

MEMORANDUM

TO: Tami Stainfield
FROM: James P. O'Rourke, Jr., Esq.
RE: Brain & Body Science
DATE: December 17, 2012

Question Presented

What are an individual's legal options when the individual believes that an outside agent, either a government agency or private corporation or individual were engaging in brain-mapping, mind-control, robotics, of persons who do not consent to its use upon their person. The activities described may be collectively referred to in this memorandum as Brain & Body Science or BBS.

Statement of Facts

Ms. Stainfield believes that her brain is being controlled by an outside agent. Ms. Stainfield denies that she has been diagnosed with any mental impairment, such as schizophrenia, bipolar disorder or other related mental illness. Pursuant to Ms. Stainfield's instructions, I base this memorandum upon my review of all of the material that Ms. Stainfield provided to me, relevant laws, Ms. Stainfield's YouTube videos and other miscellaneous materials.

A brief review in the field of research in this field, reveals numerous seemingly legitimate reports concerning the Brain Body Science discipline. Researchers believe that BBS may be useful in a number of ways. For example, it may be used to treat people suffering from certain medical conditions, such as paralysis. Electronic activity in a person's brain could be used to send information to outside objects, such as robotic arms. There are scientific conventions in which researchers meet to discuss cutting-edge technology of Brain-Machine-Body Interfaces. Researchers discuss issues such as:

1. Brain-machine and brain-computer interfaces;
2. Closed-loop neuromodulation and deep-brain stimulation;
3. Remediation and rehabilitation of neurological and motor disorders;
4. Sensory feedback in motor prostheses;
5. Neuromorphic brain-machine and silicon-neuron interfaces;
6. EEG, ECoG, fNIR, and emerging technologies for non-invasive and minimally invasive mobile brain/body functional imaging;
7. Transcranial magnetic and electrical stimulation;
8. Optogenetics for behavioral neuroscience;
9. Neurofeedback and stimulation induced plasticity;
10. Electroacupuncture;
11. Body area networks for wireless health; etc.

http://embc2012.embs.org/wp-content/uploads/bmbi_cfp.pdf

Ms. Stainfield offers no specific entity that could be engaging in BBS. Most of the uses of BBS found by this author were described as voluntary. However, it is possible that the technology could be used in a way that was non-voluntary and one can imagine how it could be an invasion of privacy.

Legal Options

When an individual has been harmed by an outside agent, there are a number of legal remedies available that the harmed individual can pursue.

Civil law provides a system for individuals/victims to sue other individuals or entities for the entities damage caused upon the victim. This area of law is referred to as tort law. A tort is defined, in part, as a "civil wrong for which a remedy may be obtained, usually in the form of damages." *Black's Law Dictionary, 7th Edition, 199 (referred to hereinafter as Black's)*. If, in fact, an outside agent has physically interfered with Ms. Stainfield's brain, she could be the victim of an intentional tort, such as battery. Battery is an "intentional or offensive touching of another without lawful justification." *Black's*. Certainly, any outside agent who intentionally controls an individual's brain, without the consent of the person would be engaging in an intentional tort.

There are a number of challenges for a person such as Ms. Stainfield in bringing a tort-feasor to court. First, she does not know who the agent is that has engaged in BBS. Not knowing whom to name as the defendant in a civil suit would virtually make it impossible for a victim to convince any court to take jurisdiction over the matter. Typically, in New Hampshire, state Superior Court, would be the most common place for a person to bring a civil matter, such as battery. If the tort-feasor resided out of state, or was a federal agency, then the victim could possibly bring an action in federal court. Jurisdiction is always one of the first questions to be addressed by litigants.

The obstacle for Ms. Stainfield would be to prove that she had been "battered". Engaging the services of an attorney would be difficult as well. Unless solid evidence exists, few attorneys would be willing to represent a victim in a manner such as this. Attorneys typically represent victims in such cases on a contingent fee basis, taking a percentage of a money judgement. If there is little proof, then the potential reward would be considered small. The cost of litigation would probably deter most attorneys from assisting. However, victims can represent themselves at no cost. Furthermore, legal aid services may provide representation at low or no cost.

A second system for a victim of BBS could be through **criminal law system**. In criminal cases, the State, not the individual, brings charges forward. In order to charge a person with a crime, the police or prosecutor must show that probable cause exists that a crime has been committed.

In this case, Ms. Stainfield could have a claim for assault if she could convince the police or prosecutor that there was probable cause to believe that an assault had occurred or was occurring.

New Hampshire Revised Statutes Annotated defines a number of different levels of assault. Simple Assault is the law that most closely resembles civil battery.

631:2-a Simple Assault. – I. A person is guilty of simple assault if he...purposeily or knowingly causes bodily injury or unprivileged physical contact to another;

Source. 1979, 126:3, eff. Aug. 4, 1979.

<http://www.gencourt.state.nh.us/rsa/html/LXII/631/631-mrg.htm>

The biggest obstacle for Ms. Stainfield is her inability to name, with specificity, the perpetrator who has assaulted her. Additionally, getting a prosecutor to believe that she has been assaulted in this manner would be extremely unlikely.

Framed in a certain manner, BBS could be described as torture, and there are a number of **international laws** against the use of torture. In this writer's opinion, this is not a viable avenue for relief. <http://en.wikipedia.org/wiki/Torture>.

Conclusions

Tami Stainfield should engage the services of a licensed psychiatrist and/or medical doctor to determine if she has been assaulted by any person through Brain & Body Science and to rule out any mental impairment, such as schizophrenia, bipolar disorder or other mental illness. If any object is found to be in her person (which an MRI would possibly reveal), Ms. Stainfield would then have some proof that she was, in fact, the victim of BBS.

Ms. Stainfield feels very strongly about this issue and may continue to advocate against what she believes to be a non-voluntary, invasive technology that could be used to cause individuals to act without free will. Ms. Stainfield's challenges will likely to be finding politicians and public sympathetic to her cause. Just because Ms. Stainfield appears to be a vocal minority, does not mean that she is wrong. Regardless of the actual existence of nefarious uses of BBS, Ms. Stainfield can continue to make her case in the public sphere, can write to politicians and speak to others about these issues.