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I. What is Needed this Legislative Session?

A. Right to Life

A bill is needed prohibiting all abortions at every stage of pregnancy, except to prevent the death of the pregnant woman, and repealing all other laws that conflict with this bill.

B. Medical Freedom

A bill is needed acknowledging that concerns over public health cannot ever override individual medical freedom. It should provide that:

All persons have the unalienable right to life, to their own bodily integrity, to make informed decisions regarding their own health, and to have consistent and meaningful access to medical advocates and loved ones, which cannot be infringed upon or denied by health care individuals or organizations. No person, organization or government entity shall interfere with any of these rights, nor impose any requirements for unwanted medical observations, testing, treatment, vaccination, wearing of PPE, health records disclosure(s), isolations or

the like. Any and all current laws, policies, procedures, or regulations which interfere with the unfettered exercise of these rights are hereby repealed. This includes, but is not limited to all, or portions of, Fl. Stat. 381.003, 381.00315, 768.381, 381.00317, 381.00316, 408.823, etc. Further, the right to equal protection of the law prohibits any discrimination based upon the exercise of these rights to medical freedom.

C. Constitutional Carry

A bill is needed to repeal all restrictions upon owning, possessing, or purchasing firearms, acknowledging our unequivocal right to bear arms, in both concealed and open carry methods; prohibiting red flag laws or policies; prohibiting any restrictions or requirements relating to the storage of firearms or ammunition; ensuring the right to bear arms shall not be prohibited except on privately owned property not open to the general public upon which the person attempting constitutional carry has no legal right to be present; prohibiting all licensing and permitting requirements to purchase, own or possess firearms; permanently sealing all current records related to firearms purchases and licensing, and prohibiting the federal government from obtaining access to any of that information. This includes the repeal of all unconstitutional laws, policies, procedures and the like such as Fl. Stat. 790.06, which violates an individual's rights protected by the 4th, 5th and 14th Amendments due to their simple exercise of the right to carry.

D. Government & Public Official Accountability

A bill is needed to:

- Require, along with the Constitutional Oath, a sworn statement of having fully read and understood the US and Florida Constitutions
- Provide meaningful penalties for violating the US or Florida Constitutions. Intentional or knowing violations require immediate removal from office, prohibition against future government employment or service, restitution paid to the appropriate government entity for actual costs incurred due to the violation and to those directly harmed by the constitutional violation, and fines large enough to serve as a deterrent.
- Increased access to public records, and provide stiff penalties for not complying with Sunshine Law Requests.
- Acknowledging the legal standing of individuals seeking redress for Constitutional and/or legal violations by government employees and officers.

II. Why These Bills Are Needed

The US “Constitution . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.” US Const Art VI Cl 2. However, far too many laws and government regulations ignore the bounds of the Constitution. Sometimes, this is caused by corrupt government officials; many times, it is the result of government officials failing to personally read and understand the Constitution, and do whatever is necessary to stop other officials from intentionally or unintentionally violating the Constitution.

“At this, the administrators and the satraps tried to find grounds for charges against Daniel in his conduct of government affairs, but they were unable to do so. They could find no corruption in him, because he was trustworthy and neither corrupt nor negligent.” Daniel 6:4, NIV.

So, I ask you to ensure you are not only free of corruption, but also not being negligent in your duties. Uphold **Your Oath** to actively protect and defend the Constitution, to right governmental wrongs, and protect our individual God-given liberties.

A. The Purpose of Government

Some legislators see their job as passing bills to keep their constituents happy. However, this is *not* the purpose of our government.¹ Instead, we are “endowed by [our] Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. [And] to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.” *Declaration of Independence*.

B. Our Rights Come From God, Not The Government

The Florida Constitution Preamble clearly states “We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty,” established our constitution.² FL Const Art I Sec 2 *Basic Rights* explains that “[a]ll natural persons, female and male alike, are equal before the law and have **inalienable rights**, among which are the right to enjoy and defend life and liberty . . .”³ In fact, although the entire first article of the state constitution is focused on explaining our individual liberties (and is hence called “Declaration of Rights”), FL Const Art I Sec 1 reminds government officials that the “enunciation herein of certain rights shall not be construed to deny or impair others **retained** by the people.”⁴

So, as explained above, the purpose of government is to secure our individual, God-given liberties, so that in my exercise of my rights, I am not impeding upon your exercise of your rights. Yes, you read that right - the purpose of government, and of it’s laws, is to *protect our rights*, not to regulate and punish us. Indeed, that is why the Fourteenth Amendment is worded to guarantee no State shall “deny to any person within its jurisdiction the equal **protection** of the laws.”

¹ As our state constitution preamble states, we “the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, perfect our government, insure domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution.”

² See *also* US Const Preamble, “We the People of the United States in Order to . . . secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

³ See *also* Declaration of Independence.

⁴ See *also* US Const Am IX.

C. The Source Of Authority In Government

The state constitution Preamble explains that “We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty” were the ones to “ordain and establish this constitution.” The Florida Senate explains that the Florida Constitution is an “organized system of fundamental principles for the government of the state. It is of a permanent and general nature and *originates from the people* rather than from the legislature.” See <https://www.flsenate.gov/laws>. Indeed, not only are we guaranteed a Republican Form of Government (where we elect mere representatives, but we retain the ultimate control and authority) by US Const art IV, § 4, but US Const Am X reminds government officials that all the powers We The People have *not delegated* to the federal or state governments are *reserved to the people*. (Meaning, we *kept* the powers with which we started.) That is why the state constitution not only explains that “[a]ll political power is inherent in the people,”⁵ but that a “public office is a public trust. The people shall have the right to secure and sustain that trust against abuse.”⁶

D. Medical Freedom⁷

Florida Constitution Art I Sec 2 *Basic Rights* explains that “[a]ll natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty.” Florida Constitution Art 1 Sec 23 Right of Privacy further declares that “[e]very natural person has the right to be let alone and free from governmental intrusion into the person’s private life.” Yet, even here in Florida, employees are being forced to vaccinate, individuals are denied services if they don’t mask or show vaccination records, and patients are being given “treatments” against their will while being kept away from loved ones.

It is often said that protecting the “public health, safety, and welfare” is the basis for these regulations. However, although it is thought by some that our state or local government is responsible for public health, public safety and public welfare, those general powers have no basis in our state or federal constitutions.

The term “welfare” appears only twice in the US Constitution. In the Preamble to the US Constitution, it reminds us that we established that Constitution and formed our government to, among other things, promote the general welfare. Not to regulate it. Then, in article I § 8, we see that Congress has the “power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.” But given the sentence as a whole, it is clear to see that “provide for the common defence and general welfare of the United States” refers to that term in the financial sense. This also fits with the meaning that term (provide for) had at the time the Constitution was written. The British Dictionary defines “provide for” as “to supply means of support (to), esp financially.”⁸ The term “welfare” only appears once in our state constitution, namely in article I § 16. Dealing specifically with victim welfare in setting bonds in criminal cases, that clearly does not apply to medical freedom infringements.

The term “public safety,” as used in the Florida and US Constitutions, shows even more limits on our government’s authority to act. The term “safety” only appears once in our US Constitution. That instance is found in article I § 9, where it states “[t]he privilege of the writ of habeas corpus shall not be

⁵ FL Const Art I Sec 1.

⁶ FL Const Art II Sec 8.

⁷ See also FL Const Art X Sec 25.

⁸ British Dictionary, available at <https://www.dictionary.com/browse/provide?s=t>, last accessed November 6, 2022.

suspended, unless when in cases of rebellion or invasion the public safety may require it.” This provision clearly provides no governmental authority to act, but for the rare need to suspend the privilege of the writ of habeas corpus. Although our state constitution mentions “safety” five times, none of those portions (dealing with religious practices, habeas corpus, crime victim safety or marijuana) provide any authority for governments regarding these medical freedom infringements.

The term “health” appears nowhere in our US Constitution, thus, there is no Constitutional basis for the government to exercise authority relating to public health. And although the word “health” appears in the Florida Constitution 27 times, none of those references are to this general concept of “public health,” rather focusing on scholarships, education, minimum wage, patient rights, medical malpractice, tobacco and marijuana. This, likewise, leaves the aforementioned health regulations without Constitutional authority on the basis of “public health, safety or welfare.”

Moreover, our entire state constitution as established because “[w]e, the people of the State of Florida, [were] grateful to Almighty God for our constitutional liberty,” and wanted to “secure its benefits.” FL Const Preamble. If we wanted to create a form, structure and set of definitions for governmental power to ensure our public health, public safety and general welfare, we would have so stated. But we did not.

We all know that the US Constitution and Florida Constitution provide individual protections against government interference with our fundamental liberties. But in times of widespread threat and vast uncertainty, clearly the government is allowed to infringe upon those rights for a little while, right?

Emergency does not create power. Emergency does not increase granted power or remove or diminish the restrictions placed upon power granted or reserved. The Constitution was adopted in a period of grave emergency. Its grants of power to the Federal Government and its limitations of the power of the States were determined in the light of emergency, and they are not altered by emergency.⁹

So, our medical freedoms must continue to be protected even in times like these.

E. Right to Life

It’s no secret the US Supreme Court explained to us last year that **there is no Constitutional right to abortion**. However, there *is* a constitutionally-protected right to life. Many of you have campaign statements about the right to life, but are they constitutionally adequate?

As explained above, we get our rights from God, not the government. God clearly declares that unborn babies have a life, just as those born:

Luke 1:41 reminds us a child in a mother’s womb is a “baby.”

Job 3:16 recognizes “a stillborn child” (a baby who dies from natural causes in the womb) is just “like an infant who never saw the light of day.”

Jeremiah 1:5 “Before I formed you in the womb I knew you, before you were born I set you apart; I appointed you as a prophet to the nations.”

And regardless of age, God clearly commands “you shall not murder.” Exodus 20:13 & Deuteronomy 5:17. He further declares in Deuteronomy 30:19, “I have set before you life and death, blessings and curses. Now choose life, so that you and your children may live.”

⁹ *Home Building v Blaisdell*, 290 US 398, 425 (1934).

But even the federal government acknowledges life begins before birth. According to the NCBI,¹⁰ “the embryo has the same nature—in other words, it is the same kind of entity—from fertilization onward; there is only a difference in degree of maturation, not in kind, between any of the stages from embryo, to fetus, infant and so on.”¹¹

World renowned universities, like Princeton, agree. “At the moment the sperm cell of the human male meets the ovum of the female and the union results in a fertilized ovum (zygote), a new life has begun.... The term embryo covers the several stages of early development from conception to the ninth or tenth week of life.”¹²

Even the Merriam-Webster Dictionary concurs. According to the dictionary that has been widely used since 1828, “the termination of a pregnancy after, accompanied by, resulting in, or closely followed by the death of the embryo or fetus.”¹³ Obviously, you can’t have a “death” if you don’t first have “life.”

Further, from the federal government to world renowned universities, this life of the unborn baby is widely acknowledged to begin at fertilization of the mother’s egg, not at some arbitrary point in time weeks or months later (so 15 week abortion bans are still sanctioning murder).

So, what constitutional protections exist for this life?

1. Right to Life

Florida Constitution Art I Sec 2 Basic Rights explains that “[a]ll natural persons, female and male alike, are equal before the law and have inalienable rights, among which are *the right to enjoy and defend life and liberty.*”

2. Right to Equal Protection

The unborn are also guaranteed the right to *equal protection* of the law. “Nor [shall any State] deny to any person within its jurisdiction the equal protection of the laws.” US Const Am XIV Sec 1. “All natural persons, female and male alike, are equal before the law.” FL Const Art I Sec 2.

3. Right to Due Process of Law

Just as with self defense murder, the murder of an unborn child is only justifiable if necessary to prevent the mother’s imminent death. Since “No person shall be deprived of life, liberty or property without due process of law,” FL Const art I, § 9, abortions, which deprive the unborn child of life, violate the unborn child’s right to *due process of law*. See also, US Const Am V, US Const Am XIV Sec 1.

4. Protection Against Cruel & Unusual Punishments

Unborn babies are also constitutionally-protected against “cruel and unusual punishments,” US Const Am VIII, or “excessive punishments,” FL Const Art I Sec 17. It’s in this context that we examine the “right” to an abortion of a pregnancy resulting from rape or incest. Ending a life is not acceptable unless in **self-defense** or punishment of a **particularly heinous offense**. However, the crime

¹⁰ The National Center for Biotechnology Information (NCBI) is part of the United States National Library of Medicine (NLM), a branch of the National Institutes of Health (NIH).

¹¹ Embryonic human persons. Talking Point on morality and human embryo research, Journal List, EMBO Rep, v.10(4) pp 301–306; 2009 Apr, PMC2672893, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2672893/>, last accessed 10/28/20.

¹² Life Begins at Fertilization with the Embryo's Conception, [www.princeton.edu › ~prolife › articles › embryoquotes2](http://www.princeton.edu/~prolife/articles/embryoquotes2), last accessed 10/28/20.

¹³ Merriam-Webster, Dictionary since 1828, www.merriam-webster.com/dictionary/abortion

committed (rape or incest) was not committed by the unborn baby. Thus, ending the unborn child's life for a crime committed by another person is undoubtedly a cruel, unusual and excessive punishment.

5. Right to be free from Bills of Attainder

Unborn babies also have the *right to be free from bills of attainder*. A bill of attainder is a "special legislative act that imposes a death sentence on a person without a trial." Black's Law Dictionary. So, any legislation allowing the murder of any unborn child without a trial is expressly prohibited by the US and Florida Constitutions. See US Const Art I Sec 9 Cl 3, US Const Art I Sec 10 Cl 1, FL Const Art I Sec 10.

In summary,

- An unborn child is still a child, and therefore has a life that cannot be taken away
- Taking someone's life - murder - is illegal, and always has been
- The US and MI Constitutions
 - Do NOT create or protect a "right" to abortion
 - But DO protect the life of ALL - including the unborn

F. Constitutional Carry

There's no need (nor authority) to make this issue complicated. The US Constitution guarantees "the right of the people to keep and bear Arms, shall not be infringed." US Const Am 2. The Florida Constitution also guarantees our right to "defend life and liberty" and "protect property," and acknowledges that these are "inalienable rights." FL Const Art I Sec 2.

Indeed, the Florida Constitution also acknowledges the "right of the people to keep and bear arms in defense of themselves," FL Const Art I § 8, and any attempts by the State Constitution, law or other regulation to diminish or infringe upon this inalienable right are automatically null and void.¹⁴

G. Government & Public Official Accountability

"The Senators and Representatives . . . and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by Oath or Affirmation, to support this Constitution . . ." US Const Art VI Cl 3. Indeed, "Each state and county officer, before entering upon the duties of the office . . . shall wear or affirm: I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Governemnt of the United States and of the State of Florida . . ." FL Const Art II Sec 5(b).

But that would not be the first time our legislators have been required to take that oath, as FL Const Art VI Sec 3 *Oath* requires each registered voter to take the oath to "protect and defend the Constitution of the United States and the Constitution of the State of Florida." Additionally, in Fl. St. 112.311(6), it was "declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution." See also Fl. St. 876.05.

What value do our state and federal constitutions have if the officers sworn to uphold them are allowed

¹⁴ See US Const Art VI. "An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed." *Norton v Shelby Co.*, 118 US 425, 442 (1886).

to diminish, infringe, abridge or deprive the God-given rights guaranteed therein?¹⁵ Indeed, “[n]othing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard of the charter of its own existence.”¹⁶ Thus, simple laws that create meaningful punishments for constitutional violations and acknowledge the right of the people to prosecute these actions directly are necessary to preserve our very form of government.

So, as you think about how this all applies to how you will do your job during these challenging times, please consider that "we the people . . . secure[d] the Blessings of Liberty to ourselves and our Posterity" by establishing the Constitution of the United States. *US Const. Preamble*. Those blessings of liberty were not given to us by the government, but by God. As such, "we, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits" established our state Constitution. *Preamble*. These liberties are to be exercised by all people unabridged and undiminished, during times of emergency or not. Each and every government employee or official is sworn to defend the Constitution for a reason, and each must take affirmative steps to do so, even when it is not convenient, popular, politically sound, easy, or without great cost.

¹⁵ Rights may not be infringed (FL Const art I § 8; US Const Am II), abridged (US Const, Am I, XIV, XV, XIX, XXIV, XXVI), or deprived (US Const, Am V and Am XIV).

¹⁶ *Mapp* at 647, quoting *Elkins v US*, 364 US 206, 222 (1960).

III. What the oath of office is not . . .

It is not just some document you sign when starting a new job

It's not just some job requirement; it's your first & foremost duty

It's not about doing what is easy, but about doing what is right

It's not pointing to another branch of government or public official; it is ACTIVELY defending the Constitution and the rights it protects

It's not relying on an attorney to advise you, but reading and following the Constitution yourself

It's not allegiance to party leadership or campaign donors

It's not about what is politically popular, and following the Constitution is NOT political in nature!

It's not what varying judges and justices have interpreted throughout the years, but upholding the actual words of the Constitution itself

It's not continuing to do something just because "it's always been done that way"

It's not playing it safe because you're afraid to make political waves, but having the courage to stand up and defend the freedoms countless men and women have died to protect

It's not glancing at the Constitution once a year, but reading it yourself regularly, as you can't abide by your oath to defend the Constitution if you don't know what it actually says

It's not giving up when it's confusing or complicated, but continuing to use critical thinking skills, and remembering above all else that government's main purpose is to protect our God-given liberties

It's not saying "I'm just following orders," but doing everything in your power to stop ANYONE violating the Constitution

It's not a burden, but a great honor

It's not suggestive, but a mandatory & integral part of working in government

It's not new, as you've already taken this oath simply by registering to vote here in Florida

It's not some old irrelevant document, but the framework for ALL of your actions & decisions while serving in government

So what about a Constitution-defending bill you're certain just won't have enough support this year? Do you compromise to secure a bill that at least has LESS Liberty infringements? Your constitutional oath DOES NOT ALLOW YOU to compromise any of OUR PROTECTED LIBERTIES!