

Redress of Grievances



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- What is a redress of grievance and why must it be protected?
- Can Congress or the courts grant immunity to companies, agencies, or individuals?
- What can the American people do to protect your right to petition government for a redress of grievance?

The First Amendment prohibits Congress from passing laws that abridge your right to petition the government for a redress of grievance. Yet not only has Congress ignored that restriction on their actions, but the federal courts have piled on as well. Today, I will look at what the right to petition means, how that has been violated, and what the American people can do about it.

The Right to Petition

The right to petition, at its core, is pretty simple.

PETI'TION, verb transitive To make a request to; to ask from; to solicit; particularly, to make supplication to a superior for some favor or right;

[Petition: Webster 1828 Dictionary](#)

You have a right to request your governments for a redress of a grievance, to correct some wrong. This can be in the form of petitioning your representatives or seeking redress in a court

of law. To understand both the breadth and importance of the right to petition, we must first delve into the concept of *sovereign immunity*.

Sovereign Immunity

Sovereign immunity is a judicial doctrine that prevents the government or its political subdivisions, departments, and agencies from being sued without its consent. The doctrine stems from the ancient English principle that the monarch can do no wrong.

[West's Encyclopedia of American Law, edition 2. S.v. "sovereign immunity."](#)

The doctrine of sovereign immunity places those in government above the law by protecting them from lawsuit simply because they are, or work for, some government agency. The concept of, or at least the abuse of, sovereign immunity was one of the grievances given when the colonies declared independence.

For protecting [the military], by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

[Declaration of Independence](#)

Granted, it was grievance number fifteen out of twenty seven, but it's there. The First Amendment included protecting this right to petition, but why? Because the principle of sovereign immunity is based on the principal that the sovereign cannot be wrong. In the United States of America though, no one is supposed to be above the law.

The Eleventh Amendment is often used as an example of the states having sovereign immunity. However, this amendment did not prevent the citizens of one state from suing another state, only from doing so in federal court.

The Judicial power of the United States shall not be construed

to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

U.S. Constitution, Amendment XI

No where in the Constitution have I found a clause that would protect governments or government actors from being sued or prosecuted for any crimes they may commit. Even Article I, Section 6, does not grant sovereign immunity to members of Congress:

The Senators and Representatives ... shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

U.S. Constitution, Article I, Section 6, Clause 1

Members of Congress may still be arrested while in session for certain serious crimes such as treason or felonies, and there's not a protection from arrest when they are not attending or going to or from their respective houses. This protection from arrest while working for the government is not granted to any employee of Congress or to any other branch of government. Courts, on the other hand, have been more than happy to grant this illegal protection to government employees, to the detriment of the people and the very concept of justice. Which leads us to the Supreme Court case [Bivens v. Six Unknown Fed. Narcotics Agents](#)

Bivens

When studying the current jurisprudence regarding sovereign immunity in the federal courts, the most common case cited is simply referred to as "Bivens". In this case, Webster Bivens

made the following complaint.

Petitioner's complaint alleged that respondent agents of the Federal Bureau of Narcotics, acting under color of federal authority, made a warrantless entry of his apartment, searched the apartment, and arrested him on narcotics charges. All of the acts were alleged to have been done without probable cause. Petitioner's suit to recover damages from the agents was dismissed by the District Court on the alternative grounds (1) that it failed to state a federal cause of action and (2) that respondents were immune from suit by virtue of their official position. The Court of Appeals affirmed on the first ground alone.

Bivens v. Six Unknown Fed. Narcotics Agents, [403 U.S. 388](#) (1971)

The District Court dismissed the case for two reasons. First, that it failed to show a federal cause of action (right to seek judicial redress), and second, as federal agents, the respondents were entitled to sovereign immunity. The Court of Appeals agreed with the District court on the question of cause of action, but ignored the question of sovereign immunity. Since the Court of Appeals ignored the sovereign immunity question, so did the Supreme Court of the United States.

Having concluded that petitioner's complaint states a cause of action under the Fourth Amendment, we hold that petitioner is entitled to recover money damages for any injuries he has suffered as a result of the agents' violation of the Amendment. ...

In addition to holding that petitioner's complaint had failed to state facts making out a cause of action, the District Court ruled that, in any event, respondents were immune from liability by virtue of their official position. This question was not passed upon by the Court of Appeals, and accordingly

we do not consider it here. The judgment of the Court of Appeals is reversed, and the case is remanded for further proceedings consistent with this opinion.

Bivens v. Six Unknown Fed. Narcotics Agents, [403 U.S. 388](#) (1971)

So while both the Court of Appeals and the Supreme Court did not deal with the question of immunity, it was ultimately decided that, since Mr. Bivens did have a cause of action, he could sue for damages. Since the question of immunity was ignored by these courts, it has not only survived, but been modified by two interesting court cases.

Butz v. Economou & Nixon v. Fitzgerald

In his case, Economou sued federal officials after claiming that the Department of Agriculture instituted illegal proceeding against him, violating several of his constitutionally protected rights. Both the District Court and the Supreme Court agreed that while federal officers are not entitled to absolute immunity, they are entitled qualified immunity.

In the United States, qualified immunity is a legal principle that grants government officials performing discretionary functions immunity from civil suits unless the plaintiff shows that the official violated "clearly established statutory or constitutional rights of which a reasonable person would have known".

[Qualified Immunity- The Free Legal Dictionary](#)

In the Nixon v. Fitzgerald case, Mr. Fitzgerald lost his job as a management analyst with the Department of the Air Force after testifying before a congressional subcommittee. Mr. Fitzgerald filed a complaint with the Civil Service Commission, which was rejected. Mr. Fitzgerald then filed suit in federal court against several Department of Defense

officials, then amended the complaint to include Richard M. Nixon, who was President of the United States at the time of his termination. The Supreme Court found:

Petitioner, as a former President of the United States, is entitled to absolute immunity from damages liability predicated on his official acts.

[Nixon v. Fitzgerald](#)

The court went on to explain that while there is no blanket recognition of absolute immunity for federal officials, certain officials (such as judges and prosecutors), required an absolute exemption for liability. Meaning, that while these officials did not have absolute immunity for their actions, they did have immunity from federal lawsuits. Furthermore, the court noted that, due to separation of powers, the President had absolute immunity due to his office. The court also noted that absolute immunity was limited to his actions within the duties of his office, and that there were other mechanisms, such as impeachment, to redress Presidential misconduct.

One thing to remember is that these cases deal with immunity from civil suit, not criminal prosecution, and only for actions taken within the boundaries of their official duties. But what happens when Congress flagrantly violates your right to petition the government for a redress of grievance?

The Public Readiness AND Emergency Preparedness (PREP) ACT

Of the many illegal acts committed by governments at all levels in response to COVID-19, one of the most egregious was Congress' attempt to abridge your right to petition your government for a redress of grievance, at least when it came to the question of vaccinations.

Subject to the other provisions of this section, a covered person shall be immune from suit and liability under Federal and State law with respect to all claims for loss caused by,

arising out of, relating to, or resulting from the administration to or the use by an individual of a covered countermeasure if a declaration under subsection (b) has been issued with respect to such countermeasure.

42 USC § 247-6d – Targeted liability protections for pandemic and epidemic products and security countermeasures

In English, those who manufacture and administer certain “covered countermeasures” were immune from lawsuits. If you are injured by one of these products (say an mRNA vaccine designed to prevent the spread of COVID-19), you could not sue the manufacturer, the employer who coerced you into taking the shot, or the person who failed to inform you of the possible side effects. Even though it’s against both federal law and medical ethics to use coercion, failure to inform the recipient of possible side effects and of the fact that they can decline the treatment, in an attempt to get someone to take a product released under an Emergency Use Authorization (EUA), Congress claims to have given those involved blanket immunity for their criminal acts. Or have they?

Congress shall make no law ... abridging ... the right of the people ... to petition the Government for a redress of grievances.

U.S. Constitution – Amendment I

Congress is forbidden from making a law that abridges your right to petition the government for a redress of grievance. That means that §247-6d of the PREP ACT is repugnant to the Constitution. And according to the Supreme Court of the United States, that means this law is void.

Certainly all those who have framed written Constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be that an act of the Legislature repugnant to the Constitution is void.

Marbury v. Madison Opinion

Conclusion

So what does this mean to all those who have been injured, either by these vaccines or the coercion to participate in a medical experiment, and believe they have no redress? For one thing, it shows the importance of John Jay's admonition:

Every member of the State ought diligently to read and to study the constitution of his country, and teach the rising generation to be free. By knowing their rights, they will sooner perceive when they are violated, and be the better prepared to defend and assert them.

John Jay, First Chief Justice of the supreme Court of the United States

By knowing our rights, we can see this act of Congress is legally meaningless. It's another tool we can bring to bear if and when we exercise our right and seek the redress that Congress wishes to deny us. It's the preparation to both defend our rights and assert them, when those in government wish to deny them to us. Whether that person be in Congress, the President, a judge, or an agent of government, we need to not only know what our rights are, but how we can defend them.

If we wish to be citizens in a free republic, then we must stand with those who have been charged with defending our rights, instead of trampling on them. Unless you wish to live as a subject of a tyrannical government, one which acts as if those who work for it cannot be wrong, then we must join together to assist those who have been both injured by these drugs and denied their right to petition for a redress of their grievance. Congress, the President, and indeed governments and employers at all levels have broken the law. Who will be the first to pick up the sacred fire of liberty and make a stand? How many of us will stand with them?

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