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Attorneys for Petitioners

UNITED STATES DISTRICT COURT OF CALIFORNIA
EASTERN DISTRICT - SACRAMENTO

Joy Garner, individually and on behalf of The Control Group; Joy Elisse Garner, individually and as parent of J.S. and F.G.; Evan Glasco, individually and as parent of F.G.; Traci Music, individually and as parent of K.M. and J.S., Michael Harris, individually and as parent of S.H., Nicole Harris, individually and as parent of S.H.,)	Case No.: 2:20-CV-02470-WBS-JDP
)	
)	FIRST AMENDED VERIFIED PETITION
)	FOR DECLARATORY AND INJUNCTIVE
)	RELIEF

Petitioners,

v.

PRESIDENT OF THE UNITED STATES OF AMERICA in his official capacity,

Respondent.

VERIFIED PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF

I. INTRODUCTION: Outline of the Problem & the Factual Allegations

1. As a matter of national security, this Constitutional case is respectfully brought by scientifically-focused patriotic Americans, including United States military family members.

2. The American population is currently in the process of being *decimated* by chronic illness, due to injured and dysfunctional immune systems. See Petitioners' Request for Judicial Notice Appendices One and Two, such as:

Most American Adults Are Wounded and Dying

- A. According to the Centers of Disease Control and Prevention (CDC): "Six in 10 adults in the US have a chronic disease. Four in 10 have two or more." Citation: National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, *Chronic Diseases in America*.
<https://www.cdc.gov/chronicdisease/resources/infographic/chronic-diseases.htm>.
- B. According to the American Heart Association, 48% of American adults suffer heart disease. Citation: AHA News (2019). Cardiovascular diseases affect nearly half of American adults, statistics show.
<https://www.heart.org/en/news/2019/01/31/cardiovascular-diseases-affect-nearly-half-of-american-adults-statistics-show>.

- i. Note that heart disease is related to a dysfunctional/injured immune system: "Atherosclerosis (AT) was once considered to be a degenerative disease that was an inevitable consequence of aging. However, researchers in the last three decades have shown that AT is *not* degenerative or inevitable. It is an *autoimmune*-inflammatory disease associated with infectious and inflammatory factors, characterized by lipoproteins metabolism alteration that leads to immune system activation with the consequent proliferation of smooth-muscle cells, narrowing arteries and atheroma formation." (Emphasis added.)) See Amaya-Amaya J, Sarmiento-Monroy JC, Rojas-Villarraga A.

Cardiovascular involvement in autoimmune diseases. In: Anaya JM, Shoenfeld Y, Rojas-Villarraga A, et al., editors. Autoimmunity: From Bench to Bedside [Internet]. Bogota (Colombia): El Rosario University Press; 2013 Jul 18. Chapter 38. Available from: <https://www.ncbi.nlm.nih.gov/books/NBK459468/>

C. According to the CDC, “34.2 million people have diabetes. That’s about 1 in every 10 people. 1 in 5 don’t know they have diabetes. 88 million adults – more than 1 in 3 – have prediabetes. More than 8 in 10 adults don’t know they have prediabetes.” Citation: CDC (2020). A Snapshot: Diabetes In The United States. <https://www.cdc.gov/diabetes/library/socialmedia/infographics/diabetes.html>.

Approximately One Half of America’s Children Are Wounded and Dying

D. A 2011 Health Affairs assessment estimated that 43 percent (32 million) of American children currently suffer from at least one of twenty chronic health conditions, which increases to more than half (54.1 percent) when overweight, obesity or being at risk for developmental delays are included. Nearly one-fifth (14.2 million) of children have conditions resulting in a special health care need, and these numbers has increased/worsened steadily since 2011. Citation: Bethell *et al.* (2011). A national and state profile of leading health problems and health care quality for US children: key insurance disparities and across-state variations. *Academic Pediatrics* 11(3 Suppl):S22-S33. <https://doi.org/10.1016/j.acap.2010.08.011>.

i. Vaccines are also known to alter the metabolic system that regulates diet and therefore even common conditions like obesity are immune-mediated. See e.g., Perez de Heredia, F (2012). Obesity, inflammation and the immune system. *Proc Nutr Soc.* 2012 May;71(2):332-8. <https://pubmed.ncbi.nlm.nih.gov/22429824/>

E. A 2018 *Pediatrics* study reported that one-fifth of American children and adolescents regularly use prescription medication and 12% of boys aged six to 12

1 years are prescribed more than one drug. Citation: Dima *et al.* (2018).
2 Prescription Medication Use Among Children and Adolescents in the United
3 States. *Pediatrics* 142(3):e20181042. <https://doi.org/10.1542/peds.2018-1042>.

4 **America Is Being Decimated**

5 F. Autoimmune diseases, of which there are at least 80 distinct conditions, occur as
6 a result of the immune system attacking the body's own tissues and organs. Some
7 of the more common autoimmune conditions include type 1 diabetes, rheumatoid
8 arthritis, systemic lupus erythematosus and inflammatory bowel disease. Taken
9 together, these conditions, once so rare they were virtually unheard of, have
10 increased from year to year for mostly unknown reasons and are now, "as a
11 group afflict 5%–9% of the U.S. population," according to a report in
12 International Journal of Molecular Sciences. Citation: Parks et al. (2014). Expert
13 panel workshop consensus statement on the role of the environment in the
14 development of autoimmune disease. International Journal of Molecular Sciences
15 15(8):14269-14297. <https://doi.org/10.3390/ijms150814269>

16 G. According to the CDC, chronic disease and mental illness account for most
17 American deaths, consume 90% of the Nation's \$3.5 trillion in annual health care
18 expenditures and are projected to account for more than \$42 trillion in spending
19 by 2030. Citations: National Center for Chronic Disease Prevention and Health
20 Promotion, Centers for Disease Control and Prevention, *Health and Economic*
21 *Costs of Chronic Diseases*.
22 <https://www.cdc.gov/chronicdisease/about/costs/index.htm#ref1>; Allegrante *et al.*
23 (2019). Interventions to Support Behavioral Self-Management of Chronic
24 Diseases. *Annual Review of Public Health* 40:127-146.
25 <https://doi.org/10.1146/annurev-publhealth-040218-044008>

26 H. The majority of Americans aged 17 to 24 are no longer fit for military service.
27 "Approximately 71% of the 34 million 17-to-24-year-olds in the U.S. would not
28 qualify for military service because of reasons related to health, physical

1 appearance and educational background, according to the Pentagon.” Feeny, N.
2 (2014). Pentagon: 7 in 10 Youths Would Fail to Qualify for Military
3 Service. *Time Magazine*. [https://time.com/2938158/youth-fail-to-qualify-](https://time.com/2938158/youth-fail-to-qualify-military-service/)
4 [military-service/](https://time.com/2938158/youth-fail-to-qualify-military-service/)

5 3. The vast majority of health problems suffered by Americans today are the consequence of,
6 and/or are directly related to, a *dysfunctional immune system*, i.e., those that are now formally-
7 classified as autoimmune disorders, and are known to be immune-mediated, including heart disease,
8 diabetes, thyroid disorders, asthma, arthritis, cancer, kidney failures, etc. See Petitioners’ Request
9 for Judicial Notice Appendix One, which is organized to feature the hard evidence that America’s
10 pandemic is one of immune-mediated disorders (dysfunctional and injured immune systems).

11 4. Approximately 99.74% or more of the American population has been exposed to immune-
12 system-altering vaccination.¹ The mechanisms of immune system altering vaccine adjuvants remain
13 poorly understood, i.e., “elusive”.² See Petitioners’ Request for Judicial Notice Appendix Two.

14 5. The health of this over 99% vaccine-exposed population, the vaccinated ‘herd’, is well-
15 documented in our judicially noticeable National disease statistics, which represent the health of
16 this population, at any level of vaccine exposure. See Petitioners’ Request for Judicial Notice
17 Appendix One.

18 6. Our Nation has never faced an *infectious* disease threat anywhere near as devastating or
19 threatening as our Nation’s current pandemic of *immune-mediated* illnesses, disabilities, and related
20 deaths. See Petitioners’ Request for Judicial Notice, Appendix Two, especially section 43 entitled
21
22

23 ¹ See Petitioner Joy Garner’s Declaration (“Garner Declaration”) In Support of Motion for
24 Preliminary Injunction, especially Exhibit C, “*Statistical Evaluation of Health Outcomes in the*
25 *Unvaccinated*” Full Report, Chapter 4, which contains calculations calibrated from the CDC’s most recent studies.

26 ² “However, how these mineral agents influence the immune response to vaccination remains
27 elusive. Many hypotheses exist as to the mode of action of these adjuvants, such as depot formation,
28 antigen (Ag) targeting, and the induction of inflammation.” Ghimire, TR (2015). The mechanisms
of action of vaccines containing aluminum adjuvants: an *in vitro* vs *in vivo* paradigm. *Springerplus*.
2015; 4: 181. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4406982/>

1 “20th Century Disease Mortality Reductions Caused By Improved Living Conditions Prior to
2 Vaccines”.

3 7. The most obvious culprit in our Nation’s current *non-infectious* pandemic of immune-
4 mediated chronic diseases, disabilities, and related deaths, is *exposure to immune-system altering*
5 *vaccines*. See Petitioners’ Request for Judicial Notice, Appendices One and Two, and the
6 Supporting Declarations of Petitioners’ Experts.

7 8. No branch of government, nor any government agency, has examined this particular
8 problem, and if anything, all branches of government go to great pains to conceal both the severity
9 of the problem and its most obvious primary cause. See Petitioners’ Request for Judicial Notice,
10 Appendix Two.

11 9. The government’s Vaccine Adverse Event Reporting System (“VAERS”) numbers have
12 been cited falsely as “proof” that vaccines are relatively safe. The VAERS numbers are over 99%
13 incorrect, and the long-term risks of vaccination are not tracked *at all*.³ Immune disorders are
14 progressive, taking weeks, months, or even years, before the victim might become aware their life
15 will never be the same, that what is left of it will be spent in agony, and/or that it will likely end
16 prematurely.

17 10. In setting vaccine-related public health policies, the over 99% *incorrect* VAERS numbers
18 are relied upon as ‘evidence’ that vaccine risks are low, or ‘rare’, which to this day, remains the
19 primary support for the false slogan vaccines are “worth the risks”. The *only* scientifically relevant
20 evidence that could support any conclusions about the numerical frequency of health injuries
21 suffered as a result of vaccination, is a statistical comparison of health *outcomes* between those who

22 ³ See Petitioners’ Request for Judicial Notice, Appendix Two, Exhibit 293, “Adverse events from
23 drugs and vaccines are common, but underreported....fewer than 1% of vaccine adverse events are
24 reported.... New surveillance methods for drug and vaccine adverse effects are needed.” Lazarus,
25 R., et al. (2007). Grant Final Report: Electronic Support for Public Health–Vaccine Adverse Event
26 Reporting System (ESP:VAERS). *The Agency for Healthcare Research and Quality (AHRQ) U.S. Department of*
Health and Human Services. [https://healthit.ahrq.gov/sites/default/files/docs/publication/r18hs017045-](https://healthit.ahrq.gov/sites/default/files/docs/publication/r18hs017045-lazarus-final-report-2011.pdf)
[lazarus-final-report-2011.pdf](https://healthit.ahrq.gov/sites/default/files/docs/publication/r18hs017045-lazarus-final-report-2011.pdf)

27 NOTE: This study, exposing the 99% failure rate of the VAERS, was intentionally concealed from
28 public view under the Obama administration, and nothing changed over at the FDA or the VAERS
under Obama’s administration as a result of these findings.

are exposed to vaccines, *against the true controls*. This is the most fundamental requirement of the scientific method in this instance, and it is the one method most vehemently *rejected* in “vaccine safety science” today. See Petitioners’ Request for Judicial Notice, Appendix Two.

11. In addition to VAERS, to dishonestly support their false claims of “safety”, public health authorities cite vaguely to “safety studies” and pre- and post-marketing clinical trials of vaccines, but such short-term “safety studies” and pre- and post-marketing clinical trials fail in every single instance to compare a statistically significant group of vaccinated individuals to completely unvaccinated individuals. For example, the American Academy of Pediatrics (AAP) and related groups attempted to misinform the President of the United States of America regarding vaccine risk in 2017. See, AAP News (2017). *Vaccines save lives’: 350 groups sign letter to President Trump*. <https://www.aappublications.org/news/2017/02/08/VaccineLetter020817>. In response to such AAP disinformation, a thorough independent review was published by Dr. James Lyons-Weiler exposing the inadequacy of every single citation in the AAP’s 28-page letter to Respondent. See, Lyons-Weiler, J. (2018). *Systematic Review of Historical Epidemiologic Studies Influencing Public Health Policies on Vaccination*. IPAK. <http://ipaknowledge.org/resources/LYONSWEILERSYSTREVIEW.pdf>; See also, Lyons-Weiler, J. (2018). *Supplementary Material*. IPAK. <http://ipaknowledge.org/resources/SUPPLEMENT%20Power%20Calculations.pdf>. Moreover, corroborating evidence for Petitioners’ Control Group Survey data (described herein) can be found in the recently published ‘vaccinated versus unvaccinated’ study by James Lyons-Weiler, PhD and Paul Thomas, MD: Lyons-Weiler, J. and Thomas, P. (2020) Relative Incidence of Office Visits and Cumulative Rates of Billed Diagnoses Along the Axis of Vaccination. *Int. J. Environ. Res. Public Health* 2020, 17(22), 8674; <https://doi.org/10.3390/ijerph17228674>.

12. The Petitioners’ evidence demonstrates that severe and debilitating vaccine health injuries are *very* common. And they far outweigh even the most outlandishly exaggerated hypothetical projections of harm the ‘experts’ have claimed Americans would suffer *without* vaccines.⁴ The

⁴ See Petitioners’ Request for Judicial Notice, Appendix Two. Indeed, evidence shows that during the first wave of polio in the USA in 1916 (long before a polio vaccine was available) there was

American population of entirely unexposed *true* scientific ‘controls’, i.e., the unvaccinated population (calculated at approximately 830,000 remaining in the USA at this time) are largely *unaffected* by most of the chronic health conditions suffered by Americans today. Consequently, the unvaccinated population has exponentially higher overall chances of *survival* than those who’ve been exposed to vaccination, regardless of the varying levels of exposure/s in the over 99% vaccine-exposed population. *See*: Garner Declaration, Exhibit A, Comparison Graphs, as well as Exhs. B & C, the supporting reports.

[illegible]

only a 0.0386% chance of contracting polio in the USA, and only a 0.0086% risk of death from polio in the USA. In the next polio wave of 1952, three years *before* a vaccine was generally available in the USA, there was only a 0.035% risk of contracting polio in the USA, and only a 0.0019% risk of dying from it in the USA. The polio case rate had already begun to *plummet* dramatically *before* the vaccines came into use. See Tucker, J (2020). No Lockdowns: The Terrifying Polio Pandemic of 1949-52. *American Institute for Economic Research*.
<https://www.aier.org/article/no-lockdowns-the-terrifying-polio-pandemic-of-1949-52/>

⁵ See Garner Declaration, *Exhibit B*, Summary Report, page 8, items numbered 6 thru 9.

⁶ See: Executive Office of The President’s Council of Advisors on Science and Technology (2016). REPORT TO THE PRESIDENT Forensic Science in Criminal Courts: Ensuring Scientific Validity of Feature-Comparison Methods.

1 relies upon *already observed* health outcomes, i.e., historical data, which is of far superior
2 evidentiary value than any hypothetical projection models, let alone numerically unsubstantiated
3 slogans.

4 **14.** It is understood that chronic health conditions, i.e., ‘comorbidities’ particularly multiple
5 conditions, reduce survival rates, and *also* increase vulnerability to, and risk of death from,
6 infectious diseases.⁷

7 **15.** The current state of vaccine-related public health policy is *not* based in science. Science
8 requires the basic elements, such as *true* controls, and *actual numbers*. Scientifically valid numbers
9 cannot be provided from an accounting system that is incorrect over 99% of the time. Flipping a
10 coin would produce a more reliable accounting of vaccine risks than the VAERS. The so-called
11 “vaccine science” the public is instructed to blindly trust, is now largely made up of a plethora of
12 outrageously false and subjective slogans which project the false impression vaccines are “safe”,
13 and this false claim is premised solely upon the equally false claim the *frequency* of vaccine injuries
14 are low, resulting in the “relatively safe” or “worth the risks” assumptions about vaccination.
15 However, such purportedly ‘expert’ slogan-opinions do not qualify as *science*. And they are of
16 precisely *zero* scientific value in determining a risk/benefit ratio, which requires a set of *numbers*
17 for an *equation*. This is something no agency of government has ever provided to the public with
18 regard to the risks of vaccination. Without knowing the *price* to be paid, there is no method by
19 which to determine if vaccination is “worth it”, either for any one individual, or for the collective
20
21

22 _____
23 https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/PCAST/pcast_forensic_sci_ence_report_final.pdf

24 ⁷ See CDC (2020). Weekly Updates by Select Demographic and Geographic Characteristics. *NCHS*.
25 https://www.cdc.gov/nchs/nvss/vsrr/covid_weekly/index.htm#Comorbidities (94% of claimed
26 ‘covid-19’ deaths were in those with an average of 2.6 comorbidities each, some of which were
27 actually *fresh bullet wounds*. And yet, the CDC has refused to properly adjust their numbers to
28 reflect the truth here. The fact the CDC owns vaccine patents and profits from their sales is directly
related to their failure to accurately report the true causes of death). See also Petitioners’ Request
for Judicial Notice, Appendix Two.

1 “herd”, i.e., public health.⁸ Vaccines are, and always have been, experimental. See Petitioners’
 2 Request for Judicial Notice, Appendix Two.

3 **16.** Unlike the evidence presented herein, the government has never counted the victims of
 4 vaccination, and therefore has nothing with which to support any claim vaccines are doing less
 5 harm than good. Therefore, no branch of government can show a compelling or competing interest
 6 to that of the Petitioners here. The decimation of the American population is *not* a public good.
 7 Pharma profits must now take a back seat to the public good, as the survival of our Nation now
 8 hangs in the balance. Actual science must now, finally, take center stage and become the basis upon
 9 which public health policy depends. Public health policy can no longer be based upon
 10 unsubstantiated slogans, no matter how many PhDs are attached to them. Strict scrutiny must apply
 11

12 ⁸ See e.g., Wendy E. Parmet, Public Health and Constitutional Law: Recognizing the Relationship,
 13 10 J. Health Care L. & Pol’y 13 (2007). Available at:
 14 <http://digitalcommons.law.umaryland.edu/jhclp/vol10/iss1/3> (“Epidemiology, however, also plays
 15 an important role in constitutional law, especially in many doctrines and cases, some of which were
 16 discussed above, in which the state's purported attempt to protect public health is relevant to the
 17 determination of the constitutionality of state action. Indeed, in such cases epidemiology and its
 18 sister sciences, such as biostatistics, are absolutely critical to understanding both what courts are
 19 doing and the constitutionality of particular state actions.... Consider, for example, the Court's
 20 analysis of Massachusetts's attempt to regulate cigar and smokeless tobacco advertising in Lorillard
 21 Tobacco Co. v. Reilly. Under the prevailing First Amendment commercial speech doctrine, the
 22 constitutionality of the state's regulations depended upon the state being able to show, first, that it
 23 was advancing a substantial state interest, second, that the regulations directly advanced such an
 24 interest, and third, that the regulations were no more extensive or burdensome than was necessary.
 25 As previously discussed, the Court has consistently accepted that public health is a valid and even
 26 important state function. But how could the Court know that the regulation of tobacco marketing to
 27 minors was in fact related to protecting public health? Moreover, how could the Court know
 28 whether the regulations protected public health, either directly or at all, and in a manner no more
 extensive than is necessary to achieve the state goal? **To answer each of these questions, the Court
 had to review and assess epidemiological evidence.**" [emphasis added]) No governmental agency
 has ever provided epidemiological evidence to support vaccine safety claims. The only evidence
 relevant to answering this particular question is a numerical accounting of the health outcomes
 between exposed and unexposed. Nothing short of this can answer the question: Are vaccines
 producing more good than harm to public health? A million experts claiming safety without
 numbers cannot stand before one expert with numbers. History has shown us the power of
 deference to authority via bloodletting as the misguided standard of care, tobacco science falsely
 claiming to be good for health, Vioxx science as bought and paid for by Pharma, and many recalled
 vaccines. Deference to authority without numbers is unscientific. Control group science is
 scientific.

1 to any government claims of public good through vaccination. For if it is not applied, our Nation
2 has no chance of survival based on current health trajectories.

3 **17.** Petitioners request this Court *immediately* free the American people from any form of
4 discrimination for refusing to participate in this mass, ongoing, human medical experiment. This is
5 particularly true when the potential value of this experiment to the ‘advancement of medical
6 knowledge’ is presently *zero*, given the fact the government has been wearing a blindfold to the
7 number of its wounded and fallen, refusing to count even 1% of the *immediately visible* wounded
8 and fallen. We would never allow our wounded and fallen on the battlefield such dishonor, but in
9 the war on infectious disease the American Citizen is not counted for purple hearts in the name of
10 the President. No branch of the government has ever *once* calculated the actual *price* being paid for
11 this claimed vaccine ‘protection’. Apparently, when the cost is measured in human suffering and
12 deaths, the government finds there is no *reason* to ever tally it up. Vaccines, the public is told, are
13 simply “worth it”. And this mere *slogan* is the supposed “science” which the public is asked to
14 forever trust without question.

15 **18.** Confirmed by Petitioners’ Requests for Judicial Notice, there exists today a national
16 pandemic of immune-related chronic diseases, disabilities, and disorders in the United States of
17 America (“National Health Pandemic”). The relief requested herein is calculated to have an
18 immediate and direct impact on national security. Protecting the United States of America is the
19 President’s duty, and only he (or the Court acting in respect of him) as President and Commander in
20 Chief of the Armed Forces is able to provide the relief requested herein which is specific to national
21 security.

22 **19.** The conflicting and ever-shifting policies among myriad lower government bodies have
23 frustrated to futility scientific attempts to confirm and remedy the causes of the National Health
24 Pandemic. Further confirmation of the causes of the National Health Pandemic requires that the
25 President take immediate action to protect and survey ‘control groups’ necessary to the scientific
26 method as a matter of national security. Doing so while facing a strong headwind of unscientific
27 assumptions about control groups that vary in different jurisdictions, within a quagmire of ever-
28

1 changing legal coercion techniques based on those assumptions, is the challenge (hereinafter
2 “Predicament”).

3 **20.** The President of the United States of America is not the sole cause of the Predicament, but
4 as President and Commander in Chief of the Armed Forces he (or the Court acting in respect of
5 him) is the only one able to provide the national security remedy to solve it.

6 **21.** Like so many controversies in this country, this Predicament began with good intentions of
7 protecting our country’s health. Now, in light of America’s National Health Pandemic, the President
8 must take action in order to fulfill his duty to preserve, protect, and defend, the Constitution for the
9 United States of America. An Executive Order, Presidential Proclamation, Presidential Directive,
10 Presidential Determination, Presidential Memorandum or other action of his reasonable choosing
11 (hereinafter “Order”) can if properly written fulfill the President’s duty to safeguard the health,
12 safety and security of our nation.

13 **II. NATIONAL SECURITY EMERGENCY: Four Judicially Noticeable Facts Prove The**
14 **Unavoidably Unsafe Vaccine Predicament for Control Groups and the Nation**

15 **22.** This verified petition for declaratory and injunctive relief is justified by the impending
16 involuntary dissolution of the United States due to catastrophic national rates of immune-related
17 chronic diseases, disabilities, and disorders. Without immediate alteration of America’s self-evident
18 trajectory, our National structure will ultimately collapse under the weight of disabilities, loss of
19 workforce, healthcare costs, plummeting fertility, and the like. Faced with this National Health
20 Pandemic never before seen in the Nation’s history, Petitioners respectfully petition the Court for an
21 exercise of the Court’s fundamental power under Article III of the Constitution for the United States
22 of America, to act as an intermediary between the President of the United States of America and the
23 people of the United States of America as follows:

24 **A.** Declaring a national health emergency

25 **B.** Authorizing a national health survey of a control group of unvaccinated
26 individuals

27 **C.** Upholding Constitutional protections for individuals exercising the right of
28 informed consent in medical decision making

1 **23.** Vaccines are unavoidably unsafe. See, Code of Federal Regulations, Restatement of Torts,
 2 (Second) 402A (k) ("Unavoidably Unsafe"). The United States Supreme Court has opined on this
 3 classification in Bruesewitz v. Wyeth LLC, 562 U.S. 223, 234, 251 (2011). An unavoidably unsafe
 4 product is defined by a hodge-podge of criteria and a few examples, such as the Pasteur rabies
 5 vaccine and experimental pharmaceuticals.... the injury or death resulted from side effects that were
 6 unavoidable even though the vaccine was properly prepared and was accompanied by proper
 7 directions and warnings"). The correct synonym for "unsafe" is *dangerous*. But the law itself is
 8 unable to answer the question: 'How dangerous numerically?' In this case, Petitioners respectfully
 9 request actual verified numbers from Respondent.

10 **24.** Four judicially noticeable facts define this case, which are the subject of Petitioners'
 11 Requests for Judicial Notice relying *exclusively* on published scientific consensus documents
 12 comprised of top medical journals and dictionaries, the official authoritative records of American
 13 public health agencies, and the public records (e.g., census data, national health data) relied upon by
 14 those public health agencies in setting public health policy:

15 **A. National Health Pandemic:** The United States of America is suffering a
 16 pandemic of chronic diseases, disabilities, and disorders that are the result of
 17 injured and dysfunctional immune systems. Petitioners hereby refer to their
 18 Request for Judicial Notice Appendix One ("PRJN1").

19 **B. Immunity Altered:** Vaccines are designed to cause, and do cause, permanent
 20 alterations to the immune system. Petitioners hereby refer to their Request for
 21 Judicial Notice Appendices One and Two.

22 **C. Numerically Undefined:** The United States government has never
 23 publicly evaluated vaccines numerically for long-term or cumulative health risks,
 24 in comparison to a large group of fully unvaccinated individuals. Petitioners
 25 hereby refer to their Request for Judicial Notice Appendix Two ("PRJN2").

26 **D. Ongoing Injuries & Endangered Population.** Approximately 99% or more of
 27 the American population has received one or more vaccinations. Less than 1% of
 28 Americans remain entirely unexposed. Petitioners hereby refer to PRJN2.

1 **25.** These four judicially noticeable facts lead objective scientists and physicians to conclude
2 that further scientific survey is necessary to further confirm the extent to which vaccines, which are
3 designed to alter the immune system, are responsible for our Nation's current pandemic of immune
4 system related illnesses.

5 **26.** For the entire duration of American history, no scientist or institution had ever before
6 published large-scale mathematical data comparing the overall health of the vaccinated compared to
7 the unvaccinated. See PRJN2. But Petitioners' nationwide (48 states) dataset and study prepared
8 for this litigation (The Control Group) reliably provides the requisite numerical evidence, and is
9 fully corroborated by small to medium scale studies which *consistently* reveal the unvaccinated are
10 exponentially healthier than the vaccinated. See Expert Declarations In Support of Petitioners'
11 Motion for Preliminary Injunction.

12 **27.** The scientific method is necessary to further evaluate the impact vaccines are having on the
13 overall health of Americans. For the entire duration of American history, no institution has ever
14 published conclusive mathematical data proving the long-term cumulative health effects of vaccines
15 recommend by the United States government. See PRJN2. Consequently, it is mathematically
16 impossible for any public health official in America to specify reliable risk/benefit ratios in deciding
17 whether or not this class of pharmaceutical product is, in the aggregate, helping or damaging public
18 health. In other words, how can vaccine mandates be narrowly tailored to achieve a compelling
19 government interest if the public health officials cannot even demonstrate whether their mandated
20 cure is worse than the disease?

21 **28.** The scientific method requires true controls in product safety inquiry. The **scientific method**
22 is one wherein inquiry regards itself as fallible and purposely tests itself and criticizes, corrects, and
23 improves itself. See PRJN2.

24 **29.** With methodology independently validated by a survey expert, Petitioners' Nationwide
25 2019/2020 consumer product pilot survey produced an exceptional sample-rate across 95% of
26 American states for this small population of interest, i.e., entirely unvaccinated, recording the
27 medical diagnoses of 1,482 unvaccinated Americans, which through accepted standard statistical
28 models, is evidenced as an extremely accurate representation of the health of all entirely

1 unvaccinated Americans living in the USA during the survey period. The results tabulated are far
 2 more than statistically reliable and significant and they evidence that the fully unvaccinated (as a
 3 population cohort in America) are exponentially healthier than national published health statistics
 4 for the 99.74% vaccine-exposed American population. Therefore Petitioners respectfully submit
 5 that it is scientifically justified to verify, qualify, or disprove Petitioners' extraordinary initial pilot
 6 survey results by conducting an even larger scale definitive national survey.

7 **30.** In further support of Petitioners' *prima facie* showing that vaccination is far more than just a
 8 likely suspect in the National Health Pandemic, Petitioners' will refer to their Requests for Judicial
 9 Notice of authoritative scientific study evidence of unvaccinated populations consistent with
 10 Petitioners' initial pilot survey results, such as the Mogensen study by Dr. Peter Aaby that
 11 emphasizes the need for further and authoritative survey and study:

12 This Mogensen Study in 2017 followed over 1,000 children, comparing an
 13 unvaccinated control group to a second group that received polio and DTP
 14 vaccines. With a 95% confidence interval, the study results showed mortality was
 15 five times higher for vaccinated children than for unvaccinated children. See
 16 PRJN1. Dr. Peter Aaby et al., "All currently available evidence suggests that DTP
 17 vaccine may kill more children from other causes than it saves from diphtheria,
 18 tetanus or pertussis." Mogensen, S.W., et al., The Introduction of Diphtheria-
 Tetanus-Pertussis and Oral Polio Vaccine Among Young Infants in an Urban
 African Community: A Natural Experiment, EBioMedicine (2017),
<http://dx.doi.org/10.1016/j.ebiom.2017.01.041>

19 **31.** As control group members, Petitioners have reviewed scientific papers such as the
 20 Mogensen study, which has contributed in various measures to their known and admitted potential
 21 'bias' that naturally acquired immunity to infectious disease is biologically superior to vaccine-
 22 induced antibody production whereby antibodies provide pharmacological evidence of immunity.
 23 Therefore to reduce the impact of such potential bias in this case, Petitioners have structured this
 24 Petition and request for relief around the four judicially noticeable facts above in para. 24, which
 25 are based entirely upon published scientific consensus documents that are 100% independent of
 26 Petitioners' potential bias, as the documents were prepared wholly independently of Petitioners and
 27 are sources relied upon and cited by federal public health authorities, including the United States
 28

Centers for Disease Control (CDC). Additionally, the Petitioners' evidence showing the health of the entirely unvaccinated controls and the like, are matters of fact to be determined by a jury.

III. Imminent National Security Threat: Unavoidably Unsafe Vaccination With Liability Upon The Federal Government Creates A National Security Issue of Bankruptcy

32. Without a suspension of the National Childhood Vaccine Injury Act of 1986 (NCVIA), which shifted civil liability for injuries caused by vaccines from pharmaceutical companies to the Federal government who recommends vaccines, the Federal government is at serious risk of bankruptcy. See e.g., 42 USCS § 300aa-22 ("No vaccine manufacturer shall be liable in a civil action for damages arising from a vaccine-related injury or death associated with the administration of a vaccine after the effective date of this part [effective Oct. 1, 1988] if the injury or death resulted from side effects that were unavoidable even though the vaccine was properly prepared and was accompanied by proper directions and warnings."); 42 USCS § 300aa *et seq.*, codifying the scheme for the Federal government to be responsible for paying compensation to vaccine injury victims. States also have various laws providing legal immunity to pharmaceutical companies causing vaccine injury, but States have retained their sovereign immunity and are therefore not carrying the same risk as the Federal government. In the words of the late Justice Antonin Scalia in the opinion of *Bruesewitz v. Wyeth*:

"Design defects, in contrast, do not merit a single mention in the NCVIA or the FDA's regulations. Indeed, the FDA has never even spelled out in regulations the criteria it uses to decide whether a vaccine is safe and effective for its intended use. And the decision is surely not an easy one. Drug manufacturers often could trade a little less efficacy for a little more safety, but the safest design is not always the best one. Striking the right balance between safety and efficacy is especially difficult with respect to vaccines, which affect public as well as individual health. Yet the Act, which in every other respect micromanages manufacturers, is silent on how to evaluate competing designs. Are manufacturers liable only for failing to employ an alternative design that the FDA has approved for distribution (an approval it takes years to obtain)? Or does it suffice that a vaccine design has been approved in other countries? Or could there be liability for failure to use a design that exists only in a lab? Neither the Act nor the FDA regulations provide an answer, leaving the universe of alternative designs to be limited only by an expert's imagination."

Bruesewitz v. Wyeth LLC, 562 U.S. 223, 237-38 (2011)

1 **33.** Given the extensive harm which the Petitioners' evidence shows is caused by mass
2 vaccination programs in the USA, and if the Petitioners' requested nationwide survey only further
3 confirms this evidence, the potential liability to the federal government under the NCVIA may rise
4 into tens of trillions of dollars, further emphasizing the national security nature of the Predicament
5 and this case. It is a political question and therefore not the subject of this action whether a national
6 security solution may include the restoration of sovereign immunity to protect the continuity of the
7 United States government. It is also a political question and therefore not the subject of this action
8 whether the President may exercise his reasonable discretion under Article 2, Section 3 to
9 recommend appropriate measures to Congress in relation to the NCVIA, such as an ex post facto
10 law withdrawing civil liability immunity for vaccine manufacturers in order to remove obstacles to
11 compensation for vaccine injury victims, including statutory limitations tolling for victims who
12 have not yet reached the age of 18 years. This portion of the predicament can be described as a
13 storm about to hit our shores. If the American people are freed to assert their rights *as against the*
14 *actual culprit*, this storm can be guided to the proper shores.

15 **34.** The suspension of laws which are currently *protecting* those who conduct medical
16 experimentation without informed consent are obviously within the powers of the executive branch
17 during a National Emergency. It is within the President's reasonable discretion to suspend the
18 enforcement of laws which imminently threaten to decimate the American population, and which
19 imminently threaten to take the entire Nation down as a consequence.

20 **35.** Vaccine supply chains are fundamentally global in character, and are especially dependent
21 upon Communist China, also presenting complex webs of national security concerns. Petitioners
22 refer to their Request for Judicial Notice Appendix Three ("PRJN3").

23 **IV. PARTIES**

24 ***Petitioners***

25 **36.** Petitioner Joy Garner ("Joy Garner") is a scientifically-minded patriotic American from a
26 United States of America military family. She is a technology inventor and patent-holder. Joy
27 Garner is domiciled in Roseville, California, which is located in Placer County, CA.
28

1 **37.** Joy Garner founded and operates The Control Group (“TCG”), a not-for-profit organization
2 that surveys unvaccinated individuals for the purpose of this litigation to numerically quantify their
3 already professionally-diagnosed medical and other conditions. On American Independence Day,
4 July 4, 2020, TCG completed its tabulation of the results to date from its nationwide pilot survey of
5 1,482 completely unvaccinated Americans (“TCG American Survey”) across 48 American states, of
6 all ages, which survey results were independently validated by a survey expert. Due to the small
7 size of the population of interest, the sample rate for this study already far exceeds those of typical
8 nationwide health surveys conducted, and relied upon, by our government health agencies.

9 **38.** This dataset produced a 99% confidence in an interval with less than 0.04% variance for
10 accuracy. The cohort comparisons between the health outcomes in the 99% vaccine-exposed
11 American population and these unvaccinated controls exposed that there is higher than a 1 in 84
12 Sexvigintillion (82 decimals) odds *against* the innocence of vaccines as the cause for the excess
13 health injuries observed in the vaccine-exposed population. Further, the survey expert compared
14 TCG American Survey results to the national health data that is the subject of Petitioners’ Requests
15 for Judicial Notice. The survey expert found vaccine exposure to be the most likely culprit in the
16 National Health Pandemic. The survey expert has recommended further study in the form a
17 nationwide health survey of unvaccinated Americans for further confirmation and to *properly*
18 inform public health policy in America, as it relates to vaccination.

19 **39.** Petitioner Joy Garner presents reliable evidence herein showing that the risks of vaccination
20 far exceed any claimed benefits as it relates to both public health concerns, and within the context
21 of what any individual would consider a reasonable risk/benefit evaluation. Petitioner Joy Garner
22 pleads for relief, in that she, her family, and her fellow Americans should now be freed from all
23 forms of discrimination within the USA as a consequence of their choice *not* to submit to a 60%
24 risk of immune-mediated chronic illnesses, and/or debilitating and deadly conditions into adulthood,
25 due to vaccine exposure.

26 **40.** Petitioner Joy Elisse Garner (“Elisse Garner”) and Petitioner Evan Glasco (“Evan Glasco”)
27 are scientifically-minded patriotic Americans from United States of America military families.
28 Elisse Garner and Evan Glasco are domiciled in Grass Valley, California, which is located in

1 Nevada County. Elisse Garner is the mother of her minor children J.S. and F.G. (collectively
2 “Elisse’s children”), who are participants in the TCG American Survey. Evan Glasco is the father
3 of F.G. Joy Garner is the grandmother of Elisse’s children. Joy Garner routinely assists with caring
4 for Elisse’s children while Elisse Garner and Evan Glasco work and attend appointments. Joy
5 Garner is also the backup legal guardian designated for Elisse’s children if needed.

6 **A. Healthy.** J.S. and F.G. are completely and extraordinarily healthy. Both children
7 are supported by their primary care physician (a licensed California medical
8 doctor) who not only supports the family’s health choices, but champions those
9 choices for the well-being of the children. J.S. and F.G. consistently meet good
10 fitness marks for height, weight, and strength. Everyone in the Glasco family is
11 very hygienic.

12 **B. Uncorrupted.** J.S. was born in a hospital and received a Vitamin K shot but no
13 vaccinations. J.S. had adverse reactions to the Vitamin K shot, but has since
14 recovered via natural healing. F.G. is a toddler who was born via natural birthing
15 methods and received no medical interventions (i.e., no Vitamin K shot or
16 vaccinations). Both children have never had any pharmaceutical drugs or
17 biologics of any kind whatsoever (save for J.S.’s one Vitamin K shot referenced
18 above). Rather, the Glasco family choose natural remedies rather than
19 pharmaceutical drugs.

20 **C. All American Athlete.** J.S. is an exceptional athlete, especially in dance and
21 gymnastics where she has won multiple awards.

22 **D. Intelligent.** J.S. is an accomplished student and has been selected to help tutor
23 other students due to her academic excellence. Note that many of J.S.’s
24 accomplishments were obtained before California eliminated non-medical
25 vaccine exemptions. F.G.’s strong mental acumen is already prominent even at
26 his young age.

27 **E. Personality.** J.S. is ethical and honest. She is very confident, sociable, and
28 articulate. She is clever and has a great sense of humor. She has a good

1 reputation among parents and children in the community for these character
2 qualities.

3 **F. Community.** The Glasco Family lives in a neighborhood with a community
4 park. J.S. and F.G. enjoy regularly play with the neighborhood children.

5 **G. Christian.** The Glasco family is Christian and Jewish. They pray to God together
6 regularly. Elisse attended private Baptist school, and her faith in Jesus Christ is
7 absolutely central and essential to her spiritual and moral foundation. Elisse and
8 Evan are religiously opposed to vaccines manufactured using aborted fetal cells.

9 **H. Rights.** Evan Glasco and Elisse Garner wish to exercise their panoply of
10 Constitutional rights including fundamental Freedom of Religion and Due
11 Process, especially to parent and raise their own child free from religious
12 discrimination by the State. However, California's Health and Safety Code,
13 Section 120325, et seq. (a mandatory vaccination law for schoolchildren) denies
14 this right by prohibiting J.S. and F.G. from attending any public or private school
15 in the State of California unless they first receive a myriad of pharmaceutical
16 injections that would (1) eradicate the Glasco Family's religious beliefs that, for
17 example, vaccines should not be manufactured utilizing cell lines from aborted
18 human babies, and (2) categorically exclude J.S. and F.G. from participation in
19 scientific control group survey/study of unvaccinated children. Children with
20 religious opposition to vaccination are segregated in California schools, because
21 they are required to be homeschooled. The Glasco family is strong and
22 determined, but segregation has caused the Glasco family to experience sorrow
23 that J.S. has been separated from her friends at school. J.S. would very much
24 like the opportunity to attend school. The Glasco Family intends for J.S. and
25 F.G. to continue to homeschool for the duration of this proceeding, thereby
26 empowering the Executive to desegregate.

27 **I. 13th Amendment:** Elisse Garner and Evan Glasco are aware that the results of
28 the Control Group study evidence massively increased risks for serious and

1 deadly health conditions associated with vaccination. Because Elisse personally
2 witnessed the TCG survey and study process, and also helped her mother Joy
3 Garner in conducting the study, she is *keenly* aware that it does reflect the
4 genuine truth of the matter, i.e., that vaccine exposure *dramatically* increases her
5 own family's risks of health problems and injuries. Elisse is aware that, into
6 adulthood, these risks include a 60% risk of chronic disease, including a 48%
7 chance of heart disease, a 10% risk of diabetes, and many others, as well as the
8 risks of severe physical and mental debilitation, and even the risk of death shortly
9 after injection. To the extent that vaccines have not *otherwise* been studied for
10 their long-term and cumulative effects, Elisse Garner and Evan Glasco fully
11 understand that vaccines are in fact experimental at this time in the USA.
12 Because their children are currently healthy and not in need of any "therapeutic"
13 medical interventions, they know that the "therapeutic privilege" and/or other
14 codified consent waivers applied to medical experimentation without informed
15 consent (where vaccine approvals are given in the USA) cannot lawfully be
16 applied *to them, or their children*. This couple specifically refuses to consent to
17 their children, or themselves, serving as experimental medical subjects. Solely
18 because they refuse to submit themselves or their children to serve as subjects in
19 medical experiments that carry *obscenely* high risks of health injury, they suffer
20 discrimination, denying their children access to both public and private
21 education, as well as the denial of access to certain professions for themselves,
22 not only within the state of California, but in many of the most populated
23 American states they might wish to move to in the future. Further, because this
24 particular experiment (coerced mass vaccination) is conducted without the
25 government having conducting an accurate accounting of its victims, i.e., no
26 meaningful examination of the results, the petitioners assert there is no
27 advancement of medical knowledge possible with which to justify its
28

1 continuation, let alone any coercive demands that they or their children
2 participate in it.

3 **41.** Petitioner Michael Harris (“Michael Harris”) and Petitioner Nicole Harris (“Nicole Harris”)
4 are scientifically-minded patriotic Americans. Michael Harris is a United States Air Force veteran
5 pilot with an electrical engineering degree. Michael Harris and Nicole Harris are the parents of
6 S.H., a minor child and participant in the TCG American Survey. The Harris family is domiciled in
7 Carlsbad, California, which is located in San Diego County. The Harris family are Christians, and
8 their son S.H. has the following qualities that make him a top student and an excellent candidate to
9 participate in scientific surveys and studies of unvaccinated individuals:

10 **A. Healthy.** S.H. is completely and extraordinarily healthy. He is supported by his
11 primary care physician (a licensed California medical doctor) who not only
12 supports the family’s health choices for S.H., but champions those choices for his
13 well-being. S.H. consistently meets good fitness marks for height, weight, and
14 strength. Everyone in the Harris family is very hygienic (i.e., organic soaps and
15 detergents, special water filter for washing).

16 **B. Uncorrupted.** S.H. was born via natural birthing methods (water birth) and
17 received no medical interventions (i.e., no Vitamin K shot). S.H. has never had
18 any pharmaceutical drugs or biologics of any kind whatsoever. Rather, the types
19 of natural remedies one would find from time-to-time in the Harris family home
20 are organic Vitamin C and elderberry purchased at the local health food market.
21 S.H. is completely unvaccinated.

22 **C. All American Athlete.** S.H. is an exceptional athlete, especially in baseball
23 where he has twice earned the award for Most Valuable Player on his travelling
24 team where he is a pitcher. S.H. is a team player as his coaches report that he
25 helps raise the attitudes of his other teammates to do their best as well.

26 **D. Intelligent.** S.H. is an honors student (e.g., S.H. was classified by testers as
27 gifted in 2nd grade, he passed the 400 club in math in 3rd grade before any other
28 student, he has received multiple Dean’s list principal awards, he routinely

1 receives top scores on advanced tests; as a fourth grader he is already reading at
2 approximately the 7th grade level; he is especially engaged and vibrant in
3 building and engineering tasks). Note that many of these accomplishments were
4 obtained before California eliminated non-medical vaccine exemptions.

5 **E. Personality.** S.H. is friendly, kind, personable, and honest. He has a good
6 reputation among parents and children in the community for these character
7 qualities.

8 **F. Community.** The Harris Family lives in a neighborhood with an elementary and
9 middle school (~.1 mile away) where there is a neighborhood park (green
10 common area). S.H. regularly plays with the neighborhood children, where it is
11 common for games and scrimmages to be played at the neighborhood school and
12 park. S.H. also enjoys after school programs at local schools and churches, such
13 as art, Ahwanas bible study, and bible vacation school.

14 **G. Christian.** The Harris family is Christian. They pray to God together before
15 dinner, to give thanks for God's blessings. They routinely attend Christian
16 community functions and maintain Christian friendships. Michael's dad was a
17 deacon in the Baptist church. Nicole attended Bethel Christian college. Faith in
18 Jesus Christ is absolutely central and essential to the Harris family. They are all
19 devoted Christians. On the basis of religion, Nicole has carried signs at the State
20 capitol expressing her opposition to abortion, and Michael has also posted on
21 social media regarding his Christian opposition to products manufactured using
22 aborted fetal cells. S.H. in particular has read about vaccines and genetically
23 modified organisms (GMOs) and has vocalized that genetics is God's province
24 rather than man's to tinker away with. S.H. is informed that certain vaccines
25 (according to the product insert) were manufactured utilizing cell lines from
26 aborted human babies. The Harris family is religiously opposed to vaccination
27 for the following reasons, in their own words:
28

1 “For religious reasons we are strongly opposed to vaccination. For
2 example, the manufacturing of several vaccines required by California for
3 school admission has involved aborted fetal cell lines. Our family is
4 religiously opposed to abortion.

5 “And we are concerned about the ingredients in all vaccines, including
6 how species and toxins are mixed together for injection into God’s
7 creation, the human body. The bible instructs us to treat our bodies as
8 clean vessels. Each body is a temple for the Holy Spirit, and our
9 fellowship as followers of Christ is deeply meaningful. See e.g., 1 John
10 2:27; 1 Corinthians 6:19; Deuteronomy 14:21; Genesis 9:4.

11 “The bible further confirms that when our religious faith and conviction
12 contradict human rules, we must obey God first. See e.g., Daniel 3:13;
13 Gospel of Mark 12:17.”

14 **H. Rights.** Michael and Nicole Harris wish to exercise their panoply of
15 Constitutional rights including fundamental Freedom of Religion and Due
16 Process, especially to parent and raise their own child free from religious
17 discrimination by the State. However, California’s Health and Safety Code,
18 Section 120325, et seq. (a mandatory vaccination law for schoolchildren) denies
19 this right by prohibiting S.H. from attending any public or private school in the
20 State of California unless S.H. first receives a myriad of pharmaceutical
21 injections that would (1) eradicate the Harris Family’s religious beliefs that, for
22 example, vaccines should not be manufactured utilizing cell lines from aborted
23 human babies, and (2) categorically exclude S.H. from participation in scientific
24 control group survey/study of unvaccinated children. In late 2019 after the
25 passage of the most current amendment to California’s mandatory vaccine law,
26 California Senator John Moorlach requested an oral opinion from California
27 legislative counsel on the scope and penalties of the mandatory vaccine law in
28 California. Via Senator Moorlach’s Chief of Staff, the Harris family was advised
of Legislative Counsel’s oral opinion that if a private school were to accept a
religious exemption to vaccination, then the State may be able to obtain a ‘writ of
mandate’ to compel compliance with the State law. Children with religious
opposition to vaccination are segregated in California schools, because they are

1 required to be homeschooled. The Harris family is strong and determined, but
 2 segregation has caused the Harris family to experience sadness that S.H. has been
 3 separated from his friends at school. S.H. would very much like the opportunity
 4 to attend school. The Harris Family intends for S.H. to continue to homeschool
 5 for the duration of this proceeding, thereby empowering the Executive to
 6 desegregate.

7 **42.** Petitioner Traci Music (“Traci Music”) is the parent of K.M., a minor child. Traci’s
 8 husband, the father of K.M., is an officer in the United States military. The Music family is
 9 domiciled in Alabama, but may be transferred to another US State during the pendency of this
 10 proceeding. Tracy Music has two other minor children J.S. and S.S. K.M. and J.S. are both
 11 unvaccinated participants in the TCG American Survey; however, their survey forms were
 12 submitted after the survey cutoff date for the original data analysis. S.S. is ineligible to participate in
 13 the TCG American Survey because she was vaccinated multiple times at an early age. S.S. suffered
 14 multiple injuries as a result of vaccination, including legal blindness in her left eye, and partial
 15 deafness. J.S. has the following qualities that make him an excellent candidate to participate in
 16 scientific surveys and studies of unvaccinated individuals:

17 **A. Healthy.** J.S. is very healthy and has never been diagnosed with any health issues,
 18 save for a minor and temporary rash that cleared up almost immediately. He has a
 19 primary care physician who supports the Music Family’s health choices. J.S.
 20 consistently meets good fitness marks for height, weight, and strength. Everyone in
 21 the Music family is very hygienic.

22 **B. Uncorrupted.** J.S. was born in a hospital setting and received no medical
 23 interventions (i.e., no Vitamin K shot). J.S. has never had any pharmaceutical drugs
 24 or biologics of any kind whatsoever, with the exception of one round of antibiotics at
 25 a young age. The Music Family strongly prefers natural remedies.

26 **C. Athletics.** J.S. is an excellent athlete (basketball, baseball, soccer, football,
 27 wrestling) who has won multiple awards.
 28

1 **D. Intelligent.** J.S. is a good student who has excelled in academic achievement tests
2 (especially mathematics).

3 **E. Personality.** J.S. is outgoing, sociable, confident, likeable, and honest. He has a
4 good reputation among parents and children in the community for these character
5 qualities.

6 **F. Community.** J.S. likes to travel around the neighborhood and meet with friends,
7 including going to local parks.

8 **G. Religion.** Traci Music had an orthodox Jewish upbringing. She has routinely
9 asserted religious exemption to vaccination for her children on the basis of her
10 beliefs (in her own words), “the body is a temple” and “let go, and let God”. Traci
11 trusts God to provide health and healing, rather than trusting pharmaceutical
12 companies to play god with her children’s health. Traci has a religious objection to
13 the use of aborted fetal cell lines in vaccine manufacturing. In her own words, the
14 vaccine is “contaminated” by its reliance on abortion for manufacturing.

15 **H. Rights.** The Music Family wish to exercise Constitutional rights to fundamental
16 Freedom of Religion and Due Process, including especially to parent and raise their
17 own children free from religious discrimination by the States. However, given the
18 Music family’s active military status requiring Traci’s husband to immediately
19 transfer the family residence periodically among several US States, the Music
20 Family remains in a constant state of uncertainty whether they will find themselves
21 unexpectedly and unpredictably in a State that does not respect their Constitutional
22 rights to religious exemption to vaccination at any particular moment in time.

23 **I. Homeschool.** The Music family currently homeschools but would like the
24 opportunity for all of their children to attend school. The Music Family intends for
25 their children to continue to homeschool for the duration of this proceeding, thereby
26 empowering the Executive to desegregate.

27 **J. Extreme pressure to vaccinate.** When Traci Music’s daughter S.S. was
28 approximately 1-year old, Traci Music suffered extreme pressure by their

1 pediatrician to vaccinate S.S. with multiple vaccines at once. For example, the
 2 pediatrician falsely claimed that he had personally observed hundreds of child deaths
 3 caused by measles, and the pediatrician threatened to contact Arizona Child
 4 Protective Services to take away Traci Music's children if she did not comply with
 5 the pediatrician's dictates to vaccinate. As a young mother, Traci Music did not
 6 know her legal rights and felt coerced by the authority figure (pediatrician) to
 7 vaccinate. As a result, S.S. received multiple vaccines, including for example MMR
 8 and DTaP, resulting in the aforementioned permanent vaccine injuries to S.S.

9 **K. Traumatic Discrimination.** Approximately 3-years ago while stationed at Fort
 10 Bragg, North Carolina, Traci Music was the subject of an anonymous complaint to
 11 North Carolina Child Protective Services (CPS) where the sole and exclusive basis
 12 of the anonymous complaint was that Traci Music was homeschooling and did not
 13 vaccinate her children. CPS showed up unexpectedly at Traci's home while she was
 14 alone (her husband was stationed overseas for military service). Traci was naturally
 15 frightened as CPS demanded to enter the house and for the children to remove
 16 articles of their clothing so CPS could physically examine the children. At the
 17 conclusion of this traumatic experience for both Traci Music and her children, Traci
 18 Music was informed by CPS that it was actually not an offense for her to
 19 homeschool the children, nor was it an offense for the children to remain
 20 unvaccinated, but that CPS was simply "doing its job" because "we have to
 21 investigate all complaints".

22 **L. Candidate.** K.M. is an unvaccinated baby who was born at home (home birth). Like
 23 his brother, K.M. is also an excellent candidate to participate in scientific surveys
 24 and studies of unvaccinated individuals.

25 ***Respondent***

26 **43.** Respondent is the President of the United States of America and therefore Commander in
 27 Chief of the Armed Forces. He is named here exclusively in his official capacity. In that capacity,
 28 he alone (or the Federal Court issuing an order in respect of him) has the national security authority

1 to issue all of the relief requested in this action, to issue an Order, without limiting his ability to
2 determine in good faith how he might comply, to:

3 A. Declare as a matter of national security a National Health Emergency (hereinafter
4 “Emergency”);

5 B. Order a suspension (hereinafter “Suspension”) for up to two years of all vaccine
6 mandates and coercions (hereinafter “Vaccine Mandates”) throughout the United
7 States of America; and

8 C. Order a targeted National Health Survey of a very large group of unvaccinated
9 Americans to compare the health of such unvaccinated individuals to national
10 health data on the American population (hereinafter “Survey”).

11 ***National Security Request For Constitutional Relief***

12 **44.** This requested Order for national security purposes is necessary to uphold protections
13 guaranteed in the Constitution for the United States of America afforded to individuals exercising
14 their Constitutional right to remain unvaccinated, not the least of which, is the right to life, liberty,
15 and the pursuit of happiness. Petitioners assert that the government’s promise of a vaccine-exposed
16 future that carries a 60% chance of chronic health conditions (on a trajectory that is increasing),
17 most of which prove ultimately deadly, is a theft of their right to pursue happiness. Petitioners
18 therefore ask the Court for a Judgment in Petitioners’ favor that Declaratory and Injunctive Relief is
19 necessary since the President has not yet fulfilled his duties required by the Constitution for the
20 United States of America and his Oath of Office to faithfully execute the laws of the United States
21 of America (as herein alleged).

22 **45.** The President inherits innumerable policies from previous administrations (“Predecessors”),
23 including vaccination policies. The President has not been afforded the opportunity to objectively
24 analyze the Nation’s vaccination policies due to the judicially noticeable fact number three stated
25 above in paragraph 24c:

26 **“Numerically Undefined.** “The United States government has never publicly evaluated
27 vaccines numerically for long-term or cumulative health risks, in comparison to a large
28 group of fully unvaccinated individuals.”

1 **46.** On February 18, 2017, within 30 days of taking Office, President Donald J. Trump tweeted,
2 “I inherited a MESS and am in the process of fixing it.” Nearly two years later he tweeted he was
3 still, “cleaning up the mess [he] inherited.” The Predicament is part of the mess the President
4 inherits.

5 **47.** The President has not had, nor taken, the time to assess and address long-term, cumulative
6 health damages of vaccines on Americans. No government survey has been taken and no study has
7 been conducted on the health of a very large number of unvaccinated Americans. This scientific
8 vacuum amounts to nothing short of an ongoing human medical experiment that has no chance of
9 advancing medical knowledge concerning the risks of vaccination, and accompanying long-term
10 effects on public health.

11 **48.** The President inherits the Predicament, and has not yet ordered a Suspension and a Survey
12 to address it, such as by comparing the “unavoidable injury and death” associated with the
13 administration of a vaccine and conducting a scientific risk to benefit ratio evaluation.

14 **49.** Even though the President’s Predecessors did not remedy the Predicament, the duty now
15 falls upon the President to issue an Order to save the country. For example, the President has
16 reasonable executive discretion:

- 17 **A.** To select the reasonable manner of enforcing the Constitution for the United
18 States of America, including enforcing federal civil rights protections for
19 unvaccinated individuals who have been segregated out of the military, schools,
20 and workplaces.
- 21 **B.** To proactively desegregate the military, as well as schools and workplaces
22 receiving Federal funding or Federal contracts.
- 23 **C.** To declare that separate is not equal when the vaccinated and unvaccinated are
24 forcibly separated in American society.
- 25 **D.** To declare that for the surveying of unvaccinated individuals to be conducted
26 scientifically and without fear of retribution, an unvaccinated control group must
27 remain intact and remain free from discrimination with respect to their military
28 service, education, livelihood, travel, and religious freedom.

As set forth herein, it is an ongoing unreasonable abuse of discretion for the President to neglect the scientific method that requires true control groups (of entirely unvaccinated individuals as the controls) able to numerically confirm vaccine risk and therefore save this Nation from imminent collapse. References in this Verified Petition to the President's duty to exercise his reasonable discretion shall not be interpreted to suggest that rational basis review of that discretion is appropriate. To the contrary, the material infringements upon Petitioners' fundamental rights, as alleged herein, necessitates strict scrutiny of the President's reasonable discretion (such that reasonable discretion refers to a compelling reason). There is no compelling reason the President is neglecting the scientific method. Nor is neglecting the scientific method a narrowly tailored means to achieving a compelling government interest. In this case, strict scrutiny requires, among other important inquiries, an acknowledgment that the scientific method requires true control groups (of entirely unvaccinated individuals as the controls) able to numerically confirm vaccine risk and therefore save this Nation from imminent collapse.

50. The four judicially noticeable facts in paragraph 24 above prove that the very survival of this Nation is in jeopardy if the President declines to exercise his reasonable discretion to the best of his ability, and therefore, Petitioners request relief under the President's nondiscretionary duty to ensure the survival of the Nation. The context of such nondiscretionary duty is qualified by Article II, section 8, of the Constitution for the United States of America: "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution for the United States."

51. Petitioners are intentionally requesting relief of a fundamental constitutional nature, and exclusively requesting that relief from this Court in respect of the President as President of the United States of America and as Commander in Chief of the Armed Forces. Petitioners are intentionally not requesting relief from any agencies beneath the President, nor are any agencies beneath the President able to provide the fundamental relief requested due to the national security emergency proven by the four judicially noticeable facts. Petitioners request no statutory relief or regulatory relief whatsoever, and indeed to even attempt to petition for same would fruitlessly splinter the case and make the requested relief impossible, as conflicting court orders could be

1 issued in differing jurisdictions among a patchwork of ever-evolving statutes, rules, and regulations
2 that both perpetuate and conceal the National Health Pandemic. The root, branches, leaves, and fruit
3 of this case are entirely constitutional.

4 **52.** Petitioners specifically do not seek relief from agencies such as Health and Human Services,
5 Food and Drug Administration, Centers for Disease Control, etc. (hereinafter “Subordinate
6 Executive Agencies”) because government agencies are categorically unable to perform the relief
7 requested in this case to save the Nation and safeguard Petitioners’ Constitutional rights in the
8 context of national security. Subordinate Executive Agencies are vigorously involved in vaccine
9 licensing, recommendation, promotion, and product sales.

10 **A.** As one example, CDC recommended vaccine schedules are recommended rather
11 than mandated, so the Subordinate Executive Agencies are not the only cause of,
12 and cannot offer relief to end this National Health Epidemic, nor solve the
13 Predicament. The State and local governments who interface with such federal
14 licensing, recommendation, promotion, and product sales participate in their own
15 ever-changing patchwork of mandates and coercion techniques. Any attempt by
16 Petitioners to obtain national security relief from State and local authorities
17 would be impossible for both practical and jurisdictional reasons.

18 **B.** As a second example, the Secretary of the HHS is one of Respondent’s
19 Subordinate Executive Agencies. Such Secretary was and is required to form a
20 task force and report to Congress every two years on the advancements and
21 improvements in research on vaccines, in order to reduce the risks of adverse
22 reactions to vaccines. 42 U.S. Code § 300aa–27 (a) (2). A stipulated order
23 entered July 9, 2018 in the United States District Court (Southern District of New
24 York) evidences that HHS has no evidence that the Secretary completed any of
25 the 16 reports, bi-annually pursuant to U.S. Code § 300aa–27(c) (“Report Within
26 2 years after December 22, 1987, and periodically thereafter . . .”) See PRJN2,
27 section 37. Even if the Secretary had complied with the law and reported to
28 Congress, it would still be impossible for the Secretary or Congress to order the

1 national security relief requested in this action while simultaneously managing
2 the foreign affairs necessary to preserve the Nation.

3 **53.** The President is the Chief Executive of the Subordinate Executive Agencies that are
4 vigorously involved in the Predicament. State and their local health agencies adapt and require
5 federally approved public health policies ("Policy") to be mandated (hereinafter "Govt. Mandates").
6 Govt. Mandates are the final expression of federally approved public health policies which together
7 contribute to the Pandemic.

8 **V. JURISDICTION AND VENUE**

9 **54.** This Court has subject matter jurisdiction under the Constitution for the United States of
10 America, and also incidentally under 28 U.S.C. §§ 1331 and 1343(a)(3) so the Court may preside
11 over Petitioners' claims under the Constitution for the United States of America. The Court has
12 additional remedial authority under 28 U.S.C. §§ 2201(a) and 2202.

13 **55.** Diversity of Citizenship exists and Venue in the Eastern District of California is proper.

14 **56.** This action arises under those specific aspects of the oath of office in Article II, Section 1, of
15 the Constitution for the United States of America, which aspects are not political questions, but
16 rather which are necessary to ensure the very survival of the Nation itself during an emergency: "I
17 do solemnly swear (or affirm) that I will faithfully execute the office of President of the United
18 States, and will to the best of my ability, preserve, protect and defend the Constitution for the
19 United States of America." Petitioners do not seek justiciability over any political questions
20 reserved to the President, but rather Petitioners assert justiciability with respect to the Court's
21 fundamental power under Article III of the Constitution for the United States of America, to act as
22 an intermediary between the President of the United States of America and the people of the United
23 States of America, on the specific issues of declaratory and injunctive relief requested in this case
24 due to the imminent national security emergency. There is no matter more important to ensure the
25 survival of the country as important as the future of the health of the population. Respondent (and
26 this Court in respect of him) has the power and duty to recognize this fact and protect the nation.

27 **A.** As stated by Justice Thomas (concurring) in *Gamble v. United States*, 139 S. Ct.
28 1960, 1985 (2019):

1 “The Constitution’s supremacy is also reflected in its requirement that all judicial
 2 officers... take an oath to ‘support this Constitution.’ Art. VI, cl. 3; see also Art.
 3 II, §1, cl. 8 (requiring the President to ‘solemnly swear (or affirm)’ to ‘preserve,
 4 protect and defend the Constitution for the United States’). Notably, the
 5 Constitution does not mandate that judicial officers swear to uphold judicial
 6 precedents. And the Court has long recognized the supremacy of the Constitution
 7 with respect to executive action and ‘legislative act[s] repugnant to’ it. *Marbury*, 1
 8 Cranch, at 177; *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U. S. 579, 587-589,
 9 72 S. Ct. 863, 96 L. Ed. 1153, 62 Ohio Law Abs. 417 (1952); see also *The*
 10 *Federalist* No. 78, at 467 (‘No legislative act, therefore, contrary to the
 11 Constitution, can be valid’).”

12 **B.** In the seminal case of *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177-78, 180
 13 (1803) our ship set course, and we faithfully stay this course today:

14 “It is emphatically the province and duty of the judicial department to say what
 15 the law is.... The judicial power of the United States is extended to all cases
 16 arising under the constitution.... Thus, the particular phraseology of the
 17 Constitution for the United States confirms and strengthens the principle,
 18 supposed to be essential to all written constitutions, that a law repugnant to the
 19 constitution is void; and that courts, as well as other departments, are bound by
 20 that instrument.”

21 **C.** As the 9th Circuit Court stated in *Juliana v. United States*, 947 F.3d 1159, 1178-
 22 79 (9th Cir. 2020),

23 “The Constitution's structure reflects this perpetuity principle. See *Alden v.*
 24 *Maine*, 527 U.S. 706, 713, 119 S. Ct. 2240, 144 L. Ed. 2d 636 (1999) (examining
 25 how “[v]arious textual provisions of the Constitution assume” a structural
 26 principle). In taking the Presidential Oath, the Executive must vow to “preserve,
 27 protect and defend the Constitution for the United States,” U.S. Const. art. II, § 1,
 28 cl. 8, and the Take Care Clause obliges the President to “take Care that the Laws
 be faithfully executed,” U.S. Const. art. II, § 3. Likewise, though generally not
 separately enforceable, Article IV, Section 4 provides that 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 . . . against domestic Violence.”
 U.S. Const. art. IV, § 4; see also *New York v. United States*, 505 U.S. 144, 184-
 85, 112 S. Ct. 2408, 120 L. Ed. 2d 120 (1992). Faced with the South's secession,
 President Lincoln reaffirmed that the Constitution did not countenance its own
 destruction. “[T]he Union of these States is perpetual[.]” he reasoned in his First
 Inaugural Address, because “[p]erpetuity is implied, if not expressed, in the
 fundamental law of all national governments. It is safe to assert that no
 government proper ever had a provision in its organic law for its own
 termination.” President Abraham Lincoln, First Inaugural Address (Mar. 4,
 1861).”

1 **57.** The Constitutional context for this action is framed by the Petitioners' rights recognized by
2 the following provisions of the Constitution for the United States of America, as Petitioners assert:

- 3 **A.** Freedom of Religion Clause of the First Amendment, upholding the fundamental
4 right of an individual to the free exercise of religion in medical decision making;
- 5 **B.** Due Process Clause of the Fifth Amendment, upholding the fundamental right of
6 an individual to personal bodily integrity in medical decision making, and
7 freedom from government-created danger;
- 8 **C.** Privacy Clause of the Fourth Amendment, respecting the fundamental right of an
9 individual zone of privacy in human autonomy necessary to medical decision
10 making;
- 11 **D.** Cruel and Unusual punishment of the Eighth Amendment, prohibiting cruel and
12 unusual punishment in the form of mandatory medical experimentation;
- 13 **E.** Prohibition of Involuntary Servitude Clause of the Thirteenth Amendment,
14 upholding the fundamental right of an individual to be free from forced and
15 coerced participation in a national program involving medical decision making,
16 and servitude as experimental medical subjects;
- 17 **F.** Equal Protection of the Laws Clause of the Fourteenth Amendment, upholding
18 the fundamental right of an individual to the equal protection of the laws in such
19 manner to prohibit segregation of American society based upon individual
20 exercise of freedom of religion in medical decision making;
- 21 **G.** Incorporation Clause of the Fourteenth Amendment, prohibiting States and local
22 authorities from impermissibly infringing upon the above-referenced
23 fundamental rights;
- 24 **H.** Rights Retained Clause of the Ninth Amendment, upholding the absolute right of
25 the Citizen to remain peacefully natural; and
- 26 **I.** Powers Reserved Clause of the Tenth Amendment, reserving undelegated
27 medical decision making powers to each Citizen.
28

1 **58.** Venue is proper under 28 U.S.C. § 1391 and Local Rule 120 (Fed. R. Civ. P. 3), because
2 Respondent is the President of the United States, the Commander in Chief of the Armed Forces.

3 **59.** Venue is proper in the Eastern District of California pursuant to 28 U.S.C. §§ 84(b) and
4 1391(e) because this is a civil action in which Respondent is an officer, the chief executive, of the
5 United States, and a substantial part of the events or omissions giving rise to this action occurred in
6 the Eastern District of California, and, further, because the majority of Petitioners are domiciled in
7 this District and no real property is involved in the action.

8 **60.** Petitioners have standing to bring this Constitutional claim for declaratory and injunctive
9 relief because Petitioners have suffered actual and threatened injury to their herein-identified
10 Constitutional rights, suffered as a result of the Predicament, which can fairly be redressed by a
11 favorable decision. There exists an actual and justiciable controversy between Petitioners and
12 Respondent requiring resolution by this Court. Petitioners have no other adequate remedy at law.

13 **61.** Only Respondent as President of the United States of America and Commander in Chief of
14 the Armed Forces (and this Court in respect of him) has the authority to protect Petitioners from the
15 myriad and ever-shifting initiatives to vaccinate every individual in America as much as possible,
16 which initiatives have stoked hatred and vilification of unvaccinated Americans. See PRJN2. By
17 promoting and supporting mass vaccination programs, including but not limited to the annual
18 influenza vaccine program, and Covid-19 vaccination, Respondent has emboldened Subordinate
19 Executive Agencies to exacerbate the Predicament.

20 **VI. CONCRETE AND PARTICULARIZED INJURIES IN FACT**

21 **62.** Petitioners have experienced concrete and particularized injuries-in-fact that are both actual
22 and imminent. The actual injuries include: (a) unconstitutional segregation and unmitigated
23 coercion based on their Constitutional exercise of medical decision making and freedom of religion,
24 (b) the Petitioners' absolute right to refuse to serve as subjects to medical experiments which are
25 known to be dangerous and even life-threatening and to be free of discrimination for exercising this
26 right (c) mathematically recognizable erosion of their nation's security due to the undeclared
27 emergency nature of the National Health Pandemic of chronic diseases and injuries that are the
28 result of injured and dysfunctional immune systems. The imminent injuries include: (a) the certain

1 and palpable threat of mandatory vaccination during perceived public health emergencies even if
2 those ‘emergencies’ later proven to be driven by public fear rather than mathematical facts, and (b)
3 the mathematically proven imminent dissolution of America from within, which is proven even by
4 conservatively modelling a continuation of America’s current and increasing rates of chronic
5 diseases, disabilities, and injuries that are the result of injured and dysfunctional immune systems.

6 **63.** Respondent’s oversight (in the contronymical sense of the word, hereafter “Oversight”) to
7 protect Petitioners as unvaccinated Americans is the actual and proximate cause of Petitioners’
8 present and imminent injuries as well as Petitioners’ requested remedy as alleged herein.

9 **64.** Petitioners, through the foregoing incorporated Requests for Judicial Notice, have
10 established conclusively with judicially noticeable facts that a National Health Pandemic exists and
11 will continue to worsen if unabated by deployment of the scientific method and correct application
12 to the facts to issues of public health.

13 **A.** Respondent’s continued inaction will cause immediate and irreparable harm to
14 Petitioners if they are not protected from coerced vaccination through
15 discrimination, and if the root cause of the National Health Pandemic is not
16 confirmed and thereafter immediately halted. And, infringements on Petitioners’
17 livelihood, bodily integrity, and other fundamental rights guaranteed by the U.S.
18 Constitution are certain, irreparable, and imminent;

19 **B.** Petitioners’ Requests for Judicial Notice show a substantial likelihood of
20 Petitioners prevailing at trial;

21 **C.** The lack of issuance of injunctive relief would cause substantial harm to
22 Petitioners and other Americans affected by the national security matter. It will
23 cause no harm to Respondent other than to require him to fulfill his pre-existing
24 legal duties; and,

25 **D.** The public interest will be served by the Court enjoining Respondent to issue the
26 Order (or issuing a court order in respect of him) for the very survival of America
27 by granting injunctive relief.
28

1 **65.** As further evidence of the concrete and particularized injuries-in-fact that are both actual
2 and imminent in this case, Petitioners have experienced aspects of the Predicament in the
3 emergence of Covid-19 from China. As communist-style dictates continue to be employed
4 throughout portions of the world, the United States has not remained unaffected. Mandatory
5 vaccination is already being publicly supported by certain authorities within and without the United
6 States of America even though a Covid-19 vaccine has not even progressed through minimal safety
7 and efficacy testing. Petitioners state this allegation not to target any particular State or local rule
8 within the greater Predicament, but rather to evidence the Predicament includes the actual and
9 imminent nature of the national security threats of a mandatory Covid-19 vaccination in response to
10 the Chinese virus. Respondent has not abated these threats, but rather Respondent has emboldened
11 them by actively promoting Covid-19 vaccination without providing the Suspension of vaccine
12 mandates or similar order to safeguard the Nation from the loss of critical scientific evidence.
13 Safeguarding this critical and swiftly-dwindling evidence, (the truly unexposed scientific controls)
14 is imperative to safeguarding this Nation from ultimate collapse, if no person can be left free to
15 protect themselves from coerced medical procedures (which the evidence here demonstrates is most
16 likely responsible for the vast majority of the chronic health conditions and disabilities Americans
17 are currently suffering). See e.g., Garner Declaration.

18 **66.** The failure of Respondent to protect a scientific control group of unvaccinated Americans
19 causes irreparable harm to Petitioners. The ongoing destruction of critical scientific evidence is an
20 irreparable harm, as evidence must be preserved and observed for national security. The evidence
21 shows vaccines are responsible for the vast majority of chronic illnesses suffered by Americans
22 today, and it shows that vaccines are the single most serious public health threat this Nation has
23 ever faced.

24 **67.** Institutions profiting from vaccinations argue for the immediate elimination/destruction of
25 *all* remaining vital evidence (controls). This evidence is imperative to further confirmation of the
26 extent to which vaccines threaten the very survival of our Nation. This evidence is also imperative
27 to determining whether vaccines can be partially exonerated in any numerical measure. The TCG
28 American Survey is one such example of a scientific pilot control directly and imminently harmed

1 by the elimination/destruction of the remaining vital evidence (controls). Once unvaccinated
 2 controls have actually been studied, and only if vaccines are exonerated, can institutions profiting
 3 from vaccinations reasonably argue against the preservation of this evidence, *not before*. Institutions
 4 profiting from vaccinations are currently arguing against employing the scientific method to
 5 determine whether or not vaccines are now maiming and killing more children than they *might*
 6 (hypothetically) be "saving". Petitioners demand an actual/factual body-count. It shocks the
 7 conscience that institutions profiting from vaccinations actively discourage surveying the health of
 8 the unvaccinated in order to avoid any comparison to the high number of vaccine-exposed children
 9 who are injured or disabled in some form.

10 **68.** Petitioners' publicly filed pleadings (together with Petitioners' publicly filed Requests for
 11 Judicial Notice) accomplishes the legal function of providing official public notice to the President
 12 of the government's own evidence supporting the judicially noticeable four facts justifying the
 13 declaratory and injunctive relief requested. Such notice is provided in a manner that the American
 14 public can also access the information in real time on PACER.

15 **69.** Petitioners request an Order upholding Americans' rights to refuse to subject themselves to
 16 living with (or dying from) a 60% chance of chronic illness. Petitioners' Pilot Survey evidence
 17 shows this is the risk within the 99.74% vaccine-exposed population, compared to the risk of only
 18 5.97% if Americans avoid vaccines completely. And that 5.97% risk is even lower if Americans
 19 also avoid the K-shot and maternal vaccines, which expose developing fetuses to vaccines.

20 **70.** Petitioners also request an Order to prevent the destruction of critical scientific evidence that
 21 must be used to further confirm Petitioners' data, and thereby correctly inform public health policy
 22 in order to save this Nation from collapse which is inevitable if this ongoing catastrophic pandemic
 23 of immune-mediated chronic illnesses is not addressed and reversed. Clearly, with a 60% rate of
 24 chronic illness in our adult population (and considering the steady increases/trajectory) it cannot be
 25 credibly argued that our current vaccine policies are in any way protecting or benefitting public
 26 health. See also Petitioners' expert declarations that the health risk of vaccination is exponentially
 27 greater than the health risk of being unvaccinated, which Petitioners are willing and able to bolster
 28 further with a fourth appendix request for judicial notice providing all the numerical proof for same

1 according to the government's own numbers. Petitioners' numbers show that being unvaccinated in
2 America today is the surest path to optimal health, natural immunity, and the greatest chance of
3 survival, since it is well understood that the presence of numerous comorbidities, (which are
4 common in the 99.74% vaccinated population) does shorten lives. Axiomatically, those who are
5 mostly free of these conditions (the unvaccinated population) would be expected to have a higher
6 survival rate.

7 **VII. SURVEY AND STUDY**

8 **71.** As requested, the President's Order for Suspension of Vaccine Mandates will allow time for
9 the Survey, which could then be followed by a more comprehensive study concerning vaccine
10 safety and efficacy (hereinafter "Study"). The Study does not require but would benefit from access
11 to the Vaccine Safety Data Link ("VSDL") maintained by the CDC.

12 **72.** The requested Survey will further highlight and confirm the extent to which vaccines are
13 causing a far greater danger to the United States than previously acknowledged.

14 **73.** For this more comprehensive Survey to be conducted scientifically, an unvaccinated control
15 group must remain intact and be protected under the Constitution of the United States of America
16 against Vaccine Mandates. The control group must remain free from discrimination with respect to
17 each individual's life, liberty, education, religion and livelihood. Discrimination reduces and
18 threatens to eliminate desired unvaccinated candidates for the Survey. Petitioners allege that a
19 rigorous and ethical scientific Survey is a mathematically necessary component in ending the
20 National Health Pandemic, and is necessary for survival of the Nation. Under the current
21 government scenario, no advancement of medical knowledge or science is possible. This is due to
22 the over 99% failed accounting of the Vaccine Adverse Event Reporting System, which is
23 equivalent to wearing a blindfold during the experiment.

24 **74.** Without the Order prohibiting all forms of discrimination based upon vaccination status, the
25 control group population of unvaccinated Americans is imminently threatened (especially by
26 myriad local health officials' unscientific overreaction to Covid-19) and may soon be reduced to
27 statistically insignificant numbers, and/or to zero. This loss of evidence would represent a great and
28 irreparable loss to our Nation. It is an essential function of the Article III Judiciary to preserve vital

1 evidence necessary to the adjudication of relevant facts in this case. A recent example of the
2 unscientific overreaction to Covid-19 is the veneer of campus-health protection recently stripped
3 as the country embraces distance learning, while quizzically, vaccine mandates remain in full force.
4 This clearly indicates the agenda is not related to the threat of a virus spreading inside of public
5 schools.

6 **75.** As the Predicament worsens day-by-day, Petitioners will suffer great and irreparable loss if
7 their personal health is compromised and the Nation is reduced to a vast majority of sick, interfile,
8 disabled, mentally-handicapped, and dying Citizens who cannot work or contribute. This is, in fact,
9 the trajectory the United States of America is on with immune-related diseases and disorders. There
10 has never been an infectious disease that has debilitated, injured, or threatened this Nation's actual
11 survival to the extent these immune system disorders currently do. See PRJN2. If this trajectory is
12 not altered, in short order, there will be very few productive Americans left to pay the taxes required
13 to support any branch of government. Pharma, and the governmental bodies that protect, cultivate,
14 and expand its powers, have now outgrown the host. If these health injuries continue to devour the
15 American people at the present rates, this Nation will collapse. Pharma can no longer be permitted
16 to dictate public health policy.

17 **VIII. POWER OF THE ARTICLE III JUDICIARY**

18 **76.** Petitioners respectfully petition the Court for an exercise of its fundamental power under
19 Article III of the Constitution, which provides: "The Judicial Power shall extend to all Cases, in
20 Law and Equity, arising under this Constitution...." U.S. Const. Art. III, § 2, Cl. 1 (in pertinent
21 part).

22 **77.** "While the Constitution diffuses power the better to secure liberty, it also contemplates that
23 practice will integrate the dispersed powers into a workable government. It enjoins upon its
24 branches separateness but interdependence, autonomy but reciprocity." *Youngstown Sheet & Tube*
25 *Co. v. Sawyer*, 343 U.S. 579, 635 (1952) (concurring opinion).

26 **78.** Courts retain the ability to enjoin the President even in situations where the President has
27 broad discretion over an issue because "that discretion is not boundless" and "may not transgress
28 constitutional limitations." *Abourezk v. Reagan*, 785 F.2d 1043, 1061, 251 U.S. App. D.C. 355

(D.C. Cir. 1986). Further, it remains firmly "the duty of the courts, in cases properly before them, to say where th[e] . . . constitutional boundaries lie." *Shreeve v. Obama*, No. 1:10-CV-71, 2010 U.S. Dist. LEXIS 118631 (E.D. Tenn. Nov. 4, 2010).

IX. VACCINE LICENSING AS THERAPEUTIC HUMAN EXPERIMENTATION

79. Petitioners specifically do not seek relief from Subordinate Executive Agencies such as the United States Food and Drug Administration (FDA), because Subordinate Executive Agencies are categorically unable to perform the national security relief requested in this case to save the Nation and safeguard the panoply of Petitioners' constitutional rights. Accordingly, this case is expressly not dependent upon vaccine licensing status, such as the following legal positions of Petitioners that are expressly omitted from this particular case in regards to relief (and lack thereof) from Subordinate Executive Agencies:

- A.** The FDA approves a vaccine after testing for *efficacy and short-term safety* by comparison to concurrently harmful and falsely labeled "placebos". Afterward, a vaccine is licensed as a biologic for general public use because of an FDA waiver/approval based upon a "therapeutic" privilege classification, whereby the FDA waiver/approval is deemed legal because the vaccine continues to be regulated by monitoring (i.e., post-market surveillance).
- B.** "Therapy" means to treat an *existing* disease or condition. By classifying vaccines as "therapeutic" the FDA has wrongly classified *all* Americans as diseased and needing "treatment". This classification does not alter the fact the drug is experimental. Thus, the FDA has stretched the definition of "therapeutic" to include "therapy" for perfectly healthy subjects. FDA has also conflated "treatment" with "prevention" to justify human medical experiments without informed consent for vaccination. But these words still carry their original meaning in a constitutional case. "Treatment" and "prevention" do not mean the same thing, no matter how the FDA classifies their approval of experimental medical products, the risks for which have never been established.

1 C. Myriad forms of vaccine human medical experimentation without informed
2 consent are interpreted by the FDA to be 'legal' in the United States, so long as
3 the FDA "approves" of the treatment and it is decided by unaccountable
4 bureaucrats that thorough informed consent is unwarranted. And the FDA
5 routinely *does* approve of human experimentation in this manner. Vaccine
6 manufacturers concur with the FDA in this process.

7 D. The FDA has contorted their "therapeutic" benefit ("efficacy") into a preemptive
8 justification for the "approval" of vaccinations under the abusive presumption all
9 Americans who are not "up-to-date" on the CDC-recommended vaccines are
10 currently diseased, and therefore all are in urgent need of the "therapeutic
11 benefit" of vaccines. This is how the FDA circumvents the need for any
12 meaningful or enforceable "informed consent", and this is why a product that is
13 legally classified as "unavoidably unsafe" is sold in the USA with the slogan
14 "safe". It's a 'relatively safe' argument, that is only supported by numbers from
15 the VAERS, which we know are *over 99% incorrect*. The VAERS categorically
16 false accounting supplies the "rare" slogan with regard to the frequency of
17 vaccine injuries, which is then used to prop up the "relatively safe" slogan, which
18 results in the fraudulent statement that vaccines are "safe". This is the level of so-
19 called "informed consent" Americans have enjoyed during this ongoing medical
20 experiment. It amounts to 'slogan science'.

21 E. Vaccines approved for public use have a pattern of remaining in Phase 4 FDA
22 approval (monitoring) until eventually recalled or else phased out by new
23 vaccines even more potent/dangerous/adjuvanted than the first.

24 F. Merely because the FDA has approved of a medical experiment being conducted
25 does not eliminate Petitioners' absolute right to avoid participating in it. The
26 FDA could issue every waiver they have and even travel to Edward Jenner's
27 Temple of Vaccinia to pour "holy water" over their approval, (of human medical
28 experiments *without* informed consent) but this does not change the fact that

1 vaccination is experimental according to both common sense and the dictionary
2 definition of the word. FDA approval of human experiments does not grant
3 government authority to coerce healthy individuals into participating in the
4 experiment. Healthy individuals who are strangers to the parties wishing to
5 include them in these experiments, do not provide for any "therapeutic privilege"
6 claim or waiver in any Constitutional case. The FDA is not entitled to the same
7 "therapeutic privilege" that a doctor may use in his defense after injuring a
8 patient. The FDA is not the treating physician for all Americans who can claim to
9 know that "full disclosure would be detrimental to a patient's total care and best
10 interests". And further, no agency of any branch of the government can claim
11 the right to coerce any citizen into participating in a medical experiment merely
12 because the FDA has granted waivers to informed consent requirements. Such
13 FDA waivers (of informed consent) and approvals for widespread medical
14 experiments on the American population, has been taken by our legislative
15 branch to mean they are now entitled to simply coerce all Americans into serving
16 as experimental medical subjects. This action by the FDA leaves the "informed"
17 portion of the issue entirely moot. The therapeutic privilege claim is intended as
18 a *retrospective defense*, not a prospective method of waiving informed consent in
19 human medical experiments. But even if the waiver did apply, FDA approval of
20 an ongoing human medical experiment without informed consent does not
21 deprive individuals of their absolute right to refuse to participate, and in so doing,
22 it is entirely unconstitutional that such Citizens then be discriminated against and
23 segregated.

24 **G.** As the FDA has no power to provide relief to Petitioners, Petitioners have no
25 interest in entering this swamp maze or any other maze of what the FDA does or
26 does not allow, or claim to allow, in FDA regulatory schemes. The relief
27 requested in this case is urgent, and there is no adequate remedy available
28

1 through addressing the myriad agencies, nor is an adequate remedy available in
2 addressing any one state, county, or city government.

3 **80.** Petitioners suffer discrimination for refusal to submit to medical experiments; loss of nation,
4 loss of their own bodies, and even their lives themselves, are at risk. The Survey is necessary to
5 tally up the "sacrifices" Americans have already made with this "unavoidably unsafe" product, to
6 determine if this Nation can survive much more of this "therapy", or whether we are better off
7 taking our chances exercising our immune systems naturally with the likes of measles and chicken
8 pox.

9 **81.** Americans who refuse to participate in the "FDA-approved" long-term human medical
10 experiment of vaccination are not currently identified as a "protected class" of people. This lack of
11 protected classification has contributed to rampant and increasing passage of coercive laws which
12 do discriminate against Americans based solely upon their refusal to donate their bodies, or their
13 children's bodies, to the "advancement" of human medical experimentation, which advancement is
14 impossible in any case due to the failure to use the scientific method to examine the results of the
15 experiment. See PRJN2. No public official or agency has the authority to thrust an unconstitutional
16 condition upon Petitioners, whereby Petitioners are forced to forego one Constitutional right (e.g.,
17 informed refusal) in order to exercise another (e.g., the right to congregate in Christian fellowship at
18 parochial school).

19 **X. VACCINES AS BIOLOGICAL ALTERATION**

20 **82.** Vaccines today are produced utilizing genetically modified ingredients, and using methods
21 that can manipulate the human genome. Vaccine package inserts confirm that vaccines are untested
22 in humans for carcinogenic and mutagenic potential, or for impairment of fertility. See PRJN2.

23 **83.** An example of vaccines as experimental biological alteration is the pharmaceutical
24 industry's use of cancerous "immortal cell lines" in vaccines that are mandated upon the American
25 public. The cell lines used in vaccines are cancerous because they are literally derived from
26 cancerous tumors and have chromosomal abnormalities (mutations) that allow them to continually
27 divide and spread throughout the host's body. Public health authorities recently decided to *begin* a
28 purported "investigation" into whether or not a so-called "safer" method of cultivating disease-

causing agents for the vaccine industry might be possible. This comes *after* billions of doses of these cancer-tumor cell lines (“immortal” cell lines) have *already* been injected into Americans. There is zero plan by public health authorities to halt the use of these experimental vaccines *while* they claim to “investigate” “safer” alternatives (to injecting millions of Americans with cancer tumor cells). This use of cancerous cell lines in vaccines amounts to a human experiment upon the American people, whereby Americans are permanently biologically altered without their knowledge or consent. Public health authorities continue to claim, without support of any numerical justification, that injecting Americans with cancer is “worth the risks” because of the “therapeutic benefit” of the pharmaceutical company’s “treatment”. Petitioners’ provide numerical proof that injecting Americans with cancer causes harm and is not beneficial to individuals and our Nation. Biological alteration via dangerous vaccines without numerical proof of safety does not promote a compelling government interest. Nor is the vaccine program narrowly tailored to meet a compelling government interest -- vaccination is a one-size-fits-all biological alteration experiment upon the entire populace. Vaccination programs are also targeted to disparately impact protected classes, as public health authorities customize their advertising and distribution strategies based on such factors as race, religion, age, gender, and health conditions. A recent example of this protected class targeting is a document entitled Interim Framework for COVID-19 Vaccine Allocation and Distribution, which is cited by the CDC for its nationwide COVID-19 vaccine-allocation strategy. This report reveals that ethnic and racial minorities, those over sixty-five, and those who make up part of the “essential” workforce, are set to be the first to receive experimental COVID-19 vaccines. Public health authorities are engaged in a pattern and practice of targeting protected classes who demonstrate what they label “vaccine hesitancy”, for the purpose of eliminating distinctions among Americans with regard to vaccination uptake.

XI. PUBLIC HEALTH AUTHORITIES CLAIM THEY DO NOT KNOW THE CAUSE OF THE CHRONIC ILLNESS PANDEMIC

84. Public health authorities consistently claim they've *no idea* what's actually responsible for all of these *immune system* related disorders, disabilities, diseases, and deaths, of which our National

1 non-infectious National Health Pandemic is comprised. Similar to pleading the 5th, they only
 2 obfuscate the problem by repeating their myriad vague suggestions that ‘unidentified environmental
 3 factors’ and/or ‘genetic factors’ are the likely causes. Intentionally wearing a blindfold to the
 4 single *most obvious cause* does not qualify as 'science'. These authorities are engaged in a pattern
 5 and practice of omitting any reference to vaccination as the leading environmental factor which *is*
 6 *engineered to alter the human immune system*. Likewise, the same pattern and practice is
 7 championed by ‘nonprofit’ organizations who gain billions of dollars annually to perpetually study
 8 anything *but* vaccination as a possible cause of immune-system disorders.

9 **XII. SURVEY AND STUDY ETHICS**

10 **85.** The generally accepted standard of care throughout the Nation requires doctors to physically
 11 examine a patient and review a detailed personal and family medical history prior to informed
 12 consent in vaccination. And yet, this ethical requirement, to evaluate the risk/benefit ratio of
 13 vaccination *before* injection, has never *once* been recognized by any doctor, nurse, or pharmacist. It
 14 could not have been. This is because the VAERS, which is our only National system for capturing
 15 the *number* of vaccine injuries, i.e., numerical risk value, fails *over 99% of the time*. A “ratio” is a
 16 term of *math*, and it cannot be calculated without relevant *numbers*. It cannot be calculated with
 17 “expert” slogans or opinions. The only “ethical” scientific method that can be applied here, is to
 18 maintain the status quo of unvaccinated scientific controls.

19 **86.** These controls have already lost, and are threatened with further loss of, many of their rights
 20 in order to avoid serving as subjects in medical experimentation. They already wish to remain
 21 unvaccinated, and there is no evidence this exceptionally health minority places anyone else at risk.
 22 Those who have already submitted themselves to vaccination, and who wish to continue doing so at
 23 this time, are purported to be immune, and therefore “safe” according to current public health
 24 authorities. The injunctive relief requested at this time will not affect or harm the vaccine-exposed
 25 population, nor limit their ability to serve in more experiments.

26 **87.** Because this is a *retrospective* study of outcomes and exposures, (events that have already
 27 occurred) there can be no argument the collection of this data could possibly place any party at risk,
 28 or otherwise affect their prior medical choices. It is merely the gathering of historical data. Together

1 with acknowledgment of the common practice of including unvaccinated individuals in ethically
2 designed surveys and studies, this provides direct evidence that it is ethical for researchers to survey
3 unvaccinated individuals to obtain a detailed personal medical history. The Survey and Study
4 requested by Petitioners is consistent with the medical ethic of informed consent. Petitioners are
5 not requesting a survey or study that prevents any individual from receiving a vaccination; to the
6 contrary, the Petitioners request a survey and study that encourages individuals to exercise informed
7 consent and informed refusal in vaccination.

8 **XIII. PRECAUTIONARY PRINCIPLE**

9 **88.** Due to the Petitioners' *prima facie* showing that vaccination is the likely primary suspect in
10 the National Health Pandemic, and the cause, together with Petitioners' panoply of Constitutional
11 rights infringed as a direct result of their choice to decline participation in vaccination programs, the
12 legal burden must shift to Respondent to demonstrate that either vaccines are not implicated in a
13 statistically significant manner to the National Health Pandemic, or that, even if they are implicated
14 in a statistically significant manner that the benefits outweigh the risks and consequences to the
15 Nation. See e.g., Wilyman, J. (2020). Misapplication of the Precautionary Principle has Misplaced
16 the Burden of Proof of Vaccine Safety. *Science, Public Health Policy & the Law*. Nov 2020 2:23-
17 34. <https://www.publichealthpolicyjournal.com/ethics-in-science-and-technology> ("In 1960
18 Macfarlane Burnet, Nobel Prize laureate for immunology, stated that genetics, nutrition,
19 psychological and environmental factors may play a more important role in resistance to disease
20 than the assumed benefits of artificial immunity induced by vaccination. He considered that genetic
21 deterioration of the population may be a consequence of universal mass vaccination and he
22 postulated that in the long-term vaccination may be against the best interests of the state.... The
23 historical record shows that deaths and illnesses to infectious diseases fell due to public health
24 reforms – and prior to the introduction of most vaccines. Since 1990 there has been a 5-fold
25 increase in chronic illness in children in developed countries and an exponential increase in autism
26 that correlates directly with the expansion of government vaccination programs. Many individuals
27 are genetically predisposed to the chronic illnesses that are increasing in the population and since
28 1995 governments have not used mortality or morbidity to assess outcomes of vaccination

1 programs. Human health can be protected in government policies if the precautionary principle is
2 used in the correct format that puts the onus of proof of harmlessness on the government and
3 pharmaceutical industry, and not the general public.”)

4 **XIV. CONSTITUTIONAL BASES OF PETITIONERS’ REQUEST FOR DECLARATORY**
5 **RELIEF**

6 **89.** Petitioners allege that rigorous and ethical scientific survey of unvaccinated individuals is a
7 mathematically necessary component in ending the National Health Pandemic, such that protecting
8 the panoply of Constitutional rights of the unvaccinated, including the minor Petitioners and their
9 families, is necessary to survival of the nation.

10 **90.** Petitioners allege a panoply of violations of their constitutional rights. The allegations
11 contained in this Petition form an adequate basis for standing to seek declaratory and injunctive
12 relief.

COUNT NUMBER ONE

13 **Constitution for the United States of America, Perpetuity Principles in Article II, Section 1**
14 **(Oath of Office) and Article II, Section 3 (Laws Faithfully Executed)**

15 **91.** The foregoing paragraphs are repeated and incorporated as though fully set forth herein.

16 **92.** In accordance with Article II, Section 8, of the Constitution for the United States of
17 America, the President takes the Oath of Office.

18 **93.** By virtue of the presentation and filing of this action, Respondent has been placed on notice
19 of the four judicially noticeable facts set forth in paragraph 24. Such facts are not political
20 questions. Rather, observation of such facts is vital to ensure the very survival of the Nation from
21 the National Health Pandemic. The manner in which Respondent takes action on such judicially
22 noticeable facts would involve his reasonable executive discretion, but the imperative of
23 recognizing the judicially noticeable facts and taking *some* appropriate action reasonably engineered
24 to prevent the collapse of this Nation and prevent further harm to its people, is neither discretionary
25 nor political. The tool of the Executive Order has been utilized historically to accomplish
26 nationwide relief against countless State and local laws oppressing individuals across jurisdictions -
27 - for example, when President Abraham Lincoln freed slaves by Executive Order, blacks were not a
28 protected class. When President Dwight Eisenhower used the tool of the Executive Order to

1 desegregate schools (with the cooperation of the Federal Courts), he upheld civil rights by
2 preempting oppressive State and local laws across the country. To help emphasize the need for
3 nationwide relief on this specific issue of vaccination, Petitioners will respectfully submit a logical
4 analogy: this Nation is like a patient with indisputably diagnosed aggressive Stage III cancer that
5 *will be terminal* if the cancer continues on the current trajectory. Respondent is like the Nation's
6 hospital director overseeing the physicians who are just now receiving the lab results proving the
7 aggressive nature of that cancer. Respondent has reasonable discretionary authority regarding his
8 next course of action regarding the physicians' recommendations to the patient, but the physicians
9 must still respect their Physician's Oath to be aware of the patient's state of health and to
10 recommend something defensible to save the patient's life, even if that something defensible is only
11 to refer the patient to another physician (and indeed at that point, the patient's choice of care
12 provider may be a political question). So the duty to save the patient's life is nondiscretionary
13 (justiciable), but the choice of how to accomplish that goal (within the bounds of strict scrutiny) is
14 discretionary (political question).

15 **94.** The Petitioners have presented here a reasonable, logical, and executable plan of action to
16 preserve the evidence critical to the scientific method, and a path to absolute certainty as to what
17 further actions may save this Nation from collapse.

18 **95.** This action arises under those specific aspects of the oath of office in Article II, Section 1, of
19 the Constitution for the United States of America, which aspects are not political questions or
20 discretionary matters, but rather which are necessary. Petitioners do not seek justiciability over any
21 political questions reserved to Respondent, but rather Petitioners assert justiciability with respect to
22 the Court's fundamental power under Article III of the Constitution for the United States of
23 America, to act as an intermediary between the President of the United States of America and the
24 People of the United States of America, on the specific issue of the declaratory and injunctive relief
25 requested in this particular case due to the extraordinary and imminent national security emergency
26 threatening the very existence of the Nation. The dissolution of America is imminent unless
27 Respondent (or this Court in respect of him) takes appropriate action.

1 employment. Petitioners are also religiously opposed to vaccination for other valid and defensible
2 reasons, such as opposition to technology where species and toxins are mixed together for injection
3 into God's creation, the human body, not only because the bible instructs to treat the body as a clean
4 vessel, a temple for the Holy Spirit, but because the health effects of this activity are detrimental to
5 human health.

6 **102.** Petitioners have suffered vilification, coercion, segregation, protected class targeting,
7 disparate impact, and social isolation (collectively "Vilification") from both Federal entities and
8 other entities receiving Federal funds, on account of Petitioners' exercise of Constitutional rights
9 alleged herein, including but not limited to freedom of religion in remaining unvaccinated. Such
10 Vilification has actively segregated Petitioners in various private and public places, including but
11 not limited to military service, choice of school, and choice of employment.

12 **103.** Previous executive orders upholding religious freedom have neither addressed nor
13 remedied the full Predicament threatening the Nation.

14 **104.** The threatened, further and more comprehensive vaccine mandates against
15 Petitioners, by operation, violate Petitioners' ability to practice their religious beliefs which are a
16 Constitutionally protected right secured to them by the First Amendment.

17 **105.** Petitioners also experience a certain and palpable threat of mandatory vaccination
18 during perceived public health emergencies even when those 'emergencies' later prove to be based
19 on public fear rather than mathematical facts.

20 **106.** Respondent has the duty to acknowledge that a minority of Americans have been
21 segregated and to take some appropriate action in his reasonable discretion to either desegregate or
22 justify the continued infringement upon Petitioners' 1st Amendment, and other rights. Petitioners
23 further petition for Respondent to take some appropriate action in Respondent's reasonable
24 discretion to safeguard Petitioners 1st Amendment rights that protect them as individuals who are
25 desired candidates for scientific control group surveys and studies, including but not limited to the
26 Survey and Study requested by Petitioners.

27 **107.** Petitioners are engaged in Constitutionally protected activity as set forth herein, and
28 are subject to discrimination as a result. Respondent's Oversight (in the omissions sense of the

word) to remedy the Predicament and issue the Suspension has chilled persons of ordinary firmness from continuing to engage in Constitutionally protected activity. Petitioners' protected activity, including but not limited to existing in their God-given natural/unvaccinated state, was a substantial or motivating factor for their position in regards to the Predicament, which is sustained by Respondent's Oversight in the omissions sense of the word.

COUNT NUMBER THREE

Constitution for the United States of America, Amendment 5 (Bodily Integrity)

108. The foregoing paragraphs are repeated and incorporated as though fully set forth herein.

109. Petitioners assert the Due Process Clause of the Fifth Amendment upholds the fundamental right of an individual to personal bodily integrity in medical decision making.

110. The United States Supreme Court has consistently recognized the Constitutional right of every non-incarcerated individual to remain free from forced medical treatment. See e.g., *Cruzan v Director, Missouri Dept of Health*, 497 US 261, 279 (1990), "It cannot be disputed that the Due Process Clause protects an interest in life as well as an interest in refusing life-sustaining medical treatment."

111. For the last 100+ years, courts have attempted to justify vaccination mandates by citing *Jacobson v. Massachusetts*, 197 U.S. 11 (1905). *Jacobson* concerned a small pox outbreak in Massachusetts around the turn of the 20th century, well before the days of strict scrutiny analysis.⁹ In a 7-2 decision applying the 14th Amendment to an individual born in Sweden who immigrated to the United States, the Court upheld the right of local public health authorities to require that persons over age 21 who were fit subjects for vaccination either (1) submit to vaccination, (2) pay a \$5 fine to avoid vaccination, or (3) leave the jurisdiction. Given the practical options available to avoiding

⁹ *Roman Catholic Diocese v. Cuomo*, No. 20A87, 2020 U.S. LEXIS 5708, at *16 (Nov. 25, 2020) (Justice Gorsuch concurring, "Why have some mistaken this Court's modest decision in *Jacobson* for a towering authority that overshadows the Constitution during a pandemic? In the end, I can only surmise that much of the answer lies in a particular judicial impulse to stay out of the way in times of crisis. But if that impulse may be understandable or even admirable in other circumstances, we may not shelter in place when the Constitution is under attack. Things never go well when we do.")

1 forced medical treatment (i.e., paying a fine or leaving the jurisdiction), the case has been cited both
2 in favor of forced medical treatment, and against it. But what is certain is that later cases upholding
3 *Jacobson* also upheld:

4 A. Forced sterilization of human beings. *Buck v. Bell*, 274 U.S. 200 (1927) (later
5 overturned); and

6 B. Abortion -- *Roe v. Wade*, 410 U.S. 113, 154 (1973) (criticized but not yet
7 overturned). This is the slippery slope where a “right” (to a medical procedure)
8 can fast evolve into the government’s “right” to force the procedure, as is seen in
9 communist China.

10 The *Jacobson* Court took judicial notice of “a common belief of the people” (namely, that
11 vaccines are ‘safe enough for government work’) and elevated it to ‘fact’. *Id.* at 35. It cannot be
12 whitewashed that modern vaccination, with its aborted fetuses, DNA manipulation, and
13 nanotechnology, is deeply and shockingly unsafe. It even borders on the ridiculous to sustain today
14 the archaic *consensus gentium* cited in *Jacobson*, to condone sacrificing individuals for the masses
15 based upon the *false* and now-disproven beliefs of the masses in 1905. Indeed, as the US Supreme
16 Court had cautioned only three years earlier, “[i]t should ever be the care of courts of justice to
17 guard human life and liberty against being sacrificed by public prejudice or excitement.” *Dreyer v.*
18 *Ill.*, 187 U.S. 71, 76 (1902).

19 The public health authorities misciting *Jacobson* today consistently do so to justify their
20 sacrificial excitement rather than correct beliefs [sic]. In this manner, for 100+ years the *Jacobson*
21 opinion has held America hostage to a false and rigid “belief” system held by locals of a small city
22 in 1905. The government officials genuinely believed Henning Jacobson and his son needed to
23 sacrifice their bodies for the masses of Massachusetts. But would these locals ever have believed or
24 imagined the far-reaching consequences of their support for sacrificing Jacob and his son ... forced
25 sterilizations, forced aborted fetus vaccines, forced DNA alteration vaccines, judicially condoned
26 quarantines, church attendance limits, etc. Such is the rotten fruit of a rotten tree. All of this could
27 have been avoided from 1905 to the present day if the Court in *Jacobson* had only based its fateful
28

1 decision on the equivalent of Petitioners' Requests for Judicial Notice filed in this action, rather
2 than having succumbed to the "common belief" of the masses in 1905.

3 **112.** Already in this decade beginning in 2020, America is witnessing a biotechnology
4 revolution by pharmaceutical companies advancing new vaccines unknown to the 1905 Supreme
5 Court:

6 **A.** Vaccines such as chickenpox and rubella that are cultured from aborted human
7 fetal tissue,

8 **B.** Vaccines that manipulate human DNA,

9 **C.** Vaccines incorporating nanotechnology,

10 **D.** Vaccines manufactured from cancerous "immortal cell lines", and

11 **E.** Vaccines employing human tracking technology.

12 Petitioners submit this biotechnology revolution cannot be ignored. The time has already
13 come to remember Justice Harlan's caveat on his 1905 case holding in *Jacobson*, "There is, of
14 course, a sphere within which the individual may assert the supremacy of his own will, and
15 rightfully dispute the authority of any human government, especially of any free government
16 existing under a written constitution, to interfere with the exercise of that will." *Jacobson, supra*, at
17 29. *Jacobson* was not intended to become an open door to unlimited technological advancements
18 so long as a pharmaceutical company attaches its behavior to the word "vaccine". Even before
19 Covid-19 vaccination, according to the trade publication PHRMA, there were over 250 new
20 vaccines in development. BigPharma is steadily increasing the quantity of vaccines mandated upon
21 the public by government officials receiving so-called "donations" from BigPharma.

22 **113.** Based on the above-described uncertainty surrounding the legal question of 'forced
23 vaccination', the fact compliance with the dictates of pharma are already wrongly enforced against
24 the people by discrimination, and the hotly debated ethical questions surrounding biotechnology,
25 legal scholars and public health officials on all sides continue to debate (or in some cases hide from
26 debate), while the survival of the Nation hangs in the balance.

27 **114.** Petitioners are individuals able to provide informed consent/refusal for themselves
28 and their children with respect to vaccination. No public official or agency has the authority to

1 provide informed consent/refusal on behalf of Petitioners, nor to *coerce* Petitioners (who *are*
2 informed) into "consenting" to participate in a vaccination program within the Predicament.

3 **115.** Although Petitioners here are informed, they do not consent to serve as experimental
4 medical subjects by participation in any vaccination program or other vaccination requirement
5 imposed upon the public within the Predicament. Such lawful exercise of their right to refuse to
6 participate, cannot serve as lawful grounds for discrimination against them. Arguments to the
7 contrary are repugnant to the Constitution for the United States of America. Before denial of rights,
8 due process places the burden on any party wishing to thusly coerce, to first prove the plaintiffs
9 have done something to warrant the loss of such a fundamental right, i.e., the right to refuse to
10 consent to serve as the subject of medical experimentation.

11 **116.** As a direct and proximate result of Petitioners not providing their informed consent
12 to participation in vaccination programs with a mathematically undefined risk of causing Petitioners
13 disability or death, Petitioners have suffered Vilification as set forth herein.

14 **117.** Respondent is not the sole cause of the Vilification, nor the sole cause of the threats
15 of mandatory vaccination, but rather Respondent has the responsibility to acknowledge that
16 America has been segregated and to take some appropriate action in Respondent's reasonable
17 discretion to either desegregate or justify the continued infringement upon Petitioners' 5th
18 Amendment and other rights. Petitioners further petition for Respondent to take some appropriate
19 action in Respondent's reasonable discretion to safeguard Petitioners' 5th Amendment rights that
20 protect them as individuals who are desired candidates for scientific control group surveys and
21 studies, including but not limited to the Survey and Study requested by Petitioners.

22 **COUNT NUMBER FOUR**
23 **Constitution for the United States of America, Amendment 5 (Freedom from Government**
24 **Created Danger)**

25 **118.** The foregoing paragraphs are repeated and incorporated as though fully set forth
26 herein.

27 **119.** Petitioners have the 5th Amendment Due Process right to be free from Respondent
28 placing Petitioners in the Predicament, a position of actual, particularized danger based upon the

1 deliberate indifference of Subordinate Executive Agencies and myriad others to a known and
2 obvious danger in the National Health Pandemic, especially during the unscientific hysteria and
3 overreaction of local health officials to Covid-19.

4 **120.** By Oversight in the omission sense of the word, Respondent has not prevented the
5 Vilification, infliction of threats and coercion of mandatory vaccination upon Petitioners, which has
6 placed Petitioners in a position of an actual, particularized danger threatening national security.

7 **121.** Respondent has actively supported Subordinate Executive Agencies and myriad
8 others contributing to the Predicament in spite of their deliberate indifference to known and obvious
9 dangers, thereby creating and exposing Petitioners to dangers, the intensity of which Petitioners
10 may not have otherwise faced.

11 **122.** Petitioners' current and future injuries as herein stated are reasonably foreseeable to
12 Respondent.

13 **COUNT NUMBER FIVE**

14 **Constitution for the United States of America, Amendment 4 (Zone of Privacy)**

15 **123.** The foregoing paragraphs are repeated and incorporated as though fully set forth
16 herein.

17 **124.** Petitioners assert the Privacy Clause of the Fourth Amendment respects the
18 fundamental right of an individual zone of privacy in human autonomy necessary to medical
19 decision making.

20 **125.** Petitioners live constantly under threat and danger of seizure by myriad authorities
21 who make mathematically unfounded medical determinations that being unvaccinated is
22 "dangerous" and "vaccines are safe".

23 **126.** It is widely known and recognized among unvaccinated Americans that child welfare
24 authorities are notorious for citing non-vaccination as a basis for medical neglect charges. Living in
25 a state of fear of child welfare authorities infringes each Petitioners' zone of privacy in medical
26 decision making. It has unnaturally limited each Petitioner's choice of medical provider, and
27 caused further disruption to their doctor-patient relationships.

28 **127.** Respondent is not the sole cause of the threats of child seizure, nor the ongoing
disruption of doctor-patient relationships, but rather Respondent has the responsibility to

1 acknowledge such issues, and to take some appropriate action in Respondent's reasonable discretion
2 to either desegregate or justify the continued infringement upon Petitioners' 4th Amendment rights.
3 Petitioners further petition for Respondent to take some appropriate action in Respondent's
4 reasonable discretion to safeguard Petitioners' 4th Amendment rights that protect them as
5 individuals who are desired candidates for scientific control group surveys and studies, including
6 but not limited to the Survey and Study requested by Petitioners.

7
8 **COUNT NUMBER SIX**
9 **Constitution for the United States of America, Amendment 8 (Cruel and Unusual**
10 **Punishment)**

11 **128.** The foregoing paragraphs are repeated and incorporated as though fully set forth
12 herein.

13 **129.** Petitioners assert the Eighth Amendment Clause prohibiting Cruel and Unusual
14 Punishment.

15 **130.** Cruel and Unusual Punishment is defined as follows: "Cruel and unusual
16 punishment. Punishment that is that is torturous, degrading, inhuman, grossly disproportionate to
17 the crime in question, or otherwise shocking to the moral sense of the community." Black's Law
18 Dictionary Deluxe 8th Edition.

19 **131.** Many vaccines have been recalled and phased out as new discoveries revealed
20 hidden dangers. When healthy parents choose to forego injecting their healthy children with
21 whatever particular vaccine the government happens to be promoting at that particular time and
22 place, parents are frequently threatened by child protective services that their parental rights will be
23 stripped and their children will be taken away and given to strangers. This constitutes cruel and
24 unusual punishment. Healthy families being separated and healthy people being ousted from society
25 for their refusal to inject government-mandated biotechnology is a grossly disproportionate
26 response to the parental choice of non-cooperation with human medical experimentation. The
27 punishment is tortuous, degrading, and inhuman.

28 **132.** Mandatory and coerced biological alteration is cruel and unusual. Children, young
people, and pregnant women have been especially victimized by vaccines that have not been fully

1 studied and which permanently alter their DNA in unknown measure. It is cruel and unusual when
2 health officials use State powers to give pharmaceutical companies unmeasured control over
3 individual posterity.

4 **COUNT NUMBER SEVEN**

5 **Constitution for the United States of America, Amendment 13 (Prohibition on Slavery and**
6 **Involuntary Servitude)**

7 **133.** The foregoing paragraphs are repeated and incorporated as though fully set forth
8 herein.

9 **134.** Petitioners assert the Prohibition of Slavery and Involuntary Servitude Clause of the
10 Thirteenth Amendment upholds the fundamental right of an individual to be free from forced and
11 coerced participation in a national program involving medical decision making.

12 **135.** According to Blacks Law Dictionary, 8th Edition, slavery is defined as follows: "A
13 situation in which one person has absolute power over the life, fortune, and liberty of another."

14 **136.** By the removal of Petitioners' choices over their personal health, religious freedom,
15 educational, and career opportunities, and forcefully invading their personal autonomy, Petitioners'
16 13th Amendment rights have been violated by Respondent's Oversight, in the omission sense of the
17 word, toward Subordinate Executive Agencies and myriad others contributing to the Predicament.

18 **137.** Petitioners set forth this Count Number Seven with the utmost respect for those who
19 laid the foundation of this Constitutional right: African Americans before the 13th Amendment, who
20 suffered their own distinct and direct forms of slavery (including but not limited to the subjugation
21 of their health freedom) prior to the Executive Order and Emancipation Proclamation by President
22 Abraham Lincoln on September 22, 1862. At the time of President Lincoln's Order, African
23 Americans were not a protected class. But the 13th Amendment does not state that only African
24 Americans are protected from slavery and involuntary servitude. It outlaws involuntary servitude in
25 the United States regardless of race. Agency approval of medical interventions that remain
26 experimental, does not transform them into nonexperimental. And agency approval of such
27 experiments without informed consent, cannot be stretched to an interpretation that authorizes the
28 discrimination and denial of rights as punishment for those who refuse to consent.

1 **138.** As set forth in PRJN1 and PRJN2, the long-term effects of vaccine-triggered human
2 immune system alterations have remained numerically undefined because they had never been
3 studied or evaluated by the US Government for long-term health risks, nor have they been studied
4 by the US Government for their cumulative health risks. However, Petitioners present here, clear
5 evidence of numerical risks associated with vaccination, risks they are unwilling to subject
6 themselves to. Vaccines are, at best, still experimental, and government mandates of participation in
7 an experiment amount to involuntary servitude in a government enforced medical experiment.

8 **139.** Nothing in the Constitution for the United States of America grants government the
9 power to force individuals to participate in human medical experiments. The Constitution for the
10 United States of America sets limits on government powers. And where those powers are not listed,
11 they are prohibited.

12 **140.** Petitioners' rights to avoid involuntary servitude in human medical experiments are
13 imminently threatened. Because Petitioners refuse to participate in the medical experiment of CDC
14 recommended vaccination, they face daily discrimination in their own States, and throughout this
15 Nation, resulting in ineligibility for military service, loss of employment opportunities, threatened
16 loss of parental rights, and the denial of educational opportunities.

17 **141.** Petitioners, for themselves and for their fellow Citizens similarly situated (who are
18 also essential to inform and contribute to the needed Survey and Study), seek protection from any
19 form of discrimination based solely upon their refusal to serve, and/or to commit their children to
20 serve, as medical research subjects. Codifying human medical experiment without informed consent
21 as a protected activity within the United States does not nullify the Citizen's 13th Amendment
22 protection against being coerced into participating in it. Governmental agency "approval" of human
23 medical experimentation does not strip Citizens of their absolute right to refuse to serve as medical
24 research subjects.

25 **142.** The 13th Amendment guarantees all Citizens this right to refuse to serve as medical
26 research subjects. And government has been granted no power to preemptively extinguish any of
27 their other rights, under color of law, as retribution for their failure to obey the dictates of the
28 pharmaceutical industry. No branch of government, and no government agency within the United

1 States, has authority to discriminate against Citizens based solely upon their refusal to serve as
2 medical research subjects.

3 **143.** Because the federal government offers no meaningful protection against involuntary
4 servitude in vaccination programs as human medical experimentation, individual Citizens must
5 protect themselves. However, the ability to independently protect oneself from vaccination as a
6 form of human medical experimentation is routinely dismissed by local authorities who do not
7 consider vaccination programs to be a form of human experimentation. Ignorance of the fact
8 vaccines are experimental, leads to segregation and enforcement of discrimination against those
9 who refuse to participate. Agency “approval” of medical experimentation without (or agency
10 “waiver” of) informed consent has led to a generalized fallacy that this means the intervention is not
11 experimental, and/or that any medical intervention so “approved” transforms it into an intervention
12 that can be forced upon the public against their will. It is therefore increasingly difficult for
13 Petitioners to protect themselves from becoming experimental medical subjects, as a patchwork of
14 ever-changing discriminatory laws, regulations, and policies are enforced against the unvaccinated.

15 **144.** Respondent is not the sole cause of the threats of involuntary servitude, but rather
16 Respondent has the responsibility to acknowledge such issues, and to take some appropriate action
17 in Respondent’s reasonable discretion to either desegregate or justify the continued infringement
18 upon Petitioners’ 13th Amendment rights. Petitioners further petition for Respondent to take some
19 appropriate action in Respondent’s reasonable discretion to safeguard Petitioners’ 13th Amendment
20 rights that protect them as individuals who are desired candidates for scientific control group
21 surveys and studies, including but not limited to the Survey and Study requested by Petitioners.

22 **COUNT NUMBER EIGHT**

23 **Constitution for the United States of America, Amendment 14 (Equal Protection of the Laws)**

24 **145.** The foregoing paragraphs are repeated and incorporated as though fully set forth
25 herein.

26 **146.** Petitioners assert the Equal Protection of the Laws Clause of the Fourteenth
27 Amendment upholds the fundamental right of an individual to the equal protection of the laws in
28

1 such manner to prohibit segregation of American society based upon individual exercise of freedom
2 of religion in medical decision making.

3 **147.** Innumerable local governments, educational institutions, and businesses receive
4 federal funding and federal contracts, and yet have implemented and enforce systematic segregation
5 of unvaccinated individuals from vaccinated ones.

6 **148.** Respondent is not the sole cause of segregation, but rather Respondent has the
7 responsibility to acknowledge such issues, and to take some appropriate action in Respondent's
8 reasonable discretion to either desegregate or justify the continued infringement upon Petitioners'
9 14th Amendment rights. Petitioners further request Respondent take some appropriate action in
10 Respondent's reasonable discretion to safeguard Petitioners' 14th Amendment rights that protect
11 them as individuals who are desired candidates for scientific control group surveys and studies,
12 including but not limited to the Survey and Study requested by Petitioners.

13 **COUNT NUMBER NINE**

14 **Constitution for the United States of America, Amendment 9 (Rights Retained)**

15 **149.** The foregoing paragraphs are repeated and incorporated as though fully set forth
16 herein.

17 **150.** Petitioners assert the Rights Retained Clause of the Ninth Amendment upholds the
18 absolute right of the Citizen to remain peacefully natural.

19 **151.** According to the Congressional Research Service (Mandatory Vaccinations:
20 Precedent and Current Laws, Congressional Research Service. May 21, 2014), if an individual in
21 the United States of America refuses to be vaccinated they may be quarantined during a public
22 health emergency giving rise to the vaccination order.

23 **152.** Quarantine immediately jeopardizes a parent's guardianship rights with their minor
24 children. See e.g., *Heller v. Doe*, 509 U.S. 312, 332 (1993) ('[T]he state has a legitimate interest
25 under its parens patriae powers in providing care to its citizens who are unable to care for
26 themselves....')"

27 **153.** So the forced vaccination of children becomes an immediate threat during an
28 emergency as the State becomes legally empowered to (a) forcefully vaccinate the children directly

(when the state has taken guardianship itself after denying the parent the ability to be gainfully employed) or (b) placing the children into the custody of another guardian (such as a family member or a ‘qualified’ stranger) willing to process the children for forced vaccination. The scenario of forcing Citizens into government dependence as retribution for their refusal to submit themselves and their children into servitude as medical experiments, leads to the government then justifying *further* interventions. It is first to break one’s legs, only to then point at them and say ‘Now we must take your children because you’re clearly an inadequate parent. Since you’ve refused to submit your children to medical experimentation, we’ve now taken charge of them and shall do as we wish.’ There is no rational interpretation of the Constitution that would not find this outcome repugnant to it. And yet this is the very situation the Petitioners here are increasingly threatened with, in what was intended to be a free Republic.

154. In this Republic, American Citizens do not permit any ruler to exercise absolute power over a fundamental right. For example, the reason government cannot lawfully make it a crime to have brown eyes is because there is no way for a brown-eyed person to safely navigate the rule to avoid punishment. Even to require him to wear sunglasses is to make being peacefully natural a crime. Or more forcefully, where a rule punishes a peaceful man for being natural, it is not law, but a declaration of absolute power by a tyrannical government body or agent. A right becomes inalienable when it cannot be separated from a peaceful man without destroying him (i.e., right of self-defense, or right to exist naturally). In *Yik Wo v. Hopkins*, 118 US 356 (1885) the Supreme Court stated, "When we consider the nature and the theory of our institutions of government, the principles on which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power. Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power." In this manner, Petitioners’ assert the absolute right to be peacefully natural.

1 **155.** Petitioners live under a justifiable constant threat that they can be quarantined, lose
2 parental rights, and forcefully vaccinated simply for refusing a vaccination that gave rise to their
3 quarantine order. Gone are the days when the logical method of quarantining sick people was in
4 practice. Instead now, *every* healthy person is preemptively assumed guilty without due process,
5 and denied gainful employment, education, and even the right to travel or visit with loved ones. In
6 this manner, forced vaccination becomes a potentiality at the whim of a public official merely due
7 to Petitioners' initial refusal to submit to forced vaccination. Therefore, a patchwork of local
8 authorities is able to assert it is unlawful to be peaceful and unvaccinated in the event of an
9 emergency, provided that the public official decides to vaccinate any given population of
10 individuals in that official's discretion.

11 **156.** This prohibition on being peacefully natural jeopardizes the constitutionality of
12 public health statutory schemes because the government is not permitted to criminalize innocent
13 conduct. Due process requires that before fundamental rights may be stripped, they must be given
14 notice of the crime so warranting it, and an opportunity to defend against the charges. Through a
15 complex web of schemes, this burden has been entirely eliminated, and it is now assumed by our
16 agencies that all healthy Americans may be summarily stripped of their most fundamental rights,
17 including their right to *survive* and feed their families through gainful employment. The concept
18 that this right is disposable because the government will surely step in and pay for everything, has
19 proven *untrue* during the Covid-19 hysteria. The government cannot be relied upon to make certain
20 all Americans who need help, will get help, after the government hobbles the American people by
21 force. This is the method by which the government steals more freedoms, by taking 'responsibility'
22 for things the Constitution never authorized, and which American Citizens would prefer to provide
23 for themselves. In this Republic, Citizens have a right to provide for themselves. Faulty
24 interpretations that led to literally every possible need of the people becoming a "right", led to the
25 government assuming powers far exceeding those outlined in the Constitution.

26 **157.** Respondent is not the sole cause of the threats of mandatory vaccination, but rather
27 Respondent has the responsibility to acknowledge such issues, and to take some appropriate action
28 in Respondent's reasonable discretion to either desegregate or justify the continued infringement

1 upon Petitioners' absolute rights. Petitioners further petition for Respondent to take some
2 appropriate action in Respondent's reasonable discretion to safeguard Petitioners' absolute rights
3 that protect them as individuals who are desired candidates for scientific control group surveys and
4 studies, including but not limited to the Survey and Study requested by Petitioners.

5
6 **COUNT NUMBER TEN**

7 **Constitution for the United States of America, Amendment 10 (Powers Reserved)**

8 **158.** The foregoing paragraphs are repeated and incorporated as though fully set forth
9 herein.

10 **159.** Petitioners assert the Powers Reserved Clause of the Tenth Amendment reserves
11 undelegated medical decision making powers to each Citizen.

12 **160.** Each Petitioner is the sole person able to provide informed consent/refusal for
13 themselves and their children with respect to vaccination. No public official or agency has the
14 authority to provide informed consent/refusal on behalf of Petitioners.

15 **161.** Petitioners have not provided informed consent or assent to participation in any
16 vaccination program or other vaccination requirement purportedly imposed upon the public.

17 **162.** As a direct and proximate result of Petitioners not providing their informed consent
18 or assent to participation in vaccination programs with a mathematically calculated risk of causing
19 Petitioners disability that exceeds 50%, according to the only reasonably-reliable numbers available
20 as seen on the TCG American Survey, Petitioners have suffered Vilification as set forth herein.

21 **163.** Respondent is not the sole cause of the Vilification, nor the sole cause of the threats
22 of mandatory vaccination, but rather Respondent has the responsibility to acknowledge that
23 America has been segregated and to take some appropriate action in Respondent's reasonable
24 discretion to either desegregate or justify the continued infringement upon Petitioners' panoply of
25 Constitutional rights.

26 **XV. CONCLUSION**

27 **164.** In the *Dred Scott* case, the U.S. Supreme Court erroneously interpreted the
28 Constitution to mean all men are *not* "created equal". This decision was ultimately overruled by a
duly elected President. If not for that President breaking the chains of injustice created by other

1 entrenched and self-serving branches of government, the people's efforts in securing the freedoms
2 sought, may well have been even bloodier than the civil war.

3 **165.** Although the U.S. Supreme court in *Jacobson v. Massachusetts* found that a \$5 fine
4 (for failing to follow a public health directive) was within the constraints of the Constitution, this
5 finding has since been stretched by judicial activists to mean coerced vaccination, and the denial of
6 almost any fundamental right for refusal, and even forced sterilization, is a "right" of the
7 government, so long as it's claimed to be in the interests of "public health", whether it is actually
8 serving that interest or not. Thus, this *interpretation* of the Constitution has come to replace the
9 Constitution itself, as if one interpretation now holds more weight than that which was being
10 interpreted by the opinion. When our highest courts are loathe to upset the apple-cart of prior
11 interpretations, however obviously erroneous, much bigger apple-carts get overturned in the end.

12 **166.** Hamilton reasoned that the ultimate interpretation of the Constitution rests in the
13 Executive, by virtue of his power to enforce its terms through military command if required, due to
14 the profound failures of the other branches to protect the rights of the people. The support of the
15 people, of course, is required for a President to take such drastic action and hope to serve another
16 term, or maybe even complete one, since impeachment is also available in the House. This
17 command over the military, which the people have entrusted *solely* to their elected President, is the
18 mechanism by which our President may, and in fact is obliged to, uphold his own oath to the
19 Constitution, when, if by wholly illegitimate interpretation, other branches have degraded, or even
20 attempted to eliminate, the rights and protections the Constitution confers upon the people.

21 **167.** The Freedoms conferred in the 13th Amendment were hard won. At the time, the
22 judicial branch did *not* interpret the Constitution to prevent slavery based upon skin color, and
23 argued "precedent" to defend slavery. The legislative branch was at war with itself on the issue. It
24 was only due to the presence of a President willing to use his enforcement authority as commander
25 in chief of the armed forces, that all Americans gained their freedom. And to what end, if the
26 judicial and legislative branches would only later interpret the Constitution to authorize involuntary
27 service of Citizens in dangerous, and in fact "unavoidably unsafe" medical experiments?
28

1 **168.** The legislative and judicial branches have, thus far, primarily chosen to subjugate the
 2 health of the people of this Nation to the demands of the pharmaceutical/medical industrial
 3 complex. Beyond the many obvious violations of individual human rights, this long-held pattern of
 4 Constitutional interpretation, enforced by legislative acts, has now placed our entire Nation in great
 5 peril. The collective "herd" which our legislatures claim to be protecting with an endless stream of
 6 coerced pharmaceuticals, delivered by the most invasive means possible, i.e., delivered by direct
 7 injection, is *very* sick now. The number of disabled in our younger generations is exponentially
 8 higher than just 20 years ago. And the trajectory for the next decade is nothing short of catastrophic.
 9 Very soon, this "herd" will, in large part, be incapable of supporting any branches of government,
 10 no matter the increased taxation pressed upon the citizens who remain semi-viable.

11 **169.** A rapidly growing number of children and young adults in the USA will never leave
 12 home, never work, never fall in love, never have a family. They will *instead* require the full-time
 13 support of their parents, and society, for their entire lives. The number of parents who have
 14 personally witnessed their perfectly healthy children seriously injured by pharmaceuticals is
 15 growing rapidly. In spite of attempted censorship their stories are reaching the masses. Again, a
 16 storm *is* upon us all. It will make landfall. Directing this storm to the correct shore is the only
 17 remaining option. If our Nation is to survive this storm, the *culprits* can no longer be protected by
 18 *any* branch of government, let alone rewarded for their acts against our Nation and its people.

19 **170.** The stakes do not get any higher than they are in this case. The Petitioners seek to
 20 protect more than their individual rights here. They fight to protect their Nation from imminent and
 21 inevitable collapse. Petitioners now lay this plea upon both the Judicial and Executive Branches of
 22 the United States of America, in hopes both branches will see reason in preventing the imminent
 23 collapse of this great Nation at the hands of a legislative branch and public health agency
 24 bureaucracy that is now largely controlled by the pharmaceutical industry. Petitioners pray the
 25 continued destruction of the American people will no longer be permitted by erroneous
 26 interpretation that concludes such an outcome is somehow "Constitutional".

27 **XVI. REQUEST FOR JURY TRIAL**

28 **171.** Petitioners request a jury trial on factual matters.

XVII. REQUEST FOR RELIEF

172. Wherefore, Petitioners request the Court issue the following relief:

- A.** Issue a declaratory judgment that Respondent's actions and Oversight, especially in the omissions sense of the word, was a violation of Petitioners' rights under the Constitution for the United States of America.
- B.** Issue a declaratory judgment that Respondent's actions and Oversight, especially in the omissions sense of the word, is perpetuating the National Health Pandemic, which is a matter of national security.
- C.** Issue a preliminary injunction with regard to the claims contained in this First Amended Verified Petition, as requested in the Petitioners' moving papers and specifically Petitioners' proposed order(s) for Preliminary Injunction, in particular enjoining discrimination based on vaccination status, or in the alternative an order to show cause shifting the burden to Respondent to numerically prove that benefits of vaccine exposure, at any level of exposure, currently outweigh the short-term and long-term risks associated with vaccine exposure.
- D.** Issue a permanent injunction with regard to the claims contained in this First Amended Verified Petition, including but not limited to prohibiting enforcement of all laws, regulations, and policies that discriminate against any Citizen based upon their vaccination status, and other matters as *substantively* specified in Petitioners' Proposed Order Number One filed 12/29/20.
- E.** Issue an injunction that at the conclusion of the requested National Health Survey of unvaccinated Americans, vaccines shall not be administered unless the patient or parent/guardian has first provided a signed informed consent that the patient has reviewed the actual *numerical* increased risks of disease, disability and death associated with exposure to vaccines, both short-term and long-term.
- F.** Enjoin Respondent from further violations of the Constitution underlying each claim for relief.

1 G. Issue an order awarding Petitioners costs of suit, and reasonable attorneys' fees and
2 expenses.

3 H. Issue such other Constitutional relief as this Court deems equitable, just and proper.

4 **ATTORNEYS FOR PETITIONERS**

5 Date: 1-22-21

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13 Date: 1-22-21

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19 Fx. (888) 336-4037
20 rayfloreslaw@gmail.com

VERIFICATION

Individually and on behalf of The Control Group, I, Joy Garner, declare as follows:

1. I am a party to this action.
2. I have read the foregoing Petition and know of the contents thereof.
3. Based on my own knowledge, the contents of the foregoing Petition are true and correct.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 22, 2021, at Roseville, California.



Joy Garner

VERIFICATION OF PETITION

Individually and on behalf of my child F.G., I, Evan Glasco, declare as follows:

1. I am a party to this action.
2. I have read the foregoing petition and know of the contents thereof.
3. Based on my own knowledge, the contents of the foregoing petition, paragraphs 40 and 62-70 are true and correct.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 23, 2021, at Grass Valley, California.



Evan Glasco

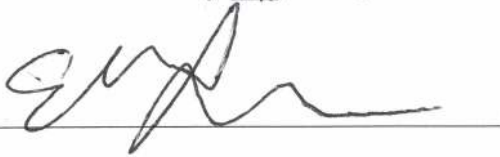
VERIFICATION OF PETITION

Individually and on behalf of my children J.S. and F.G., I, Joy Elisse Garner, declare as follows:

1. I am a party to this action.
2. I have read the foregoing petition and know of the contents thereof.
3. Based on my own knowledge, the contents of the foregoing petition, paragraphs 40 and 62-70 are true and correct.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 23, 2021, at Grass Valley, California.

A handwritten signature in black ink, appearing to read 'J. Garner', is written over a horizontal line.

Joy Elisse Garner

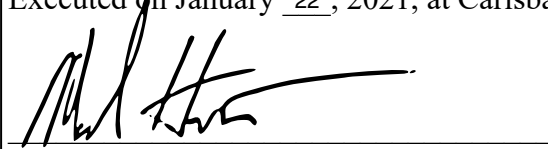
VERIFICATION OF PETITION

Individually and on behalf of my child S.H., I, Michael Harris, declare as follows:

1. I am a party to this action.
2. I have read the foregoing petition and know of the contents thereof.
3. Based on my own knowledge, the contents of the foregoing petition, paragraphs 41 and 62-70 are true and correct.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 22, 2021, at Carlsbad, California.

A handwritten signature in black ink, appearing to read 'Michael Harris', is written over a horizontal line.

Michael Harris

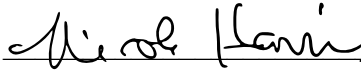
VERIFICATION OF PETITION

Individually and on behalf of my child S.H., I, Nicole Harris, declare as follows:

1. I am a party to this action.
2. I have read the foregoing petition and know of the contents thereof.
3. Based on my own knowledge, the contents of the foregoing petition, paragraphs 41 and 62-70 are true and correct.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 22, 2021, at Carlsbad, California.



Nicole Harris

VERIFICATION OF PETITION

Individually and on behalf of my children K.M. and J.S., I, Traci Music, declare as follows:

1. I am a party to this action.
2. I have read the foregoing petition and know of the contents thereof.
3. Based on my own knowledge, the contents of the foregoing petition, paragraphs 42 and 62-70 are true and correct.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 24, 2021, at Phenix City, Alabama.



Traci Music