

The Case for the Constitution and the Rule of Law

Mayor Sheehy & City Council et al

1st Amendment Petition for Redress of Grievances

Introduction:

Since the emergence of the covid 19 virus in late 2019, local, state and federal elected officials have struggled with how to assess and address the threat this virus presents their citizens. The United States of America is founded on the principles of God given individual liberty and it is guaranteed in the Constitution to the citizens of this great nation.

The Constitution of the United States of America is the supreme law of the land and is not subject to laws executive orders or proclamations of elected government officials or judicial rulings that conflict with it. Nor is there any "Emergency Exception Clause" to the Constitution. All government officials are sworn to protect and uphold the Constitution. This fact should be foremost in the minds of our elected officials when they attempt to balance the legitimate authority granted to them in a state of emergency with the Constitutional Rights of their citizens, which protects them from governmental tyranny.

When elected officials in good conscious violate the Constitutional Rights of their citizens and the citizens demand their grievances be redressed under the 1st Amendment it is imperative that City, County and State governments acknowledge their concerns and immediately remedy any breach of the Public Trust.

When legitimate concerns are raised and go unanswered by Government officials it breeds distrust and contempt for those officials. This is because the city is to act as the Lesser Magistrate and protect its citizens from unconstitutional and illegal executive orders, proclamations, mandates and the like made by County, State or Federal officials. This is the problem that exists due to the manner in which the Mayor Cal Sheehy and the City Council responded to the alleged threat the Covid 19 virus presented. They may have initially tried to act proactively to protect the citizens of Lake Havasu but did not see the fact that the Governor's executive orders did not have the force of law because they were a violation of the Constitution and their enforcement would result in multiple violation of Title 18 USC. The City Government clearly was persuaded by the Governor to proactively declare a state of emergency. The emergency was proclaimed prematurely where none actually existed because at the time of proclamation there were no cases of

covid 19 in Mohave County. This decision may have been motivated by the desire to assure that needed funding would be available in the event there was a widespread outbreak in this city. This decision no matter how well meaning was not Constitutional and not in the best interest of the people and businesses of Lake Havasu. As a result of the shut downs and restrictions placed on the businesses and people of the city many suffered significant financial losses and emotional distress that was unnecessary.

As this nightmare unfolded many people began to ask the question "Is this the America that I grew up in where our freedoms were protected at all costs not shredded over a bad case of the flue. In the months that followed and no significant increase in the death toll was noted, several court cases challenged the Constitutionality of the Governmental executive orders and won citing violations of the 1st and 14 Amendments. Specifically they found that in the Pennsylvania US District Court case of the County of Butler v Governor Wolf the court found that the Covid 19 emergency measures used were a violation of the 1st Amendment Right to freely assemble. This was a result of Executive Orders made by Governmental Officials requiring their citizens to restrict the number of people that may gather together in their home, business or in a public place. The violation of the 14th Amendment Due Process Clause was a result of shelter in place, stay at home orders or restriction on travel, which are a form of imprisonment without due process. The violation of the 14th Amendment Equal Protection Clause was a result of the government determining what businesses are deem essential and nonessential forcing them to close and go out of business. This amounts to the Government picking winners and losers in business rather than the market place determining this. Along with the apparent violations of the constitution there also appears to be multiple violations of Title 18, US Code that make up the grievances we have that need to be resolved.

The first 2 sections of Title 18 we will deal with are Title 18, USC, Sections 241 & 242 which state, (241) If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same;... and When the City Government conspired to close nonessential businesses with the police Title 18, US Code, Sec 242 (Deprivation of Rights Under Color of Law) Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the

United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. (Ability to sue those who violate your rights)

The next 2 section of Title 18, US Code are Sections 1038 and 1040. Section 1038 appears to have been violated by giving false information out about the true danger covid 19 represented to the public. A simple comparison of the overall death rate in the year 2019 as opposed to 2020 finds 2020 has a significantly lower death rate. This would make the report of the pandemic and extreme loss of life necessitating a shut down due to a bad case of the flue a hoax. Further the use of a test not designed to diagnose and that is easily manipulated to get any result you want only further verifies this was a hoax. Hospitals were incentivized to use these test to fraudulently obtain funding that was tied to diagnosis and treatment of covid 19. This now leads us to Section 1040 which deals with the commission of fraud in association with an emergency. This can be seen as death certificates were changed to show covid 19 co morbid with a majority of deaths taking place in the city and county from everything from heart disease to gunshot victims. So that's why we don't have a significant numbers of covid 19 deaths pushing out annual death rate above the norm. Below are the text of the Sections cited.

Title 18, US Code, Sec 1038 (False Information and Hoax) Imparting or conveying false information

(a) Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this chapter or chapter 97 or chapter 111 of this title shall be subject to a civil penalty of not more than \$1,000 which shall be recoverable in a civil action brought in the name of the United States. (b) Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to

be made, to do any act which would be a crime prohibited by this chapter or chapter 97 or chapter 111 of this title—shall be fined under this title, or imprisoned not more than five years, or both.

10. Title 18, US Code, Sec 1040 - Fraud In Connection With Major Disaster Or Emergency Benefits (a) Whoever, in a circumstance described in subsection (b) of this section, knowingly-

(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation, in any matter involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191), or in connection with any procurement of property or services related to any emergency or major disaster declaration as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, shall be fined under this title, imprisoned not more than 30 years, or both.

The next section of Title 18 US Code we will deal with is Section 1951. This section deals with Interference with commerce by threats or violence. When the police attempt to intimidate or coerce businesses to close or limit the number of people they serve appears to be a violation of this section of Title 18. Here is the text of this section

Title 18 USC Section 1951. Interference with commerce by threats or violence-

(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.

The last section of Title 18 US Code we will deal with is Section 2381 which deals with the Willful failure of a sworn official to protect and defend the Constitution

of the United States of America. When public officials violate the constitution and when asked to redress the grievances of their citizens under the 1st Amendment they willfully continue to violate the constitutional rights of the people and violate their oath of office.

Conclusion:

As the Us District Court found in the County of Butler v Wolf that even though the actions to prevent the spread of Covid 19" ...were undertaken with the good intentions of addressing a public health emergency... even in an emergency, the authority of the government is not unfettered. The liberties protected by the Constitution are not fair-weather freedoms-in place when times are good but able to be cast aside in times of trouble. There is no question that this Country has faced, and will face, emergencies of every sort. But the solution to a national crisis can never be permitted to supersede the commitment to individual liberty that stands as the foundation of the American experiment. The Constitution cannot accept the concept of a "new normal" where the basic liberties of the people can be subordinated to the open-ended emergency mitigation measures. Rather, the Constitution sets certain lines that may not be crossed, even in an emergency."

Actions taken by members of this city, county, state and federal governments have state crossed those lines. It is your duty as sworn members of this cities government to now act as the Lesser Magistrate and remedy the unconstitutional handling of this crisis and make reparations to the businesses and citizens of Lake Havasu.

Mayor Sheehy and Members of the City Council, we the people and businesses of Lake Havasu City demand that you uphold your oath to protect and defend the Constitution of the United States. The Adoption of Resolution 1776 making Lake Havasu City a Sanctuary for the Constitution and the Rule of Law reaffirms your Oath of Office and responsibility to act as the Lesser Magistrate and protect the people against unconstitutional, unjust/immoral laws, executive orders, policy or court opinions. In so doing, you as the lesser ranking civil authority recognize your God-given right and duty to refuse obedience to that superior authority; and if necessary, actively resist the superior authority.

Failure to take immediate action to uphold your sworn duty to protect and defend the Constitution of the United States of America will result in legal prosecution.

The Lesser Magistrate Doctrine

The Lesser Magistrate Doctrine teaches that when the superior or higher ranking civil authority makes unjust/immoral law, policy, or court opinion – the lower or lesser ranking civil authority has both the God-given right *and duty* to refuse obedience to that superior authority; and if necessary, actively resist the superior authority.

The doctrine was first formalized by Christian men in Magdeburg, Germany in 1550. The lesser magistrate doctrine is rooted in the historic Christian doctrine of interposition. [Interposition](#) is where one steps into the gap – placing themselves in between the oppressor and his intended victim. Interposition can take place verbally or physically. The law of God is the objective standard to which all men and all governments of men are accountable. If civil authorities make law, policy, or court opinion that is contrary to His law – the lesser magistrates are to interpose and [stop the evil](#).

America's founders established this nation as a true federalism. In a true federalism there are multiple levels of government and multiple branches on each level. They did this because they held to a Christian view of man – that he is wicked and in need of a Savior. They did not want power to rest in one man or a small group of men. The intent, therefore, of federalism is: if any one branch begins to play the tyrant, it is the duty of the other branches to interpose and resist that branch – and stop the evil. The [duty of the people](#) is to rally with the interposing magistrates.

All public authorities (magistrates) possess lawful authority. If federal authorities do wrong, it is the duty of state, county, and local authorities to step in and stop the evil. If state authorities do wrong, it is the duty of county and local officials to step in and stop the evil. State, county, and local magistrates take an oath to uphold both their State Constitution and the U.S. Constitution. They do not take an oath of subservience to the federal government, nor do they take an oath to blindly obey the authority above them. Rather, they take an oath to uphold the constitutions. If therefore, another authority makes law, policy, or court opinion repugnant to the state or federal constitutions – they should not obey them.

God has established four realms of government to which He delegates authority. They are: (1) self-government; (2) family government; (3) church government; and (4) civil government. Each has its own role, function, and limits.

The authority an individual possesses in any one of these four realms of government is [delegated authority](#). In other words, they derive their authority from God. Their authority is not autonomous or unconditional. Their authority is God-given, and thus, they have a duty to govern in accordance with His rule.

When someone in authority makes laws or decrees contrary to God's law, they are in rebellion to God's rule. Those under their authority are NOT to obey them when they do this. They may even have to actively resist them.