused under Amendment XIV and XI. The decision of guilt or innocence is made in the back room with no right of the accused to confront the accuser. The rapist used this process of Bad Faith Peer Review and the MQAC system to silence me. The rapist and his drug addicted friends and the drug distribution and protection network had to prevent the exposure of their criminal activity. They used the anonymous complaint system to fabricate allegations against me while at the same time trying to access my confidential rape victim records to discredit me. They also did additional assaults on me to further threaten me and discredit me.

The crime of rape is notoriously susceptible to intimidation or coercion of the victim to ensure that she does not testify at trial. When this occurs, the Confrontation Clause gives the criminal an advantage. But according to US Federal law one who obtains the absence of a witness by wrongdoing forfeits the constitutional right to confrontation. U.S.C.A. Const. Amend. 6. When defendants seek to undermine the judicial process by procuring or coercing silence from witnesses and victims, the Sixth Amendment does not require courts to acquiesce. The defendants such as

this rapist, his wife and his friends have the duty to refrain from acting in ways that destroy the integrity of the criminal-trial system. This abduction was done to hide another sexual assault on the victim done by the “Wellness Committee Chair” of the Washington State Veterinary Medical Association. The victim had just contacted the Vancouver Police Department and also the FBI demanding that the rape in Vancouver be properly investigated or the reasons for the police negligence in that investigation be investigated. Abducting the rape victim, falsely imprisoning her and threatening her for over 10 hours prior to the deadline to file for the statute of limitations for a rape victim’s right to civil damages is clearly tampering with the witness.

There is strong social policy in the USA of upholding the need to protect a victim's privacy and encouraging victims to come forward to report criminal acts. This protection of privacy is not only confined to cases that involve a charge of sexual assault but also to protect the victim when a defendant is charged with kidnapping or abduction and evidence is offered, either to prove motive or as background, that the defendant sexually assaulted the victim. Society has the need to protect alleged victims against invasions of privacy, potential embarrassment, and unwarranted sexual stereotyping. This is a need to encourage victims to come forward when they have been sexually molested, so that victims do not disappear because the context has shifted from a criminal prosecution to a claim for damages or injunctive relief. There is a strong social policy in the USA of not only punishing those who engage in sexual misconduct, but in also providing relief to the victim. This applies in any civil case in which a person claims to be the victim of sexual misconduct, such as actions for sexual battery or sexual harassment.

#### XV. Other laws

18 U.S.C.A. § 241 (conspiracies to deprive citizens of rights)

18 U.S.C.A. § 242 (deprivation of rights under color of law)

18 U.S.C.A. § 245 (interference with federally protected activities)

28 U.S.C.A. § 1343 (federal jurisdiction over civil rights actions)

28 U.S.C.A. § 1367 (supplemental jurisdiction of federal courts)

28 U.S.C.A. § 1443 (removal to federal court of civil rights actions or criminal proceedings)

28 U.S.C.A. § 1738 (preclusive effect in federal courts of state court judgments)

42 U.S.C.A. § 1981 (equal rights under law)

42 U.S.C.A. § 1982 (equal property rights of citizens)

42 U.S.C.A. § 1983 (actions for deprivation of rights under color of state law)

42 U.S.C.A. § 1985 (conspiracies to interfere with civil rights)

42 U.S.C.A. § 1986 (neglect to prevent conspiracy to interfere with civil rights)

42 U.S.C.A. § 1988 (proceedings in vindication of civil rights)

42 U.S.C.A. §§ 2000c et seq. (civil rights in public education)

42 U.S.C.A. §§ 2000d et seq. (civil rights in federally assisted programs)

42 U.S.C.A. § 2000h-2 (intervention by Attorney General; denial of equal protection on account of race, color, religion, sex, or national origin)

20 U.S.C.A. §§ 1681–1686 (prohibition against sexual discrimination in education)