

What Frightens You More: Covid-19 Or Tyranny?

By Marilyn M. Barnewall



I have been a registered Democrat; I have been a registered Republican and I agree with Benjamin Franklin who once said that those who would trade freedom for a little security deserve neither.

Like almost all of you, I am not a lawyer and the information about the law in this article is provided as information, not legal advice. It is fact checked and I encourage you to look it up – and then talk to a lawyer if the economic shutdown has harmed you.

Let me be very clear: An Executive Order from a Governor or a policy established by the health department is not a law that supersedes our constitutional freedoms.

Government's job is to tell us of dangers so we can make the decisions that are best for us. Their job is not to decide for us. Only tyrants do that.

We are obliged to follow laws passed by our legislature. If we dislike a law they pass, we get petitions signed and put it on the next ballot to see if a majority of voters want to get rid of it. If we don't like the politicians, we either recall them or vote them out of office. That's the system.

Let me also be very clear that the State has the power to arrest or fine you or remove your license to practice whatever business you operate if you do not obey their command to lock

yourself up. In some places, the police can arrest you for not wearing a mask – even though many experts say wearing one is damaging to your immune system.

I believe them. Every time you breathe out, your body exhales about 78 percent nitrogen, 15 to 18 percent oxygen, 4 to 5 percent carbon dioxide, and 0.96 percent argon. That's what you breathe into your mask. When you breath in through a mask, you get less oxygen and re-inhale some of the permanent gases from the air you just exhaled. That is a scientific view of the dangers of wearing masks.

The lawsuits have already begun in Colorado and are likely to increase. From my own research, it appears the filings are being made under what may be the wrong jurisdictional authority.

For example, Article 1 Section 9 Clause 2 of the Constitution deals with the Writ of Habeas Corpus. What does that mean? My research says when someone has been placed in unjustified or inappropriate *confinement there is recourse in the law to end the confinement*. Article 1 Section 9 clause 2 *cannot be suspended*.

America's Governors don't appear to adhere to the U.S. Constitution... but it is equally true that no State Constitution provides power to a Governor sufficient to close the businesses of healthy individuals who are not violating the law. A person is innocent – of committing a crime or having an illness – until proven guilty (or sick). Who is responsible for proving illness sufficient to close a business? The State.

Though Governors shutting down entire cities is obviously unconstitutional, is civil rights the strongest position from which to file a lawsuit against a state that has unlawfully closed an innocent person's business? When public health gets involved, the question of whose rights have priority – those

threatened with illness, or those who are healthy – it puts the outcome of litigation at question.

All of the stories about people being arrested or taken to court because they are re-opening their businesses in spite of government edicts to the contrary have not yet lost the final battle. There will be blowback in courtrooms all over the country.

Forcing healthy people into confinement is violating constitutional rights but laws are also being broken. When laws are violated, people have a right to go to court and demand losses be restored.

As I said earlier, I'm not a lawyer. I don't give legal advice, but I do a lot of research. I believe a lot of people will sue the governments who caused them to lose their businesses, incomes, and homes – or family members to suicide because they couldn't deal with self-imprisonment...and it won't be a civil rights action.

The Sherman Act: 15 U.S. Code Section 1-38 was passed in 1890 and the Clayton Act, which amended Sherman in 1914, *prohibits activities that restrict commerce and competition in the marketplace*. It prohibits activities that restrict interstate commerce.

A restaurant, for example, which can prove it has customers that come to that business for a specific reason, can likely prove the State is violating the Clayton Act. Section 2 of the Sherman Act addresses the end results that are by their nature anti-competitive.

The Sherman Act, however, oversees only trusts, monopolies and collusion. It's pretty apparent that padding statistics about a disease to make people fearful so businesses will be closed when required by the State can be defined as collusion. Perhaps that's the very reason the statistics are being padded?

The Clayton Act, which continues to regulate U.S. business practices in 2020, is far more specific than the Sherman Act. I urge you to read it. In essence, it prohibits anti-competitive mergers, predatory and discriminatory pricing, and other forms of *unethical corporate behavior*.

Unethical corporate behavior? Cities are incorporated. So are many counties... even states. Thus it is possible that actions taken on behalf of incorporated cities, counties and states may clearly be in violation of the Clayton Act. That places lawsuits under contract law... under the Uniform Commercial Code (UCC), administrative law, and Maritime Law. Those cases more directly define a violation of the law and place little or no emphasis on public health.

Clayton allows private parties to take legal action against corporations and seek triple damages when they have been harmed by conduct that violates the Act. Look at Section Four of the Clayton Act. It provides guidelines for private lawsuits of any individual injured by anything forbidden in anti-trust laws. It is an interesting piece of legislation and specifies that labor is not an economic commodity.

If I were not retired and if I had been hurt by any state government because of the threat of an emergency, I would probably find myself a good corporate lawyer who understands the U.S. Constitution, the Sherman and Clayton Acts, the Uniform Commercial Code (UCC) and who has some common sense.

Elected officials and the bureaucrats who work in all of the states need to remember the words of the Declaration of Independence: "To secure these rights, governments are instituted among men."

In other words, government works for us. We don't work for them. The people hold the power, not the bureaucrats and elected officials. And the people are waking up.

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