

COVID-19 MANDATES: A DISCUSSION ON HOW TO DEFY MANDATES

EXEMPTIONS: We believe the recommendations proposed by The New American for defying vaccine & mask mandates in the below linked article constitute sound advice to follow in order to qualify under Title 42 of the United States Code for the “exemption-status” which is provided for as follows:

1. **Religious exemption** to vaccine & mask mandates
2. **Medical exemption** to vaccine & mask mandates (difficult to obtain? Do without it!)

<https://thenewamerican.com/covid-vaccine-mandates-if-i-dont-want-the-jab-what-are-my-options/>

Both “exemptions” are just that—exemptions.

An “exemption” constitutes a **government-granted waiver** from an otherwise lawful duty. That is to say, the government **presumes** you are subject to the mandates or orders being issued by the state or federal government and that without the “exemption” you must obey the order. An example of exemptions to an otherwise enforceable law includes the provision for service-dogs to enter restaurants under the Americans with Disabilities Act (ADA which is a Title 42 provision).

To summarize, Mr. Owen’s discussion from the New American article listed in the link above:

- **Follow the steps provided by your employer or by regulation “exactly”**
- Identify **time constraints** allowed for complaint or appeal
- **Document** all communications and actions between you and your employer
 - “Communications” include the actual ‘policy’ upon which the demanding-party relies in demanding your compliance. **Secure hard copies of the policies**, or print hard copies, relied upon by your employer (a supervisor’s oral representations of policies are unenforceable and are considered arbitrary and capricious)
 - Journal entries are admissible as evidence to support your defense. Record details including names, times, dates, location of encounter, and contents of conversations (e.g. threats, innuendo, etc.).

STEPS TO FOLLOW TO QUALIFY FOR AN EXEMPTION

- A. First, don’t quit or abandon your post (you can’t collect unemployment if you quit & while you personally may disdain unemployment benefits, you may need to tap into the system that is bullying you into submission).
- B. Second, deliver your refusal in writing giving your reason or reasons for refusal. You can refuse for all 2 or 3 reasons discussed in this paper.
- C. Third, keep copies of all communications to and from your employer. Record the date, method of delivery and specific name of person or persons being notified. Make a journal of any verbal communications on the matter including as many details as possible. Better yet, record the exchanges. The recording may be prohibited from use as evidence if laws exist that restrict its use but it will serve to refresh your memory if you are called upon to testify. Be cautious to not divulge the existence of a recording if it compromises contractual obligations.
- D. Fourth, identify deadlines provided for the process. Stay ahead of deadlines as an emergency may arise that interferes with your plans. Be proactive. Don’t delay action.
- E. Seek local legal counsel on local laws and rules if you fear threat of discipline or termination.

Exemptions are appropriate defenses for persons who are obligated to comply with a rule or order which is properly authorized by law and is legally applied to that specific person.

RIGHTS VERSUS EXEMPTIONS

RIGHTS are in a different class than exemptions. Rights proceed from nature and are a gift from Nature's God. Under our constitution, the American government's sole purpose is to protect peoples' rights.

The Covid-19 question. The question has been debated at length during the events of 2020 and since, "isn't this mandate a violation of my rights?" The answer is a resounding "YES!" Government has no power to restrict a natural person's actions by demanding a person wears a mask in public nor to submit to the administration of drugs as a requirement of employment. Mandates to natural persons exceed the power of government and its jurisdiction.

The Governor's Role. Let's take a look at Idaho Governor Brad Little's executive orders in 2020-21 in the context of the laws that govern his powers relative to emergency orders.

The executive-orders on their face appear to mandate that the general public perform certain actions or conform to certain requirements. The inference that the general public is subject to Little's orders is false. Multiple officials and the media are guilty of either negligently or intentionally misinterpreting the Governor's executive orders. The executive orders do NOT affect the general public and apply only to Idaho-agency officials. Also, state agencies which issue "mandates" rely on the authority of Little's executive orders for their authority. It follows then that agency mandates cannot exceed the authority of the Governor's executive orders. Agencies cannot command the public's obedience if Little's orders lack authority to do so themselves. You must read the text of the orders and the relevant statutes (I.C. Titles 39 & 46 noted below) and the Idaho Constitution which, in turn, must support the orders if they are to be enforceable. Reading these documents do NOT support the common belief that common citizens are subject to Little's executive orders or to the health department mandates.

The Idaho Code. Governor Little's powers are controlled by legislation and that legislation must conform to provisions of the Idaho Constitution.

Idaho Code Title 46-1008. "THE GOVERNOR AND DISASTER EMERGENCIES. (1) Under this act, the governor may issue executive orders, [which] . . . have the force of law . . . "(5) In addition to any other powers conferred upon the governor by law, he may:" "(a) Suspend the provisions of any **regulations**¹ prescribing the procedures for conduct of **public business**² that would in any way prevent, hinder, or delay necessary action in coping with the emergency;" [bold added]

Idaho Code Titles 39, "Health & Safety," "39-419 VIOLATION OF PUBLIC HEALTH LAWS — MISDEMEANOR — CIVIL LIABILITY FOR EXPENSE. (1) It shall be unlawful for any **person**³, association, or

¹ "Regulations" are rules used to govern the activities of state agencies and licensees.

² The term "public business" is specific to official government operations and assets. It is NOT private business nor private property.

³ The word "person" has multiple definitions the application of which varies depending on the context of usage. The common usage of "person" is, of course, human beings. However, "artificial" persons (i.e. legal entities such as corporations, association, LLP, LLC, etc.) is a common usage in legislation and regulations. The qualification by the use of the word "natural," as in "natural persons," is a term specific to flesh and blood people. The unqualified term "person" is, therefore, ambiguous and in this context **may** be only referring to "artificial" persons. See Black's Law, 7th Ed. & Bouvier's Law Dictionary, 8th Ed. The interpretation of every-single-word in legislation or gov't documents can and should be challenged. Do not presume to know the legal meaning of terms. An example, the Idaho Constitution uses the term "natural person" to eliminate all ambiguity in Article V, Section 2, which reads "The legislature may also impose a license tax, both upon **natural persons** and upon corporations..." [bold added] The drafters of legislation understand the nuances of the term "person" and failed to utilize the more precise term "natural persons" in I.C. 39-419. Challenge the definitions and the application of claims against you and force your

corporation, and the officers thereof to willfully violate, disobey, or disregard the provisions of the public health laws or the terms of any **lawful**⁴ notice, order, standard, rule, regulation, or ordinance issued pursuant thereto.” [Bold added]

Continuing in Title 46, “the governor may . . . (c) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;” [NOT private business!]

The operative words in Idaho Code 39-419 are “public health laws” and “lawful” which refer not only to the “lawful[ness]” of the Order but also to the lawful **application** of the Order—application to whom? Who then are the objects of the law? In this case, public business only...the agencies and resources of Idaho government. No where are private persons and property regulated.

“Public health Laws” refer to agency laws (regulations) or laws applicable to “public business.” (see I.C. 46-1008, 5(a) supra) “Public business” laws are framed in pursuance of legislation specifically under Title 39 “Health and Safety” and apply only to public business. Private business and natural persons are neither mentioned nor subject to Little’s order.

Additionally, private business and natural persons are not subject to Little’s order even if they were mentioned. Such an order would violate the provisions of the Idaho constitution regarding the protection of private rights—see Article I, Section 1 of the Idaho Constitution—nor can he abridge businesses’ right to contract—Article I, Section 16. (see Article I, Section 1 below on page 5)

Authority for Little’s Emergency Declarations arises under Title 46 which both empowers and restrains the governor’s actions pursuant to emergencies. Keep in mind the empowering event must first be a bona fide emergency in order to trigger the emergency powers act. This “emergency” status is subject to debate and would likely not qualify today given the exaggerated forecast of deaths which have not materialized and the fact that the virus is little more serious than the seasonal flu. The emergency mandates of governors and municipalities are being challenged in several states and are succeeding in barring the mandates in some jurisdictions.⁵

To recap: Governor Little’s proclamations operate only against agents of the state by administrative authority and not against natural persons or private businesses except by due process proceedings under equity, by consent or through eminent domain proceedings.

The Governor may only suspend “regulations” and then only those in regard to “public business.” No provision within Title 46 expands the Governor’s emergency powers to suspend the rights of individuals or of private business. Such a provision would be unconstitutional unless they operated under the rules of eminent domain.

Laws and orders which violate the protection of rights which are expressly stated or implied in Article I, Section 1 of the Idaho Constitution are unenforceable and void against private persons and businesses.

adversary to prove otherwise. This author questions that this use of “person” applies only to licensees of the state who are under some agreement which subjects them to the administrative authority of I.C 39-419.

⁴ The “order,” “notice,” “rule,” must first be *lawful* to be of effect. Meaning, a “law” which fails to conform with the constitution is termed “unconstitutional” and, therefore, not-lawful. The “lawfulness” of executive orders is being challenged all over America, see the referenced lawsuits at infra fn 5.

⁵ Michigan, <https://www.bridgemi.com/michigan-government/gop-leader-no-mask-mandates-michigan-needs-learn-live-coronavirus/>; New Mexico, Ohio, Maine, Kentucky, Alaska, CDC <https://makeamericansfreeagain.com/ohio-landmark-lawsuit/>; Florida <https://magainstitute.com/boom-florida-court-rules-mask-mandates-unconstitutional/>

Private Businesses' role. Natural persons⁶ and private businesses are not subject to orders which regulate only the agencies of government. Neither are private businesses obligated to enforce the governor's mandate on their employees. The actions of businesses which pressure employees to subject themselves to state-agency-mandates constitutes a misinterpretation of and a mis-application of law and exposes business owners and managers to personal liability for their misguided actions. Refusal to acknowledge and to respect religious exemptions or the privacy rights of employees is a dangerous position for a business to take and for a manager to attempt to enforce.

Businesses play a key role in the events surrounding the Covid-19 phenomenon. Many businesses mistakenly believe they are obligated to adopt public policies and to enforce those policies on the business' premises either against its customers or against its employees. Business owners and managers who actively press employees and threaten discipline or possible termination subject themselves to the risk of personal liability for violating an employee's rights under provisions of the Idaho Constitution and federal and state employment law. Neither managers nor state-officers are immune to personal liability for their unlawful actions.⁷ History demonstrates that liability often attaches to business managers and officials who are "just carrying out orders."⁸

Conscientious Private businesses must stand up against government extortion. Employers have a duty to protect their employees from threatened abuses which attempt to extort unlawful compliance by businesses. The government is barred by constitutional restraints from interfering with a business' right to contract, that is, the way the business operates. This means the business has no obligation to conform to government's mandates without due process of law. Business owners and managers work hard to create win-win environments with their staff. Subjecting employees to practices which the employees consider dangerous or harmful is an act of oppression and a violation of trust. Protect your employees from government extortion and refuse to be a party to the crimes being committed.

Actions to consider. First, employees who are bullied should demand a written copy or print out a copy of the policy or mandate being forced upon them. This will serve as evidence of the bully's claim for obedience by you. A verbal opinion of the policy is not a policy. Verbal policies are arbitrary and ambiguous and are unenforceable as a matter of law.

Keep all email, texts, images of posters and the like as evidence of the bully's coercion.

In this author's opinion, it is advisable for one to expressly refuse to consent to be bound by government Orders and mandates, or business mandates, by delivering a written notice of non-consent and stating one's belief that the orders are a violation of the Article I, Section 1 of the Idaho Constitution's protections and asserting one's "sincerely held religious belief" and contesting any presumed authority. See the sample template at the end of this article.

"Sincerely held religious beliefs" are not dictated by one's church nor does one need to belong to a formal religious organization. Believer, agnostic and atheist alike are all considered as possessing "religious" beliefs and all are valid before the law. "Sincerely held religious beliefs" spring from your heart and represent your own spiritual convictions. Such convictions need not conform to your church of membership—you can disagree with church leaders. Sincerely held religious beliefs are specific to you

⁶ Supra at fn 3

⁷ "Don't Take It Personally," Joanne Deschenaux, HR Magazine, 2012, <https://www.shrm.org/hr-today/news/hr-magazine/pages/0712deschenaux.aspx> ; Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974); Bivens v. Six Unknown Fed. Narcotics Agents, 403 U.S. 388 (1971); Trials of German officers in Auschwitz <http://auschwitz.org/en/history/the-ss-garrison/trials-of-ss-men-from-the-auschwitz-concentration-camp-garriso>

and to you alone. The notice should be addressed to the official/officials or employer/manager, naming them personally, who claim authority to direct your actions.

Unions and strikes. Unions operate to collectively pressure private business into exercising fair and reasonable practices. Threatened employees may consider organizing a walk-out or a strike if your employer is bullying you into masking and/or taking an unproven injection—it's not a vaccine. When businesses oppress employees, employees must collectively rebel against such abuse by striking or walking out leaving the management incapable of operating. Employees are in short supply in September 2021...this is an ideal time to negotiate or force all mandates away.

PRINCIPLES WHICH EFFECT ONE'S RIGHTS

CONSENT: A person may mistakenly grant consent to a demand by a variety of means.

1. Silence (failure to object)
2. Answering a question which the questioner has no authority to demand an answer to
3. Failing to read or to fully understand the terms of a form, and then signing it
4. Assuming you understand legal terms when you do not
5. Failing to reserve one's rights
6. Signing one's signature to a form thinking you must sign

KNOWLEDGE: Understanding a right is prerequisite to asserting that right. Article I, Section 1 of the Idaho Constitution reads as follows:

“INALIENABLE RIGHTS OF MAN. **All men are by nature free and equal**, and have certain **inalienable rights**, among which are **enjoying and defending life and liberty; acquiring, possessing and protecting property; pursuing happiness and securing safety.**”

<https://sos.idaho.gov/civics/Resources/id-constitution.pdf>

A SAMPLE LETTER TO AN EMPLOYER IS FOUND ON THE FOLLOWING PAGE:

- Always address the letter to a specific person(s)
- Customize the text to fit your situation
- Keep it simple, you don't owe a long explanation, don't recite scripture or justification for your sincerely held religious belief
- Send multiple copies to superiors, address each separately, anyone involved in the decision or implementing the decision against you.

You will find a word download for editing to fit your specific circumstances at



StandUpForIdaho.org

DISCLAIMER: FOR EDUCATIONAL PURPOSES ONLY—CONSULT A LAWYER IF YOU NEED LEGAL ADVICE

Your Name
Address
City, state zip

Employers Personal Name
Company name

Date

SUBJECT: NOTICE OF RELIGIOUS EXEMPTION TO MANDATES & STATEMENT OF RIGHTS

This letter advises you and gives your formal NOTICE of my objections to and my refusal to submit to a Covid-injection—the so-called covid vaccine(s)—or to mask mandates.

This letter shall not be interpreted to suggest that [company name] possesses authority to dictate that I submit to medical advice or to medical treatments promoted by [company's name]. I revoke any consent which is express or implied if my previous actions indicate otherwise. I am now aware of my rights and I assert them here.

First, I have sincerely held religious beliefs which forbid me from accepting a Covid-injection. The Covid-injection is an offense to Nature and to Nature's God. Your refusal to honor my sincerely held religious belief and to subject me to any kind of discipline or to termination is a violation of federal employment law under Title 42 Section 2000bb-1 of the United States Code. Further, informed consent is necessary to use experimental drugs under 21 USC 360bbb-3 if an EUA is used as justification for use.

Second, I have rights as an Idaho citizen to both enjoy and to defend my life and my liberty. This letter constitutes an act to defend my life, liberty, happiness and safety in order that I may enjoy the same. I am defending my life by refusing the covid-injection. I defend my liberty by giving you notice that you may not dictate to me how to care for my safety and health nor are you qualified to give either medical advice or legal advice, nor have I applied to you for such. Further, my pursuit of happiness and my ability to secure my safety demand that I refuse to take the covid-injection or to wear a face-covering which impairs my safety and health. These rights are supported by my right to acquire, possess and protect my property which proceeds from my profession and work. The Idaho Constitution guarantees protections of these rights under Article I, Section 1 as follows:

“SECTION 1. INALIENABLE RIGHTS OF MAN. All men are by nature free and equal, and have certain inalienable rights, among which are enjoying and defending life and liberty; acquiring, possessing and protecting property; pursuing happiness and securing safety.”

Mandates for covid-injections or masks violate provisions of both federal employment law and of the Idaho Constitution. I DO NOT, AND WILL NOT, CONSENT TO RECEIVING A COVID-INJECTION OR TO MASKING. I DEFY ANY MANDATES AS INTERFERING WITH AND COMPROMISING MY ABILITY TO DEFEND MY LIFE, SAFETY AND HEALTH. FURTHER, YOUR THREATS PRESSURING ME TO MASK AND TO SUBMIT TO THE “SHOT” TERRORIZE MY HAPPINESS, JEOPARDIZE MY SAFETY AND CONSTITUTE AN ATTEMPT TO EXTORT COMPLIANCE BY THREATENING MY LIVELIHOOD. You have seven (7) days in which to contest this notice if you believe I am in error. Please provide specific law to support your claim.

I will hold you personally responsible both for violations of my rights and for harm to my person.

Respectfully,