

Make America a Democracy Again!

*Ban all forms of political donations, private charitable foundations by politicians and the corrupt use of public office and the **America Invents Act***

As CEO of Voip-Pal.com, I have been responsible to oversee the company's legal battles over the past four years against some of the biggest corporations in the world. Navigating the pitfalls of a legal system which in the last decade has been turned against small inventors thanks to a hostile patent reform act, has been eye opening to say the least. This experience has caused me to dig deeper in order to better understand how we got to this point where laws treat patent owners and innovators as the bad guys. What I found was how widespread political corruption has progressed by politicians on both sides of the aisle. Legislation and political favors are often for sale to the highest bidder. As a Canadian citizen, I have no allegiance to either American political party. My only concern is how the flailing U.S. patent system affects our company and our shareholders.



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Political and corporate cronyism is nothing new and is manifested in many different ways. It has become commonplace and is beginning to erode our democratic principles. America may be on the verge of becoming a banana republic.

The Silicon Valley, large corporations and billionaire political donors have been using their resources to buy political influence for quite a long time. Large political donations often control the legislative agenda and marginalize democracy. It is very concerning that the characterization of such contributions (of whatever size) as “Free Speech” protected by the First Amendment has resulted in dramatic shifts in the deliberations and decisions of the legislative and executive branches of government in recent years. These donations must be limited, or the United States will cease to be a democracy.

The America Invents Act Must be Repealed and Replaced

The America Invents Act (AIA) is a prime example of this type of political corruption that puts politicians and legislation up for sale. It must be repealed and replaced. America has replaced democracy with donor corporatocracy. In plain language, corporations are the ones that really run the United States. The average citizen has been cheated by politicians interested only in lining their own pockets during and after their political careers. Seems that even those federally elected officials that begin their political careers in the most humble of circumstances always find a way to become wealthy. How can we trust individuals whose votes are for sale to make decisions that will benefit us and not them?

For the 20 year period between 1998 to 2018, big pharma and big tech spent over **\$6.1 billion** in lobby efforts to enact favorable legislation. In 2011 alone, the year the America Invents Act was passed, twelve tech sector companies, Facebook, Apple, Verizon, Google, Microsoft, AT&T, IBM, Cisco, Intel, Intuit, Dell and Hewlett-Packard spent more than \$70 million combined to influence members of congress. **The Silicon Valley’s billions have brought democracy into disrepute.**

<https://www.investopedia.com/investing/which-industry-spends-most-lobbying-antm-so/>

<https://www.businessinsider.com/meet-the-top-10-technology-lobbyists-on-capitol-hill-2011-12>

The passing of the AIA during the Obama Administration is an example of how the Silicon Valley, led by then Google CEO Eric Schmidt cozied up to the former president and gained influence and open access with more than 430 recorded visits to the White House. They drove the agenda to pass patent reform that destroyed the rights of inventors and allowed them to pillage intellectual property. In the process they crushed countless



small investors who invested their hard earned money into revolutionary innovation, hoping to find the next great startup in an attempt to get their little piece of the American dream. The end result was the little guy got destroyed while the tech giants got bigger. This is what happens when big corporations and politicians work together to pass legislation.

Politicians are Lining Their Own Pockets

Most U.S. Senators and House Representatives routinely take money from lobbyists. What do the donors get in return for their investment? Very simple; favorable legislation. And what does it say of the politicians who accept these big donations in exchange for helping donors maintain control and feed their continued greed? These are not lawmakers, but they are ??? ***You can decide what you want to call them!** that line their pockets and sell their votes to the highest bidder. Often, presidents and cabinet members wield their influence to affect legislation on behalf of big donors after they've left office in exchange for big financial rewards. Many times they generate revenue by creating private charitable foundations.

Private charitable foundations like the Clinton Foundation, established by former President Bill Clinton, are only required to give 5% percent of the annual average value of their assets to charitable causes.

The rules created by lawmakers and the IRS governing private charitable foundations are tailor made for fraud, allowing unscrupulous individuals to generate millions in revenue and avoid taxation under the guise of a charity [\(link\) By only requiring 5% of a foundation's assets to be paid out to charitable programs leaves 95% for broad spending on whatever the foundation deems as "fundraising" and "administration."](#) Living a lavish lifestyle and traveling the world in first class soliciting donations among other things can easily fall under fundraising activities and expenses. **Politicians have used legislation to create a vehicle for themselves that allows them to steal, pillage and cheat the American people in the name of charity.**

Representatives from both major political parties establish charitable foundations which generate millions of dollars in revenues in the form of donations. Often the biggest donors to their political campaigns also make very generous contributions to their foundations.

- Opensecrets.org reports that during his senatorial career, now retired Senator Orin Hatch received more money from the drug lobby \$2,760,072 than from any other industry. In addition to direct campaign contributions, the drug lobby's main trade group, the Pharmaceutical Research and Manufacturers of America (PhRMA), gave \$750,000 in 2011 to Freedom Path, a nonprofit group that spent \$517,000 on ads to help Hatch win another term and made a \$40,000 donation to The Utah Families Foundation, a charitable foundation established by Hatch.

<https://www.opensecrets.org/members-of-congress/summary?cid=N00009869&cycle=CAREER>

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<https://publicintegrity.org/federal-politics/drug-lobby-gave-750000-to-pro-hatch-nonprofit-in-utahs-u-s-senate-race/>

- In 2013 and 2014, the Clinton Foundation generated about \$148 million and \$178 million respectively in donations. They paid out \$9 million in grants in 2013 and \$5 million in 2014. That is less than 5% of revenues paid to charitable causes in the two years leading up Hilary Clinton entering the presidential race in April 2015. Through 2017, the Clinton Foundation had received north of \$2 billion from donors.

<http://www.israelnationalnews.com/News/News.aspx/231363>

http://990s.foundationcenter.org/990_pdf_archive/311/311580204/311580204_201412_990.pdf

Politicians have used legislation to grant themselves a license to steal and pillage from the people in the name of charity.

<https://psmag.com/news/whats-going-on-with-the-clinton-foundation>

<https://citizenwells.com/2015/05/01/clinton-foundation-2013-irs-990-filing-reveals-revenue-of-148-9-million-and-charitable-giving-of-8-9-million-clintons-spent-6-percent-of-revenue-on-charity-64-million-not-spent-increased-net-assets/>

<https://www.washingtontimes.com/news/2016/jun/21/clinton-foundation-gives-tiny-fraction-of-2-billio/>

I have not selectively sought information on one party over the other. The information presented is where the research has led me. In the interest of fairness I gathered information on charitable foundations run by the Trump family. While I did find many political attacks, I and was not able to find credible evidence of wrong doing. Amid the criticism by political opponents President Trump dissolved his charitable foundation a month before taking office.

Accusations of Ivanka Trump receiving \$100 million donation from the Saudis were also intentionally misrepresented. The Saudi's made a \$100 million donation to the World Bank's project to help

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fund female entrepreneurs. Ms. Trump was only an advocate of that initiative and appeared at an event where the project was announced. She had no other role, involvement, or way to benefit financially from the donation.

<https://www.snopes.com/fact-check/ivanka-trump-saudi-arabia-100-million-donation/>

President Trump's son Eric has also been the target of accusations of wrongdoing by political opponents for his charitable efforts; however, St. Jude's confirmed Eric Trump indeed helped raise more than \$16 million dollars for the children's research hospital.

<https://thehill.com/homenews/administration/313066-hospital-trumps-son-helped-raise-16m>

The appointment of a special prosecutor is needed to conduct an in depth investigation into possible misuse of funds with regard to charitable foundations run by politicians.

Politics "Pays"

Former President Obama who was often a critical voice against the "excesses" of the wealthy is enjoying quite an extravagant post-presidency lifestyle. The Obama's just purchased their fifth home, fourth since leaving office, a \$15 million mansion on Martha's Vineyard. Five luxurious homes is a lot of real estate to acquire on a \$400,000 annual pension. Yes there have been book deals and other business ventures, but it is still a staggering amount considering citizen Obama has only been a former President and working in the private sector for less than 3 years. Obama has also established a private foundation. Total transparency would allow the public to know who all the donors are and see where monies are coming. Sadly, examples like this

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show that it literally pays to be a politician and how our democracy is for sale to the highest bidder.

<https://legalbeagle.com/5665162-rules-regulations-non-profit-foundations.html>

Blatant Bribery by a U.S. Vice President

A [video](#) has emerged of 2020 presidential candidate Joe Biden bragging of how during his tenure as U.S. Vice President he forced the Ukrainian government to fire Prosecutor General Viktor Shokin by threatening to withhold a billion dollars in loan guarantees if Shokin was not fired within six hours. Shokin was deep into a corruption investigation of Burisma Holdings, a Ukrainian natural gas company that hired the Vice President's son, Hunter Biden as a board member just weeks after his father was appointed by President Obama to oversee U.S.- Ukraine relations. Hunter Biden had no industry experience nor any expertise regarding the Ukraine. His primary duty was to attend board meetings and energy forums in Europe once or twice a year, for which he was paid \$50,000 per month. [Link to Biden video](#)

The video clearly confirms Joe Biden's arrogant admission to the American public and to the world of his blatant act of bribery. Bribery is offering something of value (\$1.2 billion loan guarantee) in exchange for a favorable action (dismiss the prosecutor investigating Hunter Biden). Where has this impeachment inquiry gone? Why are the mainstream media outlets, CNN, ABC, NBC, CBS, 60 Minutes etc... not interested in investigating Joe and Hunter Biden who are at the core of this story? The truth has no bias!

It seems today's politicians in the United States and other western countries have zero conscience and have replaced values like truth and honesty with lies and exploitation.

Even though Joe Biden is the one on video boasting about extorting the Ukraine, it is President Trump that is being **falsely accused by his political opponents** of orchestrating a quid pro quo. The Democrats are accusing the President of withholding military aid to the Ukraine in exchange for an investigation of Joe Biden who is a candidate for their party's nomination for president. According to the *Wall Street Journal*, and officials with knowledge of the matter the decision by Trump to **temporarily withhold the aid for two months** was made in July, a week before the now famous July 25th phone call, due to concerns over corruption in Ukraine. The administration was worried if the funds would be spent for their intended purpose, and over a perceived lack of support from other European nations toward Ukraine. The temporary hold was removed in September and the \$250 million in military aid was paid to the Ukraine.

<https://www.defensenews.com/congress/2019/09/12/white-house-releases-250-million-in-ukraine-military-aid/>

During the July 25th phone call between Trump and the newly elected Ukrainian President Volodymyr Zelensky, Trump brought up Biden's bragging how he stopped a prosecution in relation to his son Hunter. President Trump made no offers or promises on the call, nor were any demands made of President Zelensky. This is in sharp contrast to Joe Biden clearly using the power of the executive branch to withhold over a billion dollars in loan guarantees if they did not fire the prosecutor in next six hours.

<https://www.whitehouse.gov/wp-content/uploads/2019/09/Unclassified09.2019.pdf>

The aid was never conditional. No extortion, no quid pro quo and no wrongdoing and no reprisal took place on the part of the Trump administration. The aid was released and no investigation was conducted by President Zelensky. There was definitely a quid pro quo that took place, but it was orchestrated by then Vice President Joe Biden, seemingly with the support and knowledge of President Barack

Obama. This witch hunt needs to stop. The only one that should have been impeached is Joe Biden. The present impeachment inquiry against President Trump is nothing more than Nazi style politics initiated by weak, bitter and incompetent politicians.

Such blatant abuses of political office, widespread bribery in the form of political and charitable donations and potential rampant corruption must be investigated and dealt with swiftly.

What is the solution? It's simple:

1. Ban most political contributions. Limit campaign contributions to \$10,000 maximum per individual.
2. Change the rules governing private charitable foundations. Rather than requiring only 5% be paid out to charitable programs require 95% be paid out to charitable programs and cap overhead and administration spending at 5%. Provide total transparency of all donations and donors. This will eliminate politicians and others from using private non-profits for their own illicit gains.
3. Establish term limits for every federally elected official. No one should serve more than 12 years. Limit the House to six, 2 year terms and the Senate to two, 6 year terms . Eliminate the ability of elected officials to make a career of seeking power, endlessly soliciting money from donors, and enriching themselves personally.
4. Recognized parties should receive federal funds that will keep them from prostituting themselves to big money donors. ***You can decide what you want to call them**
5. Congressional representatives and the president should be given significant pay raises to curtail any temptation to accept dark money and deter them from all illegal activities. Pay senators and representatives \$1 million in annual salary, \$2 million to cabinet secretaries and \$5 million to the president. With their high pay comes higher

expectations of ethics with zero tolerance and strict jail sentences for receipt of any ill-gotten gains.

6. Lobbyists should be banned completely. They roam congressional corridors looking for political prostitutes that seem to be abundantly available.

***You can decide what you want to call them**

7. Ban politicians from receiving benefits such as jobs or political appointments from foreign powers for themselves, their family, friends and business associates during their tenure in office and for five years after leaving office.

The AIA is just the tip of the iceberg for exposing political corruption on both sides of the aisle. This type of exploitation is not exclusive to the tech sector. Lobbyist dollars and buying political influence crosses all industries. Recently, CBS's long running news show 60 Minutes, did a piece on how lobbyists on behalf of Big Pharma played a major role in the biggest health issue of our time, the ongoing opioid crisis. We are not being critical of all politicians, only the ones on both sides of the aisle that have accepted donations from big corporations or wealthy individuals and allowed them to influence their votes on policy and legislation. I am sure there are elected officials that do not fall into that category. We hope they will come forward. I am not alone in my assessment. There is a reason Congressional approval ratings hover around 14% and often they dip into single digits.

The America Invents Act and the subjective interpretation of some key patent laws, not based on facts have created a hostile legal environment towards patent owners, nearly destroying the monetization rights to their own inventions and intellectual property. For the time being they have given powerful Silicon Valley infringers the upper hand against small inventors. This type of injustice has no place in modern western society. Yet, in spite of all this, I

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wholeheartedly believe that through perseverance justice will prevail in the end for patent owners.

As an inventor and CEO of Voip-Pal, I feel it my duty to speak out on behalf of our approximately four thousand mostly U.S. shareholders, and other small inventors. The AIA and subjective legal decisions have turned intellectual property rights into a liability often leading companies into bankruptcy. As I have said before, under this current system, **DO NOT PATENT!**

This is a much bigger problem than just a patent issue. Where is the press? Who is out there that will take up this cause? Perhaps there are some reporters somewhere out there that believe in taking a stand for a democracy which has been eroded. Which of them is bold enough to stand up and do their job as a research journalist, dig deep, expose, and speak out on this important topic.

The need to make their voices heard in a peaceful and orderly manner. Peaceful demonstrations are needed by everyone interested in equal justice for all.

Four years after launching our first patent infringement lawsuits against Apple, Amazon, Verizon, AT&T and Twitter we are still fighting. They have responded to us with the same delay tactics they use to drive any small patent owner out of business who “dares” assert their property rights against them. Four years, six lawsuits, thirteen IPR challenges, many stays and delays and countless legal motions later we are not only still fighting but we are also standing tall. We will continue this fight and will stay the course. We are in this battle for what is right, not only for our company and our shareholders, but for all small inventors

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across the U.S.A. We will see this through until we achieve justice and monetization.

Previous Emil Malak Op-eds

<https://www.ipwatchdog.com/2019/05/17/president-donald-trump-investigate-corrupt-patent-system-passage-aia/id=109312/>

<https://www.ipwatchdog.com/2019/07/08/beyond-101-inventors-plea-comprehensive-reform-us-patent-system/id=110979/>

<https://www.ipwatchdog.com/2019/08/20/note-president-trump-silicon-valley-pirates-bigger-threat-intellectual-property-china/id=112339/>