

TAKE AMERICA BACK

(TAB)

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THEORY & PERCEPTION, IMPEACHMENT OF JANET MILLS?

LAW & ORDER. RULE OF LAW

DISCLAIMER:

Before we begin, this report was created to help clarify and further define previous information on the impeachment issues (or Constitutional Court venue) surrounding the willful, unlawful activities of Governor Janet Mills. And we have found a need to address the confusing issues that relate to the Chinese Wuhan Virus (Covid 19), which resulted in the activation of Maine's Title 37-B. As a consequence, Governor Janet Mills created Proclamations, Edicts, Rules, Regulations and Executive Orders which proclaimed, demanded and threatened punishments if not enforced or followed by people who did not wish to give up their GOD given rights.

Many citizens should be aware that the Governor is belligerent and thinks that she has the right and the power to override the undeniable, "Unalienable, Protected Rights" found in the Maine Constitution. In reality, Governor Janet Mills has given an OATH to support the Maine Constitution and as a Maine Attorney, Janet Mills should understand the conflicts of ignoring and not following the Maine Constitution and instead following repugnant portions of Maine's Title 37-B.

At no time, no excuse or emotional need, can the solidified rights of the people, be ignored by incompetent lawyers/attorneys or removed by Executive/Statutory Courts and Judges Decisions or declarations that ignore, destroy or misdirect the intent of the Maine Constitutions protections:

***Article 1, Section 1. Natural rights.** All people are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring,*

possessing and protecting property, and of pursuing and obtaining safety and happiness.

We also wish to express that this report is not focused on the declaration of the dangers or what requirements or demands have to be abided by to protect the population from the Wuhan Chinese virus, known as Covid 19. We do not deny that the Wuhan Virus is real and is the trigger and catalyst that is responsible for the decisions, actions and results that we are experiencing in Maine. But the crucial questions are: Did Governor Janet Mills willfully violate the Maine People and their inalienable and unalienable rights found in the U.S. & Maine Constitutions and Maine Statutes? Was the cure worse than the disease? Did she create more problems than needed by ignoring the U.S. & Maine Constitution? Did Janet Mills realize, she could not order law enforcement agencies and other state agencies to ignore their OATHs. Did Janet Mills believe that the ends justified the means? Or did Janet Mills have another agenda or conspiracy?

We wish not to be accused of being ignorant and/or insensitive to the possible dangers of the Chinese Wuhan Virus. Nor do we compare the voracious Ebola Virus epidemic in the same light as with the enormous difference or argue the dangers of the Spanish Flu, H1N1, SARS, MERS, Swine Flu. The World Health Organization declared a global epidemic/pandemic due to the rise of COVID-19. There are distinct differences of trusted source between an outbreak, epidemic, and pandemic. A pandemic is an epidemic that's spread over several countries or continents and affects a **large percent** of the population (Maine is less than 1%). However, the word pandemic does not measure the level or dangers of the pandemic and neither will we.

We do not argue for or against the need for a State Statute that combines the endeavors and protection of the Federal Government and other States of the United States **as long** as the Member State or States maintain **their Republic**, their **State Constitution** and their **independence** from other States and the Government of the United States.

Regrettably, it is unfortunate that to understand this issue, bullet points and summaries will only lead to more confusion. Questions and reliance on simple explanations will only continue to guide the lazy reader and writers to misleading, misdirecting and misinforming the Maine people. What follows, is a lengthy explanation of parts of Maine Law and the true intent of

law, as the Founding Fathers proposed and expected. This report will focus only on the actions that have resulted in the violations to the U.S. & Maine Constitutions and the State Statute 37-B, which in itself violates the “**indefeasible & unalienable**” rights found in the U.S. & Maine Constitutions.

However, as Maine People, we stand by what we report and we demand that the legislators, judges, lawyers, sheriffs and law enforcement officers read this document and try to challenge it. Each and every issue needs to be judged and determined truthful on its own individual merits. The Civil & Public servants that serve in their agencies and swear to their fiduciary responsibility and legislators that serve in the Maine Government and Judges that serve on a Statute Oriented Maine courts **must not** forget their OATH to the U.S. and Maine Constitutions, and the statutes found in the U.S. Codes and State Statutes that enhance and define the U.S. & Maine Constitutions.

Also, because the violations were against the Maine people’s natural rights that are found in the United States and Maine Constitution, the venue for judgment must be held in the Maine House and Senate and eventually in a Court that concurs and is in accord, and agreement that the findings will be a result of using the U.S. & Maine Constitutions and Maine Title 37-B.

Public/civil officers that claim that any emergency (real, questionable or not emergencies) are only creating obvious distractions that will only serve the Marxist, Socialistic and political agendas, and will automatically cause public scrutiny and will possibly cause their eventual removal and or impeachment for the support of un-American political perspectives.

Note: As the reader scrutinizes this document, they will read the same information more than once as many of the Governor’s violations have the same or similar explanations and references. This issue has many moving parts and the fabric is tightly woven. So, having to read the same thing more than once is not a detriment as it may help unlock the truth in the answers to this predicament. After all, an education is reading lengthy information, studying and memorizing, so I make no apology for the length of this document; besides, it is free.

Lastly, because the 50 states in the USA have Constitutions, most of them are similar, or almost the same in content and intent. So, this report may be apropos for many of the several States to use, as a base. But be careful as

words, sentences and paragraph's intent can change 180% just by changing sentence structure or one word. To those who wish to use this report, you may do so without permission. However, the only request we make is, that you let us know what State or location, and when the information was released, where and who is using it and what part is being used and any other relating formating.

18 U.S. Code § 242. Deprivation of rights under color of law

I wish to start with 18 U.S. Code, Section 242 because this is the center target and focus as to what needs to be understood before we study what Governor Janet Mills has done to all of the people in Maine. Just because the electorate chooses a Governor and that Governor is the supreme authority, that does not allow that Governor to work outside the law. This United States Code explains the intent and may be used to each of the various declarations that she believed gave her the power & control to force compliance of mandates of nonbinding non-laws.

What follows is the Federal Government's definition of 18 U.S. Code Section 242 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; ...”*

The key word in this code is “willful”. Because willful acts are difficult to prove, unless obviously witnessed and/or admitted, the lay person would assume that when engaging laws that were written 18 years ago, would be confusing to comprehend and instituted in its entirety. We could understand the excuse that because this statute is large and parts could have been unknown or overlooked. However, this statute is not new or unknown to Janet Mills.

As you read through this document, you will find that Governor Janet Mills was one of the original 12 legislative members of the Judiciary Committee who were the architects that wrote updates to the Maine's Title 37-B, Sections 741 & 742. These two sections are the essence, the heart and soul mandates that guide the activities of the Governor. In order to perform this legislative activity, she would have been mandated to a complete study of all sections prior to and following Sections 741 & 742.

Because the bills in 2001-2003 would **fundamentally** change the republican form of the Maine Government, Janet Mills would have had to realize and understand the importance of engaging Maine Title 37-B. Either Janet Mills knew what she was reading and she understood the severity of the passing of a law by a legislative body or she refused to read and comprehend. Or she was brain dead or asleep. Either way, she has proven that she has no business functioning in the position of Governor (Lawyer) or any part of public and civil service.

Please allow us to delve in a bit of history and focus on the need for law and to help the reader understand the importance of recorded law.

We live in a **land of law and order**. It is also said that we live in a **land of the rule of law**. Is there a difference, or is it the same thing? Why do we want laws and why do we allow laws and rules to control and guide us? Does it really matter if the goal(s) is the same? Can we have liberty without law? Can the Legislature, Judges and Governor turn off laws when they want and then turn the laws on when they wish? Can the Legislature, Judge or Governor of Maine create unlawful, anti-Constitutional fake laws that remove the rights of the people that are protected in the U.S. & Maine Constitutions?

We do know that when laws are created by the people, usually the intent is that the laws should favor the people's rights. We do know that laws created by a hierarchy, usually favor the hierarchy and not the people. Historic records prove this out as monarchs are usually not fair, honest or benevolent. However, records do prove out that Hammurabi and Mosaic Laws were based on Natural and/or GOD's Laws. As history is recorded, thousands of years of oppression, bondage, power and control finally gave way to the Great Charter (Magna Carter) in England. Unfortunately the King of England did not feel that the 13 Colonies should have the same protections that the Magna Charter provided to those who lived on the British Isles; one of the many reasons behind the American Revolution.

After the Revolution, the Confederation of States and then the United States Constitution and in 1820 the original Maine Constitution was ratified. Much of the U.S. Constitution came from the Magna Charter and the Confederation of States; and the Maine Constitution was an advanced copy of all three.

THE RIGHTS OF THE COLONISTS

In order to understand man made law and the difference and importance of Constitutional Law, we need to understand the mind set of those who created laws based on God's natural laws. Laws that are created by man can be biased, and subject to change at the will and whim of those who would benefit. Therefore GOD's law's remain as long as there is an Earth. On the other hand, man's laws are subject to change at the whims of those in charge. What man giveth, men will taketh away.

Whereas, laws that are considered natural, or created by GOD, have been in existence since the earth was formed and even before. Our founding fathers understood that if they could formulate laws that were controlled or regulated by nature, these laws could not be changed, broken or challenged by man.

Samuel Adams, cousin to John Adams wrote The Rights of the Colonist. This was a report of the Committee of correspondence to the Boston Town Meeting, November 20, 1772 (Note the date). I will copy the one section that is the most pertinent to this report.

*“Among the natural rights of the Colonist are these:
A right to life, to liberty, to property; together with the right to support and defend them in the best manner they can. These are evident branches of, rather than deductions from, the duty of self-preservation, commonly called the first law of nature”.*

What makes the United States and Maine Constitutions so strong after two centuries is the significance and use of words and their arrangement. What we do know is that the interpretations of words and their arrangements are extremely important in understanding the intent of written language.

Today words are misused, ignored or rearranged so that an older person will not interpret what a younger person would. This phenomenon has accelerated since the late fifties, early sixties. Today, in some cases many strong words may have less meaning or exactly 180 degrees difference in interpretation. This is why we have standards, such as dictionaries for the words and their meanings; unfortunately, these dictionaries also change over the decades and some professions, such as the medical field and the judicial courts and legislatures need to have standards of current interpretations.

Even these specialized dictionaries change with the times. Political wordsmiths have learned how to use a mixture of dictionaries and now they have learned to use emotions that create false ideologies and automatic reactions that need no thought processes.

So how do we travel through the innumerable written language and interpret the intent of the original language of our founding fathers? One thing for sure, we cannot rely on the current interpretations incorporated into the computers today; instead we need to have a shelf full of different dictionaries that were written at the time that the language was written.

A good practice is to study and understand the history of how ancient and historical civilizations, governments and people thought and exercised their daily life styles in the widespread different communities, religions, races and cultures. Now, anyone who has studied the U.S. & Maine Constitutions will state emphatically that the words in both Constitutions were, not only words of the day, but the words were purposely picked because they were strong and in many cases direct, obvious in meaning or reference and extremely clear and could not easily be twisted or weakened.

Over 220 years ago, our Founding Fathers came together and hammered out what we believe to be a GOD given guide that has had little need to be revised to fulfill the goals of the “**Rule of Law & Law & Order**” This guide is known today as the United States Constitution. As everyone knows that the more people involved in making decisions, the task becomes more difficult.

At the midpoint of the 1789 Constitutional Convention, Thomas Jefferson asked the attending members to beseech GOD’s direction and guidance. They all agreed. This obviously worked, because when the Convention drew to an end, it was said by George Washington, that it was a miracle. Washington was a strong believer in GOD and he meant that purely in a religious context as they all believed that the process was led by the hand and divine guidance of GOD.

“It appears to me, then, little short of a miracle, that the delegates from so many different states should unite in forming a system of national Government, so little liable to well-founded objections.”

After the United States Constitution was ratified (1789), and after many hours of dispute, Ben Franklin was asked a question upon exiting the Constitutional Convention; he was approached by a group of citizens and a woman asked what sort of government the delegates had created. His answer was: "A **republic**, if you can keep it". Mr. Franklin also knew that people were weak, easily led and fooled by those with intelligence and those with personal agendas. Little did Mr. Franklin know or predict that this is now happening across this nation today and especially in Maine and our Legislature and Judicial Departments are witnessing this tragedy and doing nothing about it.

To Mr. Franklin and the founders of the Constitution, a democracy is only the combination of the will of the majority of the people or a mob rule. So it was their intention that the U.S. Government and its member States Government would be managed and governed by a **Republican Style** Government.

A Federal and State Republican Style Government is identified as a political system in which the supreme power lies in a body of citizens who can elect people to represent them equally, but yet independently. A Republican form of government whose head of State is not a monarch and "the head of State in a Republican State Government is a Governor". To insure the intent, the founders wrote into the U.S. Constitution, Article IV, Section 4 "guarantees to every State in the Union a **Republican Form of Government**".

Our founding fathers also used the science of natural laws that were indisputable, inherent in nature, natural and considered indefeasible & unalienable; and impossible to doubt or dispute or to interpret differently would defy the known laws of nature. To insure or guarantee the meaning and interpretation, the words "**indefeasible & unalienable**" were incorporated for clarification of these GOD given or natural rights. Because these natural laws were scientifically based as truths, it was recorded that "**we hold these truths to be self-evident**". To this day these natural laws remain self-evident.

At the Constitutional Convention (prior to the ratification of 1789), much of the U.S Constitution was compiled from parts and sections of the original 13 Colonies that had their own State Constitutions. Today, all 50 States have a Constitution that is equal to or more powerful than the U.S. Constitution.

This means that the independent States can create Constitutional Laws that are stronger than the U.S. Constitution.

Why are we zeroing in on the U.S. and State (Maine) Constitutions? Because in a land of “**Rule of Law & Law & Order the U.S Constitution is the Supreme Law of the Land and the State Constitutions are the Supreme Law of the State**”. The Key word in every Constitution is the word **Supreme**. This word was chosen to define the greatest in degree and most important and it has never changed over the years. Every State Constitution is the **Supreme** Law of that State. In Maine it is written that the State Constitution shall be **prefixed to the Revised Statutes** (see Article X Section 6). To any linguist, lawyer and judge (and they do know this), this means that all revised statutes, rules regulations, proclamations, edicts, executive orders must follow and conform to the mandates and directions found in the Constitution of Maine.

The Maine Constitution also has provisions that give guidance to who will enact statutes and how they will comply with existing Constitutional law. The word **repugnant** is found in two areas of the Maine Constitution (Article IV Part 3rd, Section 1 & Article 10, Section 3) and it is very clear that any new bills or old and current statutes (rules, regulations, edicts, proclamation and executive orders) found to be **repugnant** to the Maine Constitution **is not authorized, acceptable or allowable**.

Note: The word **repugnant** has not changed its meaning or strength of power of interpretation. Partial example of definitions: Offensive, not valid, void, null, abhorrent, detestable, obscene, repulsive, disgusting, rotten, etc.

Because the Maine Constitution is a mandated guide (contract) for Public/Civil Servants, it creates and details a logical path as to how bills or statutes are to be judged as fair and balanced for the benefit of **all** Maine people. The Maine Constitution also creates and details Articles and Sections that prevent bills that are in conflict with the U.S. & Maine Constitutions, considered repugnant. The Maine Constitution was written in such a manner to identify bills that are in conflict or obviously repugnant, which need not even be judged in a court of law and can be declared as immediately “Null & Void”.

This process of expanding the bicameral ‘checks & balances’ was decided in the year 1800 during the court case Marbury versus Madison that: “**a law repugnant to the Constitution is void, and that courts, as well as other**

departments, are bound by that instrument. The rule must be discharged". Note the word departments; the meaning of departments can be misconstrued, changed and misinterpreted, but a department is far from being part of a court of statutory law. The original intent was to keep this process out of a long drawn out court determination and that a specialized or separate entity other than a court can make the determination of being repugnant can be made by a professional group of public/civil servants.

Now, let us use 3rd grade common sense. All public/civil servants elected or appointed must swear an OATH found in the Maine Constitution, Article IX, Section 1. To **support the U.S & Maine Constitution and to faithfully discharge, to the best of their abilities, the duties incumbent to them, according to the U.S & Maine Constitutions.**

The OATH to the Maine Constitution is also an agreement of a lawful contract. In the business world, the contract is for the employer and employee to use and ensure that both sides are in agreement and in order for the employee to follow. When the employee refuses to follow the contract, especially under OATH, the employer must ask the employee to leave.

In essence, in the year 1820, **the Maine people established the Maine Constitution for the Maine Government.** Article 1, established natural, inherent, protected rights and sealed these GOD given rights by reminding the public and civil servants that **the Power is inherent in the Maine People!** How hard is this for anyone to understand!_The people are the employers and the public and civil servants are the employees.

We first have to understand that the Governor's responsibility must be identified. Article 5 Part First, Section 1 explains that "**The supreme executive power of the State shall be invested in a Governor**" and Article 5, Section 12 explains that "**The Governor shall take care that the laws be faithfully executed**". **Note:** This places the responsibility squarely on the shoulders of the Governor to determine if a statute is repugnant and in conflict to the U.S. and/or Maine Constitution and would give ample time for the legislature to correct or repeal a repugnant statute. If there is a question of a repugnant or contradicting law to the U.S. or Maine Constitutions, the Governor (or any public or civil servant) has the right to refuse to execute or enforce it.

If the Governor has a “*question or requires information*”, Article V, Part First, Section 10: allows the Governor to seek information from “*any officer*”. Also the Governor may, under Article VI, Section 3, require the Supreme Judicial Court “*to give their opinion on important questions of law and upon solemn occasions.*” The Governor has failed to do either; she has decided to take on the full responsibility without the mandates of the Maine Constitutional protections that were created for the Maine People in 1820. So that in lawful terms means, Governor Mills is **the sole violator in chief**,

Other than the President of the United States, the 50 Governors of the States must be of the most intelligent and knowledgeable of the U.S. Constitution & their own State Constitutions and Federal & State Statutes. That does not mean, they know everything and it is well and commonly accepted that they know who to seek help from various and specialized fields and to confirm their own intelligence. At a minimum, they need good advisors, field agents, attorneys General, legislators, lawyers and judges to give advice and council. It is impossible for any one person to accomplish the fulfillment of Article 5, Section 12. on their own. To do so, only proves that person has no business in such an important position.

The reason for seeking good advice in this section is if a bill happened to pass the legislative system and became law or if a bill was passed under ill intent and the bill was later to be challenged and found to be repugnant, it would automatically be considered “Null & Void”. If a bill was passed and was never acted on until years later, no one would or could have known it to be repugnant. We now know that parts of a bill (Title 37-B) did indeed pass and was enacted in the year 2001-2003, but it was never engaged for 18 years, until now.

Now that this repugnant Statute has been enacted and is being enforced by Janet Mills, this Statute has in reality **destroyed the Maine Republic and it has not only ignored, removed the republic, it has trashed the Maine Constitution. As of today, our rights are no longer protected under the Maine Constitution.** Without the protections of the Maine Constitution, where is the “**Rule of Law & Law & Order**”? As a result of engaging this 17 year old Statute, we are no longer defended under the protections found in the U.S. & Maine Constitution.

That now brings us to the Elephant in the room: We ask, why are the people not shocked, mortified, and angry because they have lost all of their rights? The people are so easily led like sheep and they are easily fooled and they do not question her authority, they have not realized that they had rights to begin with!

When explaining this fact to several legislators and law enforcement officers that they are no longer working under the mandates of the Constitutions, their glazed eyes do not change, they do not understand the implications! What we are now experiencing is rule by one person. By definition, rule by one person is a dictatorship. This essentially is a form of government in which the ruler is an absolute dictator, with unquestionable power (not restricted by a constitution, laws or opposition etc.). When explained that this condition is also called: monarchism, totalitarianism, and tyranny, their eyes still do not change, because they can not understand what the implications are to not have the protected rights found in the U.S. & Maine Constitutions.

This issue is complex and confusing even to a professor of law, law enforcer, legislator, Governor, lawyer or judge, because today's experts on Maine Laws are really **experts in revised statutes, not Constitutional Law**. Many of these civil/public servants believe or are told that statutes may be passed that have more strength and power over the U.S. and Maine Constitutions. I have been told by lawyers and attorneys that laws can be enacted that can change and override the intent of the Constitution if the statute made sense or seemed logical.

There was a sinister reason for the slow, willful loss of Maine Constitutional Law (remember the theory of the boiling frog). Over the years, there was a calculated plan for officers of the court (lawyers/attorneys) to infiltrate the Legislature and the Executive Departments of Maine Government. Laws, rules, regulations and processes that favored the Maine Bar were enacted. As a result, the Maine BAR Association was given complete control over **ALL** activities and processes involved with Maine Laws, revised statutes, rules, regulations, etc. Please keep in mind, Governor Janet Mills was previously a legislator and was a lawyer before that. Point made!

This complete power and authority from the Maine Bar also included the education & acceptance of all State Lawyers/Attorneys to the Maine BAR. **ALL** processes and financial activities involved with penalties and fines

were also taken over. (Reference “100 years of Law & Justice” & “100 Years of Law & Un-Justice”). (You may request this document from our archives).

Since the invasion and infiltration of the Maine Bar Association into the Maine Government, the Maine Constitution has become only a platitude, a second thought and phrase to use when it only meets a public/civil servants need. To make another point, ask a lawyer or attorney if they use the U.S. or Maine Constitution in Court. Ask a Judge if they recognize your rights that are found in the U.S. & Maine Constitutions. Point made again!

To understand why Maine Title 37-B was re-crafted from the original form in 1983, we have to go back into the past. After the attack on the Twin Towers Complex in New York City in 2001, Maine Title 37-B was revamped in 2001-2003 to facilitate the response of the United States Government and the 50 States to work together under an immediate/imminent, long term, widespread disaster, crisis and/or emergency. This was a righteous and patriotic idea; unfortunately, what became a reality today was not righteous or patriotic, it became a tool to suppress GOD’s natural unalienable precious rights that are found in the Maine Constitution.

We have to understand that the important issue of the original and main intent of Title 37-B (1983 to date) was righteous and was intended for extreme emergencies only and the purpose was to protect people and property under emergencies (see Sections 703, subsection 2 & 741, subsection 1 & 742, subsection 2). This is what is expected as it fulfils the mandate in the U.S Constitution’s Preamble for **“WE THE PEOPLE”**. So with the help of the U.S Government; this law could only be engaged for a good, serious emergency or reason.

The founders (of Title 37-B’s intent in 1983) authored this law for serious emergencies and imminent danger only. So, to prevent mistakes or false starts or hidden agendas, **fail safes** were incorporated and qualifications had to be met to prevent false triggers or engaging automatically, but in a manner that was engaged cautiously and for a good solid reason. Certain conditions and criteria had to be met or certain levels had to transpire, especially when a state or county **could not be controlled** by any State(s) “Emergency Management System”. The concept of combining the aid of the United States Government assets, under the guidance of a Sovereign State,

was welcome to the 50 member States independence and sovereignty that was given to their Republican State Government by the Maine People. However, this is not what had happened in Maine after 2002.

Title 37-B and Title 22 are not easy statutes that could be read & studied and to understand all of its content as it has many facets and agreements that connect the Maine Government, the President of the U.S., U.S. Government agencies, with other States and other Countries. When combining the authority of two or more sovereign entities, the sharing of responsibilities and power must be spelled out properly, without removing the authority of the Governor and other 50 State Governments.

This bill was submitted to the Criminal Justice & Public Safety and the Committee on Health and Legal and Veteran's Affairs, which had many lawyers as members who passed this bill on to the House and Senate for enactment, which also was comprised of more lawyers. Other bills and amendments were introduced to add to the confusion and need to pass protective bills before another attack like 9/11. In 2001-2002 both Governor Angus King and in 2003, John Baldacci, would not question or veto these bills. So, it is needless to say there was an atmosphere to act quickly, without deep thought of what they were doing. This was no excuse!

Note: Janet Mills was a representative in the 121st Legislature and was on the Committee on Criminal Justice and Public Safety when Title 37-B, Sections 741 & 742 were enacted.

When reading Title 37-B, Section 741, it is easy to understand what government powers are being given up and traded for the sake of public safety. This is easy to understand in subsections 2 & 3 which alleviates the responsibilities of the Maine Government systems. In other words, if the President of the U.S. desires or the Governor or the Commissioner of Public Safety wishes, it separates the Distribution of Powers in the various Maine Departments and it replaces the Maine Constitutional authority of the Sheriff in each county and it can replace law enforcement into the hands of the U.S. Homeland Security. Unfortunately, public and civil servants are not taught the Hierarchy of Law Enforcement of Maine.

We are getting ahead of ourselves, so let us begin with slowly defining 37-B, Section 741 – Governors Powers (or lack, thereof). Each of the 50 States are all Independent State Entities (Governments). To allow for unity and cooperation, each State had to create a mechanism to engage the help of the

U.S. Government and its agencies while experiencing immediate crises or disaster, especially when a State could not help itself physically or economically.

On the surface, this working relationship and agreements under national emergency conditions to the U.S. Government makes sense and a law that facilitates this working relationship with member states also makes sense. However, **it is essential that the individual States must maintain their sovereignty and independence and the Governors can not share or give up their authority and their State Constitution.** How did these bills get past the Judicial Committee, the House, the Senate and Governor Baldacci?

At this point, we wish to remind you that words have meanings and changing the words and or sentence structure also has different lawful interpretations. An important point to be considered is Title 37-B was engaged by Governor Mills to employ the resources of emergency management to respond to a so-called extreme, severe, immediate and/or imminent disaster that at that time was supposed to be out of a controlled condition or management. In other words, once this Statute is engaged, it is assumed to be guaranteed serious and it is for real, because it is far reaching and constitutes activities that have not ever been done before in our history. Did Governor Mills panic? Did she understand the ramifications and realize what she was doing? Nowhere in the State of Maine was the “**disaster beyond local control**” in any part of any county; or did she not know or care? (See Title 37-B, Section 741, subsection 1, written below in Italics)

Think about the fail safes that I explained previously. There are qualifications and stages that allow the engagement of Title 37-B **to prevent starting this under a false pretense.** This is not a guessing game or a time to engage political motivations or agendas or a method to be awarded economic benefits to help defray so-called protective acts. It goes without saying that the Governor would have to make a command decision to declare this engagement and employ the guidance and intelligence of the other two departments of the Maine Government (Legislative & Judicial).

This being said, we must first study/review Title 37-B, Section 741 Governor’s Powers.

*Sub section 1. Control during emergencies. In the event of **disaster beyond local control**, the Governor **may assume** direct operational control over **all***

or ***any part*** of the emergency management and ***public safety*** functions within the State.

As mentioned in the disclaimer, we do not deny that the Chinese Wuhan Virus is extremely vicious and easily transferred from one person to another which also makes it easy to pass through the population. Other than the unfortunate **deaths and comorbids that linger**, the Wuhan Virus is no more than four times as easy to pass from person to person as the typical yearly flu and it affects the victims from ‘Asymptomatic’ or minor to major levels. However, on the other hand, the Wuhan Chinese Virus (Covid 19) is not as dangerous as the EBOLA type virus. If those who have the Wuhan Chinese Virus (Covid 19) are not ‘Asymptomatic’, the infected can be treated at home or hospital if the symptoms are serious, just as what happens when those at risk can not fight on their own.

Between the days of March 13-19, Governor Janet Mills, gave Proclamations, Declarations and Executive orders to engage Maine’s Title 37-B (See Section 742, subsection 1B). At this point in time, globally, nations were experiencing a potentially dangerous virus that started in Wuhan China. No one knew at that time how this would affect the United States.

The President, working with U.S. Government agencies, made several decisions to react to the potential problems by using suggestions to close off visitors from other countries and requesting U.S. Citizens to follow the CDC recommendations and suggestions of hand washing, voluntarily social distancing or wearing masks and staying home if their businesses were not essential. These actions taken were based on the fact that this move would allow health agencies and systems to prepare for a potential pandemic and stock up on pertinent supplies while flattening the curve of inevitable victims that would be in need of proper care during the Wuhan, China Virus.

But nevertheless, the Governor appeared panic stricken and ignored the section that stated **“disaster beyond local control”** (Section 741, subsection 1). At that time, there were no “disasters beyond local control” in any county, law enforcement or health care. Maine was lightly affected with cases of the virus, and even to this date, half or more of the other 49 States would trade Maine’s list numbers of victims infected, dead or left with other comorbid issues.

Because there was no immediate need to react and the Chinese Wuhan Virus was not like the voracious Ebola Virus, there was plenty of time to bring together the legislative body and the judicial departments to prepare a direction that would address the safety of the Maine people and while staying within the Maine people's protected rights found in the Maine Constitution. Without making accusations that are not provable at this time and without using anger or emotion, we may find this answer as we study Section 741, subsections 2 & 3 and Section 742, subsection 1A.

*741, Subsection 2. Cooperation. In performing the duties required by this chapter, the Governor **shall**, directly or through the commissioner, **cooperate with all departments and agencies of the Federal Government, with the offices and agencies of other states and foreign countries and their political subdivisions** and with **private agencies in all matters** pertaining to the emergency management capability of the State and of the Nation.*

If Janet Mills, with the members of the Maine Legislature and the Judicial departments had previously read this section, they should have realized that they were selling their souls to the whims of the FEDERAL GOVERNMENT, OTHER STATES, FOREIGN COUNTRIES, their POLITICAL subdivisions and with PRIVATE AGENCIES in ALL MATTERS.

So, in essence, Mills is mandated to abdicate her full State Authority and **cooperate with all departments and agencies of the Federal Government**. It does not stop there, but to cooperate with **agencies of other states and foreign countries** and **their political subdivisions** and with **private agencies in all matters** pertaining to the emergency management capability of the State and of the Nation. Was Governor Janet Mills not shaken to the core with giving up her authority and giving up the Maine Constitution and the guaranteed unalienable rights to the Maine people?

Giving Janet Mills the benefit of doubt, maybe she did not read this section and without outside help to interpret Section 2, maybe this section was ignored or did she know what she was willfully doing to all the Maine People?

741, Subsection 3A. Authority. In performing the duties required by this chapter, the Governor may:

A. Make, amend and rescind the necessary orders and rules to carry out this chapter within the **limits of the authority conferred upon the Governor** and not inconsistent with the **rules, regulations and directives of the President of the United States** or of **any federal department or agency** having specifically authorized emergency management or **homeland security** function.

If Janet Mills, with the members of the Maine Legislature and the Judicial departments had previously read this section, they should have realized that they were selling their souls to the whims of the **rules, regulations and directives of the President of the United States** or of **any federal department or agency** to include **homeland security**? On a side note: We are fortunate that we have a knowledgeable and compassionate President and not a dictatorial President that has given the Member States Governors to act on their own cognizance during the Chinese Wuhan Virus!

A point to ponder: Rather than to accuse, **over two hundred public and civil servants, Secretary of State, Attorney General, State Agencies, Judges, Lawyers, Law enforcement, Sheriffs, Governor Janet Mills, the Maine President of the Senate and the Speaker of the house,** as persons of treason, we will chalk up the ignorance and lack of accountability to be irresponsible to their positions and fiduciary duty to the Maine people.

So, once again, giving Janet Mills, Troy Jackson and Sara Gideon the benefit of doubt, maybe they did not read this section and without outside help to interpret 741, Subsection 3A, maybe this section was also ignored?

741, Subsection 3B. Prepare a comprehensive plan and program for the emergency management functions of this State. That plan and program **must be integrated into and coordinated with the emergency management plans of federal agencies and with the plans of other states and foreign countries, and their political subdivisions, to the fullest possible extent.**

Subsection 3B really scares me, because Maine would be sharing information concerning topography, population, traveling routes, highways and roads and much more important information **with the plans of other states and foreign countries, and their political subdivisions** . Also, who

are the other nations and their **political subdivisions**? Are we including Mexico, Canada, Cuba, Venezuela, Russia, China or the United Nations?

And, why a **political subdivision of a foreign country**?

POLITICAL SUBDIVISION OR LOCAL GOVERNMENT *The term "political subdivision" or "local government" means a local unit of government, including specifically a county, municipality, city, town, township.*

Once again, giving Janet Mills, Troy Jackson, Sara Gideon the benefit of doubt, maybe they did not read this section and without outside help to interpret subsections 3A & 3B, maybe these sections were also ignored? If by now, you are not seeing the elephant in the room. How can we give these three the benefit of doubt or other public & civil servants? Is not Janet Mills the Governor, was she not the previous Attorney General? And where the heck is the leader of all the attorneys, namely the general of the Attorneys or known to most, the Attorney General? Where is the Attorney General in this matter?

Are Jackson and Gideon leaders of their party? Why would they ignore the reading and studying of Title 37-B, that would make them more than irresponsible. If they did they read and study Title 37-B, if so; did they not get a shock while reading what the Governor and the Legislative leaders would have to give up? Would they not have realized that Governor Mills would have to trash the U.S. & Maine Constitutions? Did they not realize that Maine was a Republic and the people's unalienable rights were to be thrown away? Did they not realize that the Governor could not make laws and that Proclamations, Edicts, Rules, Regulations and Executive Orders, are not laws. Did the leaders of the House and Senate not realize that she was placing law enforcement in the middle of following Mills and not following their OATHs.

There is one more way of viewing Governor Janet Mills's irresponsibility: if she did know what she was doing, behind the curtains, was she alone in her actions and decisions. GOD forbid, if she did know or if she was following the advice of others, these are treasonous activities!

Note: Janet Mills was a representative in the Legislature in the years 2001-2003 and was on the Committee on Criminal Justice and Public Safety when Title 37-B, Sections 741 & 742 were enacted.

When studying 37-B, we now know that Title 37-B, Sections 741 & 742 were not created or meant to enhance protections, clarify or define the U.S Constitution or the Maine Law (Constitutional Law). As early 2014, we were trying to explain, to Governor LePage, legislators and the sheriffs, the dangers of engaging this statute. Because of the complexities, not many sheriffs or local police wished to listen, or be involved until now. But still, those in power are confused as to how to address this catastrophe; this includes the Constitutional Officers and to include the Maine Sheriffs.

MAINE'S LAW OFFICERS

COUNTY SHERIFF

In the year 2014, our main concern and interest, at that time, was the loss of all rights under the U.S. & Maine Constitutions and the loss of our Maine County Sheriff's authority after the Reconstruction Acts of 1971. Under the Public Safety Act in the year 2003, Homeland Security became the Major Law Enforcer in the Title 37-B Defense, Veterans and Emergency Management Act. This shift of authority would exist, only if and when the Statute is engaged.

Note: this information was presented to the Sheriffs Association in 2006, but these facts were ignored by the County Sheriffs and we are still ignored to this day and the Sheriffs Association is still not willing to correct the situation.

Anyone who knows and understands Constitutional Laws and the Maine State Revised Statutes, will tell you that the Maine County Sheriffs are elected by the people in each of the 16 Counties and the Sheriffs are Constitutional Officers and are given their Authority under the Maine Constitution and State Statute that recognizes their authority. The State police and local police are appointed (not elected) and subject to the authority of the State or local civil/public servants. Unfortunately, the Sheriffs will do nothing to remedy and recapture their authority under the Maine Constitution.

The State Police and local police can be subject to many penalties that range from loss of pay, temporary suspension to being fired. However, an elected civil/public servant is governed under the Maine Constitution and has to be impeached and/or given a hearing and convicted in a court of law. The problem in the Maine Constitution is, in 1856, the Sheriff lost their protection under due process of law and can be fired by the Governor after a complaint and non-court hearing. The Sheriff is the only elected Constitutional Officer that can be removed without impeachment.

This is the problem, by all intent and purpose. The Constitutional Sheriff and the State and local law enforcement have all taken the OATH to support the Maine Constitution. They can only detain and arrest a person if they are a suspect (probable cause) that has violated a law or statute. Otherwise, they

all need a lawful warrant that addresses that particular issue for arrest or detention. How can a law enforcement officer justify the detention and/or arrest of a person that does not violate the law or statute, but is said to enforce Proclamations, Edicts, Rules, Regulations and Executive Orders, all of which are not laws. Ask your own Sheriff, State Police and Local Police if they can detain or arrest if there is no violation of the law or without warrant.

This is how it falls out and it is not pretty, for it lands on fear and politics. First of all, if we focus on the State Police and local police who are given the right to enforce State law from the legislature, they are more apt to follow the leaders found at the Upper Echelon, who are connected to political friendships and political parties. This is a situation that is not proper or legitimate, but acceptable only as a precedent.

The same conditions could exist and could be said about the County Sheriff, except for the fact that they are given the right to enforce State law directly from the Maine Constitution. However, the County Sheriffs, as a precedent and right, can take pride in the fact that they are rightfully recognized and should be focused on the fact that they are Constitutional Sheriffs that hold the Constitutional Law higher than Proclamations, Edicts, Rules, Regulations and Executive Orders, Repugnant State Statutes, politics, power, control, fame or fortune, all of which are not laws.

Other than the fear of being fired by the Governor, a few County Sheriffs still do not understand their power as a Constitutional Sheriff and consider themselves on the same level as State Police and city/town law enforcement. The Sheriffs of Maine have for years been boiled like the proverbial frog that does not realize that it is being slowly killed. Even when shown, they do not relate to the fact that they have been systematically emasculated. On the other hand there are Sheriffs that are politically inclined to turn a blind eye, and will step aside for the sake of their party agenda(s).

The Courts have finally opened September 25, 2020, when the first Law Officer is sued for his house and remuneration of lost property and finances and an attachment is determined for violations of unalienable rights. This abomination of lost rights will come to a quick stop.

STATE POLICE, LOCAL POLICE, STATE WORKERS AND STAFF
MEMBERS OF THE EXECUTIVE DEPARTMENTS

Our second concern was placing law enforcement agencies and State employees that work directly for the Executive Department, who are forced by the Governor to follow Proclamations, Edicts, Rules, Regulations and Executive Orders, all of which are not laws.

The State Employees that work directly for the Executive Department can be subject to many penalties that range from loss of pay, temporary suspension to being fired. Whereas, an elected civil/public servant is governed under the Maine Constitution and can be impeached. Either civil or public employee has to take the Maine OATH and if they follow the Governors demands to enforce her will against the Maine People, that civil/public servant is in fraud or violation of the U.S. & Maine Constitutions.

This is the problem, by all intent and purpose, The Constitutional Sheriff and the State Police and Local Law Enforcement have all taken the OATH to support the United States and Maine Constitutions. By Constitutional and Statutory Law the Law Officer can only detain and arrest a person if the law offender is suspected of violating a law or statute. This is called **probable cause**. How can a law enforcement officer justify the detention and/or arrest of a person that is not suspect or did not violate the law or statute? After April 02, 2020, The Governor has **demanding Law Enforcement** to ignore their **OATH** and ignore and replace Maine Constitutional and Statutory Law with Proclamations, Edicts, Rules, Regulations and Executive Orders, all of which are not laws.

What follows, has been copied strait from Governor Mills
“Executive Order”, March 31, 2020.

Stay Healthy at Home Directive

*Governor Mills’ “Stay Healthy at Home” Executive Order **requires** that Maine people **remain at home** unless to leave for an essential job or an essential activity.*

Preemption

*The Order **preempts** any local ordinance or emergency order of the same subject matter that is less restrictive than or otherwise inconsistent with this Order.*

Enforcement

*This Order shall be enforced by **law enforcement as necessary and violations are a class E crime subject to up to six months in jail and a \$1000 fine.** In addition, compliance with Section IV of this Order may also **be enforced by government officials who regulate licenses, permits or any other authorization to operate a business or occupy a building.** It is the Governor's hope that compliance will be voluntary, and that formal enforcement will not be necessary.*

EFFECTIVE DATE

This Order takes effect at 12:01 AM on April 2, 2020 and shall remain in effect until at least April 30, 2020 unless otherwise ordered.

Let the above italicized paragraphs sink in for a minute. How in the world, in a land of LAW and ORDER, RULE OF LAW, ignore the Law of the Land and the Law of the State; and replace Constitutional Law with Governor Mills' "Stay Healthy at Home" Executive Order?

Our concern is placing law enforcement agencies in jeopardy of following Proclamations, Edicts, Rules, Regulations and Executive Orders, all of which are not laws. But:

- How does law enforcement arrest people that do not violate any law?
- How does her system fine people \$1000 that do not violate any law?
- How can a person be fined for not violating a law?
- How can a person spend up to 6 months in jail for not violating a law?
- How is Janet Mills's Proclamations, Edicts, Rules, Regulations and Executive Orders result in a Class E Crime?
- How can other Government Officials who regulate licenses, permits or any other authorization to operate a business or occupy a building enforce a law that does not exist?

Please remember, State employees that are appointed (not elected) are subject to the authority of the State or local civil/public servants. State employees can be subject to many penalties that range from loss of wages, temporary suspension to being fired. However, an elected civil/public servant is governed under the Maine Constitution and has to be impeached and/or convicted in a court of law.

Now comes a series of questions. But first we must read how Janet Mills ends her Executive Order of March 31 2020: “It is the Governor’s hope that **compliance will be voluntary**, and that **formal enforcement will not be necessary**.”

After the threat of arrest, fines, and 6 months in jail, a criminal reputation of a class E crime and loss of license privileges (permits or any other authorization to operate a business or occupy a building), why and how does Governor Janet Mills now request that **compliance be voluntary**, so **that formal enforcement will not be necessary?**

- Did anyone proofread this twisted, insane Executive Order (Maybe the Revisor’s Office)?
- Did Janet Mills author the Executive Order as an empty threat?
- When shop or restaurant owners followed the original Maine State Licensing Laws and their Maine Constitution unalienable rights, they were approached by Law officers and Government Officials and were punished by Government Officials who regulate their State licenses. Should the Law Officers and Government Officials and the Legislature, be held responsible for violating the peoples “Unalienable Rights” and **be sued for all damages, loss of reputation and Money?**
- Can the Maine County Sheriffs be **held liable** to those who have lost their “Unalienable Rights” and for allowing the Governor, Law Officers and other Government Officials for all damages, loss of reputation and money?

CHURCHES, SYNAGOGUES AND MOSQUES

The most negligent and most egregious restrictions against the Maine people is the ban on Christians, Jews and Muslims who respect their Sabbath Day and feel voluntarily mandated to worship their GOD in their own special interpretations.

What follows, has been copied straight from Governor Mills “Executive Order”, March 18, 2020.

Governor Mills’ Executive Order: March 18, 2020

*Governor Mills’ Executive Order prohibits gatherings of more than 10 people statewide. Gatherings subject to this Order are those that are primarily social, personal, and discretionary events not work-related events. Such gatherings include, without limitation, community, civic, public, leisure, **faith-based events**; social clubs; sporting events with spectators; concerts, conventions, fundraisers, parades, fairs, and festivals; and any similar event or activity in a venue such as an auditorium, stadium, arena, large conference room, meeting hall, theater, gymnasium, fitness center or private club.*

The gall of Janet Mills to casually lump together faith-based religious meetings with social secular meetings is loathsome and disgusting to say the least. Thousands of Christians and other people of faith across Maine were being strong-armed by a Governor who had banned the entire congregation of a worship center, which restricted them from their religious worship. This Executive Order forced churches to congregate and ignore Mills Diabolic Orders; many places of worship chose to meet behind closed doors and in private homes! This literally placed GOD’s words before Janet Mills boot on the neck. GOD demanded that man hold the Sabbath Sacred and to be respected as GOD’s Day and to worship in that manner, without government intervention.

Janet Mills, ignorance shows clearly that she is not aware that the Sabbath is not the only day that religious families and congregations meet. There are men’s, women’s and children’s clubs and related activities during weekdays; religious holidays and charity preparation meetings and events, visitation for the infirmed & elderly, food banks, choir practice, bible studies all of which are considered necessary to conform to the following of God will.

It is obvious and not difficult to understand Janet Mills's blatant disrespect for Christians, Jews and Muslims. It is obviously clear that Governor Janet Mills has no religious connection, or she would have understood the undying compulsion for true believers to put their faith before atheist fake laws and fight those who try to hurt them. Anyone who understands or has studied the history of religions know there are volumes of tyrants that had no respect for the Sabbath and belief in a higher being. Historians know that tyrants like Caesar Augustus, King Constantine, King James, Stalin & Lenin and Adolf Hitler could not stop people from worshiping GOD. Christians were eaten by lions; Jews chose to die before converting to other gods or to Christianity. Jews and Christians were placed in concentration camps knowing their fate and were not afraid to remain loyal to their GOD. The bottom line is, an atheist can not stop GOD's people from meeting.

The point is, people of faith are extremely secure in their beliefs and are willing to die before knuckling under Monarchs, Royalties and Tyrants. People of faith are loyal to GOD and GOD's expectations and mandates and not empty or conflicting man made fake laws. This is why most people of faith, in Maine, will follow the U.S & Maine Constitutions which are testaments to GOD's Unalienable Natural Laws.

The Maine Constitution, Article 1, Section 3, is extremely clear as written. If the Founding Fathers were given a crystal ball and given the task to prove that no government can ever legally take away people's rights to practice their religious rights, they would not change Section 3 as it can stand alone, as is:

Section 3. Religious freedom; sects equal; religious tests prohibited; religious teachers. All individuals have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no person shall be hurt, molested or restrained in that person's liberty or estate for worshipping God in the manner and season most agreeable to the dictates of that person's own conscience, nor for that person's religious professions or sentiments, provided that that person does not disturb the public peace, nor obstruct others in their religious worship; -- and all persons demeaning themselves peaceably, as good members of the State, shall be equally under the protection of the laws,

How Janet Mills could have ignored this section is baffling and is even more than confusing, because she gave an Oath to the U.S. & Maine Constitutions when she was a Legislator, Attorney, Attorney General and now Governor. Either she did not know of this section's existence, or she could not understand or interpret it, or **she knew exactly what it meant** and she **blatantly refused to abide by it**. As far as we know, two cases could soon reach the Maine Supreme Court and we are hoping that they use Article 1, section 3 of the Maine Constitution, because it stands alone.

One reflection of the childish demands on the restrictions on the Sabbath Day worship was when Janet Mills fixed the maximum number for those who knew and understood and respected their GOD given rights. Members of churches tried to do everything to comply with the executive orders. So, many congregations planned to meet on the church property parking lots while still seated in their cars. The setting was outside and each car was further distanced than if seated in church. Janet Mills rejected that idea. It was obviously crystal clear. Janet Mills was going to apply as much hurt to the religious community as possible.

This has nothing to do with the religious issues, but has to do with social distancing in automobiles; our last reflection of the childish demands on the restrictions of Maine Citizens concerns days and events such as recognizing births, graduation and other social events. Local parades in cars and vehicles with placards and signs acknowledgement of credit were not allowed by Janet Mills.

Lastly, this is not to be taken as childish. Heartbreaking events such as deaths/funerals and receptions were ridiculously limited. Visits to dying friends and family were not considered essential in hospitals and weddings were also subject to Janet Mills's untested limits and restrictions, even if they met so-called social distancing and facial coverings.

All of these restrictions can never be rewound and done over. The events are done and the heartbreaks will never be healed, thanks to Janet Mills's view of how to engage, manage and act during her so-called reason to use 37-B.

SUPERIOR COURT SHUT DOWN

When Title 37-B was first passed in 1983, no one expected the need to engage the original mandates of the Statute. As with most conditional statutes, 37-B included some checks and balances. Section 705 addressed a Judicial Process that **“Any person aggrieved by rule or an act or order of the director enforcing a rule may appeal by filing a complaint in the Superior Court within 30 days”**. *The court may affirm or reverse the rule, act or order of the director and the decision of the court shall be final.*”

Within days of Janet Mills first Proclamation, on March 16 the total State of Maine Court System was shut down. Was this move contrived to remove the people’s right to **“appeal by filing a complaint in the Superior Court within 30 days.”** Or, was the court shut down a big mistake?

Mr. Rick Savage, restaurateur and brewer of the Sunday River Brewery, was shut down on May 1st. This business was his life line to his future. Up to this point, every license was up to date for some time. And he was willing to use the CDC suggestions of social distancing and wearing masks by employees and customers while waiting in lines.

According to local newspapers, Mr. Savage’s licenses were current and he tried to work within Governor Mills Executive Orders, but she did not care about his need to work. When contacted by the Mills Executive Department, Mr. Savage challenged their reasons and morals that would shut him down. Because this business was his life line, he did his best to cooperate, but was summoned with an injunction from a court that was opened for one day, just to accommodate Governor Janet Mills and then the Court was shut down.

This was the same court that was there for Maine Citizens to use according to Maine Title 37-B, Section 705. *“Any person aggrieved by rule or an act or order of the director enforcing a rule may appeal by filing a complaint in the Superior Court within 30 days”*. The court may affirm or reverse the rule, act or order of the director and the decision of the court shall be final.”

Because Janet Mills failed her mandate to properly create an educational program (37-B, Section 704, 741, subsection 3B), Mr. Savage was not aware that he could have filed his complaint with the **“Superior Court within 30 days”** to accommodate his suffering. Was this court shut down to prevent the People of Maine from filing?

Instead of allowing the people of Maine to use the rights given in 37-B, Section 705, we believe that Janet Mills used 37-B, Section 2E:

*The Superior Court of the county in which a person **fails to obey an order or rule** promulgated in accordance with this subsection has jurisdiction to issue a restraining order or **injunction to enforce the order or rule**. That proceeding must be held in accordance with the Maine Rules of Civil Procedure, Rule 65.*

The problem is, if Janet Mills did use 37-B, Section 2E. This section comes under 37-B, Section 2 which can only be engaged under an **Energy Emergency Proclamation**. Because this is not an energy emergency, this section cannot and should not be invoked. If it is established and is true that Janet Mills could invoke this section, then we could use 37-B, Section 2F. *In the event that an order or rule issued by the Governor, pursuant to the powers granted in paragraph B, are to be in **effect for longer than 90 days**, the Governor shall, before the **80th day** following the issuance of the order or rule, **convene the Legislature**.*

Also, if Mills used 37-B, Section 2E, we could hold her responsible for allowing 90 days plus, after June 1st, in violation of 37-B, Section 2f.

REVIEW OF VIOLATIONS

What follows is a list of the usurpations in the United States and Maine Constitutions, the Articles and Sections that were violated. The Copies of the Articles and Sections do not need explanations as they stand alone. To make the reading easier, I have taken the liberty to underline and make bold key words. In some cases I have given brief explanations of the protected, inalienable, unalienable rights that are found in the United States and Maine Constitutions.

Note: The following list is not necessarily in the order of their importance nor are they complete as those who are providing the Impeachment process will add what is needed.

United States Constitution

Article IV, Section 4: Guarantee of a Republican Form of Government

The United States **shall guarantee to every State** in this Union a **Republican form of Government**,

When Governor Janet Mills declared by proclamation that she was engaging Maine Title 37-B; Janet Mills engaged in other actions that should not have been employed. The Courts were shut down by her order and the Legislature adjourned without day (sign die), leaving this State without a full government of the three independent, but equal departments, known as the Executive, Legislative and Judicial (See Maine Constitution Article III, Sections 1 & 2).

In a representative Government, the Legislature is elected to **represent the people**.

Article VI: Supreme Law of the Land

The (U.S.) Constitution and the Laws of the United States shall be the **Supreme Law of the Land**, and the Judges in every State **shall be bound thereby**.

Without the Legislature and the Judicial Departments, there is no **Republican form of Government!**

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES

1st Amendment, *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people **peaceably to assemble**, and to petition the Government for a redress of grievances.*

4th Amendment, The right of the people to be **secure in their persons**, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon **probable cause**, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or **things to be seized**.

5th Amendment, due process, *No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property**, without **due process** of law; nor shall private property be taken for public use, without just compensation.*

6th Amendment, *In all criminal prosecutions, the accused shall enjoy the right to a **speedy and public trial**, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.*

8th Amendment, *Excessive bail shall not be required, nor excessive fines imposed, nor **cruel and unusual punishments inflicted**.*

9th Amendment, *The enumeration in the Constitution, **of certain rights**, shall not be construed to **deny or disparage** others retained by the people.*

10th Amendment, *The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are **reserved to the States respectively, or to the people**.*

14th Amendment, enforce abridgment of privilege, life, liberty, etc. no due process.

Constitution Of Maine

Preamble, We the People:

To know the history of this nation and the horrendous activities that took place to become free of tyranny and to set in stone GOD's **laws of the Land and of the several States**, reading the Maine preamble sets the stage to which all these efforts were made to prevent tyranny and to protect the Maine People from the power and control of tyrants and dictators.

We the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imploring God's aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the State of Maine and do ordain and establish the following Constitution for the government of the same.

The first obvious question to ask is why would Governor Janet Mills willfully destroy the intent, the established Republic and the Constitution of Maine? What was her motivation and where were the Speaker of the House and the President of the Senate? Where was the ground swell of the Maine House members and the Senate? Or was there an ulterior motive that the public and civil servants are afraid to address?

REPUBLIC:

- A political system in which the supreme power lies in a body of citizens who can elect people to represent them
- A form of government whose head of state is not a monarch
- The head of state in a republic is usually a President or Governor

What we can plainly see is the makeup of the Maine **Republic**; it is all **three Government Departments** which are found in the Maine Constitution:

*Article III, Section 1. Powers distributed. The powers of this government shall be divided into 3 distinct departments, the **legislative, executive and judicial**.*

*Section 2. To be kept separate. No **person** or persons, belonging to one of these departments, **shall exercise any of the powers properly belonging to either of the others**, except in the cases herein expressly directed or permitted.*

The present day majority of these three independent departments are clearly Democrats that support Marxist and Socialistic ideals. Also, these Democrats that support Marxist and Socialistic ideals are known for their ignorance, arrogance and ability to ignore the mandates in both the U.S. & Maine Constitutions and the natural laws and principles that led to liberty and freedom of this Nation and the State of Maine.

Article I, Section 1: Natural, inherent, unalienable rights

*All people are born equally **free and independent**, and have certain natural, **inherent and unalienable rights**, among which are those of enjoying and defending **life and liberty, acquiring, possessing and protecting property**, and of pursuing and obtaining safety and happiness.*

Article I, Section 2: Power inherent in the People

*All **power** is inherent in the people; all free governments are founded in **their authority** and **instituted for their benefit**; they have therefore an unalienable and indefeasible right to institute government, and to alter, **reform, or totally change the same**, when their safety and happiness require it.*

Article I, Section 3: Religious Freedom

*All individuals have a **natural and unalienable right to worship Almighty God** according to the **dictates of their own consciences**, and **no person shall be hurt, molested or restrained** in that person's liberty or estate for worshipping God **in the manner** and season most agreeable to the dictates of that **person's own conscience**, nor for that person's religious professions or sentiments, provided that that person does not disturb the public peace, nor obstruct others in their religious worship; -- and all persons demeaning themselves peaceably, as good members of the State, **shall be equally under the protection of the laws**,*

Article I, Section 6: Not to be deprived of life, liberty, property or privileges,

To have a speedy, public and **impartial trial**, and, except in trials by martial law or impeachment, by **a jury of the vicinity**. The accused shall not be compelled to furnish or give evidence against himself or herself, nor be deprived of **life, liberty, property or privileges**, but by judgment of that **person's peers or the law of the land**.

Please Note: Janet Mulls shut down the Superior Court in March, but opened the Court to create an injunction against a restaurant owner and closed the court until September 25.

Note #2: The people of Maine were not aware of the fact that they had the right to engage the ability to use Title 37-B, Section 705, because Janet Mills failed to create an educational program to explain the Maine people's ability to address their grievance. Was this planned or a mistake?

Note #3: Because of these violations, now the Maine people have the Constitutional Right to engage the Maine Constitution:

Article 1, Section 15:

*The people have a right at all times in an orderly and peaceable manner to assemble to consult upon the common good, to give instructions to their representatives, and to request, of either department of the government by **petition or remonstrance, redress of their wrongs and grievances**.*

Article I, Section 6-A: Due process of law

*No person shall be deprived of **life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of that person's civil rights** or be **discriminated against** in the exercise thereof.*

Article I, Section 7: Grand Jury, Petite Jury

*No person shall be held to answer for a capital or infamous crime, unless on a presentment or indictment of **a grand jury**,,The **Legislature shall provide** by law a suitable and impartial mode of selecting juries, and their usual number and unanimity, in indictments and convictions, shall be held indispensable.*

Article I, Section 9: Punishments shall be proportioned to the offence

*Sanguinary laws shall not be passed; **all penalties and punishments shall be proportioned to the offense**; excessive bail shall not be required, nor **excessive fines imposed, nor cruel nor unusual punishments inflicted**.*

Note #1: An Executive Order is not a Law! No one can be detained or arrested for not violating a non law and a court cannot give penalties and punishments to no offense;

Note #2: This is an excerpt taken from Governor Janet Mills Executive order on March 31, 2020. For reference:

Enforcement

*This Order shall be enforced by **law enforcement as necessary and violations are a class E crime subject to up to six months in jail and a \$1000 fine.** In addition, compliance with Section IV of this Order may also be enforced by government officials who regulate licenses, permits or any other authorization to operate a business or occupy a building. It is the Governor's hope that compliance will be voluntary, and that formal enforcement will not be necessary.*

EFFECTIVE DATE

This Order takes effect at 12:01 AM on April 2, 2020 and shall remain in effect until at least April30, 2020 unless otherwise ordered.

Article I, Section 12: Levying war against the Maine Constitution Treason against this State shall consist only in levying war against it, adhering to its enemies,

Not only did Janet Mills levy WAR against the Maine Constitution, but also the U.S. Constitution and Federal and State Statutes; but it is obvious her contempt for the Maine People.

Article I, Section 13: Laws shall be suspended only by the Legislature.

*The laws shall not be **suspended but by the Legislature** or its authority.*

Other than the Referendum Process, the power to enact, repeal or amend Maine laws and statutes is given to the legislature by Article IV, Section 1 and article X, Section 3. Governor Mills must have known that when she engaged Title 37-B, due to the **severity** and **extraordinary occasion**, she would need the Legislature and the Judiciary Departments. Besides, with the overwhelming decisions that were to be made, why not convene the intelligence and need for enacting laws that may be needed to carry out emergency management, unless there was a nefarious political agenda?

Article 1, Section 15: The right to petition

*The people have a right at all times in an orderly and peaceable manner to assemble to consult upon the common good, **to give instructions to their representatives**, and to request, of **either department** of the government by petition or remonstrance, **redress of their wrongs and grievances**.*

Article 1, Section 19: Remedy by Due Course of law

*Every person, for an injury inflicted on the person or the person's **reputation, property** or immunities, shall have **remedy** by **due course of law**; and **right and justice** shall be administered freely and without sale, completely and without denial, promptly and without delay.*

Article III, Section 1: Three distinct departments, equal powers

*The powers of this government shall be divided into 3 **distinct departments**, the legislative, executive and judicial.*

Article III, Section 2: Government departments to be kept separate.

*No person or persons, belonging to one of these departments, **shall exercise any of the powers properly belonging to either of the others**, except in the cases herein expressly directed or permitted.*

Please note: Janet Mills was an Attorney, a Legislator, and an Attorney General before she was a Governor. How could she **NOT KNOW** that she could not perform “powers belonging to either of the others”.

Article IV Part third Section 9: Either House may originate Bills.

*Bills, orders or resolutions, may originate in either House, and may be **altered, amended** or **rejected** in the other.*

Article V, Part First, Section 9: Give information and recommend measures.

*The Governor shall from **time to time** give the **Legislature** information of the condition of the State, and recommend to **their consideration such measures**, as the Governor may judge expedient.*

The Governor may, on **extraordinary occasions**, convene the Legislature according to Article V, Section 13 (see page 41 for reference). The Governor and the Legislature together could have taken the opportunity to engage the Supreme Court according to Article VI, Section 3. by requesting an opinion concerning the repugnant parts of 37-B and substituting executive orders,

edicts, proclamations, rules and regulations while trashing the U.S. & Maine Constitutions and coloring established Laws that protect Maine people.

Article V, Part First, Section 12: Shall enforce and execute laws.

*The Governor shall take care that the laws be **faithfully executed**.*

Article IV, Part 3rd, Section I: Legislature has sole power to make laws:

*.....legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; The Legislature shall enact appropriate statutory limits on the length of the first regular session and of the second regular session. The Legislature may convene at such other times on the call of the President of the Senate and Speaker of the House, with the consent of a majority of the Members of the Legislature of each political party, all Members of the Legislature having been first polled. **The Legislature, with the exceptions hereinafter stated, shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States.** Also see Article X, Section 3.*

Note the important word Repugnant.

Article V, Section I2: Confirm Maine laws are faithfully executed.

*The Governor shall take care that the **laws be faithfully executed**.*

I draw your attention, once again, that when the Maine Constitution was ratified in 1820, there were no laws other than the U.S. Constitution, Federal Statutes and the Maine Constitution and the Bible. These were the recognized Laws of the times and the Founders knew that as State Statutes were enacted, someone had to be the authoritarian figure to insure and guarantee these laws were respected and followed, that would be the Governor and his field agents and Department of the Executive.

The Founders knew the authoritarian figure (Governor) could not perform this task as an individual, independent figure. The Founders knew that the Governor would need field agents and the Department of the Executive to successfully carry out this mandate to faithfully execute and enforce the laws, namely by Constitutional Officers, like the Secretary of State, Attorney General, Treasurer and County Sheriffs.

Governor Janet Mills either:

- (1) Did not understand the awesome, overwhelming responsibility to execute all Maine laws by herself during and up until the termination of the lockdown.
- (2) Or her ego was so out of proportion and large that she felt she was capable of doing the impossible.
- (3) Or she would rely on the Federal Government to take much of the responsibility through the CDC and other Federal and State agencies.

Either way, Mills destroyed the intended structure of the Founder's Vision of a Democracy under a Republican Style Government that had multiple layers of Constitutional **checks and balances**.

Article V, Part First, Section 13: Convene the Legislature on extraordinary occasions.

*The Governor may, on **extraordinary occasions**, convene the Legislature.*

Who would deny that this article was violated by the Governor? It is obviously crystal clear that engaging Title 37-B was enacted for a serious (extraordinary) occasion; not to be misconstrued or to be engaged unless there was a real immediate emergency. Besides, with the overwhelming decisions that were to be made, why not convene the intelligence and need for enacting laws that may be needed to carry out emergency management? Unless there may have been a nefarious political agenda, that could not be used for the agenda?

First of all, the Legislature did not have to adjourn to engage title 37-B, but they did without proper thought, concerning the need to address potential legislation to help the Governor to assist during a potential emergency. The Legislature could have adjourned day by day, but they did not, they did adjourn without day or sign die.

According to the Maine Constitution, the Governor has the right to convene the Legislature to discuss the need to enact statutes and “*make and establish all reasonable laws and regulations for the defense and benefit of this State, **not repugnant** to this Constitution, nor that of the United States.*”

As 37-B was never engaged for 18 years, The Governor and the Legislature should have remained active under emergency condition and if the Constitutional Officers and the Legislature had a question of Law, either Department could have activated the Maine Constitution:

Article VI, Section 3. *To give opinion when required by the Governor or either Branch of the Legislature. The Justices of the Supreme Judicial Court shall be **obliged** to give their **opinion** upon **important questions** of law, and upon **solemn occasions**, when **required** by the **Governor, Senate or House of Representatives.***

Article IX, Section I: Sacred OATH to support the Maine Constitution

Every person elected or appointed to either of the places or offices provided in this Constitution, and every person elected, appointed, or commissioned to any judicial, executive, military or other office under this State, shall, before entering on the discharge of the duties of that place or office, take and subscribe the following oath or affirmation: *"I, _____ do swear, that I will **support the Constitution of the United States and of this State**, so long as I shall continue a citizen thereof. So help me God."*

*"I _____ do swear, that I will **faithfully** discharge, to the **best of my abilities**, the duties incumbent on me as _____ **according to the Constitution and laws of the State.** So help me God."*

Is there any doubt in anyone's mind that the OATH is sworn before the eyes of GOD, which makes it a sacred OATH? At one time the OATH was a person's bond, a guarantee that they could be trusted to read, study, understand and function under the guidance and mandates to follow to the letter of the Law. The OATH was to **support the Constitution of the United States and of this State** and **to faithfully discharge their duties according to the Constitution and laws of the State.**

Janet Mills gave this sacred OATH every time she was elected to the Legislature, as a Lawyer, as an Attorney General and as the Governor. If anyone should remember what they promised Janet Mills should be able to recite the OATH backwards.

If anyone in the Government of Maine, Janet Mills should have the integrity to be the leader for the faithful to follow, instead Janet Mills has fallen from her pedestal and has fallen far below the lowest point of shame.

Article X, Section 3: All laws shall remain, in force, unless repealed by the legislature.

*All laws now in force in this State, and **not repugnant** to this Constitution, shall remain, and be **in force, until altered or repealed by the Legislature**, or shall expire by their own limitation.*

The Founders of the United States & Maine Constitutions knew that two laws that were in opposition would cause chaos and confusion, to say the least. This is why the Founders created the Supreme Law of the Land and the State Founders created the Supreme Law of the State and they made them interchangeable, related, common using God's and Natural Laws. State statutes were expected to not be Repugnant and to follow the Constitutional laws. Future statutes that are altered or repealed could not be Repugnant.

The Governor's mandate is to execute and enforce the Maine Laws; if a statute is in contradiction to the U.S. & Maine Constitutions she is mandated to not enforce it. Janet Mills knew that Maine Title 37-B was repugnant to the U.S. & Maine Constitutions, why did she engage fake laws that are **Repugnant?**

It is apparent that Janet Mills believes that she is above the law and that she can abort, alter or repeal all of the Maine Constitution and replace them with declarations, proclamations, rules, regulations, edicts and executive orders. The word repugnant is a perfect description of what and who she is.

Article X, Section 4: Only Legislature can amend Constitution or postpone.

*The **Legislature**, whenever 2/3 of both Houses shall deem it necessary, **may propose amendments to this Constitution**;*

Constitutional resolutions passed by 2/3 of both Houses of the Maine Legislature and passed by the Majority of the people of Maine shall become a part of this Constitution; only the Maine people and or the Legislature can amend or repeal parts of the Maine Constitution, **not the Governor!**

So, a person may ask, if the Maine Constitution is the Supreme Law of the Land, and only the Legislature can amend the Constitution, **What gives Janet Mills the right to make fake laws that violate the U.S. and the Maine Constitution?** What gives Janet Mills **the right to trash the entire system of the republic?** The answer is, **she is in violation**. The question is, does she realize what she has done or does she really know?

Article X, Section VI: Supreme Law of the State.

*The Chief Justice of the Supreme Judicial Court shall arrange the Constitution, as amended, under appropriate titles and in proper articles, parts and sections, omitting all sections, clauses and words not in force and making no other changes in the provisions or language thereof, and shall submit the same to the Legislature; and such arrangement of the Constitution shall be made and submitted to the regular session of the Legislature in 1973 and every 10 years thereafter unless sooner authorized by the Legislature; and the draft and arrangement, when approved by the Legislature, shall be enrolled on parchment and deposited in the office of the Secretary of State; and printed copies thereof shall be **prefixed** to the books containing the Revised Statutes of the State. And the (Maine) **Constitution**, with the **amendments** made thereto, in accordance with the provisions thereof, **shall be the supreme law of the State.***

We have often wondered why the founders would place the most important mandate to the end of the Maine Constitution. But then again, the entire Constitution, independently or as a whole is important, besides, Section 6 does put the frosting on the cake.

This section commands that the Maine Constitution “*shall be **prefixed** to the books containing the Revised **Statutes** of the State.*”

Understanding the language and sentence structure of the late 18th and early 19th century; it is understood that the Maine Constitution guides, precedes, is superior to all statutes that follow the Constitution’s lead. Therefore, the best section is last and crystal clear: the Maine Constitution **shall be the supreme law of the State**, and nothing, or no one shall come before it, ignore its intent, or destroy it; it is SUPREME!

To further make this statement free from confusion or doubt: no statute, executive order, edict, proclamation, rule or regulation, from any Governor, Legislator, Civil/Public Servant, Judge, Sheriff or Law Officer can down play or place the Maine Constitution in 2nd place: the Maine Constitution **shall be the supreme law of the State.**

Title 37-B DEFENSE, VETERANS & EMERGENCY MANAGEMENT
Chapter 13: MAINE EMERGENCY MANAGEMENT AGENCY

We can write a 500 page book on the accolades that need to be given to those who conceived and were behind Maine Title 37-B, for this Act was clearly authored to fulfill the protections, mandates and responsibilities to accomplish and satisfy the intent of the Founding Fathers of the U.S. & Maine Constitutions.

Their heart may have been in the right place and the need may have been righteous when Title 37-B was conceived in 1981. But with corruption and hidden agendas hiding behind every good bill/law, through the years, the language was changed and the responsibilities were drastically changed and transferred, which resulted in a Maine Statute that unfortunately, was finally considered '**Repugnant**' to the U.S. & Maine Constitutions; which also violated the '**Guarantee Clause**' in the United States Constitution:

***Article IV, Section 4:** The **United States shall guarantee** to every state in this union a **republican** form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.*

Therefore, Maine Title 37-B is an **anomaly**. The founders of Title 37-B were persons with unusual powers of foresight and did what was needed at that time, but through the years Title 37-B was fundamentally changed to upset state sovereignty and independence. Instead Title 37-B now favors Federal powers, while still leaving its ability to prepare and organize against emergencies.

What is sad, but notable is, some legislators were in the legislature in those early years and some are now presently in the legislature. All of the legislators then and now have given the OATH to support the U.S. & Maine Constitutions till death, or they leave the residency of the State! Where are they now; if they are intelligent, why are they not screaming from the roof tops, 'bloody murder', parts of Title 37-B are REPUGNANT and the Governor engaged this statue **under false pretense!!**

Note: The following list is not necessarily in the order of their importance nor are they complete as those who are providing the Impeachment process will add what is needed.

What follows is Maine Title 37-B and its various important Sections that were violated, also explanations of the Sections that were ignored or violated and will be pointed out.

Note #1: The following list is not necessarily in the order of their importance.

Note #2: To make the reading easier, I have taken the liberty to underline and make bold the key words. In some cases I have given brief explanations of the protected, infeasible, unalienable rights that are found in the United States and Maine Constitutions.

Note #3: As it is impossible to completely write and explain in full, however, it will be up to the reader to converse with me or also do a complete reading of the areas mentioned in this document.

Title 37-B. Defense, Veterans and Emergency Management

Chapter 13 Maine Emergency Management Agency

Subchapter 1: ORGANIZATION

The study and knowledge of words is an importance to how laws, executive orders, rules, regulations, edits are understood and interpreted. What makes the United States and Maine Constitution, Federal and Statutes so strong after two centuries is the significant use of words and their arrangement. What we do know is that the interpretations of words and their arrangements are extremely important in understanding the intent of written language.

Today words are misused, ignored or rearranged so that an older person will not interpret what a younger person would. This phenomenon has accelerated since the early twentieth century and in some cases many strong words may have less meaning or exactly 180 degrees difference in interpretation. This is why we have standards, such as dictionaries and thesauruses for the words and their meanings; unfortunately, these dictionaries also change over the decades and some professions, such as the medical field and the judicial courts and legislatures need to have standards of current interpretations.

As a public/civil servant that is responsible for the implementation of parts of Title 37-B; it is imperative to use the definitions in this subsection.

It is apparent that the Governor, the President of the Senate, the Speaker of the House, all of the legislators and other public/civil servants in Augusta did not scrutinize the intent of Title 37-B and the language and interpretation

of the important words in the two Sections (741 & 742) that engage Title 37-B.

The crust of the violation of Title 37-B Section 741 Subsection 1, is the act of engaging Sections 741 & 742 under false pretence, knowing that “in the event of a DISASTER beyond local control, when there was no “disaster beyond local control”. The key word is **disaster**; in the definitions and intent in subsection 703 was not understood or maybe it was ignored on purpose, or both?

It is important to mention again and again, where were the Legislators before Title 37-B was engaged? This Statute was engaged in March 2020; to this day, there are only a handful of Legislators that have read, studied and understand how Title 37-B is meant to work. Where are they now?

Section 703 Definitions:

Subsection 2

*"Disaster" means the occurrence or **imminent threat** of **widespread** or **severe damage, injury or loss of life** or property resulting from any natural or man-made cause, including, but not limited to, **fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, extreme public health emergency pursuant to Title 22, section 802, subsection 2-A, air contamination, blight, drought, critical material shortage, infestation, explosion, riot or hostile military or paramilitary action.***

The continuing issue is, not only was there never, nor is there any **disaster in Maine** to this day. The real disaster is the Maine economy and damage done to all Maine citizens, by the loss of unalienable rights to life, liberty, happiness and property (real and tangible). This real disaster will have a disastrous effect to many in the near and far unknown future.

The elephant in the room is why no one is looking at engaging the RECOVERY plan today. Present day economists in Maine are predicting that the State of Maine will never return to **preexisting conditions** as is required in Title 37-B, Section 704, Subsection 6, Hundreds of businesses have already closed their doors indefinitely and businesses that have been given the permission to open, but under conditions that cannot be met during cold weather and they see no future of keeping the doors open while continuing to work in the red.

Section 703 Definitions:

Subsection 6:

*"Recovery" means activities that, in the **short term**, **return vital life support systems** to minimum operating standards and, in the **long term**, **redevelop a disaster area to preexisting conditions** or to conditions that are less disaster prone and activities that **assist families** and businesses to **return** to a **normal** or **improved state of being**.*

Another elephant in the room is where will the money come from to return vital life support systems to minimum operating standards and redevelop a disaster area to preexisting conditions and activities that assist families and businesses to return to a normal or improved state of being? Will the culpable be held liable in civil court or is it meant the money will come from the Maine or U.S. taxpayers?

Section 704 Director Duties

Subsection 6, Public Education

*Develop and conduct an annual program of comprehensive **public education**, using all appropriate means of communication to educate and inform members of **the public** and public officials about emergency preparedness, response, recovery, prevention and mitigation. The program must incorporate the use of appropriate accessible formats to educate and inform individuals with **disabilities**, individuals who are **elderly** and non-English-speaking residents of the State;*

Local directors, once called Civil Defense / Prevention Directors came under MEMA and its parent FEMA. Today the local directors are subject up the chain to Homeland Security. Even though current focused and chosen bits and pieces of information have flowed in the news media, the intent of local control & dissemination was removed and replaced with County and State control of dissemination. As a result, FEMA & MEMA have lost their relationship and connection with the local people.

Section 704 Director Duties

Subsection 7, Training Programs

Develop and conduct an annual statewide program of emergency management training, including the assessment, development and implementation of appropriate training for state, county and local emergency management and response and support personnel, public

*officials and **the public.** The program must address all hazards and threats identified pursuant to section 783;*

Section 705 Rules; appeal from administration action:

Any person aggrieved by rule or an act or order of the director enforcing a rule may appeal by filing a complaint in the Superior Court within 30 days.

There are four problems here:

- (1) The first problem is Maine Title 37-B is a State Statute. The average Mainer does not know what a statute is. Some Maine people think a statute is a law that is supportive of the U.S or Maine Constitutional Law.
- (2) Even less people have no idea of the difference between a law, statute, rule, regulation, edict, proclamation or executive order. Most lawyers, judges, law enforcement officers, sheriffs, legislators and governors have never read pertinent Constitutional Laws or statutes and were not aware of Section 705 and the ability of aggrieved citizen's having the right to appeal.
- (3) When Governor Janet Mills engaged 37-B, **she also shut down the Maine Court system, taking away the ability of aggrieved citizen's having the right to appeal.** As a result, she violated the Maine people's right to appeal by filing a complaint in the Superior Court within 30 days.
- (4) If anything Mills opened the Court to use against, Rick Savage, a Maine Citizen who owned a brewery and restaurant. Mr. Savage was adamant and claimed that he was following the CDC guidelines. But the Judge ruled in favor of the Governor and her reasoning to save lives and the health of the people being more important than the law. The court was supposed to be there for the people and the Governor used it against the people. As a result, the Judge not knowing or understanding the U.S. & Maine Constitution claimed the Governor could violate the Constitution in order to protect the common good.

Subchapter 2: STATE EMERGENCY MANAGEMENT PROVISIONS

Section 741 Governor's powers, Section 1

This section sets the qualification for engaging Title 37-B. It is extremely important to know, it is this section that is responsible for everything that has happened since March. It is written: "*In the event of **disaster beyond local control**, the Governor may assume direct operational control over all*

or any part of the emergency management and public safety functions within the State.”

While New York City and parts of New Jersey and other large metropolitan nursing homes had many elderly dying. At that time (March 2020), there was not one county in Maine that had a disaster beyond local control. Aroostook County and Washington County did not have one patient at that time. Even though Title 37-B allows for a “disaster or civil emergency exists or appears imminent”, Janet Mills panicked and instead of preparing the State using the combined intelligence of the Legislature, the Judicial, the Sheriffs, other law enforcement and MEMA, she shut down the State and as a result, destroyed lives and the economy of Maine. To this day, the average death per day is less than one person a day (average 50% of a person).

Section 742 Emergency Proclamations,

***Section 1A.** Whenever a **disaster** or civil emergency **exists** or appears **imminent**, the Governor shall, by oral proclamation, declare a state of emergency in the State or any section of the State.*

We have to go back to Section 703 Definitions, Subsection 2. *“Disaster” means the occurrence or **imminent threat** of **widespread** or **severe damage, injury or loss of life** or property resulting from any natural or man-made cause, including, but not limited to, **fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, extreme public health emergency** pursuant to Title 22, section 802, subsection 2-A, **air contamination, blight, drought, critical material shortage, infestation, explosion, riot or hostile military or paramilitary action.***

Trying not to be repetitive, at that time, till now, there was no **disaster, no civil emergency** and the Chinese Wuhan Virus **did not appear to be imminent!** Because this section 742, Subsection 1A was mute, null & void.

Subsection C, (1)

*C. After the filing of the emergency proclamation and in addition to any other powers conferred by law, the Governor **may**:*

The key word in this subsection is ‘may’; it means - maybe –possible – might. This word is shallow and weak. The word “may” in this sentence is not demanding, it is decisive, and gives way to the possibility of action, in other words, it is a choice that a leader would have to make, especially for an

emergency of shutting down a state's economy and jobs and money is to immediately stop for no real reason.

When 37-B was written back in 1985, the legislators knew that the actions of the Governor could create irrefutable, irreparable and irreversible harm to the States economy and wellbeing over the future years and this action would need scrutiny of many professionals in the State Government. This meeting of professionals in the Legislature, the Judicial Departments and Public Safety would have invaluable information and farsightedness to aid the Governor in making decisions.

*C, (1) **Suspend the enforcement of any statute** prescribing the procedures for conduct of state business, or the orders or rules of any state agency, if strict compliance with the provisions of the statute, order or rule would in any way **prevent, hinder or delay necessary action in coping with the emergency;***

How this section got past committee scrutiny is far beyond my comprehension, because the legislators know that they have the sole power to make, amend or repeal law. This subsection is an abomination to any learned person who understands the depth of power that is given in Subsection C 1. This is a direct violation of the Maine Constitution:

Article I, Section 13:

*The laws shall not be suspended **but by the Legislature** or its authority.*

Governor Janet Mills not only suspended one statute, but she trashed both the U.S. and Maine Constitutions and to put the frosting on the cake, she violated Federal and the very State Statute (Title 37-B) that she believes gives her the power to rule over the State.

Section 743 Termination of Emergency

Everything in this universe, everything on this earth has a beginning and an end. The original authors of Title 37-B in 1983 knew the dangers of enacting emergency functions longer than needed and could become detrimental and eventually be worse than the original issue, explained perfectly by the old age adage: "the cure is worse than the sickness".

As common sense would dictate a group of professionals that would engage a dangerous Statute to action, it would be common sense that would dictate a group of professionals who would make sense to disengage a dangerous Statute to sunset.

Section 743 Termination of Emergency

Subsection 2. Limitation.

*No state of emergency may continue for longer than 30 days unless renewed by the Governor. **The Legislature, by joint resolution, may terminate a state of emergency at anytime.** Thereupon, the Governor shall issue an executive proclamation ending the state of emergency.*

Janet Mills has extended the 30 day provision 5 times since March, but she has not sought the help of the Legislature or the 3rd department of Government to assist her decision making process.

18 U.S. Code § 242. Deprivation of rights under color of law

On page 3, we started our report with this code as it defines all of the problems and violations contained in this report. As a member state of the United States, we can only survive if we have a true direction, guided by the style and title, **the rule of law**. The laws found in the U.S. & Maine Constitution are based on Natural or GOD's Laws, sometimes called, the laws of Nature. These natural laws are solid and can only be desecrated, ignored or removed by those who wish to manipulate us with their power and control.

When a law is desecrated, ignored, removed, twisted or bent, it is no longer the law and that is the point of this report, every law that we have focused on has been tainted by Governor Mills.

How does the information found in this report fit into Maine's legislature and court revealing and exposing Title 37-B, Section 741 & 742 and the revealing and exposing the Governor's misuse of power and the Legislature's abandonment of their OATH and the power and responsibility of their duty and position?

First of all, **if** the Governor, the President of the Senate and the Speaker of the House willfully calculated the fraud, violations and treason to the Maine Government and its people, will the people of Maine, hold them for fraud? If they were in concert, were their actions willful or under the direction of a political organization, shadow government or deep state? What we do know, is that Janet Mills and Troy Jackson were Representatives in the **121st Legislature** and we know that Mills was on the **Judiciary Committee** which passed out of committee and both Mills and Jackson both passed Title 37-B, Section 741 in 2003. Was it their calculated plan to take advantage of the situation and use the Chinese Wuhan Virus to affect a change in their favor? We only mention this possibility as a theory, but we can not prove intent, so we table this hypothesis for now.

- Did Janet Mills, Troy Jackson and Sara Gideon read and study 37-B before it was engaged by the Governor?
- Did Janet Mills, Troy Jackson and Sara Gideon know and understand that Title 37-B was unconstitutional?
- Did Troy Jackson and Sara Gideon know and understand that Title 37-B was enacted under false pretence because Title 37-B, Section

741, subsection 1, states that the disaster **must** be: “beyond local control”?

So, if they did not read, study and understand Title 37-B, then they are incompetent, if they did read it and did not understand it, they are incompetent. If they read Title 37-B and they understood it, they can be impeached for the planned destruction of the Republic, ignoring and violating the people’s rights and Articles of the U.S. & Maine Constitutions, violating the State Statutes and the destruction of the Maine Economy and the people’s rights to make money.

Mills, Jackson and Gideon are not the only irresponsible civil/public servants.

- Where were the current (129th) Legislators who passed this bill in the (121st) legislature in 2003?
- Where were the current Legislators who did not read Title 37-B?
- Where were the current Leadership and members of both Houses who should have known and understood that Title 37-B, Section 741 was enacted under false pretence and repugnant to the Maine Constitution?

We can also prove that the leadership and members of both the Maine House and Senate were in violation of Article III Section 2 when they voted and vacated their equal power to the Executive Department and in lieu of the pending Chinese Wuhan Virus (COVED 19). The Legislature can not give up their equal power to anyone of the other department of Constitutional Government (See Article III). As the virus was an unknown danger, it was foolish to have adjourned the session (sine die/without day) as new statutes may have been needed to address the unknown conditions of the virus. The Governor does not have the right to legislate and force Law Enforcement to enforce her own fake laws.

Maine’s Title 37-B is unique in contrast to Maine’s other Statutes as it is to be used only for specific conditions and was created to be used for an imminent or immediate emergencies or disaster “beyond local control”. (See Section 741, subsection 1)

The mandates and directions found in Maine's Title 37-B are obviously repugnant to the United States Constitution as it removes the protections that are incorporated in a Republican Form of Government. (See Article IV, Section 4)

Title 37-B, Section 741 is repugnant to the U.S. & Maine Constitutions and removes and ignores the supremacy of the U.S. Constitution (Supreme Law of the Land) and Maine Constitution (Supreme Law of the State).

As there are no Common Law Courts or Constitutional Courts in Maine, so are there no venues to adjudicate the Governor? As the leader of all other Constitutional Officers, the Governor is either incompetent or was willful in her extremely arrogant and heartless approach to the Maine People's unalienable GOD given rights and must be tried by impeachment for the many violations of the U.S & Maine Constitutions. (See Article IV Part 1, Section 8 & Article IV Part Second, Section 7)

Did Troy Jackson and Sara Gideon know and understand that Title 37-B was enacted under false pretence because Title 37-B, Section 741, subsection 1, states that the disaster **must** be: "beyond local control"? Did Troy Jackson and Sara Gideon know and understand that Title 37-B, Section 741 was repugnant to the republic and repugnant to the U.S. & Maine Constitutions?

Because the leadership, the Speaker of the House and the President of the Senate should have realized that they were abandoning their OATH the Republic of Maine, especially with the knowledge of the conditions and processes after the engagement of Title 37-B, Sections, 703, 705, 741, 742, 743, they too must be impeached.

Lastly: Under Maine Title 37-B, Section 703, Subsection 6, it is written:
*"Recovery" means activities that, in the **short term, return vital life support systems** to minimum operating standards and, in the **long term, redevelop** a disaster area to **preexisting conditions** or to conditions that are less disaster prone and activities that **assist families** and businesses to **return** to a **normal** or **improved state of being**.*

When there is a sunset to Title 37-B and it is recognized that recovery must take place and Section 6 is instituted, where will the finances come from? If it is planned that these funds will come from Tax income, this will be unconscionable and extremely unacceptable. Because this mess is assumed

to be the responsibility and on the shoulders of Governor Janet Mills and accepted by Troy Jackson & Sara Gideon, they all are responsible for the remuneration and reimbursement to the Maine people, the recovery funds need to be established as the responsibility to Janet Mills, Troy Jackson and Sara Gideon.

CONCLUSION

We live in a land ruled by laws; with laws, come order. In the State of Maine, we are ruled with the combination of the United States Constitution, which is “The SUPREME Law of the Land” and the Maine Constitution, which is the SUPREME Law of the State; and lastly, the State Statutes which support, enhance and clarify the Maine Constitution.

The Legislators, by law, are the only co-equal department with the mandate to enact Statutes to enhance and clarify both U.S. & Maine Constitutions. When statutes are enacted that are in conflict of the U.S. & Maine Constitutions, the statutes are therefore **repugnant** and they are automatically “NULL” according to the court finding and maxim of ‘Marbury Versus Madison’; (Early eighteen hundreds).

In the years 2002-2003, Janet Mills was a Representative on the Judicial Committee which passed the language found in Maine’s Title 37-B, Chapter 13, Subchapter 1, Section 741, Subsections 1, 2, 3. Janet Mills (and Troy Jackson) voted yes to pass Section 741, Subsections 1, 2, 3.

In other words, Janet Mills gave her sacred Oath (before the eyes of GOD) to support the U.S. & Maine Constitutions. The intent of the OATH is a sacred act to guarantee complete lawful compliance to perform the duty expected to the position held by the OATH taker. Janet Mills gave the Oath as a Representative/Legislator, an Attorney, and Attorneys General and as a Governor (**Note:** there is also an additional Oath that an Attorney must take in order to join the Maine BAR and to gain acceptance as an Attorney only in Maine).

As a Governor, Janet Mills is the Supreme Executive Power of the State of Maine. There is a price to pay for this extreme possession of authority, for she has the fiduciary responsibility for the enforcement and execution of all Maine Laws. This power and responsibility is unfathomable in its intent and this is why the Founding Fathers, when they considered the Governor’s position, gave co-equal powers to the other two State Departments; the Legislative and Judicial.

When a bill or statute is in question, all three departments need to engage and decide the Constitutionality of the bill or statute. If the bill or statute is found to be in conflict or is questionable, the bill or statute must be repealed

or made over to make it comply with the U.S. & Maine Constitution; this process only takes place in a Republican style of Democratic Government.

We believe Governor Janet Mills engaged, Title 37-B Sections 741 & 742, under false pretense. Governor Janet Mills, the Legislature and The Judicial Departments, had the fiduciary mandate to read, study and understand the entire Title 37-B, to include Sections 703, 705, 741 & 742, as the **intent** of this State Statute was originally crafted for National and/or State Security and safety of the Maine people under emergency and immediate conditions. In other words, engaging this dormant statute was an extreme action as the engagement would **seriously and fundamentally transform** the entire structure of the Maine Government's system and procedures under a peacetime environment.

Janet Mills knew and understood that if she engaged Title 37-B, it would affect **everyone's life**, their ability to work, make money, and engage with other citizens, education, pursuit of happiness and ability to worship their GOD. It would not take a crystal ball to understand that the engagement of this statute would alter and reform every aspect of the way life should be in Maine. To independently ignore these heavy conditions to the Maine people and seek the alternative view that the ends justify the means is unconscionable.

Where was the rest of the Maine Government? It is obvious and obviously crystal clear, that either or all the Executive, Legislative and Judicial Departments are also in fraud and have violated their fiduciary responsibility and duties that are expected under the intent of taking their OATHs.

Janet Mills has taken it upon herself to use Proclamations, Edicts, Rules, Regulations and Executive Orders and to transform them into unjustifiable, unenforceable repugnant and fake laws and then demand and threaten enforcement of detention, arrest, fines, imprisonment and for those who are licensed by the State to lose their privilege of keeping their licenses.

Three points to ponder.

- If a statute is in conflict with the Maine Constitution, it is **unconstitutional and repugnant**, no question, no debate! It is also the responsibility of any citizen or agency or department that can prove and to point out the Constitutional or unconstitutionality of a statute.

- It is even more so, that the fiduciary and official responsibility, by OATH, for any Civil/Public Servant or State Agency or State Department that can prove a statute to be **Repugnant** and to point out the Constitutional or **unconstitutionality** of a statute or law.
- If a Statute is obviously clear to be **Repugnant** and a Law Officer, Maine Government Officer, Sheriff, Civil/Public Officer or Governor enforces a **Repugnant, Unconstitutional Statute**, the act of impeachment is in order.

Lastly, Janet Mills did not violate just one law and she did not violate just one person. Janet Mills did not violate a minor law; she blatantly took on the United States Constitution, the Maine Constitution and defrauded a Maine Statute that she had a hand in discussing and passing it 2002-2003 in the Judicial Committee which she was a member; and then voted YES in the full legislature. This could not be a mistake and even if it was, it is not a mistake that a trusted Governor could or should make!

TO IMPEACH, OR NOT IMPEACH, THAT IS THE QUESTION?

Can a state government be run on the old age adage: “The ends justify the means”? How can Governor Janet Mills justify helping one person while turning her back on another? Can the Maine Government be run by one Department, the Executive? We can fill this page with questions to answer why Governor Janet Mills engaged an 18 year old statute meant to address out of controlled emergencies that needed outside help from the U.S. Government.

Once Maine Title 37-B was engaged and the State of Maine State of Emergency conformed to President Trump’s National Emergency, this opened doors to financial help to defray the cost that would be involved with the management, preparation and protections involving the Wuhan Chinese Virus.

Once the Federal Agencies knew what they were dealing with (nation wide) and after they no longer needed to level the so-called curve of infection and slow down the spread of the Wuhan Chinese Virus, President Trump handed over **the full control back to the Governors of each State** and requested that **the Governors open their States to normal activities**. When the President was asked why he was relinquishing activities back to the Governors, he responded: **each state is independent** and have their own different issues to respond too.

The president and the CDC agreed on a safe plan to slowly reopen every State by establishing different levels that had to be reached before they moved from level to level. Most States followed through with the agreed plan. Many Democrat controlled States ignored the recommendations and pressed forward without thought. Mills ignored the plan and never changed her approach to help the Maine people return back to normal. During this time, people lost jobs, businesses, insurances, homes, cars & trucks, boats, recreational vehicles and they sold personal items, just to buy food and medicine.

There are no investigations to show that the approach used by Governor Janet Mills did slow down or reduce the spread of the virus or the people of Maine lived a lifestyle of social distancing or the people voluntarily stayed

home and wore masks when in close contact with other people. Because of the sparse population, people were not afraid of close contact and did not take precautions; why, we will never know. But we do know, consistently, that less than one person has died per day and the Maine economy will take years to return back to normal, if it does return. Every person in Maine has been affected, not from the virus, but from the inappropriate reactions of Janet Mills.

In the disclaimer, we stated that we were not going to address or down play the Wuhan Chinese Virus, but we cannot overlook the facts and figures from the Maine CDC and make some connection between the virus and the actions taken because of the virus.

1,300,000 people live in Maine.

Less than 6,000 people (.00004615%) have been infected by the virus.

Less than 150 people (.00011538%) have died. (.00025%) of those who contacted the virus.

57 people (38%) of the 150 people that have died had lived in a nursing homes or close living facilities for the elderly.

97 people of the 150 were over 50 years old.

No children have died.

The reason we address the above numbers is: If we ask the Maine people the question, was the cure worse than the virus; did the ends justify the means? Was it worth allowing Janet Mills to affect and destroy mostly every aspect of the Maine economy? Ask those businesses that have lost this year's income. Ask those same businesses that can never reopen, **was it worth losing your business forever?** Ask all those people who have lost their career jobs if it was worth it. We believe you understand our point.

The actions perpetrated against Maine's citizens by Governor Janet Mills, can and will never be forgiven or forgotten, even for years after this is over. She has managed to place Maine People under obvious tyrannical powers under the disguise of the COVID 19 scare; which denied citizens of their Constitutional protected Rights & Freedoms. Her actions have caused undeniable extreme physical and mental suffering and unfathomable financial hardship, and caused hardships in **every community**. Hardships to communities barely affected by COVID 19; man made injuries well beyond the original health issue which may have lasting effects well into the future.

This is the crux. Mills swore the OATH to uphold the US Constitution and the Maine Constitution. Instead, we believe that through her actions, she has violated the sacred **OATH of Office** and the trusted **Position of Governor**. Janet Mills recklessly, created Dictatorial Orders that she has no authority to do or enforce without the aid of the Republican co-equal powers that should have been granted to the Legislative and Judicial departments during this so-called Maine disaster. Yes, Janet Mills can claim victory and she can claim and stand behind one of the lowest death rates in the United States, but this was done while willfully trashing the Maine Constitution and the people's rights; but "**The ends do not justify the means**"! And this is what she will be remembered for, **the cure was worse than the disease!**

How much tyranny will Maine citizens take or suffer? Even if Mills returns Maine back to the people, we can not allow her crime against the people to go unpunished. It's time that our Legislature reconvenes and they start the **Impeachment of Governor Janet Mills**.

This is not only an issue of redemption and returning rights that were guaranteed to the people, but the return of trust to the civil and public servants that we vote into office, and of their respect to their OATHS to follow the U.S. & Maine Constitutions. Also, this is a civil issue and a need for total and full compensation, reparation and recouping lost property, namely, money and real property.

To begin this process, we can never forget what she has done to all of the Maine People. She needs to pay for what she did. It is not an issue whether we should we impeach her, but the fact that we must impeach her!

APENDIX #1

Wyoming v. U.S. Dept. of Interior, 360 F.Supp.2d 1214 (2005)

60 ERC 1189

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360 F.Supp.2d 1214

United States District Court, D. Wyoming.

The Guarantee Clause of the United States Constitution provides that “the United States shall guarantee to every *1243 State in this Union a Republican Form of Government...” U.S. Constitution, Art. IV § 4. In search of an analytical model on which to discuss Wyoming's claims, the Court first consults the words of the framers. In Federalist No. 43, Madison wrote to the people of New York:

In a confederacy founded on republican principles, and composed of republican members, the superintending government ought clearly to possess authority to defend the system against aristocratic or monarchical innovations. The more intimate the nature of such a union may be, the greater interest have the members in the political institutions of each other; and the greater right to insist that the forms of government under which the compact was entered into should be SUBSTANTIALLY maintained. But a right implies a remedy; and where else could the remedy be deposited, than where it is deposited by the Constitution?

Governments of dissimilar principles and forms have been found less adapted to a federal coalition of any sort, than those of a kindred nature. “As the confederate republic of Germany,” says Montesquieu, “consists of free cities and petty states, subject to different princes, experience shows us that it is more imperfect than that of Holland and Switzerland.” “Greece was undone,” he adds, “as soon as the king of Macedon obtained a seat among the Amphictyons.” In the latter case, no doubt, the disproportionate force, as well as the monarchical form, of the new confederate, had its share of influence on the events. It may possibly be asked, what need there could be of such a precaution, and whether it may not become a pretext for alterations in the State governments, without the concurrence of the States themselves.

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These questions admit of ready answers. If the interposition of the general government should not be needed, the provision for such an event will be a

harmless superfluity only in the Constitution. But who can say what experiments may be produced by the caprice of particular States, by the ambition of enterprising leaders, or by the intrigues and influence of foreign powers?

To the second question it may be answered, that if the general government should interpose by virtue of this constitutional authority, it will be, of course, bound to pursue the authority. But the authority extends no further than to a GUARANTY of a republican form of government, which supposes a pre-existing government of the form which is to be guaranteed. As long, therefore, as the existing republican forms are continued by the States, they are guaranteed by the federal Constitution.

Whenever the States may choose to substitute other republican forms, they have a right to do so, and to claim the federal guaranty for the latter. The only restriction imposed on them is, that they shall not exchange republican for anti-republican Constitutions; a restriction which, it is presumed, will hardly be considered as a grievance.

The Federalist No. 43 (James Madison) (emphasis in original).

Madison's clarity of the purpose behind the Guarantee Clause is blinding. Plainly Madison believed that the Guarantee Clause was necessary to ensure that the States themselves would not devolve into less than democratic forms of government. His point is well taken that governments bound together into a federal system must share similar systems of governance, namely republican democracies.

Madison contends that the “general government should interpose by virtue of this constitutional authority”. It seems then that the remedy flows to the general government to ensure that the States do not enact “anti-republican” forms of government. *1244 In this sense Wyoming's suit against the United States claiming usurpation of its republican form of government is not a remedy that it can enforce under the Guarantee Clause. This view would substantially limit the scope of the Guarantee Clause. However, the Court is not blind to the interpretations of the Guarantee Clause, and its evolution.

The first major case dealing with the Guarantee Clause was *Luther v. Borden*.²³ In that case Chief Justice Taney determined that the question as to who properly represented the lawful government of Rhode Island was non-justiciable as it was a political question. The holding that emerged was that the Guarantee Clause itself was non-justiciable. Modernly, the question of whether the Guarantee Clause is justiciable is less clear. *See Baker v. Carr*, 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed.2d 663 (1962)(holding that a reapportionment case is not foreclosed from judicial review if it is based on the Equal Protection Clause rather than the Guarantee Clause); *cf.*

Coyle v. Smith, 221 U.S. 559, 565, 31 S.Ct. 688, 55 L.Ed. 853 (1911)(holding that Congress cannot tell a state where to locate its capital). For our purposes, the *obiter dicta* in *New York* regarding the Guarantee Clause is instructive. In *New York* the Court opined that the Guarantee Clause may foreclose Congressional mandates to the States if those mandates upset a state's ability to set its legislative agendas so that state government officials remain accountable to the local electorate, or if the mandates pose a realistic risk of altering the form or method of the state's functioning government. *See New York*, 505 U.S. at 185–186, 112 S.Ct. 2408. Thus, insofar as the Guarantee Clause is a check on the power of the Federal Government, it is only a relief valve for the most extreme examples of Congressional usurpation of a state's governmental processes. 24

Here there has been no such action by the National Legislature, *a fortiori*, FWS. The mandates complained of by Wyoming flow from the authority of Congress via the Commerce Clause. This authority spawned the ESA, a valid exercise of Congressional legislation. The mandates complained of by Wyoming are not mandatory.

As discussed above, FWS through the ESA has simply given Wyoming conditions by which it could take over the management of the gray wolves. Wyoming is free not to accept those conditions; however, the consequence is continued pre-emption. The actions under the ESA do not endanger Wyoming's legislative prerogative, nor do they risk altering the form or method of functioning of Wyoming's government.

In sum, the challenged actions of the Federal Defendants are consistent with the powers delegated to them by Congress through the ESA via the Commerce Clause, and **Wyoming v. U.S. Dept. of Interior**, 360 F.Supp.2d 1214 (2005) 60 ERC 1189

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These actions do not invade any province of Wyoming's state sovereignty reserved by the Tenth Amendment.