

Are Local Gathering and Mask Mandates Constitutional?



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You're a good parent. Let's suppose you think it wise to buy a watchdog in order to protect your little girl from any intruders who may wish to do her harm.

After a little time, the puppy you bought becomes a full-grown animal. His muscles become fully developed, his teeth are big and sharp, and now he towers over your little girl. You are worried that he is becoming too aggressive and one day you look out the door and witness your worst fear –you see the dog's jaws are on her neck and blood is on her clothes.

As you burst out the front door, she has gotten free and is cowering in the corner of the fence by the tree. The dog is charging across the yard and in a few seconds will be at her throat again. You only have enough time to do what your instincts tell you to do: you get your body –you insert yourself –between the dog and the child –between the danger and the daughter.

The actions you just chose are defined as *interposition*.

You interposed between the agency that was originally a protector but had become a threat and the person or persons you have the duty to protect.

The doctrine of interposition is as American as apple pie, baseball, and jazz.

Interposition is precisely what the Declaration of Independence was all about, and it is precisely what we want our state and local officials to do. Our sheriffs, our police, our local judges, our legislators, and our appointed officials are duty-bound to rush out into the “front yard” and interpose between the people and the lawless actions of the federal government.

But what happens when it is no longer the federal government attacking your rights?

What if it becomes your governor, who is declaring health emergencies, thereby denying your rights to your own business, healthcare, commerce, or worship through phony emergency orders?

Are these state and local agencies authorized to take such action?

No.

First of all, the COVID-19 emergency powers exercised by governors are not granted in federal or state constitutions.



An easy rule of thumb to discover state and local overreach is this: civil government derives all its just powers from We the People. We the People can only grant to civil government powers to do things we could do ourselves. We hire them as our servants, delegate to them tasks we could do. So if I can't steal my neighbors property; prevent him from worshipping; force him to wear a mask; or vandalize his home, neither can civil government.

Our safeguard is found in the words of Founding Father Alexander Hamilton:

“[N]atural liberty is a gift of the beneficent Creator, to the whole human race; and that civil liberty is founded in that; and cannot be wrested from any people, without the most manifest violation of justice.”

Thankfully, the concept of interposition can work both ways. The local government can protect against an overreaching state or federal government; and state or federal governments can interpose against tyranny on the local level.

We are calling upon our sheriffs, police forces, courts, juries, state and federal representatives to identify these violations of justice and stop the mask mandates and prohibition on local gatherings.

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