No. 23-719

IN THE
Supreme Court of the United States

Donald J. Trump, *Petitioner*,

v.

Norma Anderson, et al., *Respondents*.

On Writ of Certiorari to the Colorado Supreme Court

MOTION TO INTERVENE AS RESPONDENT BY CHRIS SEVIER OF DE FACTO ATTORNEYS GENERAL // SPECIAL FORCES OF LIBERTY

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INTRODUCTION

The Respondents filed an action to remove former President Donald J. Trump from the ballot and prevailed before the Colorado Supreme Court, and now the case is on appeal before this Court. On January 9, 2024, the Intervenor, in his capacity through De Facto Attorneys General, along with members of One Heart America and Special Forces Of Liberty, filed a nearly identical lawsuit in Chancery Court in Tennessee at Nashville as the one filed in Colorado by the Respondents against Tennessee Secretary Of State, Tre Hargett, Joseph R Biden, and Kamala Harris, demanding that Secretary Hargett remove Mr. Biden and Mrs. Harris from the ballot at the 2024 primary and general election in Tennessee. *Sevier et. al. v. Hargett*, 24-0022-III (Tenn. 2024). [1] The Intervenor relied on practically identical sections of the Tennessee Code and federal law that substantially mirror the same Colorado statutes and federal law that the Respondents relied on in their action before the Colorado Courts that caused President Trump to successfully be removed by the Colorado Supreme Court. See Exhibit 1.[2]

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[1] Petitioners, (1) Chris Sevier Esq., former rule of law Judge Advocate General and Executive Director of De Facto Attorneys General, (2) Christine Wiehle, Executive Director One Heart America, and Terry Anderson, member of Special Forces Of Liberty, under the Tennessee Code Annotated, TCA § 2-5-204, TCA § 1-3-121, TCA § 2-5-205, TCA § 8-18-101, TCA § 21-2-210, TCA§ 29-14-102, Section 1, Article X of the Tennessee Constitution, and Rule 57 of the Tennessee Rules of Civil Procedure bring this action to challenge the listing of Respondents Joseph R. Biden and Kamala Harris as candidates on the 2024 Democrat presidential primary election ballot and any future election ballot, based on their disqualification from public office under Section 3 of the Fourteenth Amendment to the Constitution of the United States. Petitioners seek an order declaring Respondents Biden and Harris disqualified under the Fourteenth Amendment and enjoining Respondent Secretary of State Tre Hargett ("Secretary") from taking any action that would allow them to access the ballot. Under Tenn. R. Civ. P 57, the Petitioners respectfully request and are entitled to an expedited hearing on this Petition because time is of this essence in view of a related case from Colorado regarding the removal of President Donald Trump from the ballot in that state that is pending before the United States Supreme Court.

[2] A housekeeping matter, additional counsel, Greg Degeyter Esq, from Texas, is undertaking the steps now to be admitted to practice before the USSC. He will appear in this action on behalf of the Intervenor

The only material difference between the Colorado action at bar here to remove Petitioner Trump and the pending Tennessee action to remove Mr. Biden, Mrs. Harris are material facts that attempt to establish whether Donald Trump, Joe Biden, and Kamala Harris did, in fact, take actions of insurrection, rebellion, or that gave aid or comfort to the enemies of the United States after these candidates swore an oath to support the Constitution under Clause 3 Article VI of the United States Constitution, Section 3 of the Fourteenth Amendment to the point that these candidates must be prohibited from qualifying for the Colorado and Tennessee ballot for President in 2024 by the Secretary of States in those states.

Intervention is proper because the evidence shows that if President Trump can be removed from the ballot in one state by law under Section 3 of the Fourteenth Amendment, then so can Mr. Biden and Mrs. Harris. What is good for the goose is good for the gander as they say down in Tennessee.

Moreover, the Intervenor, hereby, puts the Court on notice that his associates at Special Forces Of Liberty, who are based in other states, intend to immediately file similar lawsuits to one that the Intervenor filed in Tennessee against the Secretary of States in their states to remove Biden and Harris from the ballot. This plan includes filing lawsuits of this kind in these states - Oklahoma, Texas, South Carolina, Mississippi, Alabama, Idaho, Florida, and Missouri. To save judicial economy and to best serve the interest of the public, the Court should permit intervention and resolve these matters in a single transaction for the good of the Nation.

After all, the Intervenor admits that is no small deal that a handful of private citizens, like the Colorado Respondents and the Intervenor from Tennessee and his friends, can use technical legal arguments to remove the leading Presidential candidates in either the Republican and Democrat parties by weaponizing Section 3 of the Fourteenth Amendment. The Intervenor has attached a file-stamped copy of the complaint and some of the

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once his application is accepted. Other attorneys who are already part of the United States Supreme Court will also be appearing on behalf of the Intervenor. This motion is being filed immediately to preserve the record just prior to counsels' submissions of their notice of appearance in a matter where time is of the essence.

exhibits that he filed in Tennessee on January 9, 2024, against the Tennessee Secretary Of State, Mr. Biden, and Mrs. Harris as an exhibit in support of this motion. The Intervenor asks the Court to take judicial notice of the Tennessee action that is part of the public record. [3]

The Intervenor asked the Respondents and Petitioner whether they would support his intervention request. The Respondents opposed this motion,[4] which speaks loudly, demonstrating that they are not interested in justice – the Respondents are solely interested in advancing a one-sided political agenda that could rip the Nation apart. The Petitioner did not respond one way or the other to the Intervenor's request in time before this motion was submitted in a matter where time is of the essence.

ARGUMENT

The Intervenor, a former rule of law Judge Advocate General, graduate of Vanderbilt Law School, and experienced Federal litigator, who undertook the same oath of office as Petitioner Trump, Mr. Biden, and Mrs. Harris in deploying to a foreign theater of war in Iraq to support and defend the supremacy of the United States Constitution, should be permitted to intervene for a litany of reasons. The paramount reason is so that the Court can have the opportunity to make a balanced decision – one way or the other – that does not give the appearance to the public that the Court favors one political party over another.

This Court has the "general equity power[]" to permit....[individuals] to intervene in an action. *United States v. Louisiana*, 354 U.S. 515, 516 (1957) (per curiam). Though such intervention occurs most frequently

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[3] Alternatively, here is a hyperlink to the related Tennessee complaint to remove Mr. Biden and Mrs. Harris for the Court's convenience. https://www.dropbox.com/scl/fi/f8o045dgt0p5kl6dqu2il/0-Final-Tennessee-Complaint-againt-the-secretary-of-state-to-remove-Biden-from-the-Ballot.pdf?rlkey=n5t81i714x2g3tzr5dd7n0c7v&dl=0

[4] Respondents oppose the Intervenors request to intervene which – alone – demonstrates that they have not lodged their action in good faith and have an ulterior political agenda that is extremely dangerous to our Constitutional Republic.
tps://www.dropbox.com/scl/fi/61patj6refro0m4wqoav2/1-Gmail-Requesting-permission-to-Intervene-in-No.-23-719-In-the-United-States-Supreme-Court-1.pdf?rlkey=xrhos3rbap3svc9j3azwu42x9&dl=0

in original actions, *see id.*, it is not limited to such cases. *See, e.g.*, *BNSF Ry. Co. v. EEOC*, 140 S. Ct. 109 (2019); *Gonzales v. Oregon*, 546 U.S. 807 (2005); *Ins. Co. of Pa. v. Ben Cooper, Inc.*, 498 U.S. 894 (1990); *Hunter v. Ohio ex rel. Miller*, 396 U.S. 879 (1969); *Banks v. Chi. Grain Trimmers Ass'n*, 389 U.S. 813 (1967). Intervention is especially appropriate when the intervenor's rights would be "vitally affected by the lower court's decision" and where the party who had previously supported the intervenor's position no longer does so. *See* STEPHEN M. SHAPIRO ET AL., SUPREME COURT PRACTICE 427 (10th ed. 2013).

The Intervenor has a concrete interest in the resolution of this case. An adverse resolution may prejudice his ability to obtain relief in his parallel litigation to remove Mr. Biden and Mrs. Harris from the Tennessee ballot pending in Tennessee state court. The Intervenor's motion to intervene is timely and will not prejudice the current parties. Under Federal Rule of Civil Procedure 24(a), a party may intervene as of right where, "[o]n [a] timely motion" the intervenor "claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." Fed. R. Civ. P. 24(a)(2). These criteria are met here. The Intervenor moved to intervene immediately after filing a lawsuit that is substantially similar to the one brought by the Respondents in Colorado. The Intervenor's Tennessee lawsuit was unapologetically and admittedly derived from the Respondent's lawsuit in terms of legal arguments with one slight twist, the Intervenor, a registered Democrat, seeks to remove the leading Democrat candidate and his running mate off the ballot, not the leading Republican candidate off the ballot, by using a different set of relevant facts.

The existing parties will not represent the Intervener's interests. *See* Fed. R. Civ. P. 24(a)(2). The Respondents' opposition to this motion to intervene is a direct indication of that in a case that is centered on politics. Petitioner Trump wants to remain on the ballot as he petitions, and the Respondents seek to give an unfair advantage to Mr. Biden and Mrs. Harris, the two candidates that the Intervenor seeks to have removed from the ballot because, unlike President Trump, the evidence shows that Mr. Biden and Mrs. Harris are actually guilty of violating their oath so routinely and egregiously that their prolific misconduct and rank and file

incompetency does, in fact, give rise to a claim for removal under Section 3 of the Fourteenth Amendment. The Intervenor stipulates, understands, and acknowledges that if and only if the Respondent's cause of action is not valid, then it is also perhaps true that the Intervenor's pending action in Tennessee is also invalid as well. If the Court permitted intervention and ruled against the Respondents then the Intervenor would withdraw his pending lawsuit against Biden and Harris in Tennessee chancery court and his associates will not file additional lawsuits in other states to remove Mr. Biden and Mrs. Harris there.

In addition to intervention as a matter of right, permissive intervention is also appropriate. Courts "may" grant a "timely motion" for permissive intervention where a party "has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B). For permissive intervention, courts "must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3).

As discussed above, the Intervenor has a concrete interest in the subject and outcome of this litigation. Because both the Respondents and Intervenor seek to remove candidates from the ballot in their home states that they disfavor for violating their oath of office and thus giving rise to a claim under Section 3 of the Fourteenth Amendment, the Intervenor presents "a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B). There can be little doubt that the Respondents will fail to vigorously defend the Intervenor's right to force the Tennessee Secretary of State to remove Mr. Biden and Mrs. Harris from the ballot, even though the Intervenor admits and acknowledges that he is making the exact same legal arguments and only asserts a different set of facts. Finally, the existing parties will not suffer delay or prejudice. Amicus briefs are still being filed. The Petitioner has not submitted a reply brief. And oral argument is set for weeks away.

Just as the rules justify intervention, so too do equitable consideration related to "the interests of justice . . . ." SHAPIRO ET AL., at 427; *see, e.g., Louisiana*, 354 U.S. at 515–16; *Utah v. United States*, 394 U.S. 89, 92 (1969) (per curiam). What right is more sacred than the right to vote? What can be more important than requiring that elected officials at the highest level actually bother to honor their oath of office? What will it suggest if intervention is denied and Republicans are allowed to kick President Trump off the ballot and Democrats, like the

Intervenor, are not permitted to remove Democrats, like Mr. Biden and Mrs. Harris from the ballot?

The Intervenor recognizes as the Petitioner has argued that it is a " 'fundamental principle of our representative democracy,' embodied in the Constitution, that 'the people should choose whom they please to govern them.' " U.S. Term *Limits, Inc. v. Thornton*, 514 U.S. 779, 783 (1995) (quoting *Powell v. McCormack*, 395 U.S. 486, 547 (1969). But if the law allows Republicans to remove candidates from the ballot, then the law must allow Democrats to do the same. All Americans – even the unlikeable, disfavored, or disadvantaged ones – deserve equal protection under the law.

FACT EXCERPT FROM THE PENDING PARALLEL TENNESSEE COMPLAINT REGARDING INSURRECTION ACTS BY BIDEN AND HARRIS FOR PURPOSES OF SECTION 3 OF THE FOURTEENTH AMENDMENT

In the complaint filed in Tennessee to remove Mr. Biden and Mrs. Harris from the ballot, the Intervenor asserted the following in paragraphs 2 and 3:

> 2. Upon information and belief based on well-documented evidence and the public record, Respondents Biden and Harris are guilty of engaging in acts of insurrection, rebellion, or having given aid or comfort to the enemies of the United States directly or indirectly for purposes of Section 3 of the Fourteenth Amendment of the United States Constitution for having:
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> a. Aligned, encouraged, promoted, ratified, supported, and bailed out of jail members of ANTIFA and Black Lives Matters [5] attempt to

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[5] Motion for Summary Judgment filed by Petitioner Sevier to force Mayor Bowser to remove the non-secular BLM banner from the 16th Street in DC, demonstrating that BLM is out to undermine American Democracy in concert with radicals in the Democratic Party: https://www.dropbox.com/s/fstcjrp1zfvo74w/Penkoski%20memo%20%281%29.pdf?dl=0

Second Motion for Summary Judgment in BLM action by Petitioner Sevier, demonstrating that BLM is out to undermine American Democracy in concert with radicals in the Democratic Party: https://www.dropbox.com/s/ecnddkx23ojvyct/Memorandum%20in%20support%20of%20Christophers%20motion%20for%20MSJ_1_.pdf?dl=0

undermine American Democracy and interfere with our election infrastructure and are designated enemies of the United States; [6]

b. Maliciously opened the southern border to illegal immigrants, willfully refusing to enforce federal immigration statutes in an attempt to flood the nation with illegal immigrants in an ongoing quid-pro-quo arrangement where the illegal immigrants will repay the favor by voting in support of Biden and Harris and the radical members of the Democrat party in perpetuity, and in the process putting the interest of the enemies of the United States over the health, safety, and welfare of US Citizens and the rule of law;[7]

Third motion for Summary Judge to in BLM action by Petitioner Sevier demonstrating that BLM is out to undermine American Democracy in concert with radicals in the Democratic Party: https://www.dropbox.com/s/8pp598388v1i6rq/Sevier%20memo%20in%20support%20of%20MSJ_1_.pdf?dl=0

[6] See H. RES. 272.by Rep. Boebert: https://www.congress.gov/bill/117th-congress/house-resolution/272/text?r=16&s=1

The public record demonstrates that Respondent Harris and Biden raised funds to bail violent rioters in Minnesota who were out to undermine American Democracy, and who were released and did more damage. https://www.washingtonpost.com/politics/2020/09/03/kamala-harris-tweeted-support-bail-fund-money-didnt-just-assist-protestors/ See also: https://thefederalist.com/2022/10/24/kamala-harris-is-lying-about-her-involvement-in-bailing-out-violent-criminals/. In doing so, Respondents Biden and Harris acted in concert to give "aid [and] comfort to the enemies" of the United States. U.S. Const. amend. XIV § 3.

[7] A Kaiser Family Foundation published a comprehensive study and survey that demonstrates that illegal immigrants are 2 to 1 likely to vote for Democrat candidates, and Respondents Biden are well aware of this fact as they aid and comfort illegal aliens at the expense of the rule of law and their oath of office. https://www.kff.org/racial-equity-and-health-policy/poll-finding/political-preferences-and-views-on-us-immigration-policy-among-immigrants-in-the-us/.

Not only are Respondents Biden and Harris refusing to enforce federal immigration law as part of their insurrection plan to fundamental change the face of America for their benefit, Biden's Department Of Justice filed a lawsuit against the state of Texas to stop the state from effectively doing the job of the federal government in enforcing federal law and parallel state immigration law. https://abcnews.go.com/US/wireStory/justice-department-sues-texas-law-police-arrest-migrants-106087467. This calculated,

c. Weaponized the FBI to intimidate social media companies into suppressing information that was adverse to the electability of Respondents Biden and Harris and members of their party and thus wrongfully interfering in free and fair elections through fraud, waste, and mismanagement of power;[8]

d. Weaponized the Department Of Justice to maliciously float frivolous civil and criminal allegations against President Donald J. Trump, the Respondent's chief political rival and the inevitable Republican party nominee in the 2024 election, as a harassment and intimidation technique in a concerted effort that constituted the greatest abuse of process since the inception of American Jurisprudence;[9]

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dangerous, and self-serving dereliction of duty invokes Section 3 of the Fourteenth Amendment. A bill has been introduced in the House to impeach Respondent Biden for his malicious and deliberate dereliction of duty at the southern border. https://www.nbcnews.com/politics/congress/marjorie-taylor-greene-introduces-biden-impeachment-articles-rcna85098

[8] https://judiciary.house.gov/media/press-releases/testimony-reveals-fbi-employees-who-warned-social-media-companies-about-hack
"Zuckerberg tells Rogan FBI warning prompted Biden laptop story censorship"
https://www.bbc.com/news/world-us-canada-62688532
Zuckerberg Admits Facebook Suppressed Hunter Biden Laptop Story ahead of 2020 Election
https://www.nationalreview.com/news/zuckerberg-admits-facebook-suppressed-hunter-biden-laptop-story-ahead-of-2020-election/

[9] In an effort to interfere with the 2024 election, Biden authorized his DOJ to maliciously prosecute Trump on four implausible criminal counts relating to his so-called efforts to subvert the 2020 election results: (1) conspiracy to defraud the United States in violation of 18 U.S.C. § 371; (2) conspiracy to obstruct an official proceeding in violation of 18 U.S.C. § 1512(k); (3) obstruction of, and attempt to obstruct, an official proceeding in violation of 18 U.S.C. § 1512(c)(2), 2; and (4) conspiracy against citizens' constitutional right to vote and to have one's vote counted in violation of 18 U.S.C. § 241, a statute originally codified after the Civil War to counteract political violence against newly enfranchised Black citizens, see First Ku Klux Klan Act, 16 Stat. 140 (May 31, 1870). Indictment, *United States v. Trump*, 23-cr-257-TSC, ECF No. 1 (D.D.C. filed Aug. 1, 2023), https://www.justice.gov/storage/USvTrump23cr257.pdf ("Trump Federal D.C. Indictment"). Acting in concert with the Democrat District Attorney of Atlanta, Respondent Biden's authorized President Trump to be falsely accused of 13 criminal

e. Sold the Nation up the river to foreign nations, who are enemies of the United States, by trading American influence in exchange for cash brides in a concerted effort spearheaded by the drug-addicted son of Respondent Biden, Hunter Biden, who has for decades openly peddled his family name with foreign nationals for the paramount benefit of "the big guy" - Respondent Biden - at the expense of the rule of law, the health, welfare, and safety of the US Citizenry, and of Biden's oath of office; [10]

f. Mishandled classified information in violation of federal law in a manner that Respondent Biden knew or should have known would comfort and aid the enemies of the United States; [11]

g. Purposefully mismanaged withdrawal of US forces from Afghanistan in a manner that aided and comforted enemies of the United States, which destabilized the global landscape, encouraged Russia's invasion of Ukraine, and brought together America's

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charges relating to a patently false "conspiracy to unlawfully change the outcome of the [2020] election in favor of Trump" through false statements, forgery, solicitation of public officers to violate their oaths to the Constitution, and other state felonies. Indictment, *Georgia v. Trump*, No. 23SC188947 (Ga. Super. Ct. filed Aug. 14, 2023), https://www.politico.com/f/?id=00000189-f730-dc32-ab89-f7fc1f760000 ("Trump Georgia Indictment"). The Georgia indictment was such an outrageous malicious prosecution that it caused the Petitioners to write the "Deter Malicious Political Prosecution Act" for the state of Georgia, which they served on Governor Kempt and District Attorney Fani Willis in person the day after the indictment was publicly announced. See Appendix. https://www.dropbox.com/preview/DETER%20MALICIOUS%20POLITICAL%20PROSECUTIONS%20IN%20GEORGIA%20ACT.pdf?role=personal

[10] H. Res. 57 by Rep. Green, Impeaching Joseph R. Biden, President of the United States, for abuse of power by enabling bribery and other high crimes and misdemeanors. https://www.congress.gov/bill/117th-congress/house-resolution/57/text "Joe Biden allegedly paid $5M by Burisma executive as part of a bribery scheme, according to FBI document" https://www.foxnews.com/politics/biden-allegedly-paid-5-million-by-burisma-executive

[11] Biden's silence on the classified documents is deafening" https://nypost.com/2023/02/09/the-silence-on-the-classified-documents-scandal-is-deafening-joe-biden/

enemies, namely Russia, China, and Iran at the expense of national security interests; [12]

h. Excessively entangled our government with the religion of Secular Humanism at every available opportunity by peddling and promoting deeply unconstitutional policies, like the Equality Act, the Women's Health Protection Act, and substantially similar non-secular policies, that were enacted or put forward for implementation by the administrative state in total violation of the Establishment Clause of the First Amendment of the United States Constitution and Section 3, of Article I of the Tennessee Constitution - as Respondent Biden and Harris relentlessly seek to establish America as a Secular Humanist theocracy as an extension of their spectacular intellectual blindness with has the effect of relegating non-believers, such as the Petitioners, to second class citizens and obliterating their Constitutional civil rights;[13]

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[12] Respondent Biden's malicious and destabilizing withdraw actions from Afghanistan drew Russia, China, and Iran, America's enemies together - aiding and comforting America's enemies in violation of Section 3 of the Fourteenth Amendment.
"Hindsight Up Front: Implications of Afghanistan Withdrawal for China and Russia - Wilson Center."
https://www.wilsoncenter.org/event/hindsight-front-implications-afghanistan-withdrawal-china-and-russia
"Withdrawal from Afghanistan emboldened rivals, sent message US 'won't stand with allies'"
https://www.foxnews.com/world/withdrawal-afghanistan-emboldened-rivals-sent-message-us-wont-stand-allies
"Biden's Afghanistan withdrawal remains catastrophe of American weakness a year later"
https://www.foxnews.com/opinion/bidens-afghanistan-withdrawal-remains-catastrophe-american-weakness-year-later
"Afghanistan debacle played role in Putin's Ukraine decision, general says"
https://www.washingtonexaminer.com/news/609327/afghanistan-debacle-played-role-in-putins-ukraine-decision-general-says/

[13] See Appendix B. See Appendix B motion for summary judgment filed by the Petitioner *Sevier in Pickup v. Biden,* 1:22-cv-00859-TNM (D.D.C 2022) regarding the Equality Act and Women's Health Protection Act:
https://www.dropbox.com/s/zknl9yyoyx92wll/Official%20Memorandum%20In%20Support%20of%20the%20Motion%20for%20Summary%20Judgment.pdf?dl=0

i. Demonstrated an ongoing pattern of senility and gross incompetency to the point of being a threat to Democracy and incapable of honoring their oath of office; [14]

3. Because Respondent Biden and Harris took all of these insurrectionist actions - either individually or collectively - outlined in paragraph 2 of this petition, after they swore an oath to support the Constitution under Clause 3, Article VI of the United States Constitution, Section 3 of the Fourteenth Amendment prohibits them from being President and Vice President and from qualifying for the Tennessee ballot for President in 2024.

CONCLUSION

In this case, we have five Republican Respondents from Colorado and one Democrat Intervenor from Tennessee – on opposite sides of the political aisle - potentially taking it upon themselves to disenfranchise all Americans through the use of words and legal maneuvering. Very obviously, this is not something to take lightly. The Court should grant the Intervening States motion – not just for the sake of the Intervenor –

; see also Appendix C "The Keeper Roe Reversed Forever Act" authored by the Petitioners for the state of Tennessee. https://www.dropbox.com/s/tt1d1qn1qd6o84f/Tennessee%20Keep%20Roe%20Reversed%20Forever%20Act.pdf?dl=0

The Supreme Court of the United States found that Secular Humanism is a religion for the purpose of the First Amendment in these cases: *Torcaso v. Watkins*, 367 U.S. 488 (1961); *School District of A Bington Township Pa. v. Schempp,* 374 U.S. 203 (1963); *United States v. Seeger*,380 US 163 (1965); *Welsh v. United States,* 398 U.S. 333 (1970),and the federal courts of appeals found the same thing in *Malnak v. Yogi*, 592 F.2d 197 (3d Cir.1979); *Theriault v. Silber,* 547 F.2d 1279 (5th Cir.1977); *Thomas v. Review Bd.*, 450 U.S. 707 (1981); *Lindell v. McCallum*, 352 F.3d 1107 (7th Cir.2003); *Real Alternatives, Inc. v. Sec'y Dep 't of H ea lth & Human Servs,* 150 F. Supp. 3d 419,2017 WL 3324690 (3d Cir. Aug. 4, 2017); and *Wells v. City and County of Denver,* 257 F.3d 1132 (10th Cir. 2001);

[14] "Biden's incompetence 'bigger problem' than his age – Trump" https://www.trtworld.com/us-and-canada/bidens-incompetence-bigger-problem-than-his-age-trump-14992077

"Is Biden Senile or a Pathological Liar?" https://www.nationalreview.com/corner/is-biden-senile-or-a-pathological-liar/

but more importantly for the sake of the Court's integrity and for the sake of the welfare of the Nation. By making this request to intervene, the Intervenor is providing the Court with the opportunity to provide a fair and balanced decision – one way or the other and for better or for worse. A balanced and complete decision will better stabilize our Constitutional Republic.

Respectfully submitted,

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Dated: January 11, 2024

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v.

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CERTIFICATE OF SERVICE

I HEREBY I HEREBY CERTIFY under the penalty of perjury that on January 11, 2024, three copies of the motion in the abovecaptioned case were served, as required by U.S. Supreme Court Rules, on the following:

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Sworn to and subscribed before me this 11 day of January 2024.

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My Comm. Expires Aug 26, 2026

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Los Angeles, California
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Exhibits

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Requesting permission to Intervene in No. 23-719 In the United States Supreme Court

Jason Murray <jmurray@olsongrimsley.com> Thu, Jan 11, 2024 at 8:21 AM
To: Special Forces Of Liberty <ghostwarsmusic@gmail.com>, "dwarrington@dhillonlaw.com" <dwarrington@dhillonlaw.com>, "jonathan@mitchell.law" <jonathan@mitchell.law>

Respondents oppose intervention.

Best,

Jason

Jason Murray | Partner

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Sent: Wednesday, January 10, 2024 10:05 PM
To: dwarrington@dhillonlaw.com; Jason Murray <jmurray@olsongrimsley.com>; jonathan@mitchell.law
Subject: Requesting permission to Intervene in No. 23-719 In the United States Supreme Court

Counsel,

I am filing a motion to intervene in No. 23-719 as a respondent. The legal arguments in our case in TN are identical to the ones that were made in Colorado. The only difference is that we are moving to remove the leading Democrat, Joe Biden, from the ballot in Tennessee. Of course, the facts are different.

Do I have your permission to intervene? Thanks

Chris

On Wed, Jan 10, 2024 at 2:02 PM Special Forces Of Liberty <ghostwarsmusic@gmail.com> wrote:

> Counsel,

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE AT NASHVILLE

Chris Sevier, Executive Director of DE FACTO ATTORNEYS GENERAL, Christine Wiehle, Executive Director of ONE HEART AMERICA, Terry Anderson, member of SPECIAL FORCES OF LIBERTY **V.** **TRE HARGETT, in his official capacity as Tennessee Secretary Of State, and JOSEPH R. BIDEN, KAMALA HARRIS**		24-0022-II **NO JURY DEMAND** Oral Argument Requested

VERIFIED PETITION/COMPLAINT

"From whence shall we expect the approach of danger? Shall some trans-Atlantic military giant step the earth and crush us at a blow? Never. All the armies of Europe and Asia...could not by force take a drink from the Ohio River or make a track on the Blue Ridge in the trial of a thousand years. No, if destruction be our lot we must ourselves be its author and finisher. As a nation of free men we will live forever or die by suicide." — Abraham Lincoln

Links:

https://www.specialforcesofliberty.com/

https://withkoji.com/@wavesonwaves

I. SECTION ONE INTRODUCTION

1. Petitioners, (1) Chris Sevier Esq., former rule of law Judge Advocate General and Executive Director of De Facto Attorneys General,[1] (2) Christine Wiehle, Executive Director One Heart America,[2] and Terry Anderson, member of Special Forces Of Liberty, under the Tennessee Code Annotated, TCA § 2-5-204, TCA § 1-3-121, TCA § 2-5-205, TCA § 8-18-101, TCA § 21-2-210, TCA§ 29-14-102, Section 1, Article X of the Tennessee Constitution, and Rule 57 of the Tennessee Rules of Civil Procedure bring this action to challenge the listing of Respondents Joseph R. Biden and Kamala Harris as candidates on the 2024 Democrat

[1] Patriots who support this cause of action and similar ones are welcome to donate to the cause through this website: https://www.specialforcesofliberty.com/

[2] *Id.*

presidential primary[3] election ballot and any future election ballot,[4] based on their disqualification from public office under Section 3 of the Fourteenth Amendment to the Constitution of the United States. Petitioners seek an order declaring Respondents Biden and Harris disqualified under the Fourteenth Amendment and enjoining Respondent Secretary of State Tre Hargett [5] ("Secretary") from taking any action that would allow them to access the ballot.[6] Under Tenn. R. Civ. P 57, the Petitioners respectfully request and are entitled to an expedited hearing on this Petition because time is of this essence in view of a related case from Colorado regarding the removal of President Donald Trump from the ballot in that state that is pending before the United States Supreme Court.[7]

II. SECTION 2 BASIC FACTS

2. The Petitioners ask the Court to take judicial notice of any of the facts that are asserted in this paragraph and in this complaint that are documented as part of the public record. Upon information and belief based on well-documented evidence and the public record, Respondents Biden and Harris are guilty of engaging in acts of insurrection, rebellion, or having given aid or comfort to the enemies of the United States directly or indirectly for purposes of Section 3 of the Fourteenth Amendment of the United States Constitution for having:

a. Aligned, encouraged, promoted, ratified, supported, and bailed out of jail members of ANTIFA and Black Lives Matters[8] - violent radical extremist organizations who openly

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[3] Under TCA § 21-2-2(29), "Primary" means any election held for the purpose of electing party officers or nominating candidates for public offices to be voted for at an election.

[4] Under TCA § 21-2-2(1), "Ballot" means "official ballot" or "paper ballot" and shall include the instrument, whether paper, mechanical, or electronic, by which an elector casts his or her vote.

[5] Under TCA § 21-2-210, the "Secretary of State deemed the chief state election official."

[6] Alternatively, the Petitioners bring this action under U.S. Const. amend. XIV and 42 U.S.C. § 1983 to redress the deprivation under color of state law of rights secured by the Constitution and laws of the United States. The Petitioners First Amendment rights under the US Constitution are being trampled on, and the First Amendment applies to the State of Tennessee through the Fourteenth Amendment.

[7] An expedited hearing in this case is proper because this case relates to an action on appeal from Colorado that is pending before the United States Supreme Court. https://www.scotusblog.com/2024/01/supreme-court-agrees-to-hear-trump-plea-to-remain-on-colorado-ballot/#:~:text=The%20Supreme%20Court%20agreed%20on,attacks%20on%20the%20U.S.%20Capitol.

[8] Motion for Summary Judgment filed by Petitioner Sevier to force Mayor Bowser to remove the non-secular BLM banner from the 16th Street in DC, demonstrating that BLM is out to undermine American Democracy in concert with radicals in the Democratic Party:

attempt to undermine American Democracy and interfere with our election infrastructure and are designated enemies of the United States;[9]

b. Maliciously opened the southern border to illegal immigrants, willfully refusing to enforce federal immigration statutes in an attempt to flood the nation with illegal immigrants in an ongoing quid-pro-quo arrangement where the illegal immigrants will repay the favor by voting in support of Biden and Harris and the radical members of the Democrat party in perpetuity, and in the process putting the interest of the enemies of the United States over the health, safety, and welfare of US Citizens and the rule of law;[10]

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https://www.dropbox.com/s/fstcjrp1zfvo74w/Penkoski%20memo%20%281%29.pdf?dl=0
Second Motion for Summary Judgment in BLM action by Petitioner Sevier, demonstrating that BLM is out to undermine American Democracy in concert with radicals in the Democratic Party: https://www.dropbox.com/s/ecnddkx23ojvyct/Memorandum%20in%20support%20of%20Christophers%20motion%20for%20MSJ_1_.pdf?dl=0
Third motion for Summary Judge to in BLM action by Petitioner Sevier demonstrating that BLM is out to undermine American Democracy in concert with radicals in the Democratic Party: https://www.dropbox.com/s/8pp598388v1i6rq/Sevier%20memo%20in%20support%20of%20MSJ_1_.pdf?dl=0

[9] See H. RES. 272.by Rep. Boebert:
https://www.congress.gov/bill/117th-congress/house-resolution/272/text?r=16&s=1
The public record demonstrates that Respondent Harris and Biden raised funds to bail violent rioters in Minnesota who were out to undermine American Democracy, and who were released and did more damage.
https://www.washingtonpost.com/politics/2020/09/03/kamala-harris-tweeted-support-bail-fund-money-didnt-just-assist-protestors/
See also:
https://thefederalist.com/2022/10/24/kamala-harris-is-lying-about-her-involvement-in-bailing-out-violent-criminals/. In doing so, Respondents Biden and Harris acted in concert to give "aid [and] comfort to the enemies" of the United States. U.S. Const. amend. XIV § 3.

[10] A Kaiser Family Foundation published a comprehensive study and survey that demonstrates that illegal immigrants are 2 to 1 likely to vote for Democrat candidates, and Respondents Biden are well aware of this fact as they aid and comfort illegal aliens at the expense of the rule of law and their oath of office.
https://www.kff.org/racial-equity-and-health-policy/poll-finding/political-preferences-and-views-on-us-immigration-policy-among-immigrants-in-the-us/.
Not only are Respondents Biden and Harris refusing to enforce federal immigration law as part of their insurrection plan to fundamental change the face of America for their benefit, Biden's Department Of Justice filed a lawsuit against the state of Texas to stop the state from effectively doing the job of the federal government in enforcing federal law and parallel state immigration law.
https://abcnews.go.com/US/wireStory/justice-department-sues-texas-law-police-arrest-migrants-106087467. This calculated, dangerous, and self-serving dereliction of duty invokes Section 3 of

c. Weaponized the FBI to intimidate social media companies into suppressing information that was adverse to the electability of Respondents Biden and Harris and members of their party and thus wrongfully interfering in free and fair elections through fraud, waste, and mismanagement of power;[11]

d. Weaponized the Department Of Justice to maliciously float frivolous civil and criminal allegations against President Donald J. Trump, the Respondent's chief political rival and the inevitable Republican party nominee in the 2024 election, as a harassment and intimidation technique in a concerted effort that constituted the greatest abuse of process since the inception of American Jurisprudence; [12]

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the Fourtheen Amendment. A bill has been introduced in the House to impeach Respondent Biden for his maliciou and deliberate dereliction of duty at the southern border. https://www.nbcnews.com/politics/congress/marjorie-taylor-greene-introduces-biden-impeachment-articles-rcna85098

[11] https://judiciary.house.gov/media/press-releases/testimony-reveals-fbi-employees-who-warned-social-media-companies-about-hack
"Zuckerberg tells Rogan FBI warning prompted Biden laptop story censorship" https://www.bbc.com/news/world-us-canada-62688532
Zuckerberg Admits Facebook Suppressed Hunter Biden Laptop Story ahead of 2020 Election https://www.nationalreview.com/news/zuckerberg-admits-facebook-suppressed-hunter-biden-laptop-story-ahead-of-2020-election/

[12] In an effort to interfere with the 2024 election, Biden authorized his DOJ to maliciously prosecute Trump on four implausible criminal counts relating to his so-called efforts to subvert the 2020 election results: (1) conspiracy to defraud the United States in violation of 18 U.S.C. § 371; (2) conspiracy to obstruct an official proceeding in violation of 18 U.S.C. § 1512(k); (3) obstruction of, and attempt to obstruct, an official proceeding in violation of 18 U.S.C. § 1512(c)(2), 2; and (4) conspiracy against citizens' constitutional right to vote and to have one's vote counted in violation of 18 U.S.C. § 241, a statute originally codified after the Civil War to counteract political violence against newly enfranchised Black citizens, see First Ku Klux Klan Act, 16 Stat. 140 (May 31, 1870). Indictment, United States v. Trump, 23-cr-257-TSC, ECF No. 1 (D.D.C. filed Aug. 1, 2023), https://www.justice.gov/storage/USvTrump23cr257.pdf ("Trump Federal D.C. Indictment"). Acting in concert with the Democrat District Attorney of Atlanta, Respondent Biden's authorized President Trump to be falsely accused of 13 criminal charges relating to a patently false "conspiracy to unlawfully change the outcome of the [2020] election in favor of Trump" through false statements, forgery, solicitation of public officers to violate their oaths to the Constitution, and other state felonies. Indictment, *Georgia v. Trump*, No. 23SC188947 (Ga. Super. Ct. filed Aug. 14, 2023), https://www.politico.com/f/?id=00000189-f730-dc32-ab89-f7fc1f760000

e. Sold the Nation up the river to foreign nations, who are enemies of the United States, by trading American influence in exchange for cash brides in a concerted effort spearheaded by the drug-addicted son of Respondent Biden, Hunter Biden, who has for decades openly peddled his family name with foreign nationals for the paramount benefit of "the big guy" - Respondent Biden - at the expense of the rule of law, the health, welfare, and safety of the US Citizenry, and of Biden's oath of office;[13]

f. Mishandled classified information in violation of federal law in a manner that Respondent Biden knew or should have known would comfort and aid the enemies of the United States;[14]

g. Purposefully mismanaged withdrawal of US forces from Afghanistan in a manner that aided and comforted enemies of the United States, which destabilized the global landscape, encouraged Russia's invasion of Ukraine, and brought together America's enemies, namely Russia, China, and Iran at the expense of national security interests; [15]

("Trump Georgia Indictment"). The Georgia indictment was such an outrageous malicious prosecution that it caused the Petitioners to write the "Deter Malicious Political Prosecution Act" for the state of Georgia, which they served on Governor Kempt and District Attorney Fani Willis in person the day after the indictment was publicly announced. See Appendix.
https://www.dropbox.com/preview/DETER%20MALICIOUS%20POLITICAL%20PROSECUTIONS%20IN%20GEORGIA%20ACT.pdf?role=personal

[13] H. Res. 57 by Rep. Green, Impeaching Joseph R. Biden, President of the United States, for abuse of power by enabling bribery and other high crimes and misdemeanors.
https://www.congress.gov/bill/117th-congress/house-resolution/57/text
"Joe Biden allegedly paid $5M by Burisma executive as part of a bribery scheme, according to FBI document"
https://www.foxnews.com/politics/biden-allegedly-paid-5-million-by-burisma-executive

[14] "Biden's silence on the classified documents is deafening"
https://nypost.com/2023/02/09/the-silence-on-the-classified-documents-scandal-is-deafening-joe-biden/

[15] Respondent Biden's malicious and destablizing withdraw actions from Afghanistan drew Russian, China, and Iran, America's enemies together - aiding and comforting America's enemies in violation of Section 3 of the Fourtheen Amendment.
"Hindsight Up Front: Implications of Afghanistan Withdrawal for China and Russia - Wilson Center."
https://www.wilsoncenter.org/event/hindsight-front-implications-afghanistan-withdrawal-china-and-russia

h. Excessively entangled our government with the religion of Secular Humanism at every available opportunity by peddling and promoting deeply unconstitutional policies, like the Equality Act, the Women's Health Protection Act, and substantially similar non-secular policies, that were enacted or put forward for implementation by the administrative state in total violation of the Establishment Clause of the First Amendment of the United States Constitution and Section 3, of Article I of the Tennessee Constitution - as Respondent Biden and Harris relentlessly seek to establish America as a Secular Humanist theocracy as an extension of their spectacular intellectual blindness with has the effect of relegating non-believers, such as the Petitioners, to second class citizens and obliterating their Constitutional civil rights;[16]

"Withdrawal from Afghanistan emboldened rivals, sent message US 'won't stand with allies'" https://www.foxnews.com/world/withdrawal-afghanistan-emboldened-rivals-sent-message-us-wont-stand-allies

"Biden's Afghanistan withdrawal remains catastrophe of American weakness a year later" https://www.foxnews.com/opinion/bidens-afghanistan-withdrawal-remains-catastrophe-american-weakness-year-later

"Afghanistan debacle played role in Putin's Ukraine decision, general says" https://www.washingtonexaminer.com/news/609327/afghanistan-debacle-played-role-in-putins-ukraine-decision-general-says/

[16] See Appendix B. See Appendix B motion for summary judgment filed by Petitioner *Sevier in Pickup v. Biden,* 1:22-cv-00859-TNM (D.D.C 2022) regarding the Equality Act and Women's Health Protection Act: https://www.dropbox.com/s/zknl9yyoyx92wll/Official%20Memorandum%20In%20Support%20of%20the%20Motion%20for%20Summary%20Judgment.pdf?dl=0 ; see also Appendix C "The Keeper Roe Reversed Forever Act" authored by the Petitioners for the state of Tennessee.

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The Supreme Court of the United States found that Secular Humanism is a religion for the purpose of the First Amendment in these cases: *Torcaso v. Watkins*, 367 U.S. 488 (1961); *School District of A Bington Township Pa. v. Schempp,* 374 U.S. 203 (1963); *United States v. Seeger*,380 US 163 (1965); *Welsh v. United States,* 398 U.S. 333 (1970),and the federal courts of appeals found the same thing in *Malnak v. Yogi*, 592 F.2d 197 (3d Cir.1979); *Theriault v. Silber,* 547 F.2d 1279 (5th Cir.1977); *Thomas v. Review Bd.*, 450 U.S. 707 (1981); *Lindell v. McCallum*, 352 F.3d 1107 (7th Cir.2003); *Real Alternatives, Inc. v. Sec'y Dep 't of H ea lth & Human Servs,* 150 F. Supp. 3d 419,2017 WL 3324690 (3d Cir. Aug. 4, 2017); and *Wells v. City and County of Denver,* 257 F.3d 1132 (10th Cir. 2001);

i. Acted in concert to rig the 2020 election by ratifying ballot harvesting schemes and fraud through mail-in-voting that impeached the integrity of election outcome of the 2020 Presidential election;[17]

j. Demonstrated an ongoing pattern of senility and gross incompetency to the point of being a threat to Democracy and incapable of honoring their oath of office; [18]

3. Because Respondent Biden and Harris took all of these insurrectionist actions - either individually or collectively - outlined in paragraph 2 of this petition, after they swore an oath to support the Constitution under Clause 3, Article VI of the United States Constitution, Section 3 of the Fourteenth Amendment prohibits them from being President and Vice President and from qualifying for the Tennessee ballot for President in 2024.

4. Respondents Biden and Harris undertook these actions to undermine confidence in our nation's election infrastructure in the coming election in 2024. It is beyond any serious question that Respondents Biden and Harris's guiding principle in life is that the ends justify the means even if the rule of law gets undermined in the process. They make a mockery of their oath of office[19] and have contempt for the rule of law and those who have the common sense to believe in absolute truth and the radically transformative life-giving Judeo-Christian values embraced overtly by our wise founding fathers.[20]

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[17] See the discoverable documents at issue in the documentary by Dinesh d'Souza "2000 Mules." https://www.imdb.com/title/tt18924506/

[18] "Biden's incompetence 'bigger problem' than his age – Trump" https://www.trtworld.com/us-and-canada/bidens-incompetence-bigger-problem-than-his-age-trump-14992077
"Is Biden Senile or a Pathological Liar?" https://www.nationalreview.com/corner/is-biden-senile-or-a-pathological-liar/

[19] Respondents Biden and Harris make a mocker of the oaths of office of all other government actors, like Petitioner Sevier who took the same oath in becoming a Court officer and Army Officer, having deployed to Operation Iraqi Freedom in a foreign theater of war to fight Americas enemies directly. If a First Lieutenant is expect to honor his oath of office and even die in the process in honoring it, then Commander in Chief above all should be required to do so.

[20] The video evidence obtained by Tucker Carlson regarding the events of January 6, 2021 demonstrated that the concept that there was a riot at the capitol was a fabricated hoax dreamt up in the dishonest imagination of power-hungry Democrats whose sole guiding principle in life is that the ends justify the means. In reality, the events at the capitol on January 6 were more in step with a guided tour of the capitol for US citizens provided courtesy of the Capitol police. The shallow idea that there was a coup de ta in place is the same kind of intellectual dishonesty

Respondent Biden and Harris' paramount motto in life is "if you ain't cheatin', you ain't tryin'", and in acting in accordance with this immoral and self-serving atheistic belief system, they have eroded the fabric of the integrity of our Constitutional Republic - causing catastrophic division and damage. The evidence shows that Respondents Biden and Harris' policies are so self-evidently at odds with transcultural natural law and the existing laws of the United States and of the State of Tennessee in a manner that is subversive to human flourishing that they very obviously believe that they have no choice but to deploy a continuous stream of political power plays to silence, harangue, and stifle their chief political rival under a false sense of impunity that this Court must not allow. The Petitioners are, therefore, - for good cause - petitioning this Court to punish Respondents Biden and Harris and to deter this kind of dangerous game-playing in the future, requiring that the Secretary of State remove them from the ballots in Tennessee permanently. [21]

5. Petitioners bring this action now to protect the rights of Democrat and Independent voters to fully participate in the upcoming primary election by ensuring that votes cast will be for those constitutionally qualified to hold office, that a disqualified candidate does not siphon off support from their candidates of choice, and that voters are not deprived of the chance to vote for a qualified candidate in the general election.

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manifested by Biden that has caused him and Harris to be hauled into court in this action in the first place. The malicious mischaracterization of events of January 6, 2021, as a dangerous riot led by President Trump is a calculated political power play crafted to undermine confidence in our nation's election infrastructure in the coming election in 2024. Because President Biden advanced this mischaracterization and weaponized his Department of Justice to harangue his chief political rival after he swore an oath to support the Constitution under Clause 3, Article VI of the United States Constitution, Section 3 of the Fourteenth Amendment prohibits him from being President and from qualifying for the Tennessee ballot for President in 2024. Respondent Biden lacks the character fitness and mental capacity to serve as Commander in Chief of the most powerful Country on the planet.
"Speaker McCarthy Releases 41,000 Hours Of Exclusive Jan. 6 Footage To Tucker Carlson: Report"
https://www.dailywire.com/news/speaker-mccarthy-releases-41000-hours-of-exclusive-jan-6-footage-to-tucker-carlson-report

[21] Respondents Biden and Harris has never provided any evidence that the "Stop the Steal" movement was not valid, but alternatively, have demonstrated its validity by deploying every tactic and trick in the book to prevent President Trump from appearing on the ballot against them in the 2024 election, knowing that he cannot prevail on the merits of his dismal governing record and idiotic leadership that defies common sense. Such political and Constitutional malpractice must be met with actual ramifications and consequences to deter this kind of dangerous political game-playing that could provoke a hot civil war that our Nation would likely not survive.

6. Adopted in the wake of the Civil War, Section 3 of the Fourteenth Amendment imposes a qualification for holding public office in the United States. It bars from office any person who swore an "oath … to support the Constitution of the United States" as a federal or state officer and then "engaged in insurrection or rebellion against the same, or [gave] aid or comfort to the enemies thereof," unless Congress "remove[s] such disability" by a two-thirds vote. U.S. Const. amend XIV, § 3.

7. Like other constitutional qualifications based on age, citizenship, and residency, Section 3 is enforceable through civil suits in state court to challenge a candidate's eligibility to hold public office, including the Office of the President. Neither Section 3's text nor precedent require a criminal conviction for "insurrection" or any other offense for a person to be adjudged disqualified, as leading constitutional scholars have confirmed in their breathless attempts to invent ways to disqualify Respondent Biden and Harris' chief political rival, President Trump, from the ballot [22] in states like Maine and Colorado due to the fact that they are well aware that Respondents Biden and Harris cannot defeat President Trump in an honest head-to-head match up, as reflected by nearly every recent poll.[23] Rather, Section 3 "operates independently of any … criminal proceedings and, indeed, also independently of impeachment proceedings and of congressional legislation"; it applies "directly and immediately upon those who betray their oaths to the Constitution." Luttig & Tribe, supra note 1. Just because it is beyond any serious question from the perspective of the reasonable observer of ordinary prudence that the Country - and world for that matter - was better off under the four years of President Trump than under the three disastrous years under Biden does not justify his total disregard of his oath of office, and the Petitioners are asking this Court to serve as a material check and balance, taking away

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[22] E.g., William Baude & Michael Stokes Paulsen, The Sweep and Force of Section Three, 172 U. Pa. L. Rev. (forthcoming 2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4532751 ; J. Michael Luttig & Laurence H. Tribe, The Constitution Prohibits Trump From Ever Being President Again, The Atlantic, Aug. 19, 2023, https://www.theatlantic.com/ideas/archive/2023/08/donald-trump-constitutionally-prohibitedpresidency/675048; Steven Calabresi, Trump Is Disqualified from Being on Any Election Ballots, The Volokh Conspiracy, Aug. 10, 2023, https://reason.com/volokh/2023/08/10/trump-isdisqualified-from-being-on-any-election-ballots/ ; accord Litigation of Criminal Prosecutions for Treason, Insurrection, and Seditious Conspiracy, 179 Am. Jur. Trials 435 § 17 (2023).

[23] "Trump Leads in 5 Critical States as Voters Blast Biden, Times/Siena Poll Finds" https://www.nytimes.com/2023/11/05/us/politics/biden-trump-2024-poll.html

Respondent Biden and Harris' false sense of impunity to deter others from engaging in acts of corruption and insurrection in the future.

8. Section 3 is a "measure of self-defense" designed to preserve and protect American democracy. Cong. Globe, 39th Cong., 1st Sess. 2918 (May 31, 1866) (statement of Sen. Willey). It embodies the Fourteenth Amendment's framers' recognition of the grave threat that insurrection against the Constitution poses to the existence and integrity of our Union. Section 3 "functions as a sort of constitutional immune system," meant "to keep those who have fundamentally betrayed the constitutional order from keeping or reassuming power." Baude & Paulsen, supra note 1, at 35. "The oath to support the Constitution is the test. The idea being that one who had taken an oath to support the Constitution and violated it, ought to be excluded from taking it again, until relieved by Congress." *Worthy v. Barrett*, 63 N.C. 199, 204 (1869), appeal dismissed sub nom. *Worthy v. Comm'rs*, 76 U.S. 611 (1869). Respondents Biden and Harris have failed this test by a landslide.[24]

9. Courts have disqualified officials under the Fourteenth Amendment who played far less substantial roles in insurrections, and who, like Biden and Harris, did not personally commit violent acts. For example, Kenneth Worthy, who served as a sheriff in a Confederate state (but did not take up arms in the Confederate army). Worthy, 63 N.C. 199; see also The Precedent for 14th Amendment Disqualification, Citizens for Responsibility and Ethics in Washington, July 7, 2023, If this individual's conduct warranted Section 3 disqualification, then surely Biden's and Harris' perpetual corrupt misconduct conduct does as well. The Colorado Supreme Court recently disqualified President Trump from the ballot in Colorado for far less egregious alleged reasons in comparison to the ones presented here. *Anderson v. Griswold* (1:23-cv-02291) (District Court, D. Colorado)

10. Despite his constitutional disqualification, Respondent Biden is presently a "candidate" under Tennessee and federal law for the 2024 Democrat presidential primary

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[24] For example, after taking an oath to "preserve, protect and defend" the Constitution as President of the United States, U.S. Const. art. II, § 1, Biden and Harris have refused to enforce federal immigration law and openned the southern board unlawfully in a deliberate attempt to encourage illegal voting to skew election results in their favor. Such misconduct must be met with consquences. By instigating this unprecedented assault on the American constitutional order, Biden and Harris have violated their oath and disqualified themselves under the Fourteenth Amendment from holding public office, including the Office of the President and Vice President.

election, and Respondent Harris is either a "candidate" for the Presidency or Vice Presidency in the 2024 Democrat primary election.

11. The Secretary has the power and duty to exclude constitutionally ineligible candidates from the ballot. Despite this duty, the Secretary has not committed to excluding Biden/Harris from the presidential primary ballot based on their disqualification under Section 3. Based on historical practice, the Secretary will not independently investigate Respondents Biden and Harris's constitutional eligibility for bad acts they committed that are part of the public record under Section 3 and exclude them from the ballot on that basis absent a judicial order to that effect.

12. Due to Biden's candidacy combined with his constitutional ineligibility, the Secretary of State is about to commit a negligent breach of duty and a violation of Section 1, Article X of the Tennessee Constitution. Absent relief by this Court, multiple actions in the process of granting Biden/Harris access to the ballot are improper and constitute a breach or neglect of duty or other wrongful act in violation of the U.S. Constitution and Tennessee law and the fundamental rights of the Petitioners.

13. There is an urgent public interest in promptly resolving whether Biden and his Vice President are constitutionally eligible to serve as President or Vice President in advance of the approaching primary election and in the subsequent general election. Absent timely relief, Petitioners and other voters will be irreparably harmed.

14. Accordingly, under TCA § 29-14-102 and Tenn. R. Civ. P 57., Petitioners seek an order declaring Biden constitutionally disqualified from public office under Section 3 of the Fourteenth Amendment and an injunction that enjoins the Secretary from taking any action to grant Biden/Harris access to the ballot for the presidential primary or any other election to include the general election.

III. SECTION 3 PARTIES

15. Petitioner Chris Sevier Esq., is a former rule of law Judge Advocate General, the founder of De Facto Attorneys General, a Christian Missionary, an Infantry Officer who took the oath of office to uphold the Constitution of the United States, a subscriber of The Daily Wire,[25] a registered Democrat, a recording artist at Waves_On_Waves, and an author of hundreds of pieces

[25] https://www.dailywire.com/

of legislation for the state and federal legislatures that are designed to (1) strengthen the rule of law, (2) unleash human flourishing, (3) protect our Constitutional Republic, and (4) mirror the natural law that flows directly from the Bible.[26] He is a registered voter with the Democrat Party who resides in Nashville Tennessee. He is an eligible elector within the meaning of TCA § 21-2-2(7).[27]

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[26] See the about section of the website: https://www.specialforcesofliberty.com/about/

[27] Under TCA § 21-2-2(7), an "'Elector' means any person who shall possess all of the qualifications for voting now or hereafter prescribed by the laws of this state, including applicable charter provisions, and shall have registered in accordance with this chapter." For the state of Tennessee, we have authored these bills:

1. Save Our Children Act (SOCA) – Commerce committee – filters on Internet devices to prevent sex trafficking and protect minors from harmful websites by default. https://www.dropbox.com/s/2x8j3cmoneb02im/Tennessee%20Save%20Our%20Children%20Act%20%28SOCA%29.pdf?dl=0

2. Social Media Accountable Censorship Act (the S.M.A.C. Act) – Judiciary Committee – falls within the exemption of 230(e)(3) CDA to protect consumers from censorship. https://www.dropbox.com/s/450fx221053rc3a/Tennessee%20Social%20Media%20Accountable%20Censorship%20Act%20%28S.M.A.C.%20Act%29.pdf?dl=0

3. Stop W.O.K.E. Act – Education Committee – Education Committee – weaponizes the establishment clause to ban CRT in K – 12. 4. School Establishment Clause Act (SECA) – Education Committee – weaponizes the establishment clause to ban policies that promote LGBTQ orthodoxy in K – 12. https://www.dropbox.com/s/xnjfze5z5jtetpf/Tennessee%20Stop%20the%20Wrongs%20to%20Our%20Kids%20and%20Employees%20Act%20%28the%20Stop%20W.O.K.E.%20Act%29.pdf?dl=0

5. Time Release Educational Credit Act (TRECA) – Education Committee – a bill to get prayer back in school in a manner that does not violate the establishment clause. https://www.dropbox.com/s/15ba85znnnf66ww/Tennessee%20Time%20Release%20Educational%20Credit%20Act%20%28TRECA%29.pdf?dl=0

6. Truth In Reporting Act (TIRA) – Judiciary Committee – creates new tort defamation in-kind regarding selective reporting by media outlets of certain cases to protect civil liberties. https://www.dropbox.com/s/b6ugtkh0drdw5b0/Tennessee%20Truth%20In%20Reporting%20Act%20%28TIRA%29.pdf?dl=0

7. Fight Exploitation Funding Act (FEFA) – Tax Committee – Imposes a $5 admission fee on adult establishments to be deposited into a grant fund for non-profits that fight exploitation. https://www.dropbox.com/s/vr5g51x5e6e4itx/Tennessee%20Fight%20Exploitation%20Funding%20Act%20%28FEFA%29.pdf?dl=0

8. Coach Kennedy's Law – Education Committee – protects public silent prayer at a sports event pursuant to the free exercise clause of the first amendment and the state Constitution. https://www.dropbox.com/s/84th9ozzpi08f15/Tennessee%20Coach%20Kennedy%27s%20Law.pdf?dl=0

9. Matthew McConaughey's Law, a.k.a the "Transferred Right Of Self-Defense Active School Shooter Act (TROS DASSA)," – Judiciary – reinforcing the 2nd Amendment & deterring school shootings.

16. Christine Wiehle is the executive director of One Heart America and a Christian Missionary and multi-state lobbyist. She is a registered Democrat voter who resides in Nashville Tennessee. She is an eligible elector within the meaning of TCA § 21-2-2(7).

17. Terry Anderson is a member of the Special Forces Of Liberty, a Christian Missionary, and a tireless advocate to help the homeless in Tennessee. He is an independent voter who resides in Nashville Tennessee. He is an eligible elector within the meaning of TCA § 21-2-2(7).

18. As "eligible electors," Petitioners have standing under Tennessee law to challenge the constitutional eligibility of candidates in the 2024 Democratic presidential primary election. If an ineligible candidate appears on the ballot that Petitioners will cast in the election, Petitioners will suffer an injury in fact to a legally protected interest under Tennessee law because the election would not be among eligible candidates, the Secretary of State would have violated his duties under the U.S. Constitution and Tennessee law, the ineligible candidate would have affected the integrity and fairness of the election, and the party could end up with an ineligible nominee in the general election. Petitioners do not support Biden and will vote for another candidate on the ballot. If Biden is on the ballot, voters who would otherwise vote for Petitioners' candidates of choice will instead vote for Biden, reducing the likelihood that Petitioners' candidates of choice will win the election. And Democrat voters could be deprived of the chance to vote for a qualified candidate in the general election.

19. Respondent Tre Hargett is the Secretary of State of Tennessee and is sued solely in his official capacity. As the State's chief election officer, the Secretary is responsible for overseeing ballot access for presidential primary candidates, including by accepting a major political party's form designating a candidate as a bona fide candidate for president of the United States who is affiliated with the major political party; accepting a notarized candidate's statement of intent together with either a nonrefundable filing fee[28] or a petition signed by the requisite

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https://www.dropbox.com/s/e1rlt3g6jsbw1ad/Tennessee%20Transferred%20Right%20Of%20Self-Defense%20Active%20School%20Shooter%20Act%20%28TROS%20DASSA%29%20or%20Matthew%20McConaughey%E2%80%99s%20Law.pdf?dl=0

10. Keep Roe Reversed Forever Act – Health/Judiciary Committee – creates a cause of action against the Feds pursuant to the 1st and 10th Amendments to keep Roe overturned for good. https://www.dropbox.com/s/tt1d1qn1qd6o84f/Tennessee%20Keep%20Roe%20Reversed%20Forever%20Act.pdf?dl=0

[28] Under TCA § 2-13-207, "The city council of any such metropolitan government may set any reasonable filing fees up to five hundred dollars ($500).

number of eligible electors, and, ultimately, certifying and listing the names and party affiliations of the candidates to be placed on any presidential primary election ballots. See TCA § 2-5-205.

20. Respondent Joe Biden is over 18 and is sued in his personal capacity, or alternatively in his professional capacity, as a candidate running for office, appearing on the ballot in Tennessee for high office. According to the Secretary of State's website, Respondent Biden will appear as the Democrat candidate in the primary as of now. See https://sos.tn.gov/elections/services/2024-presidential-preference-primary

21. Respondent Kamala Harris is sued in her personal capacity, or alternatively, in her professional capacity, as a candidate running for office, intending to appear on the ballot in Tennessee for high office as a candidate for president or as Respondent Biden's vice president.

22. Respondent Biden is a private citizen and a "candidate" under Tennessee and federal law for the 2024 Democratic presidential primary election. Under Tennessee law, a "candidate" is more or less defined as one who has publicly announced an intention to seek election to public office and thereafter has received a contribution or made an expenditure in support of the candidacy. Respondent Harris also meets the same definition of a candidate.

23. 52 U.S.C. § 30101(2) defines a "candidate" as "an individual who seeks nomination for election ... to Federal office" and has "received contributions aggregating in excess of $5,000 or has made expenditures aggregating in excess of $5,000"). Biden publicly announced his 2024 presidential campaign before the filing of this lawsuit. He has filed with the Federal Election Commission a Statement of Candidacy and a candidate Public Financial Disclosure. To date, Biden's campaign has raised substantial funds. Upon information and belief, in Tennessee, Biden's campaign has raised at substantial funds in individual contributions. Respondent Harris has made clear that she intends to be on the ticket with Respondent Biden in the general election and has insinuated that she may run in the presidential primary against Respondent Biden, especially if his health continues to deteriorate.

IV SECTION 4 JURISDICTION AND VENUE

24. This Court has subject matter and personal jurisdiction over this action under the TCA § 2-5-204, TCA § 1-3-121, TCA § 2-5-205, TCA § 8-18-101, TCA § 21-2-210,

29-14-102, Section 1, Article X of the Tennessee Constitution, and Rule 57 of the Tennessee Rules of Civil Procedure. [29]

25. Venue is proper in this Court under the Tennessee Code Annotated and Tennessee Rules Of Civil Procedure because the Secretary's office is in the City of Nashville and County of Davidson, Tennessee, and the Petitioners will experience the injury in this venue if Respondents Biden and Harris are permitted to appear on the ballot. .

26. The foreseeable and continuing injury imposed on the Petitioners took place in this state, county, and jurisdiction.

V. SECTION 5 OF THE FOURTEENTH AMENDMENT

27. The Civil War and Reconstruction marked America's second founding. The Constitution's Reconstruction Amendments abolished slavery, restored the Union, and "forged a new constitutional relationship between individual Americans and the national state." Eric Foner, The Second Founding: How the Civil War and Reconstruction Remade the Constitution, Preface (2019). Section 3 of the Fourteenth Amendment played a key role in that transformation by barring from public office ex-Confederates and future officials who violated an oath to support the Constitution by engaging in insurrection or rebellion against it.

28. Section 3, also known as the Disqualification Clause, provides:

> **No person shall** be a Senator or Representative in Congress, or elector of President and Vice-President, or **hold any office,** civil or military, under the United States, or under any State, **who, having previously taken an oath**, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, **to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof.** But Congress may by a vote of two-thirds of each House, remove such disability. U.S. Const. amend. XIV § 3 (emphasis added).

29. Section 3 imposes a qualification for holding federal or state office. See *Cawthorn v. Amalfi*, 35 F.4th 245, 265 (4th Cir. 2022) (Wynn, J., concurring); id. at 275 (Richardson, concurring in the judgment); *Griffin*, 2022 WL 4295619, at *16; *Greene v. Raffensperger,* 599 F.

[29] Alternatively, the Petitioners bring this action under U.S. Const. art. IIV and 42 U.S.C. § 1983 to redress the deprivation under color of state law of rights secured by the Constitution and laws of the United States. The Petitioners first amendment rights to free speech and free expression will be violated if Respondents Biden and Harris are permitted to appear on the ballot.

Supp. 3d 1283, 1316 (N.D. Ga. 2022); Cong. Globe, 39th Cong., 1st Sess. 3036 (June 8, 1866) (statement of Sen. Henderson). It is a constitutional limitation on who can run for President, no less than the requirements that the President be at least 35 years of age, a natural-born U.S. citizen, a U.S. resident for at least 14 years, and one who has not served two prior presidential terms. See U.S. Const. art. II, § 1, amend. XXII. See TCA § 8-18-101.

30. As with other constitutional qualifications, Section 3 challenges can be adjudicated through civil suits and administrative proceedings. *See, e.g.*, *Griffin*, 2022 WL 4295619 (quo warranto); *Louisiana ex rel. Sandlin v. Watkins*, 21 La. Ann. 631 (La. 1869) (quo warranto); *Worthy*, 63 N.C. 199 (mandamus); *In re Tate*, 63 N.C. 308, 309 (1869) (mandamus); *Rowan v. Greene*, No. 2222582-OSAH-SECSTATE-CE-57-Beaudrot (Ga. Off Admin. Hr'gs May 6, 2022), https://perma.cc/M93H-LA7X (administrative proceeding); *see also Litigation of Criminal Prosecutions for Treason, Insurrection, and Seditious Conspiracy*, 179 Am. Jur. Trials 435, § 17 (2023) (Section 3 disqualification "can be asserted through a variety of channels," including "state statutes permitting voters to challenge candidate qualifications."); Baude & Paulsen, *supra* note 1, at 22–23 (Section 3 "must be followed ... by anyone whose job it is to figure out whether someone is legally qualified for office," including "state elections officials" and "state and federal judges deciding cases where such legal rules apply").

31.. Section 3 can be enforced against presidential candidates in state courts under state ballot access laws. As then-Judge Neil Gorsuch wrote for the Tenth Circuit, "a state's legitimate interest in protecting the integrity and practical functioning of the political process permits it to exclude from the ballot candidates who are constitutionally prohibited from assuming office." *Hassan v. Colorado*, 495 F. App'x 947, 948 (10th Cir. 2012) (upholding exclusion of constitutionally ineligible presidential candidate from the ballot); *Lindsay v. Bowen*, 750 F.3d

1061 (9th Cir. 2014) (same); *see also Elliott v. Cruz*, 137 A.3d 646 (Pa. Commw. Ct. 2016) (adjudicating the merits of challenge to presidential primary candidate Ted Cruz's constitutional eligibility), *aff'd*, 635 Pa. 212 (2016); *Ankeny v. Governor of Indiana*, 916 N.E.2d 678 (Ind. Ct. App. 2009) (same, in suit challenging constitutional eligibility of Barack Obama and John McCain). Indeed,"the State[s] ha[ve] obviously a great interest" in enforcing Section 3 "and a clear right to do" so. *Sandlin*, 21 La. Ann. at 632.

32. No federal statute is required to activate Section 3, just as no federal statute is required to activate other sections of the Fourteenth Amendment or other constitutional qualifications for office. Section 3 is a constitutional command with independent legal force, dictating that "[n]o person *shall*" hold public office if the disqualifying conditions are met. U.S. Const. amend. XIV § 3 (emphasis added); *see also id.* art. II § 1 (using similar "No Person ... shall" language in imposing other qualifications for the presidency); *id.* amend. XXII ("No person shall be elected to the office of the President more than twice..."); Baude & Paulsen, *supra*, at 18 (Section 3 "does not *grant a power* to Congress (or any other body) to enact or effectuate a rule of disqualification"; it instead "directly adopts a constitutional rule of disqualification from office").

33. Where, as here, state law authorizes lawsuits challenging presidential candidates' constitutional eligibility, state courts are constitutionally obligated to adjudicate such claims. *See* U.S. Const. art. VI cl. 2 ("This Constitution ... shall be the supreme Law of the Land; *and the Judges in every State shall be bound thereby.*") (emphasis added); *see also id.* art. VI cl. 3 ("[A]ll ... judicial Officers ... of the several States, shall be bound by Oath or Affirmation, to support this Constitution.").

34. Modern and historical precedent reinforce that state courts do not need Congress's permission to enforce the Fourteenth Amendment. *See, e.g.*, *Griffin*, 2022 WL 4295619 (adjudicating Section 3 challenge under state law); *Worthy*, 63 N.C. 199 (same); *In re Tate*, 63 N.C. 308 (same); *Town of Dillon v. Yacht Club Condos. Home Owners Ass'n,* 325 P.3d 1032 (Colo. 2014) (adjudicating Fourteenth Amendment Due Process Clause claim brought directly under the Constitution); *San Isabel Elec. Ass'n v. Pub. Utils. Comm'n*, 487 P.3d 665 (Colo. 2021) (same); *Alliance for Retired Americans v. Sec'y of State*, 240 A.3d 45 (Me. 2020) (same); *see also Rowan*, No. 2222582-OSAH-SECSTATE-CE-57-Beaudrot (adjudicating Section 3 challenge in state administrative proceeding). Leading scholars have confirmed this conclusion. E.g., Baude & Paulsen, supra note 1, at 17–49. 55. Section 3's text and precedent also make clear that a criminal conviction for "insurrection" or any other offense is not necessary for a person to be adjudged disqualified. *See, e.g.*, *Griffin*, 2022 WL 4295619, at *16; *Worthy*, 63 N.C. 199; *Sandlin*, 21 La. Ann. 631; *In re Tate*, 63 N.C. 308.[30]

35. Before engaging in the bad insurrectionist and rebellious acts described in this Petition that is a matter of public record that this Court is asked to take judicial notice of, Respondents Biden and Harris had both previously undertaken an oath to uphold the Constitution under Clause 3, Article VI of the United States Constitution. Respondent Biden first undertook his oath of office on January 3, 1973 - literally fifty years ago.[31] On January 20, 2021, Respondent Biden took the oath of office to be sworn in as the 46th president of the United

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[30] *Accord* Baude & Paulsen, *supra* note 1, at 68; Luttig & Tribe, *supra* note 1; Calabresi, *supra* note 1; *Litigation of Criminal Prosecutions for Treason, Insurrection, and Seditious Conspiracy*, 179 Am. Jur. Trials 435, § 17 (2023); *see also The Precedent for 14th Amendment Disqualification*, Citizens for Responsibility and Ethics in Washington, July 7, 2023, https://www.citizensforethics.org/reports-investigations/crew-reports/past-14th-amendment-disqualifications/.

[31] For five decades - while under oath - Respondent Biden has left a trail of devastation through corruption as a result of his unprecedented fraud, waste, corruption, and dishonesty.

States, swearing to "faithfully execute the Office of President of the United States," and "to the best of [his] Ability, preserve, protect and defend the Constitution of the United States." U.S. Const. art. II § 1, cl. 8. Respondent Harris took the same oath to become the Vice President on the same day swearing the same. Respondent Harris first took the oath of office on the federal level in 2017, when she was sworn in as a Senator from California.

36. Taking this oath made Respondents Biden and Harris subject to disqualification because the President of the United States and the Vice President of the United States is an "officer of the United States" within the meaning of Section 3.

37. The conclusion that the President and/or Vice President is an officer of the United States follows from the Constitution's plain text. The Constitution refers to the President holding an "Office" 25 times, including in the Oath of Office Clause. See U.S. Const. art. I, § 3, art. II, §§ 1, 4, amends. XII, XXII, XV. Because that "Office" is within the federal executive branch, it is necessarily an office "of the United States." And one who holds an "office" is an "officer."

38. The Constitution's plain text is bolstered by the original public meaning of the phrase "officer of the United States" and Section 3's legislative history,[32] as well as two opinions of U.S. Attorney General Henry Stanbery interpreting federal statutes enforcing Section 3 prior to its ratification. *See The Reconstruction Acts*, 12 U.S. Op. Att'y Gen. 182, 203 (1867) (construing "officers of the United States" broadly to cover "without limitation" anyone who "held any office, civil or military, under the United States, and has taken an official oath to support the

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[32] *See* John Vlahoplus, *Insurrection, Disqualification, and the Presidency*, 13 Brit. J. Am. Legal Stud. (forthcoming 2023), at 13–22 https://ssrn.com/abstract=4440157; Mark A. Graber, *Disqualification From Office: Donald Trump v. the 39th Congress*, Lawfare, Feb. 23, 2023, https://www.lawfaremedia.org/article/disqualification-office-donald-trump-v-39th-congress; Gerard N. Magliocca, *Background as Foreground: Section Three of the Fourteenth Amendment and January 6th*, J. Con. L., Vol. 25:5, at n.48, Feb., 2023, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4306094; Baude & Paulsen, *supra* note 1, at 107–11.

Constitution of the United States"); *The Reconstruction Acts*, 12 U.S. Op. Atty. Gen. 141, 158 (1867) ("Here the term officer is used in its most general sense, and without any qualification. ... [T]he reason is apparent for including all officers of the United States, and for making the disfranchisement more general and comprehensive as to them, standing, as they do, in ... direct relation and trust to the United States..."). [33]

39. Respondents Biden and Harris became subject to disqualification under Section 3 when they took an "oath ... to support the Constitution of the United States" upon assuming the Office of the President and Vice President, and prior to that as members of US Congress and Senate. Unlike President Trump who first took the oath of office in 2017, Respondent Biden has been subjected to his oath for five decades and has remained the poster child of an oath breaker and is very obviously one of the most corrupt elected officials in American history, and this is a distinction with a difference that should not be lost on any of the Courts of competent jurisdiction that this action may come before.

VI. SECTION SIX CLAIMS FOR RELIEF

COUNT I
(Relief Under TCA § 2-5-205, TCA § 2-5-204, TCA § 1-3-121, TCA § 8-18-101, TCA § 21-2-210, TCA§ 29-14-101-113, Section 1, Article X of the Tennessee Constitution – Respondent Hargett)

40. Petitioners repeat and incorporate by reference all preceding paragraphs.

41. Upon information and belief, under Tennessee's presidential primary elections statute, the Secretary is responsible for overseeing ballot access for presidential primary candidates,

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[33] President Trump, Respondent Biden and Harris's arch nemesis, conceded in court filings that "[t]he President of the United States" is an "officer ... of the United States." President Donald J. Trump's Mem. of Law. in Opp. to Mot. to Remand, *People v. Trump*, 1:23-cv-3773-AKH, ECF No. 34, at 2–10 (S.D.N.Y., filed June 15, 2023); *see also K&D LLC v. Trump Old Post Off. LLC*, 951 F.3d 503 (D.C. Cir. 2020). Likewise, Respo ndent Biden is an officer for the same reasons as stipulated as President Trump.

including by accepting a major political party's form designating a candidate as a bona fide candidate for president of the United States who is affiliated with the major political party; accepting a notarized candidate's statement of intent together with either a nonrefundable filing fee of a sum of money or a petition signed by the requisite number of eligible electors, and, ultimately, certifying and listing the names and party affiliations of the candidates to be placed on any presidential primary election ballots. See TCA § 2-5-205 et. seq..

42. Upon information and belief, the legislature has declared that it is the intent of the People of the State of Tennessee that the provisions of the presidential primary elections statute conform to the requirements of federal law, including the U.S. Constitution.

43. Upon information and belief, as part of his duties to supervise the conduct of primary and general elections in this state, the Secretary is responsible for ensuring the qualifications of candidates for statewide and federal elections, including presidential candidates. [34] Under TCA § 21-2-210, the "Secretary of State deemed the chief state election official."

44. Upon information and belief, under Tennessee law, no person is eligible to be a designee or candidate for office unless that person fully meets the qualifications of that office as stated in the constitution and statutes of this state on or before the date the term of that office begins.

45. Section 3 of the Fourteenth Amendment, as part of the U.S. Constitution, "shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby." U.S. Const. art.

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[34] Upon information and belief the Secretary of State of Tennessee is subject to the same restrictions as the Secretary of State in Colorado. See *Hassan v. Colorado*, 870 F. Supp. 2d 1192, 1195 (D. Colo. 2012), aff'd, 495 F. App'x 947 (10th Cir. 2012) (Gorsuch, J.) (upholding the Secretary's exclusion of a constitutionally ineligible presidential candidate from the ballot); C.R.S. § 1-4-1203(3) ("The election officers ... have the same powers and shall perform the same duties for presidential primary elections as they provide by law for other primary elections and general elections.").

VI cl. 2; *see also* Tennessee Constitution (recognizing the supremacy of the "[C]onstitution of the United States").[35]

46. Both the Secretary and this Court are required by law to take an oath to support the U.S. Constitution, including Section 3 of the Fourteenth Amendment. See U.S. Const. art. VI cl. 3 ("[A]ll executive and judicial Officers ... of the several States, shall be bound by Oath or Affirmation, to support this Constitution."); Under Section 1, Article X of the Tennessee Constitution "every person who shall be chosen or appointed to any office of trust or profit under this Constitution [which includes Respondent Hargett], or any law made in pursuance thereof, shall, before entering on the duties thereof, take an oath to support the Constitution of this State, and of the United States, and an oath of office. Every civil officer shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation to support the constitution of the United States and to faithfully perform the duties of the office upon which he shall be about to enter. The executive department shall include the secretary of state, who shall perform such duties as are prescribed by law.

47. The Secretary has a mandatory duty to support, obey, consider, apply, and enforce the U.S. Constitution, including Section 3 of the Fourteenth Amendment, in executing her official duties.

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[35] The United States is a Constitutional Republic - even though Respondents Biden and Harris pretend otherwise. The U.S. Constitution, art. VI, Cl 2 states: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof;; and all Treaties made, or which shall be made, under the Authority of the United States, 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." As such, "[t]he Constitution of the United States and all laws enacted pursuant to the powers conferred by it on the Congress are the supreme law of the land (U. S. Const., art. VI, sec. 2) to the same extent as though expressly written into every state law." *People ex rel. Happell v. Sischo*, 23 Cal. 2d 478, 491 (Cal. 1943) (citing *Hauenstein v. Lynham,* 100U.S. 483, 490 (1880);; *Florida v. Mellon,* 273 U.S. 12, 17 (1927).

48. Upon information and belief, under Tennessee law, to gain access to a presidential primary election ballot, a major party candidate must submit to the Secretary, and the Secretary must accept a notarized candidate's statement of intent, in which the candidate must expressly affirm to the Secretary that the candidate meets all qualifications for the office prescribed by law.

49. Upon information and belief, under Tennessee law, any action by the Secretary to provide ballot access to a presidential primary candidate who fails to meet all constitutional qualifications for the Office of President is an impropriety and a breach or neglect of duty or other wrongful act.[36]

50. Upon information and belief, under Tennessee law, as eligible electors, Petitioners have standing under state law to prospectively challenge as improper the listing of any candidate on the presidential primary election ballot, so long as the challenge is timely brought days after the filing deadline for candidates. Such a challenge is ripe for adjudication as soon as a person qualifies as a candidate for a presidential primary election.

51. Respondent Biden is presently a candidate under Tennessee and federal law for the 2024 Democrat presidential primary election. Respondent Harris is a candidate for vice president in the general election and may appear as a candidate for 2024 Democrat presidential election, especially if Respondent Biden were to spontaneously keel over.

52. Because Respondents Biden and Harris are disqualified from public office under Section 3 of the Fourteenth Amendment, they do not meet all qualifications for the office of the President prescribed by law.

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[36] Additionally, Respondent Hargett is a state actor who is charged not to violate the civil rights of the Petitioners as setforth in the bill of rights. See 42 USC 42 U.S.C. § 1983. By allowing Respondent Biden and Harris to be on the ballot, Respondent Hargett has committed or is about to commit a breach or neglect of duty or other wrongful act that inflicts injury on the Petitioners First Amendment rights, conferring standing. This Court has concurred jurisdiction to ensure that federal laws like 42 U.S.C. § 1983 are enforced against state actors like Respondent Hargett to ensure that the Federal Constitution is upheld.

53. Despite the Secretary's power and duty to exclude constitutionally ineligible candidates from the presidential primary ballot, the Secretary has not committed to excluding Respondent Biden from the presidential primary ballot based on his disqualification under Section 3. Based on historical practice, the Secretary will not independently investigate Biden's constitutional eligibility under Section 3 and exclude him from the ballot on that basis absent a judicial order to that effect. The same applies to Respondent Harris.

54. Due to Respondent Biden's constitutional ineligibility to serve as president, any action by the Secretary allowing Respondent Biden ballot access—including accepting the Tennessee Democrat Party's form designating Respondent Biden as a bona fide candidate for president of the United States; accepting Respondent Biden's notarized candidate's statement of intent together with either a nonrefundable filing fee or a petition signed by requisite number of eligible electors, or certifying and listing his name on the primary election ballot will be improper, and a breach or neglect of duty or other wrongful act that, absent relief by this Court, the Secretary is about to commit in violation of the U.S. Constitution and Tennessee law. See TCA § 2-5-205 and Section 1, Article X of the Tennessee Constitution.

55. There is an urgent public interest in promptly resolving whether Respondent Biden is constitutionally eligible to serve as president and whether Respondent Harris is constitutionally eligible to serve as Vice President in advance of the approaching primary election and general elections. Absent timely relief, Petitioners and other voters will be irreparably harmed.

COUNT II (Declaratory Relief Under TCA§ 29-14-102 and Tenn. R. Civ. P 57(a) – All Respondents)

56. Petitioners repeat and incorporate by reference all preceding paragraphs.

57. Under Tennessee law, state courts within their respective jurisdictions shall have the power to declare rights, status, and other legal relations whether or not further relief is or could

be claimed. Under TCA § 29-14-102 Courts of record within their respective jurisdictions have the power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declaration shall have the force and effect of a final judgment or decree. Under Tenn. R. Civ. P 57, declaratory relief is appropriate in this case, and the Rule does not limit or restrict the exercise of the general powers conferred, in any proceeding where declaratory relief is sought, in which a judgment or decree will terminate the controversy or remove an uncertainty. See Ten. R. Civ. P. 57; TCA § 29-14-102; TCA § 1-3-121. Petitioners seek declaratory relief to terminate the controversy or remove any uncertainty about whether Respondent Biden is constitutionally eligible for the office of the presidency, whether Respondent Harris is Constitutionally eligible for the office of the Vice Presidency or Presidency, and whether the Secretary may lawfully certify them as candidates for those offices.

58. Because Respondent Biden is disqualified to serve as president and Respondent Harris is disqualified to serve as Vice President or President under Section 3 of the Fourteenth Amendment, Petitioners are entitled to declaratory relief that Respondents Biden and Harris are disqualified from office and that the Secretary may not take any action to allow Respondents Biden and Harris access to the 2024 Democrat presidential primary ballot and from the general election ballot.

VII. SECTION SEVEN PRAYER FOR RELIEF

59. WHEREFORE, Petitioners respectfully request that the Court issue an order:

1. Setting an expedited hearing on this Petition in the interest of justice under the Tennessee Code Annotated and under Tenn. R. Civ. P. 57 because this is a case where time is of

the essence because of a similar related case from Colorado that was appealed and granted certiorari by the United States Supreme Court regarding the removal of President Trump from the ballot in that state;

2. Taking judicial notice of the facts alleged in this petition that are supported by the public record and the direct evidence presented at a hearing proving them;

3. Declaring that Respondents Biden and Harris are disqualified under Section 3 of the Fourteenth Amendment to the Constitution of the United States and are therefore constitutionally ineligible to appear on any Tennessee ballot as a candidate for federal or state office;

3. Declaring that any action by the Secretary allowing Respondent Biden and Harris to access the 2024 Democratic presidential primary election ballot or any future primary or general election ballot in Tennessee will be improper and a breach or neglect of duty or other wrongful act under Tennessee law.

4. Enjoining the Secretary from taking any action that would allow Respondents Biden and Harris to access the 2024 Democratic presidential primary election ballot or any future primary or general election ballot in Tennessee;

5. Awarding Petitioners their reasonable attorneys' fees and costs incurred in prosecuting this action; and

6 Granting any other relief that this Court deems just and proper.

/s/Chris Sever Esq./
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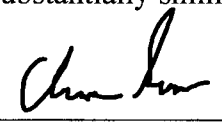
VERIFICATION

I, Chris Sevier Esq, being first duly sworn, state and affirm that the factual allegations set forth in this Petition are true and correct to the best of my knowledge, information, and belief. This verification is entered into pursuant to the penalty of perjury under 28 USC § 1746 and any substantially similar statute within the Tennessee Code Annotated.



Chris Sevier Esq.

VERIFICATION

I, Christine Wiehle, being first duly sworn, state and affirm that the factual allegations set forth in this Petition are true and correct to the best of my knowledge, information, and belief. This verification is entered into pursuant to the penalty of perjury under 28 USC § 1746 and any substantially similar statute within the Tennessee Code Annotated.

Christine Wiehle

Christine Wiehle

VERIFICATION

I, Terry Anderson, being first duly sworn, state and affirm that the factual allegations set forth in this Petition are true and correct to the best of my knowledge, information, and belief. This verification is entered into pursuant to the penalty of perjury under 28 USC § 1746 and any substantially similar statute within the Tennessee Code Annotated.

Terry Anderson

DRAFT LC_____

A BILL TO BE ENTITLED
AN ACT

A BILL FOR AN ACT.

Relating To Pardons And Executive Clemency By The Governor To Deter Malicious Political Prosecutions By A District Attorney's Office

To enact Code Section 42-9-1.1 by amending Title 42, Chapter 9, Article 1, of the Official Code of Georgia Annotated, to grant the Governor the option to pardon individuals who have worked in government within the last ten years who have been convicted of specific crimes in a case that was potentially a political prosecution, to confer standing on pardoned individuals to bring a civil suit against a District Attorney and Assistant District Attorney's who participated prosecution that resulted in the pardoned conviction, to protect the integrity of the justice system, to deter politically motivated prosecutions in matters where passions run high, to provide checks and balances to the branches of government, to prevent a District Attorney's office meddling in elections for the benefit of a political party they favor.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act may be known and cited as the "Deter Malicious Political Prosections Act"

SECTION 2.

The General Assembly makes and declares the following findings that are not to be codified:

(1) Section II paragraph I of the Georgia Constitution states that "the chief executive powers shall be vested in the Governor" which includes the power of the Governor to pardon an individual who was the target of a malicious political prosecution;

(2) Section II paragraph II of the Georgia Constitution states that "The Governor shall take care that the laws are faithfully executed and shall be the conservator of the peace throughout the state" and by expressly authorizing the Governor to pardon a person who recently held government office or was acting on behalf of a government agent in a potentially political prosecution that resulted in a conviction is part of the Governor's Constitutional authority to ensure that the laws are faithfully executed and to keep the peace.

District Attorneys in their personal capacity who participated in the prosecution that resulted in a conviction that was overturned by the Governor's pardon.

(c) **[Removing Immunity]** No form of government immunity shall apply to a defendant in a civil action brought under section (b).

(d) **[Deterrence and Damages]** If a plaintiff with standing brings a civil lawsuit under section (b) can demonstrate by a preponderance of the evidence that the defendant:

(1) Was motivated by political animus;

(2) Pursued criminal conviction against the plaintiff in a case that lacked probable cause; or

(3) Pursued criminal charges for ulterior motives; Then the trier of fact may award a plaintiff:

(A) Attorney fees;

(B) Costs;

(C) Statutory damages up to $100,000; and

(D) Other forms of equitable relief.

(e) **[Retro Active Application]** Sections (a), (b), (c), and (d) shall retro-actively apply to any prosecution initiated within the last ten years by a state attorney.

(f) **[Special Session]** Pursuant to Section II paragraph VI of the Georgia Constitution, the Governor may call a special session to enact this measure.

(g) **[Optional Section on expiration]** This act will expire 15 years after enactment.

SECTION 4.

Code Section 42-9-1 of Article 1, Chapter 9, of Title 42 is amended as follows:

In recognition of the doctrine contained in the Constitution of this state requiring the three branches of government to be separate, it is declared to be the policy of the General Assembly that the duties, powers, and functions of the State Board of Pardons and Paroles are executive in character and that, in the performance of its duties under this chapter, no other body is authorized to usurp or substitute its functions for the functions imposed by this chapter upon the board except in the case of the conviction of a person who was in government office at the time of the crime or who was acting on behalf of a government official, then the Governor may elect to invoke the exclusive power to pardon under Code Section 42-9-1.1(a).

SECTION 5.

This act shall go into effect immediately.

PETITIONERS APPENDIX B

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

DR. DAVID PICKUP, MA, LMFT; REVEREND DAREN MEHL, the President of Voice Of The Voiceless; REVEREND STEPHEN BLACK, Executive Director of First Stone Ministries; PASTOR GREG QUINLAN, Executive Director of the Center For Garden State Families; CHRIS SEVIER ESQ., De Facto Attorneys General & Special Forces of Liberty DC Division; PASTOR RICH PENKOSKI, Senior Pastor at Warriors For Christ. **(Plaintiffs)** **V.** **JOE R. BIDEN, in his official capacity as President of the United States, JEFF MERKLEY, in his official capacity as the Senate prime sponsor of the Equality Act, CHARLES SCHUMER, in his official capacity as Senate Majority Leader, RICHARD J. DURBIN, in his official capacity as Chairman of the Senate Judiciary Committee, DAVID CICILLINE, in his official capacity as the prime sponsor of the Equality Act in the House, NANCY PELOSI, in her official capacity as House Speaker, RICHARD BLUMENTHAL, in his official capacity as the prime sponsor of the Women's Health Protection Act of 2022** **(Defendants)**		**1:22-cv--00859-TNM**

MEMORANDUM IN SUPPORT OF THE PLAINTIFFS MOTION FOR SUMMARY JUDGMENT

"Look at what time it is. Now is not the time to squish" - Michael Knowles of the Daily Wire

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Supreme Constitutional Authority:

Other Authority

NOW COMES the Plaintiffs in support of their motion for summary judgment filed pursuant to Fed. R. Civ. P. 56. This memorandum of law is almost identical to the memorandum of law that the Plaintiffs filed in support of their motion for a preliminary injunction.[1] The legal standards for a preliminary and permanent injunction are basically the same. [2]

I. INTRODUCTION: THE TEXTUAL BASES OF THE CONSTITUTION THAT *OVERRULES ROE, CASEY, OBERGEFELL, AND BOSTOCK* AND THAT INVALIDATES THE WOMEN'S HEALTH PROTECTION ACT, THE EQUALITY ACT, AND RELATED EXECUTIVE ORDERS ARE THE ESTABLISHMENT CLAUSE OF THE FIRST AMENDMENT AND THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION

The Plaintiffs are asking that this Honorable Court issue a declaration and a permanent injunction that enjoins the Defendants from advancing, endorsing, enacting, promoting, and

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[1] One distinction with a difference between the motion for preliminary injunction and the motion for summary judgment is that when the Plaintiffs referred to substantially "similar" policies in the Amended complaint in paragraphs ¶¶ 2, 40, 55, 57, 59, 61, 78, 80, 83, 99, 108, 138, 143, 145, 167, and 181, see DE #22, and on pages 1, 4, 10, 17, 41, 43, 45, 46, 48, and 64 of the memorandum for preliminary injunction, (See DE # 28), the Plaintiffs can clarify that they were referring to Executive Order 14075 and the Executive Order that Defendant Biden is threatening to execute in response to the *Dobbs*' decision. Statement of Facts ¶ 1. Both of those unlawful Executive Orders amount to de facto enactments of the challenged Equality Act and the Women's Health Protection Act and violate the Establishment Clause of the First Amendment and the Tenth Amendment of the United States Constitution. Both of the illegal Executive Orders inflict the same injuries on the Plaintiffs as the enactment of the Equality Act and the Women's Health Protection Act. The fact that the Defendants are sending letters to Defendant Biden urging him to enact these illegal Executive Orders is direct evidence of them acting in concert and racketeering to violate the Establishment Clause and Tenth Amendment. Statement of Facts ¶ 40. They are jointly and severally liable for this conspiracy to undermine Constitutional authority.

[2] **Legal Standard:** "The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." *Superior Fibre Prod., Inc. v. U.S. Dep't of the Treasury*, 156 F. Supp. 3d 54, 60 (D.D.C. 2016) (citing Fed. R. Civ. P. 56(a)). In addition, to obtain a permanent injunction, a plaintiff must establish actual success on the merits and show (1) likelihood of success; (2) irreparable injury; (3) that the balance of hardships favor the plaintiff; and (4) "that the public interest would not be disserved by a permanent injunction." *Sierra Club v. U.S. Dep't of Agric.*, 841 F. Supp. 2d 349, 356 (D.D.C. 2012) (citation omitted); see also *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 32 (2008). ("The standard for a preliminary injunction is essentially the same as for a permanent injunction with the exception that the plaintiff must show a likelihood of success on the merits rather than actual success." (quoting *Amoco Prod. Co. v. Vill. of Gambell*, 480 U.S. 531, 546 n.12 (1987))

enforcing the Equality Act,[3] the Women's Health Protection Act,[4] and substantially similar legislation and Executive Orders, like EO 14075,[5] for the exact same two textual Constitutional reasons that decision in the following cases must be permanently overruled: *Roe v. Wade,* 410 U.S. 113 (1973) (referred to simply as *Roe* henceforth), *Planned Parenthood v. Casey,* 505 U.S. 833 (1992) (referred to simply as *Casey* henceforth), *Obergefell v. Hodges,* 135 S.Ct. 2584 (2015)(referred to simply as *Obergefell* henceforth), *United States v. Windsor,* 133 S. Ct. 2675 (2013)(referred to simply as *Windsor* henceforth), and *Bostock v. Clayton Cnty. Bd. of Commissioners,* 139 S.Ct. 1599 (2019) (referred to simply as *Bostock* henceforth). The first reason why the Equality Act, the Women's Health Protection Act, Executive Orders like 14075, and the egregiously wrong decisions in *Roe, Casey, Obergefell, Bostock,* and *Windsor* must be completely invalidated is because they violate the Establishment Clause of the First Amendment for having the effect of converting America into a secular humanist theocracy. The Establishment Clause and the Free Exercise Clause of the First Amendment of the United States Constitution reads, "[the government] shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." The second reason why the Equality Act, Women's

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[3] Equality Act, S. 393 attached as an exhibit. Prime sponsored by Defendants Cicilline and Merkley. https://www.congress.gov/bill/117th-congress/senate-bill/393

[4] Women's Health Protection Act of 2022, S. 4132, attached as an exhibit. Prime sponsored by Defendant Blumenthal and officially endorsed by the other Defendants. https://www.govinfo.gov/app/details/BILLS-117s4132pcs

[5] Link To Executive Order 14075. https://www.dropbox.com/s/m2ueptbadj811va/EXECUTIVE%20ORDER%2014075.pdf?dl=0 On June 15, 2022, at a press conference during the signing of EO 14075, Defendant Biden made the following statements: "Pride is back at the White House....today, I am about to sign an Executive Order that directs key federal agencies to protect our communities from those hateful attacks and advances equality families [Sic]. My order will use the full force of the federal government to prevent any inhumane practices of conversion therapy. This is the first time the federal government is leading a coordinated response against this dangerous discredited practice....but Congress has to pass an act as well and that's the Equality Act." https://www.youtube.com/watch?v=EHbHLL9Rgk4. (DE # 26, Decl. Gunter, Wiehle, Sevier ¶ 14)

Health Protection Act, substantially similar policies, and the egregiously wrong decisions in *Roe, Obergefell, Bostock,* and *Windsor* must be enjoined and overruled is because they violate the Tenth Amendment of the United States Constitution, which confers the powers exclusively to the States and to the people, which includes the Plaintiffs,[6] to regulate licentious religious practices, like convenience abortion practices and homosexual conduct, on the State and local level.[7] The Tenth Amendment states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Through this case, this Honorable Court has the opportunity to clarify further the inescapable Constitutional-textual-basis for why *Roe* and *Casey* must be overturned that was not presented in the leaked decision in *Dobbs v. Jackson,* 19-1392 (2022)(referred to simply as *Dobbs* henceforth) nor in any of those cases in general. (See Appendix D). The Plaintiffs' text-based Constitutional arguments were not raised directly in *Obergefell* or *Bostock* either. The Plaintiffs will show that the Establishment Clause of the First Amendment is to *Roe, Casey, Obergefell, Windsor, Bostock*, the Equality Act, Executive Order 14075, the Women's Health Protection Act, and other similar policies what the atomic bomb was to Hiroshima and Nagasaki at the end of World War II.[8] It is not good enough to say that the decisions in *Roe* and *Casey*

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[6] See Statement of Facts ¶ 75.

[7] "Licentiousness" was understood by our founders to be too much liberty. There was a widely shared view that too much liberty is as bad as no liberty. See, e.g., NATHANIEL HAWTHORNE, The Minister's Black Veil, in TWICE-TOLD TALES 25–37 (Modern Library 2001) (1837); NATHANIEL HAWTHORNE, THE SCARLET LETTER (Modern Library 2000) (1850); 2 JOHN LELAND, A VIEW OF THE PRINCIPAL DEISTICAL WRITERS OF THE LAST AND PRESENT CENTURY 303, 571 (5th ed. 1755).

[8] In view of the leaked *Dobbs* decision which presents some loose ends and insufficient grounds to overcome so-called super precedent, the Plaintiffs will provide this Court with the opportunity to put the final death nail in the coffins of the egregiously wrong decisions in *Roe* and *Casey* by - for the first time ever - framing the matter under the correct and controlling Constitutional prescription under the First Amendment and Tenth Amendment of the United States Constitution, regarding the States right to regulate licentious religous practices.

were egregiously wrong when they were decided - which they were.[9] Instead, a textual basis in the Constitution for why exactly they were egregiously wrong is needed for complete victory. The winner, in the end, will be the rule of law and the American people because the American people have only consented to living in and paying taxes to a Constitutional Republic, not a secular humanist theocracy as the Defendants illegally strive to create on a daily basis.

At oral argument in *Casey*, Justice Stevens asked the state of Pennsylvania, the Petitioners defending a challenged Pennsylvania statute [10] that put restrictions on convenience abortion practices in conflict with *Roe's* holding, the following:

> "I'm asking what is the *textual basis* in the Constitution [for the state to restrict non-secular convenience abortion practices]? You are arguing very vigorously there's no *textual basis* supporting your opponent's position [that the Constitution provides for the right of convenience abortion].....if you are going to say that there is none, fine, that's perfectly alright."(Emphasis added) [11]

The answer that Pennsylvania should have provided Justice Stevens - that the Plaintiffs give here and now to this Court of public record - is that the Establishment Clause of the United States Constitution combined with the States' traditional right conferred under the Tenth Amendment to restrict and regulate certain licentious religious practices, which include convenience abortions and homosexual conduct, is the exact "textual basis" that Justice Stevens was asking for but was never supplied. To be clear, this is the same precise "textual basis" for why *Roe, Casey, Obergefell, Windsor, and Bostock* must be permanently overruled and why the Equality Act, Executive Order 14075, the Women's Health Protection Act of 2022, and all substantially similar

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[9] Page 6 of the leaked *Dobbs* decision, the Supreme Court states, "*Roe* was egregiously wrong from the start. Its reasoning was exceptionally weak, and the decision has had damaging consequences. And far from bringing about a national settlement of the abortion issue, Roe and Casey have enflamed debate and deepened division. It is time to heed the Constitution and return the issue of abortion to the people's elected representatives." The same thing can be said about the States' right to not redine marriage in a manner that promotes licentious religious practices that harms communities.

[10] See 18 Pa. Cons. Stat. §§ 3203-3220 (1990)

[11] See Oral argument in *Casey*: https://www.oyez.org/cases/1991/91-744 at 00:53:19.

federal legislation must be forever struck down and enjoined from moving forward or carrying the force of law. In fact, the Establishment Clause is the textual basis for why most of the Democrat party's platform is constitutionally invalid, wasting resources, not working, and cultivating dangerous entitlement syndrome that is compelling criminal acts to take place around the country, generating violence, intimidation, and vandalism - which the Plaintiffs have experienced.[12]

At oral argument in *Dobbs,* Justice Sotomayor asked the state of Mississippi, the Petitioners defending the constitutionality of Miss. Code Ann. §41-41-191 which restricted convenience abortion practices to 15 weeks in conflict with the *Roe* and *Casey* holdings, whether its position that life begins at conception was based on Christian religion stating:

> How is your interest anything but a religious view? The issue of when life begins has been hotly debated by philosophers since the beginning of time. It's still debated in *religions*. So, when you say this is the only right that takes away from the state the ability to protect a life, that's a religious view, isn't it? (Emphasis Added). [13]

Mississippi should have responded by stipulating, "yes, Justice Sotomayor, Mississippi's position that life begins at conception is based on neutral self-evident secular observations which just so happen to parallel the doctrines of the Christian religion," and then Mississippi should have

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[12] https://thefederalist.com/2022/05/03/lets-burn-this-place-down-left-calls-for-violence-after-treasonous-scotus-abortion-leak/. The legacy of the Defendants will be that most of their efforts in government amounted to an attempt to establishing a secular humanist theocracy, amounting to nothing but pain and suffering.

The Family Research Council has compiled a list of over 60 pro-life advocacy groups that have been victimized in the wake of the leaked draft of the *Dobbs*' decision. (DE # 26, Decl. Gunter, Wiehle, & Sevier ¶ 11). Statement of Facts ¶ 39 & 24(d). https://downloads.frc.org/EF/EF22F17.pdf. On June 8, 2022, one week after the Plaintiffs filed their motion to show cause, Nicholas John Roske traveled from his home in California to Maryland for the purpose of murdering Justice Kavanaugh and his family because of Justice Kavanaugh's alleged action to overturn Roe and for his alleged pro-Second Amendment leanings. Declaration of Wiehle, Sevier (DE # 26, Decl. Gunter, Wiehle, & Sevier ¶ 4 - 9). Statement of Facts ¶ 34.

[13] See Appendix B. Tr. of Oral Arg page 30- 31 quoting Justice Sotomayor in *Dobbs*. See oral argument in *Dobbs:* https://www.oyez.org/cases/2021/19-1392

added that the idea that life does not begin at conception and that convenience abortion practice is not murder is just Justice Sotomayor's and the Respondents' "religious view" that is based entirely on the unproven faith-based truth claims of the religion of secular humanism. Justice Sotomayor was onto something in her self-defeating line of questioning that was calculated to continue the government's unlawful entanglement with the religion of secular humanism. Justice Sotomayor's faith-based belief that life does not begin at conception, shared by the Defendants here, is equally based on the religion of secular humanism, just as the Plaintiffs' and Mississippi's belief that life begins at conception is based on the religion of Christianity. In her line of questioning, Justice Sotomayor was pulling hard on the thread that must now lead to the total unraveling of *Roe, Casey, Obergefell*, and *Bostock* through this cause of action and others similar ones. The same thread pulled by Justice Sotomayor must also constitute the permanent death nail to any federal policy, like the Equality Act, Executive Order 14075, and Women's Health Protection Act, that seeks to make an unlawful "end-around" the Establishment Clause of the First Amendment of the United States Constitution in a coercive attempt to establish America as a secular humanist theocracy in violation of the social contract that holds our Nation together and at the expense of the powers given to the States and to the people under the express language of the Tenth Amendment.

At oral argument in *Dobbs*, Justice Thomas correctly indicated that *Roe* focused on "privacy" and that *Casey* focused on "autonomy." [14] The state of Mississippi in *Dobbs* focused on the *Roe* and *Casey* decisions being so "egregiously wrong" from the start that they should be overruled because the so-called right to privacy and autonomy are not in the Constitution.[15] Here in this case, the Plaintiffs focus on enabling this Court to put a stake through the heart of

[14] See Appendix B. Tr. of Oral Arg page 6. Justice Thomas in *Dobbs*.
[15] See Appendix B. Tr. of Oral Arg page 6. Solicitor General of Mississippi in *Dobbs*. Statement of Facts ¶ 70.

Roe, *Casey, Bostock,* and *Obergefell* and any federal statute enacted or proposed by Congress or the President, like the Women's Health Protection Act, the Equality Act, Executive Order 14075, and the soon to be enacted retaliation Executive Order that in reaction to the official *Dobbs* decision, that attempts to codify *Roe*, *Casey, Obergefell,* or *Bostock* because those federal policies violate the text of the Establishment Clause of the First Amendment of the United States Constitution, since they have the effect of establishing America as a secular humanist theocracy and because those federal policies take power away from the States that was conferred to the States and to the people under the express language of the Tenth Amendment of the United States Constitution, not to any of the three federal branches of government.[16] Americans have agreed only to pay taxes to a constitutional republic, not a secular humanist theocracy.[17] While "autonomy" and "privacy" are not in the Constitution, the Establishment Clause is.[18] This argument was not made in *Dobbs* because Mississippi failed to see the argument because it is not easy to see that irreligion is religion, but the Plaintiffs are making that watertight argument here and now in an action involving the Women's Health Protection Act and the Equality Act that attempts to codify *Roe, Casey, Obergefell,* and *Bostock* and go way beyond their holdings.

II. ADDRESSING THE MOST KEY ISSUE AT THE CENTER OF THIS CASE UPFRONT: Issuing A Preliminary/Permanent Injunction Is In The Best Interest Of The Public Because It Will Strengthen The Legitimacy Of The *Dobbs* Decision By Providing The Controlling Textual Basis For Why *Roe* And *Casey* Must Be Permanently Overruled,

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[16] As James Madison explained, the constitutional process in our "compound republic" keeps power "divided between two distinct governments." The Federalist No. 51, p. 323 (C. Rossiter ed. 1961

[17] See Statement of Facts ¶ 43.

[18] See Statement of Facts ¶ 70. If this Court will simply side with the Plaintiffs, it might single-handedly help protect the lives of five of the Justices on the Supreme Court and their family members from the dangerous lynch mob when the actual decision in *Dobbs* is published. The Plaintiffs are - without apology - asking this Court to come to the rescue of the five Supreme Court justices and other pro-life targets by merely interpreting the Constitution in face of the Defendants' flagrant political and constitutional malpractice that is destroying our Nation from the inside out. Reasonable Americans are not going to stand for this for after all "what fellowship can light have with darkness?" See 2 Corinthians 6:14.

Which Could Protect The Lives Of Five Supreme Court Justices And Pro-Lifers, Like The Plaintiffs, And The Integrity Of The Court As A Non-Political Institution.

A. Considering The Statements Of Justices At Oral Argument In Dobbs Regarding Serious Stare Decisis Concerns

The public will benefit if this Court issues a permanent injunction in this case because it will tie up the dangerous loose ends presented in the leaked *Dobbs'* decision regarding *stare decisis* and safeguard the legitimacy of the federal judiciary as an institution - with the additional benefit of protecting the lives of five Supreme Court justices, their families, and pro-life advocates, like the Plaintiffs, who are being threatened by the secular humanist mob with vandalism and violence all the time.[19] It is a matter of public record that in the wake of the leaked *Dobbs* decision, there have been ominous protests outside of the private residences of five of the Supreme Court Justices, who are opposed to America being established as a secular humanist theocracy by federal overreach. It is also a matter of public record that the Defendants have been non-responsive and have not condemned those unlawful protests, refusing to enforce 18 U.S. Code § 1507 without justification in a manner that smells like an act of sedition under 18 US Code § 2384. It is also a matter of public record that the Department of Homeland Security is preparing for more violence when the official *Dobbs* decision is published and carries the force of federal law, dismantling *Roe* and *Casey* on valid but somewhat weak grounds.[20] Some members of the pro-abortion death cult have promised to inflict violence on some of the Plaintiffs and other Christian pro-life groups when the official *Dobbs* decision is released. This threat comes as the result of the Plaintiffs' and others' commitment to defend the integrity of the United States Constitution as it was written and for their advocacy of the lives of unborn children.

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[19] See Statement of Facts ¶ 71. "If abortions aren't safe, then you aren't either." https://www.nytimes.com/2022/05/08/us/madison-anti-abortion-center-vandalized.html

[20] https://www.mic.com/impact/supreme-court-roe-abortion-protests-dhs

It is in the public's best interest that this Court issue an injunction in this action as soon as possible because doing so will memorialize the *textual legal basis* in the Constitution for why the Supreme Court had no choice but to overrule the egregiously wrong decisions in *Roe* and *Casey,* under the Establishment Clause of the First Amendment combined with the text of the Tenth Amendment, regardless whether the Justices are "liberal" or "conservative." Presently, the Plaintiffs tend to agree with Kagan, Breyer, Roberts, and Sotomayor's insinuation at oral arguments in *Dobbs* that Mississippi failed to adequately provide a sufficient basis for why the precedents in *Roe* and *Casey* had to be overruled. Yet, where Mississippi fell short, the Plaintiffs do not plan to.

In *Dobb*s, Mississippi sought to ultimately overrule *Roe* and *Casey* by enacting Miss. Code Ann. §41-41-191 because (1) those prior court decisions were "egregiously wrong" and not grounded in Constitutional law to begin with, because (2) the viability line was "arbitrary," [21] and because (3) the "undue burden standard....is perhaps the most unworkable standard in American law." [22] While the Plaintiffs completely agree with Mississippi's arguments, and while the evidence shows that Mississippi's position was correct, Mississippi only offered relatively weak fact-based pragmatic arguments that are debatable by degrees. That is no way to get around *stare decisis* in watershed cases like *Roe* and *Casey* where feelings run high. Mississippi failed to provide a rock-solid Constitutional textual basis to support its arguments for why *Roe* and *Casey* should be overruled and their precedents totally nullified forever because HB 1510 was not fully framed right. The Plaintiffs unfortunately tend to agree with the pro-abortion Respondents in

[21] Appendix B page 19 Tr. of Oral Arg. General Stewart Petitioner in *Dobbs*.
[22] Appendix B page 16 Tr. of Oral Arg. General Stewart Petitioner in *Dobbs*.

Dobbs that Mississippi's arguments were not necessarily strong enough to get around what Chief Justice Roberts described as "super *stare decisis*"[23] presented by *Roe* and *Casey*. [24]

To that end, at oral arguments in *Dobbs*, Justices Sotomayor, Kagan, Roberts, and Breyer strategically focused heavily on *stare decisis* for good reasons. Justice Breyer pointed out all of the following: (1) *Casey* indicated that *Roe* was a "rare.... watershed" decision "because the country is divided" and "because feelings run high;[25] (2) "overturning a case [like *Roe* or *Casey* must be] grounded in principle and not social pressure, not political pressure;"[26] (3) the *Casey* court indicated that the judiciary should be far more "unwilling to overrule" *Roe* than in the ordinary case;[27] (4) in order to overturn *Roe* and *Casey*, "in the absence of the most compelling reason, to re-examine a watershed decision, would subvert the Court's legitimacy beyond any serious question." [28]

Furthermore, Justice Sotomayor added to the *stare decisis* concern by raising the question if *Dobbs* overruled *Roe* and *Casey* simply because the decisions were "egregiously wrong" would the Supreme Court "survive the stench" as an "institution" if "people actually believe" that the Supreme Court "is all political?" [29]

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[23] The idea that "super Stare Decisis" even exist is a likely a legal fiction. But Stare Decisis does exist, even though there are different interpretations of it. See *Kimble v. Marvel Entertainment*, LLC, 576 U.S. 446 (2015).

[24] Appendix B page 67 Tr. of Oral Arg. Justice Roberts in *Dobbs*.

[25] Appendix B. Tr. of Oral Arg page 9. Justice Breyer in *Dobbs*.

[26] Appendix B page 10. Tr. of Oral Arg. Justice Breyer in *Dobbs*.
The federal judicial branch cannot exceed the scope of its authority under the Constitution, and it cannot allow its decisions to be affected by any extraneous influences such as concern about the publics reaction to its work. See *Cf. Texas v. Johnson*, 491 U.S. 397 (1989); *Brown v. Board of Education*, 347 U.S. 483 (1954). That is true both when the federal judicial branch initially decides a constitutional issue and when it considers whether to over rule a prior decision.

[27] Appendix B page 9 Tr. of Oral Arg. Justice Breyer in *Dobbs*.

[28] Appendix B page 10 Tr. of Oral Arg. Justice Breyer in *Dobbs*. See also *Casey* at 866-867. Statement of Material Facts ¶ 69.

[29] Appendix B page 15 Tr. of Oral Arg. Justice Sotomayor in *Dobbs*.

Additionally, Justice Kagan underscored the same point by stating that "a strong justification in a case like, [Dobbs,] beyond the fact that [Mississippi] think[s] the [*Roe* and *Casey* decisions were] wrong" must be provided. [30] Justice Kagan stated that there have been "50 years of decisions saying that [*Roe* and *Casey* are] part of our law and part of the fabric of women's existence in this country." [31]

To complicate matters further as it relates to the case here concerning the Women's Health Protection Act and even the Equality Act by extension and the two challenged related Executive Orders, Justice Kavanaugh stated that "because the Constitution is neutral [on convenience abortion practices], that [the Supreme] Court should be scrupulously neutral on the question of abortion...." and that the matter of regulating convenience abortion "should be left to the people, to the states, or to Congress." Justice Kavanaugh's statements amounted to a "green light" for the Defendants to move forward to enact the Women's Health Protection Act or substantially similar policies.[32]

Justice Sotomayor provided her own signals for the Defendants to advance the Women's Health Protection Act or a similar Executive Order when she stated:

> "There's so much that's not in the Constitution, including the fact that we have the last word. Marbury versus Madison. There is not anything in the Constitution that says that the Court, the Supreme Court, is the last word on what the Constitution means."

Justice Sotomayor implied that Congress or the President - i.e. the Defendants - could legitimately through an instrument like the Women's Health Protection Act of 2022 or through Executive Order codify *Roe* and *Casey* - which would preempt any state statute that restricted or

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[30] Appendix B page 33 Tr. of Oral Arg. Justice Sotomayor in *Dobbs*.
[31] Appendix B page 35 Tr. of Oral Arg. Justice Sotomayor in *Dobbs*.
[32] Appendix B page 77 Tr. of Oral Arg. Justice Kavanaugh in *Dobbs*.

discouraged convenience abortion practice, effectively reviving *Roe* and *Casey* and going way beyond their holdings.[33]

B. Analysis Of Justices Statements At Oral Argument In Dobbs

So what are we to make of all of those positions provided at oral argument as applied here in this injunction action that the Plaintiffs assert will greatly benefit the public and save the legitimacy of the federal judicial branch? The answer is that the "most compelling reason" for why the "watershed" decisions in *Roe* and *Casey* must be permanently overruled is because those decisions violate the Establishment Clause of the First Amendment of the United States Constitution, for the same reason that the Defendants' efforts to enact the Women's Health Protection Act, the Equality Act, and related Executive Orders do. The *Roe* and *Casey* decisions have the effect of establishing America as a secular humanist theocracy from the reasonable observer's perspective in the same unlawful manner that the *Obergefell*, *Bostock*, the Equality Act, and the Women's Health Protection Act do in total violation of the Establishment Clause of the First Amendment. It is in the public's best interest that this Court issue a preliminary/permanent injunction in this case as soon as possible so that the public will understand that the First Amendment Establishment Clause is the wrecking ball to *stare decisis* and precedent principles that protected *Roe* and *Casey* wrongfully for over 50 years - beyond the fact that the decisions were egregiously wrong when they were decided. The Plaintiffs have provided a constitutional textual position that is "grounded in principle and not social pressure, not political pressure."[34] If this Court agrees with that straightforward and fact-based argument

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[33] Appendix B page 22 Tr. of Oral Arg. Justice Sotomayor in *Dobbs*. See *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803).

[34] Appendix B page 10. Tr. of Oral Arg. Justice Breyer in *Dobbs*. As Chief Justice Rehnquist explained, "The Judicial Branch derives its legitimacy, not from following public opinion, but from deciding by its best lights whether legislative enactments of the popular branches of Government comport with the Constitution. The doctrine of *stare decisis* is an adjunct of this

that reflects what the evidence shows, it will serve as the legitimate and permanent undoing of *Roe* and *Casey* "beyond any serious question." [35] It will also likely curb some of the violence that the Department of Homeland Security is preparing for that the pro-abortion death cult has promised to unleash once the official *Dobbs* decision is published any day now.[36] It is not something to take lightly. It will also stop the *Roe* and *Casey* decisions from being revived if more secular humanists, like Ketanji Brown Jackson, who pretends to not know what a woman is, are appointed to the Supreme Court by Democrats with the shared goal of proactively working to establish America as a secular humanist theocracy, like Justices Kagan, Breyer, Sotomayor, and other "liberal Justices" have routinely sought to do out the overflow of their intellectual blindness for decades, as they refuse to acknowledge that secular humanism is not only a religion that the government is prohibited from endorsing - it is a dangerous, immoral, and idiotic religion from the perspective of all reasonable observers of ordinary prudence. Community standards to not evolved but people who buy into secular humanism do get desensitized, depersonalized, and deranged, causing them to experience a second-class life by choice.

The public understands that the "First" Amendment is "first" in the Constitution for a reason, meaning it is arguably the most important and powerful amendment to the Constitution's Bill of Righs, and the "first" part of the "First" Amendment is the Establishment Clause, making it the crowning jewel. So while *Roe* and *Casey* have been "part of our law" for 50 years as Justice Kagan pointed out in *Dobbs* at oral argument, the Plaintiffs underscore that the Establishment Clause has been part of our law since the inception of our Nation's founding, and

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duty and should be no more subject to the vagaries of public opinion than is the basic judicial task" *Casey*, 505 U.S., at 963 (Rehnquist, C.J.)

[35] Appendix B page 10 Tr. of Oral Arg. Justice Breyer in *Dobbs*.

[36]https://freebeacon.com/courts/homeland-security-prepares-for-violence-after-supreme-court-abortion-ruling/

is likely the most important and powerful provision of the United States Constitution.[37] The Establishment Clause is the beating heart of the Constitution that keeps us living in harmony with one another despite our membership to different religious organizations that have polar opposite views on many social and fundamental issues. The Establishment Clause, not the egregiously wrong decisions in *Roe* and *Casey*, is actually "part of the law" that is controlling in accordance with Article VI, Clause 2 of the United States Constitution, and the Establishment Clause is part of the "fabric" of all of our "existence," which includes all women.[38] The Establishment Clause is what puts *Roe*, *Casey*, the Women's Health Protection Act, and Defendant Biden's soon-to-be-enacted anti-*Dobbs* retaliation Executive Order[39] in their respective coffins and nails them shut in perpetuity, and the public and the judicial branch itself would greatly benefit if this Court will find within itself the courage, the backbone, and spine to step up and make the obvious finding based on the Plaintiffs arguments that are grounded in the text of the Constitution - not in emotional appeals. Who is making the arguments is not as important as what is being argued.

The Establishment Clause also completely invalidates the egregiously wrong decisions in *Obergefell, Bostock*, and the validity of the Equality Act and Executive Order 14075 as well for the same exact reasons that it invalidates *Roe, Casey*, and the Women's Health Protection Act, since the Establishment Clause is the strongest textual basis of the Constitution to obliterate what was obviously an egotistic judicial putsch led by secular humanist activists in and out of office, who have a personal interest in establishing America as a secular humanist Nation to justify their own jaded religious beliefs that millions of Americans find to be completely irrational, vile, and

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[37] Statement of Facts ¶ 64 and 65.
[38] Statement of Fact 66. Appendix B page 34-35 Tr. of Oral Arg. Justice Kagan in *Dobbs.* (DE # 22, ¶ 180)
[39] Material Statement of Facts ¶ 39; see DE # 26, Decl. Gunter, Wiehle, & Sevier ¶ 19.

immoral for good cause shown. The public cannot be expected to wait 50 years to undo the government's excessive entanglement with the licentious LGBTQ cult only so that some secular humanist Justice on the Supreme Court can obnoxiously float that *Obergefell* and *Bostock* should have been challenged earlier - just as Justice Kagan did in *Dobbs* to defend *Roe* and *Casey,* when she raised a "reliance consideration" to safeguard a decision that completely violates the Tenth Amendment and the Establishment Clause of the First Amendment from every angle from the perspective to those who have eyes to see objective reality and the integrity to admit it when they do.[40]

If this Court determines that the Establishment Clause requires the Judicial branch to remain in the words of Justice Kavanaugh "scrupulously neutral" [41] on abortion and LGBTQ issues - and it does - it, therefore, follows that the federal Congress and federal Executive is equally required to remain "scrupulously neutral" on convenience abortion and LGBTQ practices as well, which means that the Defendants' decision to introduce, promote, endorse and threaten to enact the Women's Health Protection Act, the Equality Act, and similar Executive Orders, like EO 14075, is worthy of a permanent injunction. The Establishment Clause equally prohibits both the federal Judiciary and the federal Congress from interfering with the States'

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[40] The Plaintiffs and an army of fed up parents and state legislators are going to work relentlessly to get *Obergefell* overruled so that a secular humanist justice cannot raise reliance factors if it is challenged later down the line. In *Dobbs*, Justice Kagan attempted to implicitly defend *Roe* and *Casey* by saying that the challenge to those decisions have come too late stating: "there's been 50 years of water under the bridge, 50 years of decisions saying that this is part of our law, that this is part of the fabric of women's existence in this country, and that that places us in an entirely different situation than if you had come in 50 years ago and made the same arguments." Appendix B page 34-35 Tr. of Oral Arg. Justice Kagan in *Dobbs*. Despite what the Majority in *Dobbs* insinuated concerning the *Obergefell* decision, there is blood in the water and it will be undone. However, *Griswold v. Connecticut*, 381 U.S. 479 (1965) is certainly safe from being overruled, and there is zero chance that any would even think of challenging *Loving v. Virginia*, 388 U.S. 1 (1967) which was correctly decided.

[41] Statement of Facts ¶ 71. Appendix B page 77 Tr. of Oral Arg. Justice Kavanaugh in *Dobbs*. (DE # 22, ¶ 9)

rights afforded to the people, which includes the Plaintiffs, under the Tenth Amendment of the United States Constitution to regulate and restrict the questionably moral convenience abortion practices and LGBTQ conduct because such non-secular practices unequivocally (1) promote licentiousness and (2) attempt to justify practices that are inconsistent with the peace and safety of the States.[42] In summary, by siding with the Plaintiffs, this Court will cause the entire federal government to remain "scrupulously neutral" on "the most contentious social debate[s] in American life," and this will unleash maximized human flourishing, which is a paramount objective of the Plaintiffs as Christian missionaries, who care deeply about the welfare of our Constitutional Republic, the integrity of the law, and about protecting the innocence of families to the point that they would risk their lives to defend them. [43] The Defendants should try it some time and stop proactively working to establish America as a secular humanist theocracy in violation of their Clause 3, Article VI oath of office. At the risk of sounding uncivil, acrimonious, and pugilistic, the Defendants need to keep their dirty-elitists hands off of the powers and rights that are conferred to the people and the States under the Tenth Amendment

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[42] Statement of Facts ¶ 77. The Supreme Court correctly stated in *Davis v. Beason*, 133 U.S. 333, 348 (1890) that "[t]he constitutions of several States, in providing for religious freedom, have declared expressly that such freedom shall not be construed to excuse acts of licentiousness, or to justify practices inconsistent with the peace and safety of the State," and both the federal Judiciary and Congress must return to respecting that in light of the Tenth Amendment. which allows for states to regulate such things pursuant to the states' police power."

For example, the California Consitution states, "Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are *licentious* or inconsistent with the peace or safety of the State." CAL. CONST. art. I, § 4 (emphasis added). See also these provisions in the different State Constitutions: ARIZ. CONST. art. II, § 12; COLO. CONST. art. II, § 4; CONN. CONST. art. I, § 3; GA. CONST. art. I, § 1, ¶ IV; IDAHO CONST. art. I, § 4; ILL. CONST. art. I, § 3; MINN. CONST. art. I, § 16; MISS. CONST. art. III, § 18; MO. CONST. art. I, § 5; NEV. CONST. art. I, § 4; N.Y. CONST. art. I, § 3 (amended 2001); N.D. CONST. art. I, § 3; S.D. CONST. art VI, § 3; WASH. CONST. art. I, § 11 (amended 1993); WYO. CONST. art. I, § 18.

[43] See Matthew 5:13-16, Galatians 6:9, Hebrews 10:24-25, Hebrews 13:1-3, James 1:27. Appendix B page 77 Tr. of Oral Arg. quoting Justice Kavanaugh in *Dobbs*.

and stop monkeying with the Constitution and manipulating the public. The Federal Courts are the mechanism to hold the federal Congress and federal executive in check.

To recap, issuing an injunction, in this case, is in the public's best interest, because it will demonstrate exactly why the Establishment Clause is to *Roe, Casey, Obergefell, Bostock*, the Equality Act, the two challenge related Executive Orders, and the Women's Health Protection Act what Fat Man and Little Boy were to Hiroshima and Nagasaki at the end of World War II. That realization will preserve the safety, health, and welfare of five Supreme Court justices, their families, and pro-life advocates for generations to come, not to mention what it will do for the welfare of the multitudes of unborn children that the States and the Plaintiffs have an interest in protecting as even the *Roe* court acknowledged.[44]

III. IMPLICATIONS OF THE STATE LEGISLATION - "THE KEEP ROE REVERSED FOREVER ACT" - CREATED BY THE PEOPLE THAT CONFERS STANDING HERE TO SUE THE DEFENDANTS NOW

It is perhaps true that the Plaintiffs have an inflated view of themselves and their ability to make changes in the law. Yet, something needs to be addressed that will help these proceedings that concern the Plaintiffs' legislative action. To address Justice Sotomayor's concern raised in oral argument in *Dobbs*, the way the judicial branch can "survive the stench" as an "institution" in overruling *Roe* and *Casey* is if this Court in the instant case finds that the Women's Health Protection Act is as unconstitutional under the Establishment Clause analysis provided by the Plaintiffs in this case for the same reason that the holdings in *Roe* and *Casey* were at all times constitutionally invalid from the time they were handed down - for violating the Establishment Clause of the First Amendment and the Tenth Amendment. Speaking of "stench," the only thing that actually "stinks" is that the Plaintiffs were not present to make those controlling-text-based Constitutional arguments in *Dobbs* because they were busy working on

[44]States have a legitimate interest in protecting "potential life." *Roe,* 410 U.S.at 163.

the "Reverse Roe Act of 2023" for all 50 states, which would have cured any defects to bills like Mississippi's HB 1510, which created Miss. Code Ann. §41-41-191 and would have helped Mississippi make the arguments that the Plaintiffs are making now. [45] Yet, now in response to the leaked decision in *Dobbs*, the Plaintiffs have been commissioned by several General Assemblies from sea to shining sea to write the "Keep Roe Reversed Forever Act" to be introduced at either a special session following the release of the official *Dobbs* decision or at the 2023 regular session by Republican state lawmakers.

Accordingly, while the Plaintiffs have great respect for the federal Judicial and legislative branches, the Plaintiffs do not have the patience to "play pretend" - unlike the Defendants. The Plaintiffs will not pretend that they do not regularly use the federal judiciary as their own personal and private legislative research counsel to create vetted legislative proposals that they then custom design for all 50 states that if enacted will (1) safeguard the rule of law, (2) survive

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[45] The reason why the Plaintiffs did not file an *amicus* brief in *Dobbs* was because they were working on a similar bill to Mississippi's HB 1510 called the "Reverse Roe Act" that provided a stronger and substantially superior constitutional framework built into the bill for overruling the egregiously wrong *Roe* and *Casey* decisions that if enacted would also survive the doctrine of preemption issue presented by invalid federal legislative measures, like the Women's Health Protection Act of 2022. In light of the leaked *Dobb*'s decision, the Plaintiffs are currently working on the "Keep Roe Reversed Forever Act," which is the follow up to the last bill they created for all 50 states in May 2022 out of their indirect involvement in *Kennedy v. Bremerton*, DE 21-418 (2022) called the Coach Kennedy Law. (See Appendix A). On May 20, 2022, the state of Minnesota was the first state to introduce Coach Kennedy's Law. See https://www.revisor.mn.gov/bills/text.php?number=HF4901&version=latest&session=92&session_number=0&session_year=2021 The Plaintiffs are also working on the "Reverse Obergefell Act (ROA)" that goes in step with the "School Establishment Clause Act (SECA)," the "Stop Woke Act," and the Establishment Clause Act (ECA). (See Appendix A). The idea that the reversal of *Roe* and *Casey* in *Dobbs* only concerns abortion and does not threaten other bad precedent like *Obergefell* and *Bostock* is hogwash and makes the court appear like a political actor that is picking sides and pandering to the side that yells the loudest. The idea that the Nation is going to have to wait 50 years to reverse *Obergefell* and *Bostock* after all the kids are transed and the pronouns are changed and pride month has become pride season makes the judicial branch look illegitimate, and the Plaintiffs have way too much respect for the judicial branch to allow the public to think "that the [Supreme C]ourt will go back and forth depending on changes to the Court's membership." See Appendix B page 33 Tr. of Oral Arg. quoting Justice Kagan in *Dobbs*.

judicial review, and (3) protect the integrity of the Constitution from secular humanists, like the Defendants who attempt to misuse it for asinine reasons that will inevitably be swept away. No indeed! This memorandum of law is not merely a memorandum of law to support a motion so that a single District Court or a federal court of appeals can make a determination to undo bad precedents and bad laws, like the Equality Act, the Women's Health Protection Act, and Executive Order 14075. This memorandum of law amounts to the talking points and the road map for every single Republican state legislator who prime sponsors or co-sponsors the "Keep Roe Reversed Act" to be used in committee hearings and as the floor speech. Accordingly, because the language of the "Keep Roe Reversed Forever Act" neatly summarizes the claims and the arguments for the basis for relief sought in this cause of action as asserted in the amended complaint, DE # 22, 181, the Plaintiffs believe that it will help these proceedings to include the language of at least one of the versions of the "Keep Roe Reversed Forever Act" in this memorandum so that it can be contrasted with the text of the Women's Health Protection Act:

LEGISLATURE OF THE STATE OF IDAHO

____-_____ Legislature First Regular Session - 20___

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 96, Title 39, Idaho Code, and to read as follows:

CHAPTER 96
KEEP ROE REVERSED FOREVER ACT

39-9601. SHORT TITLE. This act may be referred to and cited as the "Keep Roe Reversed Forever Act."

39-9602. LEGISLATIVE FINDINGS:

The Legislature makes and declares the following findings:

(1) Article VI clause 2 of the United States Constitution sets forth that the text of the United States Constitution is the supreme law of the land and reads, "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, 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," which means that although federal law made by the three federal branches of government preempts state law when they conflict, the text of the United States Constitution preempts federal laws made by the three federal branches when they conflict;

(2) The question of when life begins - from the moment of conception until the time of birth - and convenience abortion practices are a matter of religion that are governed by the Establishment Clause and the Free Exercise Clause of the First Amendment of the United States Constitution, which reads that the government "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;"

(3) Article I Section 4 of the Idaho Constitution requires the same thing as the Establishment Clause and Free Exercise Clause of the First Amendment of the United States Constitution and states, "The exercise and enjoyment of religious faith and worship shall forever be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, or excuse acts of licentiousness or justify polygamous or other pernicious practices, inconsistent with morality or the peace or safety of the state; nor to permit any person, organization, or association to directly or indirectly aid or abet, counsel or advise any person to commit the crime of bigamy or polygamy, or any other crime. No person shall be required to attend or support any ministry or place of worship, religious sect or denomination, or pay tithes against his consent; nor shall any preference be given by law to any religious denomination or mode of worship. Bigamy and polygamy are forever prohibited in the state, and the legislature shall provide by law for the punishment of such crimes;"

(4) The United States Supreme Court in overruled *Roe v. Wade*, 410 U.S. 113 (1973) and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992) in *Dobbs v. Jackson Women's Health Organization*, 19-1392 (2022) because the decisions were egregiously wrong when decided and for other reasons set forth in the opinion;

(5) In response to the leaking decision of the Dobbs' decision, the Federal Congress set out to codify the *Roe* and *Casey* decisions, through the Women's Health Protection Act and other similar measures, while threatening to remove the filter buster to do so;

(6) The textual basis in the United States Constitution for permanently overruling the egregiously wrong decisions in *Roe v. Wade*, 410 U.S. 113 (1973) and *Planned Parenthood v. Casey*, 505 U.S. 833 (1992) and for prohibiting the federal Congress or Executive branch from codifying or reviving the *Roe* and *Casey* decisions through policy proposals, like the Women's Health Protection Act and other similar legislation, is the Establishment Clause of the First Amendment of the United States Constitution because a policy created by any of the three federal branches that prohibits the States from regulating convenience abortion practices has the effect of establishing America as a secular humanist theocracy;

(7) Prior to *Roe* and *Casey*, the Supreme Court of the United States found that secular humanism is a religion for purposes of the First Amendment's religious clauses in

(a) *Torcaso v. Watkins*, 367 U.S. 488 (1961);

(b) *School District of A Bington Township Pa. v. Schempp*, 374 U.S. 203 (1963);

(c) *United States v. Seeger*, 380 US 163 (1965);

(d) *Welsh v. United States*, 398 U.S. 333 (1970),

and the federal courts of appeals found the same thing in:

(a) *Malnak v. Yogi*, 592 F.2d 197 (3d Cir.1979);

(b) *Theriault v. Silber*, 547 F.2d 1279 (5th Cir.1977);

(c) *Thomas v. Review Bd.*, 450 U.S. 707 (1981);

(d) *Lindell v. McCallum*, 352 F.3d 1107 (7th Cir.2003);

(e) *Real Alternatives,Inc. v. Sec'y Dep't of Health & Human Servs.*,150 F.Supp. 3d 419, 2017 WL3324690 (3d Cir. Aug.4, 2017); and

(e) *Wells v. City and County of Denver*, 257 F.3d 1132 (10th Cir. 2001);

(8) The naked assertions that "life does not begin at conception," that "convenience abortion is not immoral," or that "convenience abortion is not murder" amounts to a series of unproven faith-based assumptions that are implicitly religious and inseparably linked to the religion of secular humanism;

(9) While convenience abortion practices are sacred in the religion of secular humanism, those practices are considered to be evil by other religions, whose members do not want to pay taxes to support a secular humanist theocracy in the place of a Constitutional Republic;

(10) Unlike the Establishment Clause, the right of convenience abortion, privacy, and autonomy are not found in the text of the United States Constitution, and the States, therefore, have the authority to regulate convenience abortion practices through the powers conferred to them by the Tenth Amendment of the United States Constitution which reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;"

(11) While the belief or disbelief in the morality of convenience abortion practices is protected under the Free Exercise Clause of the First Amendment of the United States Constitution and under Article I Section 4 of the Idaho Constitution, the Free Exercise clause is not absolute;

(12) As part of American tradition and heritage since the founding, this State has been permitted under the power conferred to it through the Tenth Amendment to regulate licentious religious practices, which includes convenience abortion practices, at the expense of the Free Exercise Clause of the First Amendment of the United States Constitution;

(13) Convenience abortion practices promote licentiousness and attempt to justify practices that are inconsistent with the peace and safety of this State;

(14) This State favors life and has an interest in protecting the life of an unborn child and in upholding community standards of decency, which convenience abortion practices erode;

(15) "The Keep Roe Reversed Forever Act" is not a matter of Democrat verse Republican but a matter of this State taking back the power afforded to it and the people under the text of the Tenth Amendment and Establishment Clause of the First Amendment to regulate convenience abortion practices, as it sees fit;

(16) In the instances where an unborn child recoils or kicks back at the convenience abortion provider who is trying to kill him or her, it is someone else's body that is recoiling and fighting back, not the mother's.

39-9603. CIVIL ACTION ENFORCEMENT PURSUANT TO THE TENTH AMENDMENT AND ESTABLISHMENT CLAUSE OF THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION.

(1) **[Protecting Rights]** Pursuant to the powers conferred on this State under the Tenth Amendment of the United States Constitution and pursuant to the Establishment Clause of the First Amendment, this State shall exercise the right to determine the manner in which it will regulate and convenience abortion practices, which are religious practices that promote licentiousness and are inseparably linked to the religion of secular humanism.

(2) **[Civil Action For Injunctive Relief]** Pursuant to the Establishment Clause of the First Amendment of the United States Constitution, the Tenth Amendment of the United States Constitution, Article I Section 4 of the Idaho Constitution, and the State's narrowly tailored compelling interest to uphold community standards of decency, if a federal government actor attempts to enact or enforce a policy that aims to preempt or undo any restriction imposed by this State on convenience abortion practices, the Attorney General or a person residing in this state shall have taxpayer standing to file a civil action under this section in a court of competent jurisdiction where they can seek:

(a) Injunctive relief,

(b) Declaratory relief;

(c) Attorney fees and costs; and

(d) Any other relief deemed appropriate by the court.

(3) **[Declaration Regarding Oath]** In seeking declaratory relief under subsection (2) subparagraph (b) of this section, a plaintiff may ask the presiding court to declare that the defendant violated their oath of office undertaken pursuant to Clause 3 of Article VI of the United States Constitution in attempting to undo a restriction imposed by this State on convenience abortion practices by violating the Establishment Clause of the First Amendment and the Tenth Amendment.

(4) **[Non-Defense]** Emotional appeals, even really good ones, cannot serve as a valid defense to this section.

(5) **[Supplemental Jurisdiction]** If a person or the Attorney General files a civil suit in federal district court under 42 USC § 1983 against a federal actor for a violation described in section (2) of this section for a count under the First Amendment Establishment Clause or a count under the Tenth Amendment and also pleads a count under subsection (2) of this section, the presiding court may find that it has supplemental jurisdiction to hear the claim under subsection (2) of this section.

(6) **[Construction]** This section is constructed on the premise that:

(a) When life begins from the moment of conception until birth is a matter of religion;

(b) Convenience abortion practices and ideology are inseparably linked to the religion of secular humanism;

(c) An attempt by any of the three branches of the federal government to infringe upon this State's right to regulate convenience abortion practices serves to establish a national religion, putting the religion of secular humanism over other religions and over non-religion in a manner that violates the Establishment Clause of the First Amendment of the United States Constitution.

(d) This State has paramount jurisdiction to regulate convenience abortion under the Tenth Amendment since convenience abortion practices are not protected anywhere in the United States Constitution other than in the Free Exercise Clause, which is not absolute;

(e) There is a long-standing American tradition and heritage that the States are permitted to regulate licentious religious practices at the expense of the Free Exercise Clause of the First Amendment, which includes regulating convenience abortion practices that encourage promiscuity and death;

(f) Convenience abortion practices promote licentiousness and attempt to justify practices that are inconsistent with the peace and safety of the State;

(g) This State favors life and has an interest in protecting the life of an unborn child;

(h) There is a difference with a distinction between a secular abortion and a non-secular convenience abortion from a legal perspective.

(7) **[Non-Construction]** This section is not constructed to:

(a) Allow for discrimination against anyone who believes or disbelieves in the religious morality of convenience abortion doctrine or practices.

(b) Draw the line when convenience abortion can take place, if ever, from the moment of conception until birth for that matter is addressed in a different section of this State's code.

(c) Prevent the subsequent finding that an unborn child in the womb is a person from the moment of conception that must be afforded all of the protections guaranteed by the Fourteenth Amendment.

39-9604. DEFINITIONS.

As used in the "Keep Roe Reversed Forever Act":

(1) "Community standards of decency" means standards based on the reasonable observer perspective that can be eroded by appeals to the prurient interest or the patently offensive to the extent the appeals harm the general decency, safety, health, and welfare of the community. Practices that promote licentiousness are antithetical to this standard.

(2) "Conception" means the fecundation of the ovum by the spermatozoa.

(3) "Convenience Abortion" means an elective or nontherapeutic abortion that means the act of using or prescribing an instrument, medicine, drug, device, or another substance or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. This type of abortion promotes licentiousness and is non-secular, religious, and controversial. The term simply means an abortion where the mother terminates the unborn child on the altar of convenience. An act is not a convenience abortion and is a secular abortion if the act is performed with the intent to:

(a) Save the life of the mother or resolve a medical emergency;

(b) Save the life or preserve the health of the unborn child;

(c) Remove a dead unborn child caused by spontaneous abortion;

(d) Remove an ectopic pregnancy;

(e) Abort and remove an unborn child that is the result of rape or incest reported to a law enforcement agency; or

(f) Abort and remove an unborn child because of a fetal malformation that is incompatible with the baby being born alive.

(4) "Emotional appeal' means a method of persuasion through sentiment, not logic, designed to create an emotional response.

(5) "Medical emergency" means that condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

(6) "Lemon test" means a three-prong test that was originally created by the United States Supreme Court that is used to determine if government action is unconstitutional under the establishment clause. The test requires that government action or a government policy:

(a) Have a valid secular purpose;

(b) Not have the effect of advancing, endorsing, or inhibiting religion; and

(c) Not foster excessive entanglement with a particular religion. Government action violates the establishment clause and Article I Section 4 of the Idaho Constitution if it fails to satisfy any of the three prongs.

(7) "Licentious or licentiousness" means lacking legal or moral restraints especially - disregarding sexual restraints. The term includes conduct that is sexually deviant, perverted, immoral, lewd, debauched or practices that promote promiscuity, that appeal to the prurient interests, harm the innocence of children, or erode community standards of decency.

(8) "Logical nexus" means at least some minimal, relevant, legitimate, important, or rational connection. The term connotes a low-threshold standard.

(9) "Non-secular" means religious, faith-based, not proven, predicated on naked assertions, or emotional feelings, not self-evident objective fact.

(10) "Reasonable observer" a person of ordinary prudence who views a policy from an objective standpoint in the context of the State's long-standing practices through the lens of self-evident neutral, natural, and non-controversial transcultural morality and who is not desensitized or blinded by the unexamined assumption of the superiority of our cultural moment.

(11) "Religion" means a set of unproven answers to the greater questions like "why are we here," "what should we be doing as humans," "how do we get our identity," and "what happens after death." The term means a closed system and group or community that is organized, full, and provides a comprehensive code by which individuals may guide their daily activities. Religion involves an ultimate concern or sincere belief and can be non-theistic or theistic.

(12) "Secular abortion" means the act of using or prescribing an instrument, medicine, drug, device, or another substance or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child, when carried out to:

(a) Save the life of the mother or resolve a medical emergency;

(b) Save the life or preserve the health of the unborn child;

(c) Remove a dead unborn child caused by spontaneous abortion;

(d) Remove an ectopic pregnancy; or

(e) Abort and remove an unborn child that is the result of rape or incest reported to a law enforcement agency.

(f) Abort and remove an unborn child because of a fetal malformation that is incompatible with the baby being born alive.

(13) "Secular humanism" means a faith-based worldview that is also referred to as postmodern-western-individualistic moral relativism, expressive individualism, or anti-theism, and is often the mirror opposite of theism. The term refers to a religion that worships man as the source of all knowledge and truth. The term includes a belief system that is centered on the unproven assumptions that there are no moral absolutes and no one moral doctrine should be used as the superior basis for law and policy, except for the religious doctrines of secular humanism. The term includes a series of unproven faith-based assumptions and naked assertions that suggest that morality and truth are man-made conventions and that at the heart of liberty is man's ability to define his own meaning of the universe. The term refers to a religion that tends to promote licentiousness and attempts to justify practices that are inconsistent with the peace and safety of the states. The term refers to the belief that man is merely a bundle of chemicals, animated pieces of meat, or accidental particles, that nature is all there is, and that there is nothing after death. The idea that life does not begin at conception and that convenience abortion is not immoral, or that a convenience abortion is not murder is a doctrine that is inseparably linked to this religion. The term refers to a religion that has many different denominational sects and is expressed in widely varying ways.

(14) "Taxpayer standing" means the standing of a taxpayer to file a lawsuit against a government actor that is directly or symbolically advancing a policy that violates the establishment clause of the First Amendment of the United States Constitution or Article I Section 4 of the Idaho Constitution, after the government actor actually or prospectively engaged in action that potentially failed at least one prong of the Lemon test. A taxpayer must have a logical nexus to a government actor's violation to assert this form of standing. A person who pays sales tax in this state can successfully assert this form of standing before a court of competent jurisdiction.

(15) "Unborn child" means the offspring of human beings from conception until birth.

Very obviously, the text of the "Keep Roe Reversed Forever Act" summarizes the arguments in this case and provides the watertight reasons for why the Women's Health Protection Act, Defendant Bidens soon to be enacted Executive Order that relates to Dobbs and the *Roe* and *Casey* decisions are to be forever aborted. To better understand why the Equality Act and Executive Order 14075[46] and the *Obergefell* and *Bostock* decisions must be invalidated, see the

[46] Statement of Facts ¶ 84.

School Establishment Clause Act (SECA) by Rep. Garber of Kansas,[47] the Establishment Act by Rep. Jones of North Dakota, [48] the Establishment Resolution HR 90 by Delegate Butler of West Virginia, and the Marriage and Constitution Restoration Act by Rep. Burns of South Carolina[49] and Rep. Lone of Wyoming.[50]

IV. CONSTITUTIONAL INTERPRETATION IS NOT A NEGOTIATION

Regrettably, the Majority in *Dobbs* fails to understand that constitutional interpretation is not a negotiation with secular humanist activists. In *Dobbs*, the Majority was insinuating that they would overrule *Roe* and *Casey* for the benefit of Christian Americans, but they would leave *Obergefell* and *Bostock,* which were based on the exact same erroneous legal framework as *Roe* and *Casey*, in place for the benefit of secular humanist Americans. But that is not how our Constitutional was designed to operate. The leaked *Dobbs* opinion reads:

> "Unable to show concrete reliance on *Roe* and *Casey* themselves, the Solicitor General suggests that overruling those decisions would "threaten the Court's precedents holding that the Due Process Clause protects other rights." Brief for United States as Amicus Curiae 26 (citing *Obergefell v. Hodges*, 576 U. 8. 644 (2015); *Lawrence v. Texas*, 539 U. S. 558 (2008); *Griswold v. Connecticut,* 381 U. S. 479 (1965)). That is not correct for reasons we have already discussed. As even the *Casey* plurality recognized, "[a]bortion is a unique act" because it terminates "life or potential life." 505 U.S, at 852; see also *Roe*, 41 0U.8., at159 (abortion is "inherently different from marital intimacy," "marriage," or "procreation"). And to ensure that our decision is not misunderstood or mischaracterized, we emphasize that our decision concerns the constitutional right to abortion and no other right. Nothing in this opinion should be understood to cast doubt on precedents that do not concern abortion."(See page 62 of the leaked *Dobbs'* decision)

Yet, back in objective reality, nearly everything "in this [leaked Dobbs'] opinion…casts doubt on" *Obergefell, Bostock*, the Equality Act, and Executive Order 14075. This section of the

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[47] https://www.dropbox.com/s/40vf5vm65dwy5sk/Kansas%20School%20Establishment%20Clause%20Act%20%28SECA%29%20OFFICIAL.pdf?dl=0). To better understand the Establishment Act and why all 50 states and the federal congress must enact it to reverse constitutional breakdown, watch this video: https://www.youtube.com/watch?v=UPMlrzJ071o

[48] https://legiscan.com/ND/bill/1476/2021

[49] https://www.scstatehouse.gov/sess122_2017-2018/bills/4949.htm

[50] https://legiscan.com/WY/text/HB0167/id/1727980/Wyoming-2018-HB0167-Introduced.pdf

Dobbs opinion - alone - shows that the Supreme Court, like the rest of the Country, is being held hostage by the boorish LGBTQ cult that is hyper-focused on "dominance," not "tolerance" and perversity, not "diversity." [51] Most of the States are sick of being held hostage by the deranged LGBTQ cult, who seek to groom their children, pervert their communities, erode atmospheres of decency, and destroy anyone who dares to oppose their religious worldview - through cancel culture and other illegal intimidation tactics. States in the south and in the midwest want to "return to Mayberry." They do not want to progress towards becoming "Pelosi's San Francisco" because of federal decrees from any of the three federal branches that violate both the text of the Establishment Clause and the Tenth Amendment. [52] The Plaintiffs - having been relentlessly attacked by the licentious LGBTQ cult themselves - can understand to a degree why the Supreme Court justices are worried about the backlash. Nevertheless, if overruling *Obergefell* and *Bostock* as the text of the Establishment Clause and Tenth Amendment requires leads to the violent civil war that Mayor Lightfoot and other Democrats are openly calling for in the wake of the leak *Dobb's* decision, then let it be so.[53] Fīat jūstitia ruat cælum, "Let justice be done though the heavens may fall," for the benefit of generations of Americans to come. Of course, it will be the Democrats who start the violent civil war just as they did on April 12, 1861, concerning a war that pitted the Republican Christian idea that slavery had to end versus the Democratic secular humanist that slavery had to continue. When the government creates fake rights, only to take

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[51] Statement of Facts ¶ 11.

[52] Countless States that the Plaintiffs work with want ticker tape parades celebrating innocence and decency, not government sponsored gay pride parades to celebrate drag queen story hour for kids. While "nothing in [the Dobbs'] opinion should be understood to cast doubt on precedents that do not concern abortion," there is "something" in the text of the Constitution to totally overrule *Obergefell* and *Bostock* called the Tenth Amendment and the First Amendment Establishment Clause, and the Plaintiffs and an army of fed up parents and state legislators are going to see that it is done through the legal process.

[53] https://thefederalist.com/2022/05/10/chicago-mayor-lori-lightfoot-calls-for-violent-insurrection-against-scotus/ See Statement of Facts ¶ 29.

them away because those fake rights are immoral, war can ensue. But that is a fight worth fighting because without truth there is no freedom. "Then you will know the truth, and the truth will set you free." John 8:32.

V. UNDISPUTED FACTS AND LEGAL HISTORY OF SECULAR HUMANISM BEING DECLARED AS A RELIGION FOR PURPOSES OF THE FIRST AMENDMENT

To save judicial economy, the Plaintiffs re-plead and reassert the facts in their first amended verified complaint and the statements provided in the sworn declarations submitted by the different declarants, and the statement of material facts that is attached. (DE # 22, ¶ 1- 181). The Plaintiffs also attached the procedural history of the Supreme Court coming to see that secular humanism is a religion in Appendix C. [54]

VI. LEGAL STANDARD TO OBTAIN AN INJUNCTION

The legal standard for issuing an injunction involves four factors. To issue an injunction,"[a] court considering a plaintiff's request for a [] injunction must examine whether: (1) there is a substantial likelihood plaintiff will succeed on the merits; (2) plaintiff will be irreparably injured if an injunction is not granted; (3) an injunction will not substantially injure

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[54] It is a long-standing jurisprudence that courts can consider the arguments in other pleadings in other cases. At this point in their pleadings, the Plaintiffs would provide the legal history leading up to the United States Supreme Court recognizing that secular humanism is a religion for the purposes of the First Amendment. Yet, the Plaintiffs provided this legal history in *Penkoski v. Bowser,* 486 F. Supp. 3d 219, 224 (D.D.C. 2020) (DE 44) motion for summary judgment. To save judicial economy, the Plaintiffs have attached that legal history as Appendix C. Perhaps that history can help refresh the recollection of the Defendants and other parts of the that the Supreme Court has recognized that secular humanism is a religion, which has mega implications for their party's platform, most of which is unconstitutional.

the other party; and (4) the public interest will be furthered by the injunction." [55] The Plaintiffs can satisfy all four factors by a landslide and should obtain the permanent injunction they seek.

A. THE PLAINTIFFS ARE SUBSTANTIALLY LIKELY TO PREVAIL ON THE MERITS

1. Simple Overview Of The Argument

By way of introduction, the Plaintiffs will attempt to explain their positions in the simplest terms possible for why they are likely to prevail on the merits. One of the greatest problems facing our Nation is the refusal of certain government officials, mainly in the Democrat

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[55] *Serono Lab v. Shalala,* 158 F.3d 1313, 1317-18 (D.C.Cir 1998). See *Sea Containers Ltd. v. Stena AB,* 890 F.2d 1205, 1208 (D.C.Cir. 1989); *Washington Metro Area Transit Comm'n v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C.Cir. 1977). The four factors should be balanced on a sliding scale, and a party can compensate for a lesser showing on one factor by making a very strong showing on another factor. *CSX Transp., Inc. v. Williams*, 406 F.3d 667 (D.C.Cir. 2005), citing *City Fed Fin. v. Office of Thrift Supervision*, 58 F.3d 738, 747 (D.C.Cir. 1995). "An injunction may be justified, for example, where there is a particularly strong likelihood of success on the merits even if there is a relatively slight showing of irreparable injury." Id. Moreover, the other salient factor in the injunctive relief analysis is irreparable injury. A movant must "demonstrate at least 'some injury'" to warrant the granting of an injunction. Id. (quotation omitted).

In determining whether to enter a permanent injunction, the court considers a modified iteration of the factors it utilizes in assessing preliminary injunctions: (1) success on the merits, (2) whether the plaintiff will suffer irreparable injury absent an injunction, (3) whether, balancing the hardships, there is harm to the defendant or other interested parties, and (4) whether the public interest favors granting the injunction.

See *ACLU v. Mineta*, 319 F. Supp. 2d 69, 87 (D.D.C. 2004); *National Ass'n of Psychiatric Health Systems v. Shalala*, 120 F. Supp. 2d 33, 44 (D.D.C. 2002). See also *Amoco Production Co. v. Village of Gambell*, 480 U.S. 531, 546 n. 12 (1987)("The standard for a preliminary injunction is essentially the same as for a permanent injunction with the exception that the plaintiff must show a likelihood of success on the merits rather than actual success."); *National Mining Ass'n v. U.S. Army Corps of Engineers*, 145 F.3d 1399, 1408-09 (D.C. Cir. 1998) (demonstration of actual success on the merits required for permanent injunctive relief)

Additionally, the Court may rely on the sworn declarations in the record and other credible evidence even though such evidence might not meet all of the formal requirements for admissibility at a trial. See *University of Texas v. Camenisch*, 451 U.S. 390, 395 (1981)(decision on a preliminary injunction may be made "on the basis of procedures that are less formal and evidence that is less complete than in a trial on the merits"); *Cobell v. Norton,* 391 F.3d 251, 261 (D.C. Cir. 2004)(same); see also *Heideman v. South Salt Lake City,* 348 F.3d 1182, 1188 (10th Cir. 2003)("The Federal Rules of Evidence do not apply to preliminary injunction hearings.").

party, to understand the differences between a "secular policy" and a "non-secular policy." [56] Respectfully, the Defendants - along with Justices Sotomayor, Breyer, and Kagan - apparently refuse to see that non-theistic secular humanism is a religion in the same way that mainstream institutionalized theistic faiths, like Christianity and Judaism, are. Perhaps this is because the Defendants have an emotional problem with the truth or the Creator Himself, having unwisely banked their entire identity and life on the unproven belief that truth is merely a man-made convention. Their entire essence is on the line. Meanwhile, long before the egregiously wrong decisions in *Roe* and *Obergefell*, the United States Supreme Court correctly recognized the fact that secular humanism is a religion for the purpose of the First Amendment starting in *Torcaso v. Watkins,* 367 US 488 (1961). [57] So what does that even mean in common-sense English? It means, from the perspective of government, when something is categorized as "religion," two parts of the United States Constitution are immediately triggered (1) the "Establishment Clause" and (2) the "Free Exercise Clause" of the First Amendment.[58] The Establishment Clause concerns the principle of the separation of church and state and prohibits the government from enacting policies that directly or indirectly promote, favor, or endorse a particular religious worldview in an excessive manner that puts one religion over non-religion or other religions;[59]

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[56] A policy that allows for government funding of abortion in the case of rape or when the mother's life is in danger is secular, whereas a policy that allows for public funds to go to Planned Parenthood to finance convenience abortions is non-secular and invalid under the Establishment Clause. The Plaintiffs would not object to a federal statute proposed by the Defendants that prohibit restrictions on abortion in all 50 states in the case of rape, incest, or especially if the mother's life was in danger. The Plaintiffs would not even object to taxpayer funding financing those types of secular abortions. However, in the case of rape, the mother would be required to provide a police report of the incident and subject to penalties if a false report was made.

[57] See Statement of Fact 55; see DE # 22, ¶ 29. To understand the history of how the Supreme Court came to see secular humanism as a religion see Appendix C.. See Also *Penkoski v. Bowser*, 486 F. Supp. 3d 219, (DDC 2020) (DE 44 motion for summary judgment).

[58] See Statement of Facts ¶ 45.

[59] The Establishment Clause of the United States Constitution was never solely designed to prohibit the government from respecting and recognizing the doctrines of institutionalized

whereas, the Free Exercise Clause allows for individual citizens to believe in the plausibility of unproven religious truth claims without fear of being discriminated against or persecuted by the government. More than just belief in religious truth claims, the Free Exercise clause allows individuals to put into practice those spiritual truth claims to a certain extent. However, the Free Exercise Clause is not absolute. See *Reynolds v. United States*, 98 U.S. 145 (1879) and *Davis v. Beason*, 133 U.S. 333, 348 (1890). In terms of actual American tradition and heritage, if a religious practice (1) promotes licentiousness or (2) attempts to justify practices that are inconsistent with the peace and safety of the state - which convenience abortion practices and LGBTQ conduct certainly do to the point of cultivating derangement, violence, and a litany of varying secondary harmful effects - then the state government is permitted under the Tenth Amendment to ban, abolish, and even criminalize those practices with constitutional impunity under the State's inherent police power.[60] The powers afforded to the States and the people pursuant to the Tenth Amendment of the United States Constitution is the underlying legal basis that permits the State governments to limit and restrict certain religious practices - like satanic child sacrifice, pedophilia, same-sex conduct, convenience abortion, and polygamy. Even

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religions but of non-institutionalized religions, like secular humanism, as well. See the DE # 44, Decl. of Multi-Racial Pastors ¶¶ 1-11; see DE # 22, ¶ 19; See Appendix C. See Statement of Facts ¶ 46.

[60] The States have broad authority to enact legislation for the public good—what [the Supreme Court] ha[s] often called a "police power." *United States v. Lopez*, 514 U. S. 549, 567 (1995)

though adultery,[61] child sex abuse,[62] and polygamy [63] are sacred practices in certain religious communities, those practices have been deemed licentious and can be regulated by the States and the people with impunity at the expense of the Free Exercise Clause under the Tenth Amendment in accordance with American tradition and heritage. See statement of Facts ¶ 56 and (DE # 22, ¶ 180). The Defendants' statements to the media in response to the leaked *Dobbs* decision - referenced in the amended complaint and public record - shows that convenience abortion practices and homosexual practices are sacred sacraments in secular humanism.[64]

On May 19, 2022, Democrat Congresswoman, Alexandria Ocasio-Cortez, the former bartender, who co-sponsored the Equality Act and Women's Health Protection Act, took to YouTube to rant about convenience abortion practices being a sacred part of the secular humanist religion, complaining that banning convenience abortion amounted to a grave threat to religious freedom. She stated, "People who say that you are harming a life - well some religions don't. So how about that! There are so many faiths do that do not have the same definition of life as

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[61] *King v. United States*, 17 F.2d 61, 63 (4th Cir. 1927); *United States v. Clapox*, 35 F. 575 (Or. Dist. Ct. 1888); *Lake v. Governor*, 2 Stew. 395, 398 (Ala. 1830); *Kelley v. State*, 226 S.W. 137, 138 (Ark. 1920); *Tully v. Tully*, 69 P. 700, 700 (Cal. 1902); *In re Estate of Jessup*, 22 P. 742, 746 (Cal. 1889). Some courts have equated "licentiousness" with incest as well. See *Campbell v. Crampton*, 2 F. 417, 428 (C.C.N.D.N.Y 1880).

[62] *Mut. Life Ins. Co. v. Terry*, 82 U.S. (15 Wall.) 580, 589 (1872); *Hansel v. Purnell*, 1 F.2d 266, 270–71 (6th Cir. 1924); *People v. Stouter*, 75 P. 780, 780–82 (Cal. 1904); *People v. Adams*, 47 P.2d 320, 320 (Cal. App. 1935); *Cheeseman v. Cheeseman,* 278 P. 242, 242 (Cal. App. 1929); *People v. Camp*, 183 P. 845, 848 (Cal. App. 1919); In re Petition of Todd, 186 P. 790, 795 (Cal. App. 1919); *People v. Hoosier*, 142 P. 514, 516 (Cal. App. 1914); *People v. Anthony*, 129 P. 968, 970 (Cal. App. 1912); *Blount v. State*, 138 So. 2, 2–3 (Fla. 1931).

[63] *Davis v. Beason,* 133 U.S. 333, 348 (1890). The term "licentiousness" has been used by multiple courts in cases prosecuted under the White Slave Act of 1910, ch. 395, 36 Stat. 825 (current version at 18 U.S.C. §§ 2421–2428 (2006)). See *Athanasaw v. United States*, 227 U.S. 326, 331 (1913) (affirming conviction for transporting a girl for the purpose of debauchery in violation of the White Slave Act); *United States v. Long*, 16 F. Supp. 231, 232 (E.D. Ill. 1936) (convicting defendant for transporting two girls for the purpose of debauchery in violation of the White Slave Act).

[64] See Statement of Fact 12. (See DE # 22, ¶ 35)

fundamentalist Christians. So what about [secular humanists'] rights to exercise their faith. It's ridiculous. It is theocratic. It is authoritarian. It is wrong." [65]

While the Plaintiffs appreciate Congresswoman Cortez's admission that convenience abortion practices are a religious sacrament in a religion secular humanism that she is a part of whether she knows it or not, what she and the Defendants fail to understand is that under the Tenth Amendment the States can regulate and prohibit licentious religious practices, like convenience abortion, that are inconsistent with the peace and safety of the state at the expense of the Free Exercise Clause of the First Amendment. All three branches of the federal government must butt out or potentially prepare to start being ignored by the Red States. Just because convenience abortion and LGBTQ practices are sacred sacraments in the religion of secular humanism that the Democrat party favors does not mean that they are protected by the Free Exercise Clause at the expense of the State' and the people's power to regulate them to protect community standards of decency in areas that are far removed from the beltway in DC - no offense to the District.[66]

2. Argument The Plaintiffs Are Substantially Likely To Prevail On The Merits Because The Defendant's Conduct Surrounding The Equality Act And The Women's Health Protection Act Because of Sixteen Factors

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[65] See https://www.youtube.com/watch?v=3lSN2n4Bjz8

[66] The *Dobbs* court, on pages 13 to 14 in the leaked opinion, hinted at the Plaintiffs' argument that States can permissibly regulate licentious religious practices under the Tenth Amendment by stating, "*Casey* elaborated: 'At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life.' *Id.*, at 851. The Court did not claim that this broadly framed right is absolute, and no such claim would be plausible. While individuals are certainly free to think and to say what they wish about 'existence,' 'meaning,' the 'universe,' and 'the mystery of human life,' they are not always free to act in accordance with those thoughts. License to acton the basis of such beliefs may correspond to one of the many understandings of 'liberty,' but it is certainly not 'ordered liberty.' Ordered liberty sets limits and defines the boundary between competing interests." In making that statement, the *Dobbs* court was indirectly underscoring the reason why American tradition and heritage taken with the Tenth Amendment allows the States and the people to regulate licentious religious practices at the expense of the Free Exercise Clause of the First Amendment.

The Plaintiffs are likely to win on the merits based on the combination of 16 factors. First, the United States is a Constitutional Republic, not a secular humanist theocracy. That means that the highest level of authority in the Nation is the United States Constitution and not the unexamined assumption of the superiority of our cultural moment.[67] Second, the First Amendment Establishment Clause and the Tenth Amendment synergistically prevent the three branches of the federal government from endorsing, enacting, and enforcing policies that force all Americans to respect licentious religious practices that flow out of the religion of secular humanism. Third, the Supreme Court already recognized that secular humanism is a religion for purposes of the First Amendment.[68] Fourth, countless former self-identified homosexual

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[67] See Statement of Facts ¶ 42. The U.S. Constitution, art. VI, Cl 2 states: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof;; and all Treaties made, or which shall be made, under the Authority of the United States, 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." As such, "[t]he Constitution of the United States and all laws enacted pursuant to the powers conferred by it on the Congress are the supreme law of the land (U. S. Const., art. VI, sec. 2) to the same extent as though expressly written into every state law." *People ex rel. Happell v. Sischo*, 23 Cal. 2d 478, 491 (Cal. 1943) (citing *Hauenstein v. Lynham*, 100 U.S. 483, 490 (1880);; *Florida v. Mellon*, 273 U.S. 12, 17 (1927).

Constitutional analysis must begin with"the language of the instrument," *Gibbons v. Ogden*, 9 Wheat. 1, 186-189 (1824), which offers a "fixed standard" for ascertaining what our founding document means, J. Story, Commentaries on the Constitution §399 (183). The Constitution makes no express reference to a right to obtain a convenience abortion or the have homosexual conduct respected and therefore those who claim that it protects such a right must show that the right is somehow implicit in the constitutional text. "Roe [and *Obergefell*], however, [were] remarkably loose in [their] treatment of the constitutional text." See *Dobbs* leaked decision at page 9 Appendix D.

[68] From the inception of the country, until the 1940s, religion was defined as theism (a belief in God) by the courts of the United States. See *Reynolds v. United States*, 98 U.S.145, 166-167 (1878), *Davis v. Beason*, 133 U.S. 333 (1890), *United States v. Macintosh*, 283 U.S. 605 (1931). From the 1940s forward, religion has included non-theism and theism for purposes of the First Amendment Establishment Clause of the United States Constitution. See *Torcaso v. Watkins*, 367 U.S. 488, 495 n. 11 (1961), and *United States v. Seeger*, 380 U.S. 163 (1965). In terms of actual controlling Supreme Court authority that is applicable to sexual orientation orthodoxy and gender identity ideology, the Defendants know or should know that the United States Supreme Court already found - prior to the erroneous decisions in *Obergefell*, *Windsor*, *Bostock*, *Roe*, and *Casey* - that secular humanism is a religion for the purposes of the First Amendment of the United States Constitution in *Torcaso v. Watkins*, 367 U.S. 488 (1961); *School*

activists, medical experts, religious experts, and persecuted Christians have testified under oath that convenience abortion beliefs and non-secular self-asserted sex-based identity narratives, such as homosexuality and transgenderism, sexual orientation, and gender identity are doctrines, orthodoxies, ideologies, and dogmas that are part of a worldview consisting of a series of unproven faith-based assumptions and naked assertions that are implicitly religious and inseparably linked to the religion of secular humanism.[69]

District of A Bington Township, Pa. v. Schempp, 374 U.S. 203 (1963); *United States v. Seeger,* 380 US 163 (1965); and *Welsh v. United States*, 398 U.S. 333 (1970); Furthermore, the Defendants know or should know that most of the federal courts of appeal have found that secular humanism is a religion for purposes of the First Amendment in cases such as: *Malnak v. Yogi*, 592 F.2d 197 (3d Cir.1979); *Theriault v. Silber*, 547 F.2d 1279 (5th Cir.1977); *Thomas v. Review Bd.*, 450 U.S. 707 (1981); *Lindell v. McCallum*, 352 F.3d 1107 (7th Cir.2003); *Real Alternatives,Inc. v. Sec'y Dep't of Health & Human Servs.*,150 F. Supp. 3d 419, 2017 WL3324690 (3d Cir. Aug.4, 2017); and *Wells v. City and County of Denver*, 257 F.3d 1132 (10th Cir. 2001).

[69] See Statement of Facts ¶ 4 - 10; See DE # 45, Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 7; DE # 2 Decl. Pastor Penkoski ¶¶ 1-34; DE # 48 Decl. Lisa Boucher ¶¶ 1-10; DE 49, Decl. Christian Resistance ¶¶ 1-21; DE # 547, Decl. Dr. Cretella ¶¶ 1-20; DE # 46, Decl. Dr. King ¶¶ 1-20; DE # 50, Decl. Pickup ¶¶ 1-12; DE# 8 Decl. Black ¶¶ 1 - 11; DE # 7 Decl. Mehl ¶¶ 1-20; DE # 5 Decl. Quinlan ¶¶ 1-41. The Defendants know or should know that the licentious LGBTQ cult and the pro-abortion death cult are centered on a "closed system" that is organized, full, and provides a comprehensive code by which individuals may guide their daily activities, making LGBTQ and convenience abortion secular humanism meet the legal definition of religion as defined by the judiciary in cases such as *United States v. Seeger*, 380 US 163 (1965); *Welsh v. United States*, 398 U.S. 333 (1970); *Real Alternatives, Inc. v. Sec'y Dep't of Health & Human Servs.*,150 F. Supp. 3d 419 (3d Cir. Aug. 4, 2017). The court in *Real Alternatives, Inc. v. Sec'y Dep't of Health & Human Servs.*, 150 F. Supp. 3d 419, 872 (3d Cir. Aug. 4, 2017), provided a legal definition of non-institutionalized religions when it stated: "we detect a difference in the 'philosophical views' espoused by [the plaintiffs], and the 'secular moral system[s]...equivalent to religion except for non-belief in God' that Judge Easterbrook describes in *Center for Inquiry,* 758 F.3d at 873. There, the Seventh Circuit references organized groups of people who subscribe to belief systems such as Atheism, Shintoism, Janism, Buddhism, and secular humanism, all of which 'are situated similarly to religions in everything except belief in a deity.' *Id.* at 872. These systems are organized, full, and provide a comprehensive code by which individuals may guide their daily activities." The licentious LGBTQ cult that the Equality Act endorses, respects, favors and promotes is "organized, full, and provide[s] a comprehensive code by which [self-identified homosexuals, self-identified transvestites, and other] individuals may guide their daily activities" and is inseparably linked to the religion of secular humanism. See https://secularhumanism.org/category/featured/rights-gays-and-otherwise/. The same exact thing can be said for the pro-abortion death cult. https://www.plannedparenthood.org/planned-parenthood-greater-washington-north-idaho/who-w

Fifth, countless medical experts and theologians that have demonstrated that the belief that convenience abortion is not murder or immoral or that life does not begin at conception is a paganistic belief that is inseparably linked to the religion of secular humanism.[70] The practice of

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e-are/our-beliefs. Instead of having a cross, the Ten Commandments, or the star and crescent, the licentious LGBTQ cult has the rainbow-colored flag to symbolize its religious narrow and exclusive beliefs, practices, and values. Even though the secular humanists only insist that the licentious LGBTQ cult is a religion when it suits their jaded interests under the Free Exercise Clause to promote their dogma, the licentious LGBTQ cult is a religion for purposes of the Establishment Clause as well, which means that the government cannot promote, respect, endorse, or favor the licentious LGBTQ cult through direct or symbolic government action to include the creation, introduction, and threatened enforcement of the non-secular Equality Act, the Women's Health Protection Act, and the challenged Executive Orders, which otherwise gives the impression that secular humanism is the official and favored religion of the Nation.

[70] Here are some facts that show that the pro-abortion death cult is inseparably linked to the religion of secular humanism. The secular humanist manifesto II has asserted convenience abortion practice as a sacred sacrament in their licentious anti-theistic religion. https://americanhumanist.org/what-is-humanism/manifesto2/

There are four key unproven faith-based truth claims that make up the core doctrine of the pro-abortion death cult in order to normalize convenience abortion practices in America. These unproven truth claims expose the pro-abortion death cult as a denominational sect of the religion of secular humanism.

The first religious tenant of the pro-abortion death cult is that convenience abortion is "a medical issue, not a moral one," even though the first tenant taught in medical school is "do no harm" under the Hippocratic Oath. It takes a lot of faith to believe that this unproven truth claim is plausible when convenience abortion involves a violent procedure and the cruel dismemberment of a developing child, oftentimes that has a beating heart and recoils at an abortionist's attempts to kill him or her.

The second paramount religious principle advance by the pro-abortion death cult is that abortion alleviates social and racial inequality. It takes a lot of faith to believe that is true when the evidence shows that the pro-abortion death cult targets the most vulnerable populations and exploits them emotionally and financially. (See https://www.dailywire.com/videos/choosing-death-the-legacy-of-roe)

The third paramount religious principle advance by the pro-abortion death cult is that "legal abortion saves women's lives." This takes a huge amount of faith to believe that this is true when the number of deaths in legal abortions is about the same as in illegal abortions. Plus convenience abortion undeniably takes the potential life of the baby in the woman, approximately half of which are female. *Id.*

The fourth paramount religious principle advance by the pro-abortion death cult is that pro-life advocates just want to control women. That takes a lot of faith to believe when the pro-death community has always used women for its own exploitative purposes. Lila Rose at www.liveaction.org and Ryan Bomberger at https://www.theradiancefoundation.org/ make that case with convincing clarity. The Plaintiffs believe that women have the right to do what they want with their own body in general, but when it comes to convenience abortion, there is more likely than not another person's body involved and that changes things. Women should be able to

sacrificing children in the womb on the altar of convenience is inherently religious in nature despite whether the Defendants can see it or not. To underscore the point further that abortion and LGBTQ issues are a matter of religion, at oral argument in *Dobbs,* Justice Sotomayor implied that only a "small fringe of doctors" believed that life begins at conception and that such medical/scientific findings might not "fit the *Daubert* standard." [71] On the other side, Justice Alito, pushed back by raising the point that "there secular philosophers and bioethicists who take the position that the rights of personhood begin at conception or at some point other than viability," whose findings also meet the *Daubert* standard. [72] In *Dobbs,* Mississippi should have stipulated - as the Plaintiffs do here and now - that there are medical experts/scientists on both sides who have provided inconsistent findings that meet the *Daubert* standard. Some medical/scientists/experts have provided findings that life does not begin at conception, making convenience abortion practices non-murder, and others have provided findings that life does begin at conception, making convenience abortion practices murder. Mississippi should have made the argument - as the Plaintiffs do here and now - that Mississippi was not out to "prove" or "disprove" whether or not life begins at conception but rather that the matter is not officially proven and is, therefore, a matter of religion and that the policy decision created in *Roe* and *Casey* had to be overturned for violating the Establishment Clause because those decisions have had the effect of establishing America as a secular humanist theocracy from the top down and have unlawfully interfered with the States' and the people's traditional right expressly conferred under the Tenth Amendment to regulate licentious religious practices that attempt to justify

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do what they want with their bodies but not at the expense or at the death of another person's body that is temporarily in their womb because of choices they made. *Id.*

[71] Appendix B page 18 Tr. of Oral Arg. Justice Sotomayor. See *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). See Statement of Facts ¶ 18.

[72] Appendix B page 32 Tr. of Oral Arg. Justice Alito. See Statement of Fact ¶ 18.

practices that are inconsistent with the peace and safety of the state.[73] See Statement of Fact ¶ 15.

Sixth, the Plaintiffs are not out to prove or disprove whether or not there is a "gay gene," but they stipulate that it is a matter of religion that is unsettled and that licentious homosexual practices are inseparably linked to the religion of secular humanism, despite the fact that the lives of Plaintiffs Dr. Pickup, Black, Quinlan, and Mehl demonstrates there is no "gay gene" beyond any serious question. [74] See Statement of Facts ¶ 15.

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[73] While the licentious LGBTQ cult and the pro-abortion death cult have employed so-called medical experts and scientists who argue that there is a "gay gene" and that "a baby in the womb is not a person" in the same way that cigarette manufacturers once employed medical experts and scientists to assert that smoking cigarettes is good for a person's health, there are medical experts who argue that there is no such thing as a "gay gene" any more than there is a "rape gene" and that dismembering the body of a separate baby in the womb on the altar of convenience is murder. (DE # 47 Decl. Dr. Cretella ¶¶ 1-20; DE # 46 Decl. Dr. King ¶¶ 1-20). Therefore, since the Plaintiffs stipulate that it is not officially proven one way or the other whether there is a "gay gene" or whether life begins at conception, this Court has subject matter jurisdiction to hear this action brought under the Establishment Clause of the First Amendment because the evidence shows that sexual orientation orthodoxy and gender identity ideology are religious concepts and because the evidence shows that convenience abortion practices are non-secular procedures, not medical ones. The Defendants self-serving attempts to coercively impose LGBTQ and convenience abortion dogma on the whole of the Nation through government action through a series of imperialistic power plays with the end goal of establishing that America is a secular humanist theocracy and that all non-observers of their favored religion are unwelcomed. DE # 45, Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 7; DE # 2 Decl. Pastor Penkoski ¶¶ 1-34; DE # 48, Decl. Lisa Boucher ¶¶ 1-10; DE # 49, Decl. Christian Resistance ¶¶ 1-21; DE # 47, Decl. Dr. Cretella ¶¶ 1-20; DE # 46, Decl. Dr. King ¶¶ 1-20, DE # 8 Decl. Black ¶¶ 1-11; DE #7 Decl. Mehl ¶¶ 1-20.

If anything, the Defendants' unconstitutional drive to excessively entangle our government with the licentious religion of LGBTQ secular humanism and pro-abortion ideology tends to demonstrate why homosexuality and convenience abortion practices should have remained illegal for the same reason that polygamy remains illegal today. See *Reynolds v. United States*, 98 U.S. 145 (1879). LGBTQ practices and convenience abortion practices causes its citizens to become deranged, desensitized, depersonalized, dehumanized, delusional, and dangerous. Just consider the protests outside of the Supreme Court Justices' houses in the wake of the leaked *Dobb*'s decision. Even the leaking of the decision is evidence of derangement.

[74] The Defendants know or should know that the beliefs that a person "was born with a gay gene" or "was born in the wrong body" amounts to a series of unproven faith-based assumptions and naked assertions that are implicitly religious and cannot be used as the basis for law and policy in the creation and enforcement of non-secular policies, like the Equality Act and Executive Order 14075, because the Establishment Clause prohibits such beliefs from being

Seventh, the Plaintiffs are likely to succeed on the merits because the Defendants' efforts to promote, introduce, create, and threaten to enforce the Equality Act and the Women's Health Protection Act fail all three prongs of the *Lemon* test, the endorsement test, and the coercion test.[75]

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legally favored, promoted, endorsed, respected, or codified by government. In this case, the Plaintiffs are not out to prove or disprove whether or not a "gay gene" exists, but rather, the Plaintiffs stipulate that it is not officially proven one way or another, and therefore, it is a matter of religious faith that is governed exclusively by the Establishment Clause balanced with the Free Exercise Clause of the First Amendment of the United States Constitution. Accordingly, by creating, introducing, and threatening to enact the Equality Act, the Defendants have violated the principles of the separation of church and state, while failing the endorsement test because the federal government is treating the gay gene debate as if it is settled in favor of the unproven truth claims grounded in the religion of secular humanism. Meanwhile, the testimonies of Plaintiffs Mehl, Black, Dr. Pickup, and Quinlan prove the point that it is not settled in favor of the contention that a gay gene exists. Statement of Facts ¶ 15 &17.

While the licentious LGBTQ cult and the pro-abortion death cult have employed so-called medical experts and scientists who argue that there is a "gay gene" and that "a baby in the womb is not a person" in the same way that cigarette manufacturers once employed medical experts and scientists to assert that smoking cigarettes was good for a person's health, there are medical experts who argue that there is no such thing as a "gay gene" any more than there is a "rape gene" and that dismembering the body of a separate baby in the womb on the altar of convenience is murder. (See DE # 47 Decl. Dr. Cretella ¶¶ 1-20; DE # 46 Decl. Dr. King ¶¶ 1-20). The Plaintiffs stipulate that both sets of findings from these medical experts and scientists meet the *Daubert* standard, even though the Plaintiffs personally believe that the idea that there is a gay gene that warrants special civil rights is implausible and removed from reality.

Since the Plaintiffs stipulate that it is not officially proven one way or the other whether there is a "gay gene" or whether life begins at conception, this Court has subject matter jurisdiction to hear this action brought under the Establishment Clause of the First Amendment because the evidence shows that sexual orientation orthodoxy and gender identity ideology are religious concepts and because the evidence shows that convenience abortion practices are non-secular procedures, not medical ones. The Defendants are guilty of attempting to coercively impose LGBTQ and convenience abortion dogma on the whole of the Nation through government action by way of a series of imperialistic power plays with the end goal of establishing that America is a secular humanist theocracy and that all non-observers of their favored religion are unwelcomed. DE # 45, Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 7; DE # 2 Decl. Pastor Penkoski ¶¶ 1-34; Decl. Lisa Boucher ¶¶ 1-10; DE # 49, Decl. Christian Resistance ¶¶ 1-21; DE # 47, Decl. Dr. Cretella ¶¶ 1-20; DE # 46 Decl. Dr. King ¶¶ 1-20; DE # 8 Decl. Black ¶¶ 1-11; DE # 7 Decl. Mehl ¶¶ 1-20.

[75] To pass muster under the Establishment Clause, a practice must satisfy the *Lemon* test, pursuant to which it must: (1) have a valid secular purpose; (2) not have the effect of advancing, endorsing, or inhibiting religion; and (3) not foster excessive entanglement with religion. Id. at 592 (citing *Lemon v. Kurtzman*, 403 U.S. 602 (1971)). It is important to understand that government action "violates the Establishment Clause if it fails to satisfy any of these prongs."

(For an easier to read explanation on how the Defendants' conduct fails the *Lemon* test, see Appendix F).

Eighth, the Plaintiffs are substantially likely to prevail on the merits because the evidence shows that the Defendants' attempted enactment of the Equality Act fails prong I of *Lemon.* The term "sex" as it refers to male and female is a neutral and secular term and can be included in government policies without violating the federal Constitution's Establishment Clause.[76] However, the Equality Act attempts to enshrine sexual orientation orthodoxy and gender identity ideology over 75 times by changing the secular definition of the term "sex" in federal statutes, which would cause Titles II, III, IV, VI, VII, and IX to no longer have a primary secular purpose and, therefore, be unconstitutional under the Establishment Clause of the First Amendment.[77] That is, the 75 attempts in the Equality Act to entangle Titles II, III, IV, VI, VII, and IX with sexual orientation orthodoxy and gender identity ideology violate the principles of the separation

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Edwards v. Aguillard, 482 U.S. 578, 583 (1987); *Agostini v. Felton*, 521 U.S. 203, 218 (1997). The evidence shows that Defendants' decision to merely introduce the Equality Act fails all three prongs of the *Lemon* Test. At the core of the "Establishment Clause is the requirement that a government justify in secular terms its purpose for engaging in activities which may appear to endorse the beliefs of a particular religion." *ACLU v. Rabun Cnty. Chamber of Commerce, Inc.*, 698 F. 2d 1098, 1111 (11th Cir.1983). This secular purpose must be the "pre-eminent" and "primary" force driving the government's action, and "has to be genuine, not a sham, and not merely secondary to a religious objective." *McCreary Cnty, Ky. v. ACLU of Ky.*, 545 U.S. 844 (2005). Under this second prong of the *Lemon* test, courts ask, "irrespective of the . . . stated purpose, whether [the state action] . . has the primary effect of conveying a message that the [government] is advancing or inhibiting religion." *Indiana Civil Liberties Union v. O'Bannon,* 259 F.3d 766, 771 (7th Cir. 2001). The "effect prong asks whether, irrespective of government's actual purpose," *Wallace v. Jaffree,* 472 U.S. 38, 56 n.42 (1985), the "symbolic union of church and state...is sufficiently likely to be perceived by adherents of the controlling denominations as an endorsement, and by the nonadherents as a disapproval, of their individual religious choices." *School Dist. v. Ball*, 473 U.S. 373, 390 (1985); *see also Larkin v. Grendel's Den*, 459 U.S. 116, 126-27 (1982)(even the "mere appearance" of religious endorsement is prohibited). The Defendants creation, introduction, endorsement, and promotion of the Equality Act - alone - amounts to the cultivation of a "legal weapon that no [Christian or non-observer of Secular Humanism] can obtain." *City of Boerne v. Flores,* 521 U.S. 507, 537 (1997).

[76] See Statement of Facts Statement #53 and (DE # 22, ¶ 41)

[77] See Statement of Facts Statement #49 and (DE # 22, ¶¶ 10, 41)

of church and state. This is the exact problem with the egregiously wrong *Bostock* decision where Justice Gorsuch and the other liberal Justices in the Majority failed to see that interpreting the term "sex" to respect sexual orientation orthodoxy and gender identity ideology in Title VII and other statutes causes those statutes to lose their primary secular purpose, invalidating them for purposes of enforcement under the Establishment Clause of the First Amendment for purposes of prong I of *Lemon.*[78] In the hierarchy of authority, the Establishment Clause trumps the federal statute Title VII if it loses its secular purpose by incorporating and respecting sexual orientation and gender identity ideology. See Article VI Clause 2 of the United States Constitution. [79]

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[78] To speak plainly, finding that the term "sex" means sexual orientation in Title VII serves to establish America as a secular humanist theocracy. It is exactly why the plaintiffs in *Quinlan v. HHS,* 1:20-cv-02261-TNM (D.D.C 2020) are arguing that HHS cannot change its Rules to force doctors to perform transgender surgeries or to provide minors or adults with puberty blockers in violation of their Hippocratic Oath.

[79] Prong I of the *Lemon* test challenges whether the stated goal of a government policy decision is being reached or whether an ulterior agenda is being advanced to promote one religion over other religions or to elevate a religion over non-religion. Because the legislative findings in the Equality Act assert that the stated goal is tolerance, equality, and unity and because the evidence shows that once implemented the policy will fail to achieve that goal and simply elevate one religious worldview over all others, the policy fails prong I of *Lemon.*

In the wake of the introduction of legislative policies, like the Equality Act and Executive Order 14075, or egregiously wrong judicial decisions, like *Obergefell*, there has not been a landrush on gay marriage, unity, or tolerance, instead, there has been a landrush on public elementary schools and public libraries by self-identified homosexuals, self-identified transvestites, and devout secular humanist activists, who feel entitled to infiltrate those public facilities for the sole purpose of targeting and indoctrinating minors with licentious LGBTQ doctrine at the taxpayer's expense with the government's stamp of approval. See Statement of Facts ¶ 80. The MAPs movement (minor attracted person) and the sexual grooming of minors in public schools have grown traction and flow directly out of the *Obergefell* decision. https://www.lgbtmap.org/equality-maps/profile_state/KY

Furthermore, in the wake of the introduction of legislative policies, like the Equality Act, or the egregiously wrong judicial decisions, like *Obergefell* and *Bostock*, there has not been a landrush on gay marriage, unity, or tolerance, instead, there has been a landrush on the social marginalization and violent oppression of non-observers of the licentious religion of LGBTQ secular humanism - to include the oppression of the Plaintiffs. See Statement of Facts ¶ 79. The goal of secular humanists is not "tolerance." It is "dominance." In an honest world, the Equality Act would be retitled to the "Inequality Act" because it is undeniably crafted to allow for discrimination against non-observers of the religion of secular humanism. It is this social

Ninth, the Plaintiffs are substantially likely to win on the merits because the evidence shows that the Defendants' attempts to enact the Women's Health Protection Act and related Executive Orders fail prong I of *Lemon*.[80] Tenth, the Plaintiffs are substantially likely to win on

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marginalization and violent oppression by the introduction of policies, like the Equality Act, that has inflicted direct and concrete injury on the Plaintiffs and given them Article III standing to proceed here. If we have learned anything from the government's egregiously wrong decision to entangle itself with the licentious LGBTQ cult and the pro-abortion death cult, it is that people who are "intolerant" of "intolerant people" are "intolerant," that people who are "judgmental" against "judgmental people" are "judgmental," and that people who are "dogmatic" about not being "dogmatic" are themselves the most "dogmatic" of all. See the Defendants or just consider the protesters outside of the Supreme Court Justices' homes. Any lingering question about whether the secular humanist church is hell-bent to dominate and use the government to establish America as a secular humanist theocracy through any means necessary has been resolved by the illegal protests in the private neighborhoods of five Supreme Court Justices that Defendant Biden's Department of Justice refuses to shut down as required by 18 U.S. Code § 1507. Just imagine if one or all of the five Justices who are the target of the protests are murdered because of Defendant Biden's non-responsiveness and what the fallout would be. Would President Biden be permitted to appoint five new Justices? People who are willing to kill babies in the womb are tend to be capable of doing anything to get their way.

[80] The evidence shows that the Women's Health Protection Act and the promised related Executive Order fails prong I of Lemon because it lacks a primary secular purpose. The primary purpose of this act is to force all 50 states to do away with any semblance of a restriction on convenience abortion, a practice that the citizens of a majority of the states find to be morally repugnant and more akin to the murder of a defenseless child than a mundane removal of a cluster of cells as the Defendants and the pro-abortion death cult believe for self-serving reasons.

Section (3) subsection (a) paragraph (8) of the Women's Health Protection Act of 2022 does away with any policy that amounts to "[a] prohibition on abortion at any point or points in time prior to fetal viability, including a prohibition or restriction on a particular abortion procedure." Section (3) subsection (b) paragraph (1) subparagraph (B) of the Women's Health Protection Act of 2022 does away with any policy that even potentially threatens to "impedes access to abortion services."

The Defendants are not ok with allowing the Democratic process to play out in each state, permitting the citizens of each state to decide whether to restrict or prohibit a religious practice that unequivocally promotes licentiousness because the Defendants hate our Constitution and despise Christians, and have no sincere desire to uphold the Constitution as they are required to pursuant to their oath of office under Clause 3 of Article VI of the United States Constitution. The Defendants' conduct is not motivated by goodwill but out of the overflow of a moral superiority complex that is supremely irrational and objectively dangerous.

The attempts of Supreme Court justices, like Chief Justice Roberts and Justice Breyer, to treat the egregiously wrong decisions in *Roe* and *Casey* as "super precedent" is itself a form of proof that those decisions themselves, like the Women's Health Protection Act and related retaliation Executive Order, are non-secular shams that lack a primary secular purpose. When government actors make things up to justify the continued entanglement of our government with one religion, it tends to expose itself as a sham for purposes of prong I of *Lemon*.

the merits because the evidence shows that the Defendants' endorsement of the Equality Act and Executive Order 14075 fails prong II of *Lemon.*[81] Eleventh, the Plaintiffs are substantially likely

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Government action is a sham for purposes of prong I of Lemon if it fails to accomplish its alleged intended purpose. So, what is the purpose of the Women's Health Protection Act of 2022 and the related retaliation Executive Order as asserted by the Defendants? Is it to protect the bodily autonomy of a person? But which person - the person recoiling in the womb and kicking back to desperately avoid death at the hands of the abortionist who is attempting to kill him or her? The Defendants cannot prove that the baby in the womb that the bill enables to kill is not an actual person. So the Women's Health Protection Act is just an effort by the Defendants to excessively entangle our government with their favored religion of secular humanism to further reinforce to themselves and other secular humanists the implausible, irrational, and impeached contention that man is god and that natural law is not real.

Or perhaps, the primary purpose of the Women's Health Protection Act is to protect "the constitutional right to terminate a pregnancy" as stated directly in Section 6 subsection (b) of the officially introduced bill itself. But which part of the Constitution is the act referring to because convenience abortion is not discussed in the Constitution, as the Supreme Court in the leak *Dobbs* Court acknowledged? See Appendix D.

[81] The Equality Act unmistakenly violates prong II of the *Lemon* Test, as it unapologetically attempts to tie the Plaintiffs' hands and the hands of all non-observers of licentious LGBTQ secular humanism by leaving them defenseless and forced to convert to and support the dangerous and destructive religious worldview that the Defendants favor in step with the Defendants' refusal to think logically. Section 1107 of the Equality Act states:"The Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb et seq.) shall not provide a claim concerning, or a defense to a claim under, a covered title, or provide a basis for challenging the application or enforcement of a covered title." By expressly not allowing the Plaintiffs or any other non-observer of licentious LGBTQ secular humanism to invoke the Religious Freedom Restoration Act (RFRA), the Equality Act creates an indefensible "legal weapon that no [Christian] can obtain" and will force the Plaintiffs and other Christians to violate their right of conscience. See *Flores,* 521 U.S. 507 at 537. See DE # 22, ¶ 50, 52; See Statement of Facts ¶ 57. From the provision of the Equality Act that nullifies RFRA, it is obvious that the Defendants do not understand that the underlying legal basis for RFRA is the Free Exercise Clause of the First Amendment of the United States Constitution. This means that even if the Equality Act were enacted and even if it did manage to nullify the RFRA shield, the Equality Act still fails because it cannot repeal the Free Exercise Clause of the First Amendment of the United States Constitution. See Article VI, Clause 2 of the United States Constitution. The Free Exercise Clause and Establishment Clause synergistically preempt the Equality Act in its entirety when combined with American tradition and heritage in the same way that they invalidate the egregiously wrong decisions in *Roe* and *Casey*. (See Article VI of the United States Constitution). This is something that the Defendants just do not seem to understand, and it is why they are terrible lawmakers who have no business being in office. It is more important than ever that this Court serves as the necessary check on the Defendants, who are willing to take unprecedented brazen steps to excessively entangle our government with a narrow and exclusive religious worldview by removing protections from the millions of Americans who have the common sense, decency, grace, and wisdom to see LGBTQ ideology for what it always has been and always will be - a doctrine that attempts to justify deeply immoral sexual conduct that is

to win on the merits because the evidence shows that the Defendants' constitutional and political malpractice surrounding the Women's Health Protection Act and soon-to-be-enacted related Executive Order violates Prong II of *Lemon.*[82] Twelfth, the Plaintiffs are substantially likely to win on the merits because the evidence shows that the Defendants promoting of the Equality Act

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depersonalizing, dehumanizing, deranged, damaging, desensitizing, destructive, and dangerous in the same ways that polygamy, pornography, prostitution, and child sex abuse are.

[82] Prong II of *Lemon* raises the question "will people believe that the government endorses or approves one religious worldview over another?" The evidence shows that (1) objections to convenience abortion practices are based on Christian religion, that (2) approval of convenience abortions practices are based on the secular humanist religion, and that (3) by forcing all 50 states to allow convenience abortion up until the time of birth through the Women's Health Protection Act of 2022 amounts to a demonstration from the reasonable observer perspective that the Nation favors one religious belief system over another. The Defendants' endorsement and promotion of the Women's Health Protection Act fails prong II of *Lemon* because it is an excessive endorsement of secular humanism and an excessive disapproval of Christianity from the reasonable observer's perspective. This is in-part why passions run high. In simple terms, because the Women's Health Protection Act attempts to settle the faith-based assumption that "life does not begin at conception," it constitutes an excessive endorsement of the religion secular humanism, causing the statute to fail both the endorsement test created in *Lynch v. Donnelly*, 465 US 668 (1984) and prong II of *Lemon* - which are basically the same thing.

Just as the Equality Act wrongfully stops Christians, like the Plaintiffs, from using RFRA, the Women's Health Protection Act of 2022 does the exact same thing in direct violation of the Free Exercise Clause of the First Amendment of the United States Constitution. Section (4) subsection (a) paragraph (1) of the Women's Health Protection Act states: "[T]his Act supersedes and applies to the law of the Federal Government and each State government, and the implementation of such law, whether statutory, common law, or otherwise, and whether adopted before or after the date of enactment of this Act, and neither the Federal Government nor any State government shall administer, implement, or enforce any law, rule, regulation, standard, or other provision having the force and effect of law that conflicts with any provision of this Act, notwithstanding any other provision of Federal law, including the Religious Freedom Restoration Act of 1993 (42 U.S.C. 19 2000bb et seq.).

Besides tying the hands of Christians from using RFRA just as the Equality Act does, section (4) subsection (a) paragraph (1) of the Women's Health Protection Act demonstrates that while the Defendants are correct in that the proposed federal statute would preempt conflicting state law, the Defendants fail to understand that the Women's Health Protection Act, a federal statute, is preempted by the text of the United States Constitution itself, under the Establishment Clause of the First Amendment and the under the Tenth Amendment. On balance, while federal law preempts state law when they conflict under Article VI, paragraph 2, the Constitution amendments themselves preempt federal statutes, like the Equality Act and Women's Health Protection Act, or federal judicial opinions, like in *Roe, Windsor, Obergefell, Casey, and Bostock*, when they conflict.

and enforcement of Executive Order 14075 fails prong III of *Lemon*.[83] Thirteenth, the evidence

[83] The surreptitious method by which the Equality Act attempts to enshrine sexual orientation and gender identity ideology over 75 times in Titles II, III, IV, VI, VII, and IX in a manner that would coercively impose LGBTQ dogma on all aspects of public life causes the act and the Defendants' conduct to violate prong III of *Lemon* and constitutes the greatest attempt to excessively entangle the government with the dogma of a non-institutionalized religion, since the inception of American jurisprudence.

The Equality Act and Executive Order 14075 constitutes an excessive entanglement of government with religion because it would allow government actors to take a wrecking ball to Christians who believe that (1) homosexual conduct is supremely immoral and that (2) to support homosexual practices is itself an act of incredible cruelty and monumental immorality. See Romans 1:21-32, 1 Corinthians 6:9-11, Leviticus 18:22, Leviticus 20:13, Jude 7, Genesis 19:1-11. It is never an act of love to encourage another human being to engage in immoral conduct that is subversive to human flourishing, and to even pretend otherwise is incredibly evil and hateful.

Here is a more specific example of how the Defendants' conduct in relationship to the Equality Act and Executive Order 14075 itself violates prong III of *Lemon* in a manner that inflicts direct injury on the Plaintiffs: the Plaintiffs are all part of businesses that provide the service of "pastoral care", a term that the Defendants maliciously describe in the Equality Act as "conversion therapy." The Plaintiffs provide these services to help individuals who want to escape the licentious LGBTQ cult to do so, as Plaintiffs Mehl, Dr. Pickup, Quinlan, and Black and multitudes of others once did by God's grace. See Statement Of Facts ¶¶ 20 - 21. The Plaintiffs also help individuals heal from the trauma that naturally flows from having bought into the cult's destructive practices and warped truth claims. Meanwhile, it is self-evident that through the Equality Act and similar measures, the Defendants have set out to enslave the public's consciousness in the lie "once gay always gay" in step with the Democrat party's resolute commitment to remaining the party of slavery. To that point, legislative finding (6) of the Equality Act states: "The discredited practice known as "conversion therapy" is a form of discrimination that harms LGBTQ people by undermining individuals' sense of self-worth, increasing suicide ideation and substance abuse, exacerbating family conflict, and contributing to second-class status."

The prime sponsors of the Equality Act and their co-sponsors imperialistically float the naked assertion that "conversion therapy" is "discredited" and "discrimina[tory]" but they fail to explain how or what evidence they are relying on in making those kinds of faith-based findings. They imply that this is the case simply because "they say so" which is just more evidence of their dangerous moral superiority complex revealing itself. The fact of the matter is that Plaintiffs Pickup, Quinlan, Black, and Mehl along with thousands of other medical and religious experts have already and can demonstrate now that attempting to classify pastoral care or "conversion therapy" as "discredited" is the only thing that is actually "discredited." See Statement Of Facts ¶¶ 20 - 21. The evidence shows that attempts to discredit pastoral care or conversion therapy are nothing more than attempts at discrimination by Democrats, against non-observers of the religion of secular humanism. The "Equality Act" should be renamed the "Inequality Act," but more importantly, the act should be tabled in perpetuity by injunction for failing prong III of the *Lemon* Test and, therefore, violating the Establishment Clause because to ban pastoral care/conversion therapy directly injures the Plaintiffs ability to earn a living and to serve their communities in a manner that constitutes the ultimate excessive entanglement with religion.

shows that the Plaintiffs are substantially likely to win because the Defendants' conduct surrounding the Women's Health Protection Act and related Executive Order fails prong III of *Lemon.*[84]

Fourteenth, the Plaintiffs are substantially likely to win because the Equality Act, Women's Health Protection Act, and related Executive Orders are based purely on a stream of emotional appeals that are designed to usurp the Establishment Clause, and it is a long-standing

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Furthermore, undermined "sense of self worth, increas[ed] suicide ideation, and substance abuse, exacerbat[ed] family conflict" is the result of buying into the destructive truth claims of the licentious LGBTQ cult in the first place and not the result of wanting to escape from it. See Appendix C; See DE 22, ¶ 55. It is best for all Americans to not allow themselves to be seduced in buying into the LGBTQ cults dogma to begin with, since the Defendants imply that doing so undermines "sense of self worth, increas[es] suicide ideation, and substance abuse, exacerbat[es] family conflict." In their businesses, the Plaintiffs have set out to increase self worth, prevent suicide ideation, reduce substance abuse, and resolve family conflict by impeaching the LGBTQ cult's ideology. Plaintiffs Black, Pickup, Mehl, and Quinlan simply want to help those, who like themselves were once duped by the licentious LGBTQ cult, heal from the damage that the cult naturally inflicts on its members.

This litigation demonstrates that not only is the Equality Act constitutionally unsound, so are all of the conversion therapy bans that have been enacted in some of the blue states in the wake of egregiously wrong judicial decisions in cases like *Obergefell* and *Bostock.*

This Court has personal jurisdiction and subject matter jurisdiction to hear the Plaintiffs' claims brought under prong III of *Lemon* pursuant to the Establishment Clause because the mere threat that pastoral care and conversion therapy could be banned at the federal level is harming their businesses currently, while also creating the apprehension that America is a secular humanist theocracy that the Plaintiffs are required to support by paying taxes. The Plaintiffs should not be expected to wait around to be damaged further when the Equality Act and Executive Order 14075 should not have been introduced in the first place.

[84] See Statement of Fact ¶¶ 23 & 60. A federal law handed down by either the federal courts, the federal executive, or the federal Congress that prohibits the states from restricting and regulating the licentious religious practice of convenience abortion or LGBTQ practices constitutes an excessive entanglement with the religion of secular humanism for purposes of prong III of *Lemon* in that it robs the States in conjunction with the people, which includes the Plaintiffs, of their fundamental right to regulate such lewd religious practices pursuant to the Tenth Amendment of the United States Constitution that erode community standards of decency and harms children. That is, the decisions in *Roe, Casey, Obergefell, Windsor,* and *Bostock* and the Equality Act and Women's Health Protection Act constitute an excessive entanglement because they serve to erase the Tenth Amendment and Establishment Clause of the First Amendment in order to establish America as a secular humanist theocracy. It is the federal government's way of telling the members of other religions that they are wrong and unwelcomed.

jurisprudence that emotional appeals - even really good ones - cannot be used to usurp the Establishment Clause.[85]

Fifteenth, the Plaintiffs are substantially likely to win on the merits because they have standing for concrete injuries and because they have a special form of standing that is more or less only found in Establishment Clause cases - taxpayer standing.[86] Sixteenth, the Plaintiffs are likely to win because this case is especially ripe because the Defendants are only one or two steps away from enacting the Women's Health Protection Act, the Equality Act, and other substantially similar measures and because they are scheming with their lackeys in the liberal media to nuke the filibuster to shore up their enactment.[87] The Defendants want to upend procedural norms to enact the Women's Health Protection Act and the Equality Act, even though both measures will be just as much in violation of the Establishment Clause and the Tenth

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[85] The Defendants know that the Equality Act, the Women's Health Protection Act of 2022, and related Executive Orders are predicated on nothing more than a stream of shallow emotional appeals that constitute a series of unproven faith-based assumptions and are not based on anything in the actual text of the Constitution. See Statement Of Facts ¶ 23, 60 The Defendants know or should know that federal courts, in cases like *Holloman v. Harland,* 370 F.3 1252 (11th Cir. 2004), have established that neither emotional appeals nor sincerity of belief can be used to usurp the Establishment Clause of the First Amendment in an excessive way, and, therefore, all policies that respect and promote non-secular self-asserted sex-based identity narratives and sexual orientation orthodoxy, to include the Equality Act, and all policies that prohibit the states from restricting the controversial religious practice of convenience abortion, like the Women's Health Protection Act, are based solely on a bundle of emotional appeals at the expense of this sound judicial principle.

The Supreme Court has recognized "that public debate of religious ideas, like any other, may arouse emotion, may incite, may foment religious divisiveness and strife." See *Terminiello v. Chicago*, 337 U.S. 1, 4-5, 69 S.Ct. 894, 895-896, 93 L.Ed. 1131 (1949). *McDaniel v. Paty,* 435 U.S. 618, 640, 98 S. Ct. 1322, 1335, 55 L. Ed. 2d 593 (1978). However, that does not mean that the government can simply enshrine the doctrines of licentious secular humanism so that truth allergic secular humanists, like the Defendants, can feel and act superior to everyone who has the humility and common sense to believe the obvious unchanging reality that LGBTQ and convenience abortion dogma and practices are vile, implausible, and evil from the perspective of the reasonable observer.

[86] See Statement of Facts ¶ 59; see DE # 22, ¶ 60.

[87] See DE # 22, ¶ 108; see Statement of Facts ¶ 48.

Amendment at that time, as they are now.[88] (For more analysis on taxpayer standing and ripeness see Appendix E.) It is important that this Court allow the Plaintiffs to put a stop to that for everyone's sake - to include the Defendants.

B. IRREPARABLE HARM:

Due to the Defendants' decision to draft, introduce, promote, favor, endorse, and threat to enact the Equality Act and the Women's Health Protection Act of 2022 and comparable Executive Orders, the Plaintiffs have and will suffer and will continue to suffer irreparable harm to their First Amendment constitutional rights as citizens who are being coerced into bowing down before the altar of secular humanism in a manner that causes them to (1) violate their conscience, (2) chill their speech, and (3) neglect the dire needs of individuals whom they provide pastoral and therapeutic services for.[89] The Plaintiffs' injuries will continue and be repeated each day the endorsement, promotion, and the threatened enactment hang over their heads. "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976); see also, e.g., *Pacific Frontier v. Pleasant Grove City*, 414 F.3d 1221, 1235-36 (10th Cir. 2005) (noting presumption of irreparable harm where First Amendment rights are implicated). [90]

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[88] See Statement of Facts ¶ 53.
https://castro.house.gov/media-center/press-releases/congressman-castro-calls-on-the-senate-to-abolish-the-filibuster-and-protect-reproductive-freedom
'We Will Move Forward': Schumer Says Plan To Nuke The Filibuster Still On The Table
https://www.youtube.com/watch?v=KcCUNJYZ800.

[89] See DE # 44 Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 7; DE # 50 Decl. Pickup ¶¶ 1-12; DE # 8 Decl. Black ¶¶ 1 - 10; DE # 7 Decl. Mehl ¶¶ 1-20; DE # 5 Decl. Quinlan ¶¶ 1-41; see DE # 22 ¶¶ 55, 65, 67, 123, 125, 127, 137; see Statement of Facts ¶ 22.

[90] This applies to Establishment Clause cases where harm should be presumed. *Ingebretsen v. Jaekson Public School Distric*t, 88 F.3d 274 (5th Cir. 1996). The court in *American Civil Liberties Union Foundation of Louisiana v. Crawford*, 2002 WL 461649 (E.D. La. 2002), the First Amendment presumption of irreparable harm encompasses the Establishment Clause claims. See *New Orleans Secular Humanist Ass'n, Inc. v. Bridges*, No. CIV.A. 04-3165, 2006 WL 1005008, at *5 (E.D. La. Apr. 17, 2006)(Irreparable harm is presumed Establishment Clause cases). "A plaintiff suffers irreparable injury when the court would be unable to grant an

The States have broad authority to enact legislation for the public good—what [the Supreme Court] ha[s] often called a "police power." *Lopez*, 514 U. S. 549 at 567. The Federal Government, by contrast, has no such authority and "can exercise only the powers granted to it," *McCulloch v. Maryland*, 4 Wheat. 316, 405 (1819). The Plaintiffs are not elected state representatives; yet, they are part of the "the people" for purposes of the Tenth Amendment.[91] In *Bond v. United States*, 564 U.S. 211 (2011), the Supreme Court held that individuals, just like States, may have standing to raise Tenth Amendment challenges to federal law that was made in a manner that wrongfully took power away from them or the States and was put forward without the authority given to Congress by the Constitution. The Defendants' conduct surrounding the Equality Act and the Women's Health Protection Act serve to prevent the Plaintiffs from fully enacting the "Keep Roe Reversed Forever Act," the "School Establishment Clause Act (SECA)," the "Establishment Clause Act," and the "Reverse *Obergefell* Act" in violation of the powers conferred by the Tenth Amendment onto the Plaintiffs to constitute a concrete injury. The Plaintiffs are moving their bills along the process at the same time that the Defendants are wrongfully advancing theirs, making this action ripe for adjudication because the Defendants are intruding on the legislative prerogatives of the people through unconstitutional means. This is especially true now that Defendant Biden has enacted Executive Order 14075, which effectively enacts the Equality Act.

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effective monetary remedy after a full trial because such damages would be inadequate or difficult to ascertain." *Dominion Video Satellite, Inc. v. EchoStar Satellite Corp.*, 269 F.3d 1149, 1156 (10th Cir. 2001). Furthermore, "[w]hen an alleged constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary." *Kikumura v. Hurley*, 242 F.3d 950, 963 (10th Cir. 2001).

[91] See Statement of Facts ¶ 75. Some of the Plaintiffs do officially stand in for state representatives from time to time. State law allows for substitution and for the Plaintiffs to stand in for members at committee hearings and to work with the offices of legal counsel with the express approval of the state representatives. So the Plaintiffs are not just passive citizens but are officially involved with a majority of the states in making policy that reflects what the state Constitutions and the Federal Constitution require to protect local communities harm.

C. NO ADEQUATE LEGAL REMEDY

The Plaintiffs have no adequate remedy at law because legal relief cannot remedy the denial of the Plaintiffs' fundamental rights that are guaranteed by the Bill of Rights. Unless an injunction is issued by order of this Court, the Plaintiffs' constitutional rights will continue to be violated - under the Free Exercise Clause, Free Speech Clause, the Establishment Clause, and the Tenth Amendment. [92]

D. BALANCE OF HARM

The balance of harm as to irreparable injury to the Plaintiffs in comparison to the "harm" to the Defendants weighs in the Plaintiffs' favor. The threatened injury to the Plaintiffs in this matter far outweighs the threatened injury to the Defendants because constitutional rights are at stake. The health of our Constitutional Republic is at stake in view of the protests outside the houses of Supreme Court Justices that the Defendants are indifferent to. See Statement of Facts ¶ 36. When a law that government actors or voters wish to enact is likely unconstitutional, their interests do not outweigh those of a plaintiff in having his constitutional rights protected. *Awad v. Ziriax*, 670 F.3d 1111, 1132 (10th Cir. 2012) citing *Coal. for Econ. Equity v. Wilson*, 122 F.3d 692, 699 (9th Cir. 1997).[93] The Defendants and their constituents will not be harmed by the

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[92] Absent injunctive relief, the Plaintiffs and others will continue to suffer irreparable harm as the plaintiffs in the following cases would have in the absence of an injunction: *Florida Businessmen for Free Enterprise v. City of Hollywood*, 648 F.2d 956, 958 (5th Cir. Unit B Jun. 1981); *Let's Help Florida v. McCrarv*, 621 F.2d 195, 199 (50 Cir. 1980); *Deerfield Medical Center v. City of Deerfield Beach*, 661 F.2d 328, 338 (5th Cir. Unit B 1981); and *CS E v. Bryant I*, 64 F. Supp. 3d 906, 950 (S.D. Miss. 2015). Even though Women's Health Protection Act may have failed by a slim majority vote in the Senate at least once, it can always be brought back or a new substantially similar law introduced. The Plaintiffs should not be expected to sit idly by while the Defendants persistently advance a religious agenda that is prohibited by the Establishment Clause of the First Amendment of the United States Constitution and as they scheme and scam to nuke procedural norms that safeguard our Democracy, like the filibuster that the Defendants have in their crosshairs.

[93] Enjoining the Defendants from moving forward on the Equality Act and Women's Health Protection Act or substantially similar legislation may inconvenience the Defendants, but it will actually protect the Plaintiffs and other Americans from material harm, discrimination, financial loss, and violence in the long run. What we have seen with the *Dobbs* court reversing *Roe* and

issuance of an injunction, they will just be on equal footing with Christians. America will not officially be established as a secular humanist theocracy or as a Christian Nation, although it is true that the laws of this Country can parallel Christian principles by default without mandating belief in Christianity. See Genesis 1:27, the Fourteenth Amendment, and Paragraph 2 of the Declaration of Independence.[94] The United States cannot officially endorse Christianity or mandate belief in Christianity for the same reasons that it cannot endorse secular humanism or the belief in the religion of secular humanism. A key difference is that Christianity can survive on its own without the government's endorsement, whereas secular humanism tends to implode under the weight of its own absurdity without the government's stamp of approval. But that is not a governmental problem.

E. THE PUBLIC INTEREST WILL BE FURTHERED BY THE INJUNCTION

There are at least eight reasons why it is in the best interest of the public for this Court to side with the Plaintiffs and issue the permanent injunction. First, it is in the best interest of the

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Casey in the leaked opinion is that when the government entangles itself with one religion unconstitutionally, only to then disentangle itself with that religion as the Constitution required from the start, the observers of the once favor religion become violent because the entanglement made them feel entitled and feel that their religious beliefs were superior to all others. This is why there are illegal protests outside of five of the Supreme Court Justices' homes with no response from Defendant Biden's Department Of Justice. This is why a devout secular humanist who clerks at the Supreme Court leaked the *Dobbs* decision. This is why on May 10, 2022, Lori Lightfoot the radical Democrat Mayor of Chicago, issued a call to arms to the LGBTQ cult in the wake of the *Dodd*'s decision, encouraging the deranged cult that she is a part of to inflict violence on people like the Plaintiffs. See Statement Of Facts ¶ 29; see DE # 22, ¶ 145. The passage of time is not going to make these things better because it is self-evidence that LGBTQ practices and convenience abortion practices are intrinsically immoral and violate the same natural law that serves as the cornerstone of the US Constitution itself, only restoring the rule of law will save us from irreconcilable division and violent civil war. The Plaintiffs are giving this Court the opportunity to restore sanity.

[94] See Statement of Facts ¶5. The second paragraph of the United States Declaration of Independence starts as follows: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.

Genesis 1:27, "So God created mankind in his own image, in the image of God he created them; male and female he created them."

public for the government to protect real civil rights that are expressly part of the Bill of Rights, not pretend ones that are not in the Constitution. [95] Second, the public would benefit because an injunction could put a stop to the ongoing cultural civil war and prevent violent civil war. [96]

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[95] "Interpreting what is meant by the Fourteenth Amendment's reference to 'liberty,' we must guard against the natural human tendency to confuse what that Amendment protects with our own ardent views about the liberty that Americans should enjoy. That is why the Court has long been 'reluctant' to recognize rights that are not mentioned in the Constitution. *Collins v. Harker Heights*, 503 U.S 115,125 (1992)."Substantive due process has at times been a treacherous field for th[e Supreme] Court,"*Moore v. East Cleveland*, 31 U.S. 494, 503 (1977) (plurality opinion), and it has sometimes led the [Supreme] Court to usurp authority that the Constitution entrusts to the people' selected representatives. See *Regents of Univ. of Mich. v. Ewing*, 474 U.S. 214,225 - 226 (1985)." The government's excessive endorsement of secular humanism through the creation, introduction, endorsement, and promotion of the Equality Act and Women's Health Protection Act have injured millions of Americans by trampling on their civil rights afforded under the First Amendment of the United States Constitution. Citizens of this country have the fundamental right to live in a Constitutional Republic, not a secular humanist theocracy or atheistic-nightmare fever dream as desired by the Defendants. The Defendants have no right to strip the powers afforded to the Plaintiffs under the Tenth Amendment to work directly with the state legislatures and Governors to enact laws that regulate licentious religious practices, like homosexual conduct and convenience abortion practices, which are harming their constituents. "[I]t is always in the public interest to prevent the violation of a party's constitutional rights." *Awad v. Ziriax*, 670 F.3d at 1132 quoting *G & V Lounge, Inc. v. Mich. Liquor Control Comm'n*, 23 F.3d 1071, 1079 (6th Cir. 1994). ("While the public has an interest in the will of the voters being carried out . . . the public has a more profound and long-term interest in upholding an individual's constitutional rights." Id.; see also *Cate v. Oldham*, 707 F.2d 1176, 1190 (10th Cir. 1983) (noting "[t]he strong public interest in protecting First Amendment values"). The public would benefit if the Equality Act, the Women's Health Protection Act, Executive Order 14075, and all similar policies were permanently tabled for being non-secular shams that have the effect of establishing America as a secular humanist theocracy. The Plaintiffs have the right to work on the local level to make their communities safe from licentious religious practices that are inconsistent with the peace and safety of the state, even if those practices are sacred to the Defendants and the religion they favor.

[96] There is no question that America is in the midst of a cold cultural civil war that the Defendants exploit and encourage for self-serving reasons in step with their guiding philosophy that the ends justify the means. While the mere creation, endorsement, and introduction of the Equality Act and the Women's Health Protection Act by the Defendants exacerbates the cultural civil war as an instrument of political opportunism and oppression, their enactment and inevitable dissolution could easily cause the culture war to dissolve into violent civil war. Just consider the protests outside of the Supreme Court justices' houses in the wake of the leaked decision in *Dobbs* and the Defendants' refusal to put a stop to it as 18 U.S. Code § 1507 requires them to do. There are millions of Americans who have been brainwashed with licentious LGBTQ and Planned Parenthood dogma with the government's unlawful stamp of approval, and there are millions of Americans who are resolved to adamantly oppose LGBTQ and convenience

abortion practices and ideology through lawful means no matter what the government decides and no matter the costs.

This deepening divide by Democrats to make America a secular humanist theocracy is not going to end well because it breeds entitlement syndrome predicated on the invention of rights that the Constitution never guaranteed. The introduction and threatened enactment of the Equality Act and the Women's Health Protection Act of 2022, and similar legislation and Executive Orders, deepens the divide and pours gasoline on the inflamed conflict. The Democrats feed off of chaos. They are always perpetuating crises to seize power at expense of their Clause 3, Article VI oath of office. It is a practice that is harming the public that the Article III branch is best positioned to put an end to through lawsuits like this one.

The evidence is overwhelming that for devout secular humanists who serve in the judicial, legislative, and executive branches to continue monkeying with the Fourteenth Amendment is an internal threat to national security interests. It is the precise kind of governmental malpractice that caused Justice Scalia to assert, "I call attention to this Court's threat to American Democracy" and for Justice Roberts to declare "Just who do we think we are" in their blistering dissents in *Obergefell,* which was as equally an egregiously wrong decision and the decisions in *Roe* and *Casey*. Justice Thomas, Alito, Scalia, and Roberts correctly characterized the efforts of secular humanist activists in office to entangle the government with the licentious LGBTQ cult as an "egotistical....judicial putsch." To restore the rule of law, the supremacy of the Constutition, and community standards of decency, it is time that the government finally come clean and admit that "homosexuality" is a matter of religion that is governed exclusively by the religious clauses of the First Amendment and is not a matter that relates to immutability under the Equal Protection Clause or American tradition or heritage under the Substantive Due process clause of the Fourteenth Amendment. The Defendants twist the Fourteenth Amendment as the legal basis for the Equality Act and the Women's Health Protection Act in ways that it was never intended to be used. Legislative findings nine and ten of the Equality Act state: "(9) Federal courts have widely recognized that, in enacting the Civil Rights Act of 1964, Congress validly invoked its powers under the Fourteenth Amendment to provide a full range of remedies in response to persistent, widespread, and pervasive discrimination by both private and government actors. (10) Discrimination by State and local governments on the basis of sexual orientation or gender identity in employment, housing, and public accommodations, and in programs and activities receiving Federal financial assistance, violates the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. In many circumstances, such discrimination also violates other constitutional rights such as those of liberty and privacy under the due process clause of the Fourteenth Amendment." See Appendix G. In reality, the Fourteenth Amendment only applies to a situation if the matter involves immutability and genetics (under the equal protection clause and the substantive due process clause only applies if the matter was something that relates to American tradition and heritage. Yet, sexual orientation orthodoxy and gender identity ideology have absolutely nothing to do with immutability and genetics in view of the testimony of ex-gays like Plaintiffs Pickup, Black, Quinlan, and Mehl. See DE # 50, Decl. Pickup ¶¶ 1-12; DE # 8 Decl. Black ¶¶ 1 - 11; DE # 7 Decl. Mehl ¶¶ 1-20; DE # 5 Decl. Quinlan ¶¶ 1-41. And the history of homosexuality since the founding is that it erodes community standards of decency by promoting licentiousness and that it attempts to justify practices that are inconsistent with the peace and safety of the public in the same way that polygamy, pedophilia, child sex abuse and beastiality do. The history of homosexuality is that it was basically illegal until the United States Supreme

Third, restoring the integrity of the judiciary and the supremacy of the Constitution in a manner that does not offend *stare decisis* is in the best interest of the public.[97] Fourth, issuing an

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Court in *Lawrence v. Texas*, 539 U.S. 558, 578 (2003) overruled *Bowers v. Hardwick*, 478 U.S. 186 (1986) in an action where the court lacked subject matter jurisdiction because the Fourteenth Amendment does not apply to LGBTQ matters.

[97] Granting the Plaintiffs' request for a preliminary and permanent injunction in this case balances in favor of the Plaintiffs in the public's interest because doing so will restore the integrity of the Judicial branch and the Supremacy of the United States Constitution, which the Defendants persistently threaten due to their refusal to admit that they are advocating the entanglement of our government with a dangerous religious worldview that defies common sense and erodes community standards of decency. If the Equality Act and the Women's Health Protection Act in their making, promotion, endorsement, and threatened enactment, violates the Establishment Clause of the First Amendment - and they do - this implies that the decisions in *Obergefell*, *Windsor*, *Bostock*, *Roe*, and *Casey* are completely invalid when it comes to precedent. This case presents an opportunity for the Article III branch to come clean and to admit that the prior decisions were erroneous and decided under the wrong constitutional narrative. This case combined with *Dobbs* should be to *Obergefell*, *Windsor*, *Bostock*, *Roe,* and *Case* what *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954) was to *Plessy v. Ferguson*, 163 U.S. 537 (1896). *Obergefell, Windsor, Bostock, Roe,* and *Casey* should be relegated to the trash heap of judicial history just like *Dred Scott v. Sandford*, 60 U.S. 393 (1857) for being based on the exact same fraudulent and absurd legal framework. While the left has drawn the battlefield for the LGBTQ and abortion fight under the Fourteenth Amendment through a series of dishonest emotional appeals and twisted reasoning, the Plaintiffs drag the LGBTQ and convenience abortion fight - kicking and screaming - to the battlefield where it has always belonged, placing it within the confines of the First Amendment Establishment and Free Exercise Clauses as logic, reason, and the evidence demands. The *Roe* and *Obergefell* were not just egregiously wrong decisions - and they were - they were decided under the wrong part of the Constitution. Period, full stop.

The Supreme Court in *Obergefell*, *Bostock*, *Roe* and *Casey* misapplied the Fourteenth Amendment through an unprincipled ploy, and issued decisions that were based solely on a series of emotional appeals as a way to get around the Establishment Clause of the First Amendment of the United States Constitution.

The United States Supreme Court held in *Seminole Tribe of Fla. v. South Carolina*, 517 U.S. 44 (1996) and in *St. Joseph Stock Yards Co. v. United States*, 298 U.S. 38 (1936) that "Stare Decisis is at its weakest when the Supreme Court interprets the constitution because its decisions can be altered only by constitutional amendment or by overruling prior decisions." *Obergefell, Windsor, Bostock, Roe*, and *Casey* merely involved Constitutional interpretation which means that Stare Decisis is at its weakest involving those decisions.

The United States Supreme Court in *Cooper Industries, Inc. v. Aviall Services*, Inc. 543 U.S. 157 (2004) stated that "[Constitutional] questions which merely lurk in the record, neither brought to [the] attention of the court nor ruled upon, are not to be considered as having been so decided as to constitute precedents." In *Bostock, Obergefell, Windsor, Roe, and Casey,* the controlling applicability of the Establishment Clause of the First Amendment of the United States Constitution regarding sexual orientation orthodoxy and convenience abortion practices was "lurking in the shadows" of those cases but not decided upon by the Supreme

injunction favors the public because it will serve to uphold community standards of decency that the licentious LGBTQ cult and the abortion death cult threaten in the eyes of all reasonable observers of ordinary prudence.[98] Fifth, it is in the public interest that this Court issue the

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Court, which means that Stare Decisis does not apply, and those cases are subjected to being legitimately overruled for being framed on the wrong constitutional narrative. This Court is tasked with determining if the Establishment Clause balanced with the Free Exercise Clause of the First Amendment have exclusive and paramount jurisdiction over all matters that relate to the licentious LGBTQ cult and the pro-abortion death cult. By framing these matters under the First Amendment, Stare Decisis does not save *Bostock, Windsor, Obergefell, Roe,* and *Casey* from being completely overruled, no matter how much violence secular humanists are threatening, as encouraged by the Defendants' inexcusable non-responsiveness. After resolving the First Amendment questions presented, the Court is also tasked with answering the Tenth Amendment question presented in how it relates to the Free Exercise Clause, the State traditional right to regulate licentious religious practices. The public would benefit if the Court issues an injunction finding exclusively that the Tenth Amendment of the United States Constitution allows the state legislatures - that the Plaintiffs work directly with - in all 50 states to regulate licentious religious practices, like LGBTQ conduct and convenience abortion practices.

By enjoining the Defendants for creating, introducing, endorsing, favoring, promoting, and threatening to enact and enforce the Equality Act, the Women's Health Protection Act, and related Executive Orders the public will benefit because it will finally allow the Article III branch to come clean and admit that the Article III branch lacked subject matter jurisdiction to hear *Bostock, Obergefell, Windsor*, *Roe*, and *Casey* in the first place because the Liberty Clause and Substantive Due Process Clause of the Fourteenth Amendment has absolutely nothing to do with matters that relate to non-secular self-asserted sex-based identity narratives, sexual orientation orthodoxy, gender identity ideology, and the state's right to restrict non-secular convenience abortion - all of which are matters of religion that fall within the exclusive jurisdiction of the Establishment Clause and Free Exercise Clauses of the First Amendment of the United States Constitution and within the similar provisions of each state Constitution, all of which parallel the commands of the federal Constitution.

[98] See Statement of Facts ¶ 9. The United States Supreme Court has repeatedly held that the state governments have a compelling interest to uphold community standards of decency, to discourage licentiousness, and to enact policies that stop attempts to justify practices that are inconsistent with the peace and safety of the state, as underscored by the states' inherent police power afforded by the Tenth Amendment of the United States Constitution and the individual State's Constitutions.

The United States Supreme Court found in *Ginsberg v. New York*, 390 U.S. 629, 638 (1968) and *Mishkin v. State of New York*, 383 U.S. 502, 509 (1966) that "to simply adjust the definition of obscenity to social realities has always failed to be persuasive before the courts of the United States", and such adjustments brought on by the Defendants' political and constitutional malpractice in introducing and promoting the Equality Act, the Women's Health Protection Act of 2022, and corresponding Executive Orders should fail to be persuasive to this Court.

Courts, in cases like *Schlegel v. United States*,416 F. 2d 1372 (Ct. Cl. 1969), have held as a matter of self-evident observation that "any schoolboy knows that a homosexual act is

injunction in a manner that restores the integrity of the race-base civil rights movement that the Democrat party has weakened through a disrespectful misuse of the Fourteenth Amendment. See Statement of Facts ¶ 82; See DE # 22, ¶ 146. Sixth, in ruling in favor of the Plaintiffs' injunctive relief request, it will protect five Justices on the Supreme Court from the liberal secular humanist mob enabled and encouraged by the Defendants once the official *Dobbs* decision is published. An injunction will also protect those who like the Plaintiffs are foreseeable targets of violence once the official *Dobbs* decision is published. Seventh, it is in the public's best interest to keep pandora's box closed and avoid a devastating and escalating slippery slope problem that is very real.[99] Eighth, the government's entanglement with the licentious LGBTQ cult is weakening

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immoral, indecent, lewd, and obscene. *Adult* persons are even more conscious that this is true."(Emphasis Added). The Defendants are "adults," so they should know better. Just as no one has to tell us that rape and polygamy are immoral, the same applies to homosexual and convenience abortion practices. All reasonable people can see that such practices are self-evidently immoral, and this is why those practices produce natural feelings of shame, guilt, and inadequacy. The Defendants merely seek to capitalize and encourage those feelings in a manner that causes them to be categorically evil or out of touch with transcultural reality. It is so obvious that mandating the allowance of convenience abortion practices proliferates and explosion in destructive promiscuity and malevolent salaciousness. Even though adultery, child sex abuse, and polygamy or bigamy are sacred acts in certain religious communities, they have been deemed licentious and can be regulated by the States at the expense of the Free Exercise Clause with impunity. Convenience abortion practices and homosexual practices are sacred sacraments in secular humanism. Just because they are important practices to the religion of secular humanism does not mean that they are protected by the Free Exercise Clause at the expense of the states' traditional right to regulate and prohibit licentious religious practices. See Statement Of Facts ¶¶ 76 - 78.

[99]In making the slippery slope argument in his dissent in *Obergefell*, Justice Roberts stated as follows: "Indeed, from the standpoint of history and tradition, a leap from opposite-sex marriage to same-sex marriage is much greater than one from a two-person union to plural unions, which have deep roots in some cultures around the world. If the majority is willing to take the big leap, it is hard to see how it can say no to the shorter one. It is striking how much of the majority's reasoning would apply with equal force to the claim of a fundamental right to plural marriage. If "[t]here is dignity in the bond between two men or two women who seek to marry and in their autonomy to make such profound choices," *ante*, at 13, why would there be any less dignity in the bond between three people who, in exercising their autonomy, seek to make the profound choice to marry? If a same-sex couple has the constitutional right to marry because their children would otherwise "suffer the stigma of knowing their families are somehow lesser," *ante*, at 15, why wouldn't the same reasoning apply to a family of three or more persons raising children? If not having the opportunity to marry "serves to disrespect and subordinate" gay and lesbian

America from within and emboldening America's enemies overseas. In the Military, the government's endorsement of LGBTQ orthodoxy has proven to be immensely disruptive to good order and discipline, creating a nightmare for Command, while cultivating an enormous amount of discrediting conduct under Clause II of the Uniform Code of Military Justice (UCMJ).[100] The Plaintiffs' pled all eight of these factors in their amended complaint but will address what they consider to be the three most important reasons why a ruling in the Plaintiffs' favor will benefit the public below. See DE # 22 ¶¶ 146 - 180.

1. It Is In The Best Interest Of The Public That This Court Pierces Stare Decisis And Overrules *Roe* And *Casey* For Reasons Not In *Dobbs* And That This Court Overturn *Obergefell* And *Bostock* Because Establishment Clause Issues Were Lurking In the Record But Not Decided Upon As To Constitute Precedent.

It is in the public's best interest that this Court cleans up the mess that *stare decisis* is currently in following the *Dobbs* decision. As to their injunction request to enjoin the Women's Health Protection Act from moving forward and Defendants Biden's promised retaliation and related Executive Order, the Plaintiffs cannot think of any judicial principle that would prevent this Court from ratifying their arguments in a manner that strengthens and adds to the textual Constitutional grounds for why the egregiously wrong decisions in *Roe* and *Casey* must be and remain overturned that were not presented in the leaked *Dobbs'* decision. To be clear, the

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couples, why wouldn't the same "imposition of this disability," *ante*, at 22, serve to disrespect and subordinate people who find fulfillment in polyamorous relationships? See Bennett, Polyamory: The Next Sexual Revolution? Newsweek, July 28, 2009 (estimating 500,000 polyamorous families in the United States);; Li, Married Lesbian "Throuple" Expecting First Child, N. Y. Post, Apr. 23, 2014;; Otter, Three May Not Be a Crowd: The Case for a Constitutional Right to Plural Marriage, 64 Emory L. J. 1977 (2015)." *Obergefell* at 21 (Justice Roberts Dissenting).

100 Plaintiffs Sevier and Penkoski served in the United States Military, and they proudly fought to defend our Constitutional Republic in an overseas theater of war when it was a constitutional republic, but they would never serve in war to defend this Nation if it was coerced into becoming a secular humanist theocracy. The evidence shows that most of the members of the United States Military share that exact same view. To maintain good order and discipline in the United States Military, the Plaintiffs are imploring this Court to side with them.

Supreme Court in *Dobbs* overruled *Roe* and *Casey*, but the Plaintiffs through this Court want to punch *Roe* and *Casey* so hard that they can never get back up again. Just to repeat, the text of the Establishment Clause of the First Amendment invalidates *Roe* and *Casey* decisions because those rulings serve to excessively establish America as a secular humanist theocracy, and moreover, those decisions wrongfully conferred powers to the federal judiciary that is required to be allocated to the States and to the people as expressly proscribed under the plain language of the Tenth Amendment.

While the Supreme Court in *Dobbs* has apparently overturned *Roe* and *Casey*, the Supreme Court has not overruled *Obergefell.* In fact, *Bostock* was built on *Obergefell*, just as *Obergefell* was built on *Windsor*, in the similar way that *Casey* was built on *Roe*. *Obergefell* was to *Bostock* what *Roe* was to *Casey*. It's all a house of cards. The question remains can this Court issue an injunction that enjoins the Equality Act and Executive Order 14075 from moving forward in a manner that overturns *Obergefell* and *Bostock*? The Plaintiffs have to admit that although the *Obergefell* and *Bostock* decisions suffer from the same "glaring deficiencies" [101] that the *Dobbs* court found that *Roe* and *Casey* suffered from and for virtually identical reasons, the Supreme Court did create controlling federal law in *Bostock* and *Obergefell* that preempts all state laws that conflict under the doctrine of preemption. Furthermore, is it true that only the Supreme Court can overrule itself? How can a District Court in the DC Circuit or a District Court in Texas (where a similar lawsuit to this one is about to be filed) or any of the federal courts of appeal that hears a similar cause of action as this one overrule the Supreme Court decisions in *Obergefell* and *Bostock*? And isn't it clear from the face of the *Dobbs* decision that the current members of the Supreme Court are loudly signaling that they will not grant certiorari to any cases that challenge the egregiously wrong decisions in *Obergefell,* which would basically

[101] See page 46 of the leaked *Dobb*'s decision.

allow the egregiously wrong decisions in *Obergefell* and *Bostock* to stand, despite all of the secondary harmful effects that those egregiously wrong decisions are inflicting on society and the out of control slippery slope problems they continue to create to the injury of millions of children?

What are we to make of these unsettling questions that concern the potential hijacking of Democracy? Since there is no question that *Roe, Casey, Bostock,* and *Obergefell* are all equally based on the same flawed judicial reasoning that even *Dred Scott v. Sandford*, 60 U.S. 393 (1857) was based on, the proper starting place to find the answer is to see what the Supreme Court had to say about *stare decisis* in the leaked *Dobbs'* decision. The *Dobbs* court stated as follows:

> *Stare decisis* plays an important role in our case law, and we have explained that it serves many valuable ends. It protects the interests of those who have taken action in reliance on a past decision. See *Casey,* 505 U.S, at 856 (plurality opinion); see also *Payne v. Tennessee*, 501 U.S. 808, 828 (1991). It "reduces incentives for challenging settled precedents, saving parties and courts the expense of endless relitigation." *Kimble v. Marvel Entertainment*, LLC, 576 U.S. 46, 455 (2016). It fosters "evenhanded" decision making by requiring that like cases be decided in a like manner. *Payne v.Tennessee*, 501 U.S. 808, 827 (191). It "contributes to the actual and perceived integrity of the judicial process." Ibid. And it restrains judicial hubris and reminds us to respect the judgment of those who grappled with important questions in the past. "Precedent is a way of accumulating and passing down the learning of past generations, a font of established wisdom richer than what can be found in any single judge or panel of judges." N.Gorsuch, A Republic If You Can Keep It 217 (2019). We have long recognized, however, that *stare decisis is* "not an inexorable command," *Pearson v. Callahan*, 555 U.S. 223, 233 (2009)(internal quotation marks and citation omitted), and it "is at its weakest when we interpret the Constitution," *Agostini v. Felton*, 521 U.S. 208, 235 (1997). It has been said that it is sometimes more important that an issue" be settled than that it be settled right."*Kimble*, 576 U.S, at 455. (emphasis added)(quoting *Burnet v. Coronado Oil & Gas Co*, 285 U.S. 393, 406 (1982) (Brandeis, J., dissenting).
> But when it comes to the interpretation of the Constitution—the "great charter of our liberties," which was meant "to endure through along lapse of ages," *Martin v. Hunter's Lessee*, 1 Wheat. 304, 326 (1816) (opinion of Story,J)—we place a high value on having the matter "settled right." In addition, when one of our constitutional decisions goes astray, the country is usually stuck with the bad decision unless we correct our own mistake. An erroneous constitutional decision can be fixed by amending the Constitution, but our Constitution is notoriously hard to amend. See U.S. Const., art.V; *Kimble*, 576

> U.S. at 456. Therefore, inappropriate circumstances we must be willing to reconsider and if necessary overrule constitutional decisions. (See page 35 of the leaked *Dobbs* opinion)

Dobbs analysis of *stare decisis* has some applicability here. *Obergefell, Roe,* and *Casey* all involved the same thing - the federal courts made a decision on the constitutional validity of state statutes that discouraged licentious religious practices. The Supreme Court made those prior decisions by merely interpreting the Constitution, which means that *stare decisis* is at its weakest. See *Agostini*, 521 U.S. 203 at 235. Those decisions were all equally not grounded in the text of the Constitution and no amount of intellectual squinting changes that, which means that the decisions in *Obergefell* and *Bostock* could be overturned by the Supreme Court alone. But there is another far more powerful and important element to *stare decisis* that the Supreme Court in *Dobbs* ignored that has massive implications for this District Court and other District Courts (like the District Court in Texas where an identical lawsuit to this one is about to be filed by new plaintiffs) and their respective courts of appeals - concerning the "lurking in the shadows" element to *stare decisis*. The United States Supreme Court in *Cooper Industries, Inc. v. Aviall Services*, Inc. 543 U.S. 157 (2004) stated that:

> "[Constitutional] questions which merely lurk in the record, neither brought to [the] attention of the court nor ruled upon, are not to be considered as having been so decided as to constitute precedents."[102]

This means that is a question arising from the text of the United States Constitution that was lurking in the record of a prior ruled upon case, but the non-obvious question was not addressed, causes precedent and *stare decisis* to not apply whatsoever, if the same case is brought back to the federal courts under a different constitutional narrative. So, what does that mean in plain English? It means that if a case that was settled by the Supreme Court is brought back under a different constitutional framework or under a different section of the Constitution, then the

[102] See also *Webster v. Fall,* 266 U. S. 507, 511 (1925); accord, e.g., *United States v. L. A. Tucker Truck Lines, Inc.*, 344 U. S. 33, 38 (1952).

District Court, the federal courts of appeals, and the Supreme Court must treat the prior case as if it never existed at all. The District Court would be tasked as this one is to determine if the new case is framed under the correct and controlling text of the Constitution or whether the prior decided case was. The Establishment Clause and Tenth Amendment were lurking in the record of *Obergefell, Roe, Casey, and Bostock* in *amicus* briefs, and the Establishment Clause and Tenth Amendment have concurrent and exclusive jurisdiction over the subject matter, but those constitutional issues were never adequately raised, if at all, and they certainly were never addressed due to misdirection and red herring. The controlling applicability of the Establishment Clause was never discussed in those decisions because secular humanist activists in and out of office were too busy playing god and misframing licentious religious practices as matters that arose under the Liberty Clause of the Fourteenth Amendment through a profuse stream of shallow emotional appeals. Because the Plaintiffs have framed their challenge to the Equality Act, the Women's Health Protection Act, the related Executive Orders, and the decisions in *Obergefell, Bostock, Windsor, Casey,* and *Roe* under the Establishment Clause and Tenth Amendment, this Court gets to look at the matters with fresh eyes, as if those prior cases never existed.

The Plaintiffs understand that this Court might be apprehensive to undo the federally imposed requirement to force the states to respect policies that promote LGBTQ dogma with the stroke of a pen.[103] Just as District Judge Mizelle in *Health Freedom Defense et. al v. Biden*

[103] The Plaintiffs are indeed conferring a lot of power on this Court and can attest to how violent elements of the licentious LGBTQ cult truly are. But before getting too concerned, the Plaintiffs warrant that at least some of them will author the "Reverse Obergefell Act" from the safety of a secret Chateaux in Paris France this summer to be rolled out in a host of states in 2023 which will help alleviate pressure. If the Red states introduce and enact the "Reverse Obergefell Act", the Establishment Clause Act, or the "School Establishment Clause Act (SECA)" at the 2023 legislative session, it will be the state Attorneys General who get the privilege of defending the measures, and De Facto Attorneys General will merely be lurking in the shadows of those cases in support. If these things occur - and they shall - it will give this Court and others what we who

8:21-cv-1693-AEP (M.D.F.L 2022) single-handedly undid Biden's absurd mask mandate, a single the Judge here or the Judge in Texas have the opportunity to shut down a massive part of Defenant Biden's patently unconstitutional agenda and hurting millions of Americans - to include the Plaintiffs.[104]

The reason why the Constitution and *stare decisis* principles allow a District Court to decide a settled case if it is brought under a new Constitutional prescription, like the Establishment Clause and Tenth Amendment, is because it prevents the Supreme Court from hijacking the democratic processes. Otherwise, the Supreme Court - nine lawyers in black robes from Ivy league schools - could make an unconstitutional decision only to then refuse to ever take up the issue again, making it the permanent law of the land, while holding the Nation hostage. Yet, when it comes to the "lurking in the record" element to *stare decisis*, the Plaintiffs agree with Justice Sotomayor's position in oral argument in *Dobbs* when she stated:

> There's so much that's not in the Constitution, including the fact that we have the last word. Marbury versus Madison. There is not anything in the Constitution that says that the Court, the Supreme Court, is the last word on what the Constitution means.[105]

Justice Sotomayor was correct. The Supreme Court does not always have the last say in some instances regarding constitutional interpretation. This Court can overrule *Obergefell, Bostock,*

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work in the legislative branch called "political cover," even though the Judicial branch is required to be immune from political pressure and the Plaintiffs expect it to be so. After careful consideration, the Plaintiffs today green-lighted four new plaintiffs to file a virtually identical lawsuit as this one in District Court in Texas, which is part of the Fifth Circuit. The amended complaint and motion for summary judgment, in this case, will be their guide in that similar related action. This means that this Court is no longer the only Court that is being asked to provide the relief sought here. This Court and the Texas Court have an important opportunity to hold the Defendants in check and to restore the sanity that the public desperately wants.

[104] This needs to happen because people like the Defendants, whose sole focus in life is power and the desire to entangle our government with secular humanism, need to stop running for office. They don't give a fig about their constituents.

[105] Appendix B page 22 Tr. of Oral Arg. Justice Sotomayor in *Dobbs*. See *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803).

Roe, and Casey because the Plaintiffs have framed the issues at play under the correct and controlling part of the Constitution that was never part of those prior cases. While the Plaintiffs strongly suspect that it was Justice Sotomayor's office that leaked the *Dobbs*' decision because her clerks are devout secular humanists who have a vested interest in establishing America as a secular humanist theocracy, one thing is for certain, Justice Sotomayor has given this Court and many others the path way to overrule *Bostock* and *Obergefell* based on the legal authority she cited at oral argument in *Dobbs* because she cannot hear what she is saying due to her obvious intellectually blindness that flows from her having brainwashed herself in secular humanist doctrine.

2. It Is In The Public's Best Interest That The Court Issues The Injunction That Overrules *Obergefell* and *Bostock* And Enjoins The Equality Act Because Those Federal Policies Hurt Black Americans And Undermine The Legitimacy Of The Race-Based Civil Rights Movement.

It is in the public's best interest for this Court to nullify the Equality Act and to not allow the licentious LGBTQ cult or their Democrat patsies - the Defendants - to molest the Civil Rights Act or the Fourteenth Amendment any longer to protect the integrity of the civil rights movement led by Christian pastors, like Rev. Dr. Martin Luther King Jr..[106] The Fourteenth Amendment holds special significance for black Americans. The text of the Fourteenth Amendment guarantees that "no state shall . . . deny to any person within its jurisdiction Equal

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[106] In *Penkoski v. Bowser,* 486 F.Supp. 3d 219 (D.D.C. 2020), the plaintiffs opposed Mayor Bowser's decision to entangle the District of Columbia under the Establishment Clause with the non-secular BLM cult at the taxpayers' expense because the Black Lives Matter organization is bad for black people - it exploits them. (Just consider Patrisse Cullors spending practices, which warrants an investigation by the Department of Justice for cause). The Plaintiffs here also oppose the Defendants for exploiting black Americans through unconstitutional and unethical policy proposals that relate to the Equality Act. The Defendants know or should know that to conflate the phony gay civil rights movement, which is not based on immutability and genetics, to the race-based civil rights plight, which is actually predicated on immutability and genetics, is an act of racial animus and racism in-kind that manages to be emotionally, racially, intellectually, and sexually exploitative. Statement of Facts ¶ 88; See DE # 45 Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 12.

Protection of the laws." U.S. Const., amend. XIV, § 1. When the Equal Protection Clause became law in 1868, many black Americans were recently emancipated slaves. Four years later in 1872, the Supreme Court suggested that race discrimination was "the evil [the Civil War Amendments] were designed to remedy," *Slaughter-House Cases*, 83 U.S. 36, 72 (1873) ("We do not say that no one else but the negro can share in [their] protection, but . . . in any fair and just construction of any section or phrase of these [Civil War] amendments, it is necessary to look to the purpose which we have said was the pervading spirit of them all, the evil which they were designed to remedy."). It took nearly a century after the Civil War for the Supreme Court to enforce a modicum of what we now know as substantive equality. See *Brown v. Board of Educ.*, 347 U.S. 483 (1954). DE #22, ¶ 158.

Comparing the dilemmas of self-identified homosexuals and self-identified transvestites to the centuries of discrimination faced by black Americans is a deceptive distortion of our country's culture and history. The disgraces in our nation's history pertaining to the civil rights of black Americans are unmatched. No other class of individuals, including individuals who self-identify as homosexual, have ever been enslaved, or lawfully viewed not as human, but as property.[107] Self-identified homosexuals have never been forced by law to attend different schools, walk on separate public sidewalks, sit at the back of the bus, drink out of separate drinking fountains, have their right to assemble denied, or have their voting rights denied. This is because there is no such thing as a "homosexual" in the strictest sense. DE # 22, ¶ 159; see Statement of facts ¶ 61. There are only people who self-identify as homosexual for some period of time, which the Free Exercise Clause of the First Amendment of the United States

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[107] *See, e.g.*, Stacy Swimp, *LGBT Comparison of Marriage Redefinition to Historical Black Civil Rights Struggles is Dishonest and Manufactured* (March 7, 2014), (http://stacyswimp.net/2014/03/07/lgbt-comparison-of-marriage-redefinition-to-historical-Black-civil-rights-struggles-is-dishonest-and-manufactured).

Constitution permits. But non-secular self-asserted sex-based identity narratives can be left behind as the Free Exercise Clause also permits. People can convert to a new identity narrative that accords with the giveness of their nature that is not controversial or questionably moral. Plaintiffs Quinlan, Black, Dr. Pickup, and Mehl are living proof of that, [108] but all of us know that skin color never changes, and skin color has nothing to do with questionably immoral sexual conduct, like LGBTQ practices do. DE #22, ¶ 159.

Article V of the United States Constitution exists for a reason, and that reason is to prevent such radical redefinition of our social contract by non-democratic means. A critical difference exists between interpreting and re-writing the Constitution, and the Defendants, like the self-identified LGBTQ plaintiffs in *Obergefell*, *Windsor*, and *Bostock*, want that line crossed. As the Eighth Circuit correctly held in *Citizens for Equal Protection v. Bruning*:

> In the nearly one hundred and fifty years since the Fourteenth Amendment was adopted, to our knowledge no Justice of the Supreme Court has suggested that a state statute or

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[108] In fact, there is no such thing as "gay people." Statement of Facts ¶ 61. There are only some people who self-identify as homosexual for some period of time, which the Free Exercise Clause undoubtedly permits. President Lincoln was correct. All people are created equal. All men are created equally broken and in dire need of a savior. But our government is not a savior. Our government is not a church. While all men are created equal, they do not all buy into the same belief systems or choose the same paths in life, but not all religious practices are legal or justifiable despite the sincerity of belief. Hypothetically, if Defendant Pelosi were to suddenly snap upon realizing that most of the Democrat's party platform as it relates to the culture wars violates the Establishment Clause and murdered Defendant Schumer in the Senate Russell Building by attacking him with a baseball bat that was on hand by coincidence. At trial, for second-degree murder, Defendant Pelosi could not successfully argue "Your Honor, I was born this way. I was born with anger inside of me, and I merely acted upon those feelings, and therefore, I should be given special treatment under the law and exonerated." That defense would fail, and so it goes with those who act on homosexual or pedophilia feelings. They do not deserve special treatment, extra rights, or additional protection under the law at the expense of the states' right to regulate licentious religious practices even if those practices were deemed to be sacred in the religion of secular humanism. The Defendants are merely pretending that self-identified homosexuals deserve special rights and privileges at the disadvantage of those who condemn their conduct simply because it helps the Defendants advance their political interests in a manner that is truly sickening under the reasonable person standard. The fact that these Defendants have the audacity to push the Equality Act under the guise of equality in hopes of producing less of it should invoke the wrath of this Court.

> constitutional provision codifying the traditional definition of marriage violates the Equal Protection Clause or any other provision of the United States Constitution.
> 455 F.3d 859, 870 (8th Cir. 2006).

This is because traditional marriage policies amount to secular policies because they are predicated on natural, neutral, and non-controversial self-evident truth, whereas all other policies, like the Equality Act, that attempt to legally legitimize any form of parody marriage, constitute a non-secular sham that lacks a secular purpose and are designed to excessively entangle the government with the religion of secular humanism. Man-woman marriage is the only form of marriage that the United States Constitution will permit the State and federal government to legally recognize. [109] All other forms of marriage policies lack a primary secular purpose and serve to establish America as a secular humanist theocracy in violation of our most basic and important social contract that is the glue that holds our perfect Union together. This is why the "Reverse Obergefell Act (ROA)" will be rolled out Nationwide.[110]

We ask you to imagine yourself sitting on the bench hearing oral arguments in 1868, shortly after the Fourteenth Amendment was ratified. The petitioners in *Obergefell* and *Bostock* and the Defendants come before you and present their argument that is at the center of the

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[109] In the Establishment Act, the Plaintiffs define legally recognized marriage as follows: "Secular marriage" means a legal union that represents an intended lifelong commitment between one person who was born a biological male and one person who was born a biological female as husband and wife, who are of equal but opposite genders, who become spouses of the opposite sex, and who have corresponding sexual anatomy that if coalesced have the actual or symbolic potential to create offspring who will likely have the input of the two spouses with whom they share the same genetic code and unbroken ancestral chain." A policy that respects or promotes this form of marriage on the federal level, like Defense of Marriage Act (DOMA), 110 Stat. 2419., or the state level constitutes a secular policy. DOMA was wrongfully struck down in the egregiously wrong decision in *Windsor*.

The Plaintiffs define legally unrecognizable marriage as follows: "Non-secular marriage" means any form of so-called marriage which does not involve a man and a woman and is inseparably linked to the religion of secular humanism. The term refers to so-called marriages between more than two people, persons of the same sex, a person and an animal, or a person and an object.

[110] See also Appendix A the School Establishment Clause Act and the Establishment Clause Act:https://legiscan.com/ND/bill/1476/2021

Equality Act, Executive Order 14075, and *Obergefell*: "The Fourteenth Amendment to the U.S. Constitution requires favored treatment of self-identified homosexuals to promote their narrow and exclusive faith-based ideology through the organs of government." Look around you. What is the panel and audience's reaction? Is it nodding approval?

If not, what has changed between then and now? There has been no further Constitutional Amendment, as Article V requires. All that has changed is the attitude towards a licentious secular humanist cult that the Defendants are exploiting for self-serving purposes at the expense of their Clause 3, Article VI oath of office and at the expense of the civil rights afforded to the Plaintiffs and millions of other Americans. The unexamined assumption of the superiority of our cultural moment is not a valid basis for law, but the text of the Establishment Clause of the First Amendment is. The attempts of the licentious LGBTQ cult and the Democrats to twist the Fourteenth Amendment in a way that is deeply offensive to millions of black Americans must be stopped for once and for all. DE #22, ¶¶ 161, 162.

3. It Is In The Public's Best Interest That The Court Issue An Injunction That Enjoins The Women's Health Protection Act And Further Overrules *Roe* And *Casey* Because Those Federal Policy Decisions Are Harming Black Americans And Threatening To Undermine The Integrity Of the Race-Based Civil Rights Movement Lead By Black Christian Pastors.

An injunction to enjoin the Women's Health Protection Act would be good for the public in protecting the race-based civil rights movement because Margaret Sanger, the founder of the Planned Parenthood death cult, is the worst thing that has ever happened to black life in America.[111] Margaret Sanger's well-documented admiration for Nazi eugenics is a matter of public record[112] and causes her to be cut from the same cloth as Dr. Josef Mengele.[113] Sanger

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[111]https://www.vox.com/identities/2018/1/19/16906928/black-anti-abortion-movement-yoruba-richen-medical-racism

[112] https://rewirenewsgroup.com/wp-content/uploads/2015/08/Sanger.pdf

[113] https://encyclopedia.ushmm.org/content/en/article/josef-mengele

wanted to make sure that certain portions of the population were controlled.[114] She wrote in a letter that she did not want the word to get out that the paramount objective of the Planned Parenthood death cult was "to exterminate the Negro population." [115] Mrs. Sanger considered people of color and the disabled to be like human weeds that should be pulled out of the ground.[116] She regularly bribed select black pastors and black leaders, paying them to market to their congregations to kill their offspring so that the black population in the United States would be decreased. Mrs. Sanger's eugenics scheme has born fruit thanks to the Democrat party's collusion with her, and now black American women are three times more likely to undergo a convenience abortion. Convenience abortion is the number one cause of death in the black American community. The Women's Health Protection Act and the promised Executive Order that Defendant Biden has promised to enact in retaliation to the official *Dobbs* decision would guarantee this to be the case for generations to come unless the Article III branch holds the Defendants in check. See DE #22, ¶ 163.

Planned Parenthood's plan to interject easy access to unrestricted convenience abortion in vulnerable poor communities has unraveled the lives of multitudes of black families. By the 1960s, black family life was still relatively healthy.[117] 78% of black husbands were in their homes with their wives raising children. *Id.* Fast forward to *Roe*, combined with the interjection of welfare state policies, and 75% of children are born outside of marriage. *Id.* The crime rates, the welfare rates, the abortion rates, the aids rates begin hitting this segment of the population before the government's decision to crawl into bed and entangle itself with the abortion death

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[114]https://www.americamagazine.org/politics-society/2017/11/27/margaret-sanger-was-eugenicist-why-are-we-still-celebrating-her?gclid=Cj0KCQjwvqeUBhCBARIsAOdt45YNh-OxNzmJe0nlIIu3hBta-LUCR7AyHCzBrFOFgp9jKylvtcmyuugaAg5yEALw_wcB

[115] https://libex.smith.edu/omeka/files/original/d6358bc3053c93183295bf2df1c0c931.pdf

[116]https://www.theepochtimes.com/margaret-sangers-racist-legacy_3788467.html

[117] See https://www.dailywire.com/videos/choosing-death-the-legacy-of-roe.

cult. *Id.* The fact that Hilliary Clinton stands by her statements to be in "awe of Marget Sanger" says all one needs to know about the illegitimacy of the Democrat Party, the Defendants, and the Women's Health Protection Act and all similar federal legislation and judicial decisions like *Roe* and *Casey*.[118] See DE #22, ¶ 164.

The Liberty Clause of the Fourteenth Amendment protects all Americans from race-based discrimination and it is deeply offensive to millions of Black Americans that the provision of the Constitution that gave them equality under the law could be subsequently twisted to encourage the systematic slaughter of their own children in the womb. The Plaintiffs are asking the Court to a take a sledgehammer to the Women's Health Protection Act, the related Executive Order, *Roe,* and *Casey* for reasons that are different and stronger than the ones provided by the *Dobbs* Court, so that it is clear to the American people and to the Defendants and their fellow Democrats that *Roe* and *Casey* are dead, and they are never coming back again.[119]

VII. CONCLUSION

In conclusion, the Plaintiffs want to underscore seven points - some of which are legal and others of which are pragmatic. First, pursuant to the text of the Establishment Clause of the First Amendment and the Tenth Amendment of the United States Constitution, this Court should issue a ruling that has the effect of invalidating the legal legitimacy of the Equality Act, the Women's Health Protection Act, Executive Order 14075, the planned retaliation Executive Order to the official *Dobbs* decision, and the egregiously wrong decisions in *Roe, Casey, Bostock, Windsor,* and *Obergefell* - all of which serve to establish America as a secular humanist

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[118]https://www.washingtonexaminer.com/weekly-standard/sec-clinton-stands-by-her-praise-of-eugenicist-margaret-sanger

[119] To see a modern depicition of the horrors of convenience abortion practdices see https://www.unplannedfilm.com, an eye-opening look inside the abortion industry from a woman, Abby Johnson, who was once its most passionate advocate

theocracy and to take powers conferred to the States and to the people to regulate licentious religious practices that are inconsistent with the peace and safety of the state away from them.

Second, the Plaintiffs want all Americans, especially minors, to know that if they joined the licentious LGBTQ cult and want out, they can get out. They can convert to a different religion that is rife with liberty, restoration, clarity, and freedom - like Christianity - just as Plaintiffs Pickup, Black, Quinlan, and Mehl did. In fact, the organizations that Plaintiffs Pickup, Black, Quinlan, and Mehl run are excellent at helping individuals heal from the trauma of being part of the licentious LGBTQ cult and at helping them leave that exploitative cult behind entirely.[120] The idea promoted through the organs of government in egregious wrong decisions like *Bostock* and *Obergefell* and legislative proposals like the Equality Act that "once gay always gay" is a lie from the "pit of hell", also called the Democrat Caucus, and all reasonable observers can see it. See Statement of Facts ¶ 2.

Third, the Plaintiffs want all Americans to know the truth and come to terms with the fact that secular humanism is a religion, just as the Supreme Court already recognized, and while Americans are free to believe in secular humanist doctrine, the States and the people have the paramount right under the Tenth Amendment to regulate, ban, and prohibit licentious religious practices that are inseparably linked to that religion in order to fulfill a litany of compelling state interests even if the restricted religious practices are sacred in the religion of secular humanism.

Fourth, the Plaintiffs want the Democrat Party leadership to understand and acknowledge that most of its party platform is unconstitutional because it simply seeks to entangle our

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[120] https://www.davidpickuplmft.com/; https://www.firststone.org/; https://www.gardenstatefamilies.org/; https://www.voiceofthevoiceless.info/. See DE # 45 Decl. Alliance of Black and White Ex-Gays and Ex-Trans. ¶ 7; DE # 50 Decl. Pickup ¶¶ 1-12; DE # 8 Decl. Black ¶¶ 1 - 10; DE # 7 Decl. Mehl ¶¶ 1-10; DE # 5 Decl. Quinlan ¶¶ 1-41; see Statement Of Facts ¶ 2.

government with the religion of secular humanism in a manner that violates our most fundamental sacred contract that keeps the nation together and that if the Defendants keep it up, it will only lead to more violence, vandalism, and the prospect of actual civil war. (see DE # 26, Decl. Gunter, Wiehle, & Sevier ¶ 11). In the end, the Democrats will lose and be disregarded as evil people in history.

Fifth, the Plaintiffs have appeared in this case to with the Court's permission (1) take a metaphorical flamethrower the *Casey* and *Roe* decisions by controlling Constitutional grounds that were nowhere to be seen in *Dobbs* and to (2) abort even the remote possibility that those egregiously wrong decisions can ever be revived by any of the three federal branches of government - which include through Executive Orders. Further, the Plaintiffs have at the set out to get the ball rolling in an insurmountable way towards the total annihilation of *Obergefell* and *Bostock* and all policies that endorse, respect, favor, and promote LGBTQ dogma - like the outrageous Equality Act that should be renamed the "Inequality Act."

Sixth, in keeping with American tradition and heritage, the power to regulate licentious religious practices belongs to the States and to the people under the Tenth Amendment, and yet, there is likely an unintended consequence of this action that needs to be openly identified for the benefit of this Court and the state legislatures who read this memorandum. The Plaintiffs have not appeared in this case to tell the red and blue states where they should draw the line in restricting convenience abortion practices, even though the Plaintiffs, as Christians, are themselves extremely pro-life and personally favor strong restrictions on convenience abortion practices - unlike Speaker Pelosi who was properly denied communion by the Archbishop of San Francisco for being a devout secular humanist and a total heretic, just like her co-conspirator

Defendant Biden.[121] If this Court accepts the Plaintiffs' text-based Constitutional arguments that arise under the Establishment Clause - and it should - it will mean that while a federal law, like the Women's Health Protection Act, that prohibits the States from restricting convenience abortion practices is unconstitutional under the Establishment Clause, then a federal law that bans all abortions up until the time of conception is also unconstitutional - for the question of when life begins before birth is unsettled, and Justice Sotomayor was right in that it is all a matter of competing religions,which includes the religion of secular humanist that she zealously advocates in virtually every single one of her opinions on cultural issues. So for example, if the Republicans take the House and Senate and the Presidency in 2024, they might not be allowed to legimiately pass a national ban that prohibits convenience abortion from the time of conception if the Court ratifies the Plaintiffs' well reasoned and balanced arguments grounded in principle and equity. The States and the people get to make the decision whether to limit or not limit the licentious religious practice of convenience abortion in view of the Tenth Amendment.

However, there are two possible exceptions. The question of when life begins can be settled by constitutional amendment pursuant to Article V of the United States Constitution or perhaps by a future finding based on insurmountable proof that an unborn child is a person for purposes of the Fourteenth Amendment from the moment of conception. After all, when an unborn child recoils or kicks back at the abortion doctor who is trying to kill him or her, it is someone else's body that is recoiling and kicking back, not the mother's.

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[121] See statement of Facts ¶ 14. https://www.cbsnews.com/news/pelosi-communion-archbishop-san-francisco-abortion/. Convenience abortion practices are the anti-communion. Whereas Christ says "this is my body," in Luke 22:19, the pro-abortion death cult says "this is my body" in referrence to the unborn. child they intend to kill. It is of the anti-Christ. If Defendants Pelosi and Biden were actual Catholics, they would understand that obvious fact, but they never were. It is the Plaintiffs sincere hope that all of the Defendants sort out their salvation with fear and trembling, while there is time. See Philippians 2:12.

Seventh, the Plaintiffs should be provided with the relief sought in the amended complaint in light of the arguments in this memorandum and the statements in the amended complaint and supporting declarations.

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Certificate of Service

I hereby certify that this document was served on June 23, 2022 on the defendants and their known counsel at the following mailing and/or email addresses. If the Defendants do not appear to respond to this motion soon, the Plaintiffs willre reserve :

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/s/Chris Sevier Esq./

PETITIONERS APPENDIX C

HOUSE BILL ___
By_____

SENATE BILL_____

By_____

AN ACT to amend Tennessee Code Annotated, Title 9, Chapter 4, Part 51; Title 67 and Title 68, relative to family planning services.

WHEREAS, Article VI Clause 2 of the United States Constitution sets forth that the text of the United States Constitution is the supreme law of the land and reads, "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, 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," which means that although federal law made by the three federal branches of government preempts state law when they conflict, the text of the United States Constitution preempts federal laws made by the three federal branches when they conflict;

WHEREAS, the question of when life begins - from the moment of conception until the time of birth - and convenience abortion practices are a matter of religion that are governed by the establishment clause and the free exercise clause of the First Amendment of the United States Constitution, which reads that the government "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;"

WHEREAS, Section 3, of Article I of the Tennessee requires the same thing as the establishment clause and free exercise clause of the First Amendment of the United States Constitution and reads, "That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man

can of right be compelled to attend, erect, or support any place of worship, or to maintain any minister against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishment or mode of worship;"

WHEREAS, the United States Supreme Court in overruled *Roe v. Wade,* 410 U.S. 113 (1973) and *Planned Parenthood v. Casey,* 505 U.S. 833 (1992) in *Dobbs v. Jackson Women's Health Organization*, 19-1392 (2022) because the decisions were egregiously wrong when decided and for other reasons set forth in the opinion;

WHEREAS, in response to the leaking decision of the *Dobbs*' decision, the Federal Congress set out to codify the *Roe* and *Casey* decisions, through the Women's Health Protection Act and other similar measures, while threatening to remove the filibuster to do so;

WHEREAS, the textual basis in the United States Constitution for permanently overruling the egregiously wrong decisions in *Roe* and *Casey* and for prohibiting the federal Congress or Executive branch from codifying or reviving the *Roe* and *Casey* decisions through policy proposals, like the Women's Health Protection Act and other similar legislation, is the establishment clause of the First Amendment of the United States Constitution because a policy created by any of the three federal branches that prohibits the States from regulating convenience abortion practices has the effect of establishing America as a secular humanist theocracy;

WHEREAS prior to *Roe* and *Casey*, the Supreme Court of the United States found that secular humanism is a religion for purposes of the First Amendment's religious clauses in

(1) *Torcaso v. Watkins*, 367 U.S. 488 (1961);

(2) *School District of A Bington Township Pa. v. Schempp*, 374 U.S. 203 (1963);

(3) *United States v. Seeger,* 380 US 163 (1965);

(4) *Welsh v. United States*, 398 U.S. 333 (1970),

and the federal courts of appeals found the same thing in:

(1) *Malnak v. Yogi*, 592 F.2d 197 (3d Cir.1979);

(2) *Theriault v. Silber*, 547 F.2d 1279 (5th Cir.1977);

(3) *Thomas v. Review Bd.*, 450 U.S. 707 (1981);

(4) *Lindell v. McCallum*, 352 F.3d 1107 (7th Cir.2003);

(5) *Real Alternatives,Inc. v. Sec'y Dep't of Health & Human Servs.*,150 F.Supp. 3d 419, 2017 WL3324690 (3d Cir. Aug.4, 2017); and

(6) *Wells v. City and County of Denver*, 257 F.3d 1132 (10th Cir. 2001).

WHEREAS, the naked assertions that "life does not begin at conception," that "convenience abortion is not immoral," or that "convenience abortion is not murder" amounts to a series of unproven faith-based assumptions that are implicitly religious and inseparably linked to the religion of secular humanism;

WHEREAS while convenience abortion practices are sacred in the religion of secular humanism, those practices are considered to be evil by other religions, whose members do not want to pay taxes to support a secular humanist theocracy in the place of a Constitutional Republic;

WHEREAS unlike the establishment clause, the right of convenience abortion, privacy, and autonomy are not found in the text of the United States Constitution, and the States, therefore, have the authority to regulate convenience abortion practices through the powers conferred to them by the Tenth Amendment of the United States Constitution which reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;"

WHEREAS while the belief or disbelief in the morality of convenience abortion practices is protected under the free exercise clause of the First Amendment of the United States Constitution and under Section 3, of Article I of the Tennessee, the free exercise clause is not absolute;

WHEREAS as part of American tradition and heritage since the founding, this State has been permitted under the power conferred to it through the Tenth Amendment to regulate licentious religious practices, which includes convenience abortion practices, at the expense of the free exercise clause of the First Amendment of the United States Constitution;

WHEREAS convenience abortion practices promote licentiousness and attempt to justify practices that are inconsistent with the peace and safety of this State;

WHEREAS this State favors life and has an interest in protecting the life of an unborn child and in upholding community standards of decency, which convenience abortion practices erode;

WHEREAS the "Keep Roe Reversed Forever Act" is not a matter of Democrat verse Republican but a matter of this State taking back the power afforded to it and the people under the text of the Tenth Amendment and establishment clause of the First Amendment to regulate convenience abortion practices, as it sees fit;

WHEREAS in the instances where an unborn child recoils or kicks back at the convenience abortion provider who is trying to kill him or her, it is someone else's body that is recoiling and fighting back, not the mother's.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE

SECTION 1. Tennessee Code Annotated, Title 68, is amended by adding Sections 2 through 4 as a new chapter 61.

SECTION 2. [Short Title] This act and this Chapter may be referred to and cited as the "Keep Roe Reversed Forever Act."

SECTION 3. [Civil Action Enforcement Pursuant To The Tenth Amendment And Establishment Clause of the First Amendment Of The United States Constitution]

(a) **[Protecting Rights]** Pursuant to the powers conferred on this State under the Tenth Amendment of the United States Constitution and pursuant to the establishment clause of the First Amendment, this State shall exercise the right to determine the manner in which it will regulate and convenience abortion practices, which are religious practices that promote licentiousness and are inseparably linked to the religion of secular humanism.

(b) **[Civil Action For Injunctive Relief]** Pursuant to the establishment clause of the First Amendment of the United States Constitution, the Tenth Amendment of the United States Constitution, Section 3, of Article I of the Tennessee, and the State's narrowly tailored compelling interest to uphold community standards of decency, if a

federal government actor attempts to enact or enforce a policy that aims to preempt or undo any restriction imposed by this State on convenience abortion practices, the Attorney General or a person residing in this state shall have taxpayer standing to file a civil action under this section in a court of competent jurisdiction where they can seek:

(1) Injunctive relief,

(2) Declaratory relief;

(3) Attorney fees and costs; and

(4) Any other relief deemed appropriate by the court.

(c) **[Declaration Regarding Oath]** In seeking declaratory relief under subsection (b) subparagraph (2) of this section, a plaintiff may ask the presiding court to declare that the defendant violated their oath of office undertaken pursuant to clause 3 of Article VI of the United States Constitution in attempting to undo a restriction imposed by this State on convenience abortion practices by violating the establishment clause of the First Amendment and the Tenth Amendment.

(d) **[Non-Defense]** Emotional appeals, even really good ones, cannot serve as a valid defense to this section.

(e) **[Supplemental Jurisdiction]** If a person or the Attorney General files a civil suit in federal district court under 42 USC § 1983 against a federal actor for a violation described in section (b) of this section for a count under the First Amendment establishment clause or a count under the Tenth Amendment and also pleads a count under subsection (b) of this section, the presiding court may find that it has supplemental jurisdiction to hear the claim under subsection (b) of this section.

(f) **[Construction]** This section is constructed on the premise that:

(1) When life begins from the moment of conception until birth is a matter of religion;

(2) Convenience abortion practices and ideology are inseparably linked to the religion of secular humanism;

(3) An attempt by any of the three branches of the federal government to infringe upon this State's right to regulate convenience abortion practices serves to establish a national religion, putting the religion of secular humanism over other

religions and over non-religion in a manner that violates the establishment clause of the First Amendment of the United States Constitution.

(4) This State has paramount jurisdiction to regulate convenience abortion under the Tenth Amendment since convenience abortion practices are not protected anywhere in the United States Constitution other than in the free exercise clause, which is not absolute;

(5) There is a long-standing American tradition and heritage that the States are permitted to regulate licentious religious practices at the expense of the free exercise clause of the First Amendment, which includes regulating convenience abortion practices that encourage promiscuity and death;

(6) Convenience abortion practices promote licentiousness and attempt to justify practices that are inconsistent with the peace and safety of the State;

(7) This State favors life and has an interest in protecting the life of an unborn child;

(8) There is a difference with a distinction between a secular abortion and a non-secular convenience abortion from a legal perspective.

(e) **[Non-Construction]** This section is not constructed to:

(1) Allow for discrimination against anyone who believes or disbelieves in the religious morality of convenience abortion doctrine or practices.

(2) Draw the line when convenience abortion can take place, if ever, from the moment of conception until birth for that matter is addressed in a different section of this State's code.

(3) Prevent the subsequent finding that an unborn child in the womb is a person from the moment of conception that must be afforded all of the protections guaranteed by the Fourteenth Amendment.

SECTION 4. [Definitions] As used in the "Keep Roe Reversed Forever Act" and in this Chapter:

(1) "Community standards of decency" means standards based on the reasonable observer perspective that can be eroded by appeals to the prurient interest or the patently offensive to the extent the appeals harm the general decency, safety,

health, and welfare of the community. Practices that promote licentiousness are antithetical to this standard.

(2) “Conception” means the fecundation of the ovum by the spermatozoa.

(3) "Convenience Abortion" means an elective or nontherapeutic abortion that means the act of using or prescribing an instrument, medicine, drug, device, or another substance or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will with reasonable likelihood cause the death of the unborn child. This type of abortion promotes licentiousness and is non-secular, religious, and controversial. The term simply means an abortion where the mother terminates the unborn child on the altar of convenience. An act is not a convenience abortion and is a secular abortion if the act is performed with the intent to:

(A) Save the life of the mother or resolve a medical emergency;

(B) Save the life or preserve the health of the unborn child;

(C) Remove a dead unborn child caused by spontaneous abortion;

(D) Remove an ectopic pregnancy;

(E) Abort and remove an unborn child that is the result of rape or incest reported to a law enforcement agency; or

(F) Abort and remove an unborn child because of a fetal malformation that is incompatible with the baby being born alive.

(4) “Emotional appeal” means a method of persuasion through sentiment, not logic, designed to create an emotional response.

(5) "Medical emergency" means that condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

(6) “Logical nexus” means at least some minimal, relevant, legitimate, important, or rational connection. The term connotes a low-threshold standard.

(7) “Lemon test” means a three-prong test that was originally created by

the United States Supreme Court that is used to determine if government action is unconstitutional under the establishment clause. The test requires that government action or a government policy:

(A) Have a valid secular purpose;

(B) Not have the effect of advancing, endorsing, or inhibiting religion; and

(C) Not foster excessive entanglement with a particular religion.

Government action violates the establishment clause and Section 3, of Article I of the Tennessee if it fails to satisfy any of the three prongs.

(8) "Licentious or licentiousness" means lacking legal or moral restraints especially - disregarding sexual restraints. The term includes conduct that is sexually deviant, perverted, immoral, lewd, debauched or practices that promote promiscuity, that appeal to the prurient interests, harm the innocence of children, or erode community standards of decency.

(9) "Non-secular" means religious, faith-based, not proven, predicated on naked assertions, or emotional feelings, not self-evident objective fact.

(10) "Reasonable observer" a person of ordinary prudence who views a policy from an objective standpoint in the context of the State's long-standing practices through the lens of self-evident neutral, natural, and non-controversial transcultural morality and who is not desensitized or blinded by the unexamined assumption of the superiority of our cultural moment.

(11) "Religion" means a set of unproven answers to the greater questions like "why are we here," "what should we be doing as humans," "how do we get our identity," and "what happens after death." The term means a closed system and group or community that is organized, full, and provides a comprehensive code by which individuals may guide their daily activities. Religion involves an ultimate concern or sincere belief and can be non-theistic or theistic.

(12) "Secular abortion" means the act of using or prescribing an instrument, medicine, drug, device, or another substance or means with the intent to terminate the clinically diagnosable pregnancy of a woman with knowledge that the

termination by those means will with reasonable likelihood cause the death of the unborn child, when carried out to:

(A) Save the life of the mother or resolve a medical emergency;

(B) Save the life or preserve the health of the unborn child;

(C) Remove a dead unborn child caused by spontaneous abortion;

(D) Remove an ectopic pregnancy; or

(E) Abort and remove an unborn child that is the result of rape or incest reported to a law enforcement agency.

(F) Abort and remove an unborn child because of a fetal malformation that is incompatible with the baby being born alive.

(13) "Secular humanism" means a faith-based worldview that is also referred to as postmodern-western-individualistic moral relativism, expressive individualism, or anti-theism, and is often the mirror opposite of theism. The term refers to a religion that worships man as the source of all knowledge and truth. The term includes a belief system that is centered on the unproven assumptions that there are no moral absolutes and no one moral doctrine should be used as the superior basis for law and policy, except for the religious doctrines of secular humanism. The term includes a series of unproven faith-based assumptions and naked assertions that suggest that morality and truth are man-made conventions and that at the heart of liberty is man's ability to define his own meaning of the universe. The term refers to a religion that tends to promote licentiousness and attempts to justify practices that are inconsistent with the peace and safety of the states. The term refers to the belief that man is merely a bundle of chemicals, animated pieces of meat, or accidental particles, that nature is all there is, and that there is nothing after death. The idea that life does not begin at conception and that convenience abortion is not immoral, or that a convenience abortion is not murder is a doctrine that is inseparably linked to this religion. The term refers to a religion that has many different denominational sects and is expressed in widely varying ways.

(14) "Taxpayer standing" means the standing of a taxpayer to file a lawsuit against a government actor that is directly or symbolically advancing a policy that violates the establishment clause of the First Amendment of the United States

Constitution or Section 3, of Article I of the Tennessee, after the government actor actually or prospectively engaged in action that potentially failed at least one prong of the Lemon test. A taxpayer must have a logical nexus to a government actor's violation to assert this form of standing. A person who pays sales tax in this state can successfully assert this form of standing before a court of competent jurisdiction.

(15) "Unborn child" means the offspring of human beings from conception until birth.

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE AT NASHVILLE

Chris Sevier, Executive Director of DE FACTO ATTORNEYS GENERAL, Christine Wiehle, Executive Director of ONE HEART AMERICA, Terry Anderson, member of SPECIAL FORCES OF LIBERTY

V.

TRE HARGETT, in his official capacity as Tennessee Secretary Of State, and JOSEPH R. BIDEN, KAMALA HARRIS

24-0022-III

NO JURY DEMAND
Oral Argument Requested

VERIFIED PETITION/COMPLAINT

"From whence shall we expect the approach of danger? Shall some trans-Atlantic military giant step the earth and crush us at a blow? Never. All the armies of Europe and Asia...could not by force take a drink from the Ohio River or make a track on the Blue Ridge in the trial of a thousand years. No, if destruction be our lot we must ourselves be its author and finisher. As a nation of free men we will live forever or die by suicide." — Abraham Lincoln

Links:
https://www.specialforcesofliberty.com/

https://withkoji.com/@wavesonwaves

I. SECTION ONE INTRODUCTION

1. Petitioners, (1) Chris Sevier Esq., former rule of law Judge Advocate General and Executive Director of De Facto Attorneys General,[1] (2) Christine Wiehle, Executive Director One Heart America,[2] and Terry Anderson, member of Special Forces Of Liberty, under the Tennessee Code Annotated, TCA § 2-5-204, TCA § 1-3-121, TCA § 2-5-205, TCA § 8-18-101, TCA § 21-2-210, TCA§ 29-14-102, Section 1, Article X of the Tennessee Constitution, and Rule 57 of the Tennessee Rules of Civil Procedure bring this action to challenge the listing of Respondents Joseph R. Biden and Kamala Harris as candidates on the 2024 Democrat

[1] Patriots who support this cause of action and similar ones are welcome to donate to the cause through this website: https://www.specialforcesofliberty.com/
[2] *Id.*

ORIGINAL

STATE OF TENNESSEE 20TH JUDICIAL DISTRICT CHANCERY COURT	SUMMONS	CASE FILE NUMBER 24-0022-III

PLAINTIFF	DEFENDANT
Chris Sevier, Christine Wiehle, Terry Anderson	Henry C. Leventis, United States Attorney Middle District Of Tennessee

TO: (NAME AND ADDRESS OF DEFENDANT)

719 Church St., Suite 3300
Nashville, Tennessee 37203

Method of Service:

- ☑ Certified Mail
- ☐ Davidson Co. Sheriff
- ☐ *Comm. Of Insurance
- ☐ *Secretary of State
- ☐ *Out of County Sheriff
- ☐ Private Process Server
- ☐ Other

*Attach Required Fees

List each defendant on a separate summons.

YOU ARE SUMMONED TO DEFEND A CIVIL ACTION FILED AGAINST YOU IN CHANCERY COURT, DAVIDSON COUNTY, TENNESSEE. YOUR DEFENSE MUST BE MADE WITHIN THIRTY (30) DAYS FROM THE DATE THIS SUMMONS IS SERVED UPON YOU. YOU MUST FILE YOUR DEFENSE WITH THE CLERK OF THE COURT AND SEND A COPY TO THE PLAINTIFF'S ATTORNEY AT THE ADDRESS LISTED BELOW. IF YOU FAIL TO DEFEND THIS ACTION BY THE ABOVE DATE, JUDGMENT BY DEFAULT CAN BE RENDERED AGAINST YOU FOR THE RELIEF SOUGHT IN THE COMPLAINT.

Attorney for plaintiff or plaintiff if filing Pro Se: (Name, address & telephone number)	FILED, ISSUED & ATTESTED
Chris Sevier Esq. 2901 Old Franklin Road #1526 Antioch, TN 37013	FOR CLERK USE ONLY JAN 09 2024
	MARIA M. SALAS, Clerk and Master By: Deputy Clerk & Master 1 Public Square Suite 308 Nashville, TN 37201

NOTICE OF DISPOSITION DATE

The disposition date of this case is twelve months from date of filing. The case must be resolved or set for trial by this date or it will be dismissed by the Court for failure to prosecute pursuant to T.R.C.P. 41.02 and Local Rule 18.

If you think the case will require more than one year to resolve or set for trial, you must send a letter to the Clerk and Master at the earliest practicable date asking for an extension of the disposition date and stating your reasons. Extensions will be granted only when exceptional circumstances exist.

TO THE SHERIFF:	DATE RECEIVED
	Sheriff

***Submit one original plus one copy for each defendant to be served.

ADA Coordinator, Maria M. Salas (862-5710)

RETURN ON SERVICE OF SUMMONS

I hereby return this summons as follows: (Name of Party Served) _____

☐ Served
☐ Not Served _____

☐ Not Found
☐ Other _____

Date of Return:

By:

Agency Address:

Sheriff/or other authorized person to serve process

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify and return that on the day of 20___, I sent, postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in case to the defendant . On the ___ day of , 20___, I received the return receipt, which had been signed by on the _____ day of 20 The return receipt is attached to this original summons to be filed by the Chancery Court Clerk & Master.

Sworn to and subscribed before me on this _____ day of , 20___.

Signature of ____ Notary Public or ____ Deputy Clerk

My Commission Expires: _____

Signature of plaintiff, plaintiff's attorney or other person authorized by statute to serve process.

NOTICE OF PERSONAL PROPERTY EXEMPTION

TO THE DEFENDANT(S):

Tennessee law provides a ten thousand dollar ($10,000.00) debtor's equity interest personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

Mail list to: Clerk & Master
1 Public Square
Suite 308
Nashville TN 37201

Please state file number on list.

ATTACH
RETURN
RECEIPT
HERE
(IF APPLICABLE)

CERTIFICATION (IF APPLICABLE)

I, Maria M. Salas, Clerk & Master of the Chancery Court in the State of Tennessee, Davidson County, do certify this to be a true and correct copy of the original summons issued in this case.

MARIA M. SALAS, Clerk & Master

By:

D.C. & M.

ORIGINAL

STATE OF TENNESSEE 20TH JUDICIAL DISTRICT CHANCERY COURT	SUMMONS	CASE FILE NUMBER 24-0022-III

PLAINTIFF	DEFENDANT
Chris Sevier, Christine Wiehle, Terry Anderson	Tre Hargett

TO: (NAME AND ADDRESS OF DEFENDANT)

312 Rosa L. Parks Avenue
7th Floor
Nashville, TN 37243-1102

Method of Service:

- [x] Certified Mail
- [ ] Davidson Co. Sheriff
- [ ] *Comm. Of Insurance
- [ ] *Secretary of State
- [ ] *Out of County Sheriff
- [ ] Private Process Server
- [ ] Other

*Attach Required Fees

List each defendant on a separate summons.

YOU ARE SUMMONED TO DEFEND A CIVIL ACTION FILED AGAINST YOU IN CHANCERY COURT, DAVIDSON COUNTY, TENNESSEE. YOUR DEFENSE MUST BE MADE WITHIN THIRTY (30) DAYS FROM THE DATE THIS SUMMONS IS SERVED UPON YOU. YOU MUST FILE YOUR DEFENSE WITH THE CLERK OF THE COURT AND SEND A COPY TO THE PLAINTIFF'S ATTORNEY AT THE ADDRESS LISTED BELOW. IF YOU FAIL TO DEFEND THIS ACTION BY THE ABOVE DATE, JUDGMENT BY DEFAULT CAN BE RENDERED AGAINST YOU FOR THE RELIEF SOUGHT IN THE COMPLAINT.

Attorney for plaintiff or plaintiff if filing Pro Se:
(Name, address & telephone number)
Chris Sevier Esq.
2901 Old Franklin Road #1526
Antioch, TN 37013

FILED, ISSUED & ATTESTED

FOR CLERK USE ONLY JAN 09 2024

MARIA M. SALAS, Clerk and Master
By:
1 Public Square
Suite 308
Nashville, TN 37201

Lisa Treal

Deputy Clerk & Master

NOTICE OF DISPOSITION DATE

The disposition date of this case is twelve months from date of filing. The case must be resolved or set for trial by this date or it will be dismissed by the Court for failure to prosecute pursuant to T.R.C.P. 41.02 and Local Rule 18.

If you think the case will require more than one year to resolve or set for trial, you must send a letter to the Clerk and Master at the earliest practicable date asking for an extension of the disposition date and stating your reasons. Extensions will be granted only when exceptional circumstances exist.

TO THE SHERIFF:	**DATE RECEIVED**
	Sheriff

***Submit one original plus one copy for each defendant to be served.

ADA Coordinator, Maria M. Salas (862-5710)

RETURN ON SERVICE OF SUMMONS

I hereby return this summons as follows: (Name of Party Served) _____

☐ Served _____ ☐ Not Found
☐ Not _____ ☐ Other _____
Served

Date of Return:	By:
Agency Address:	Sheriff/or other authorized person to serve process

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify and return that on the day of 20___, I sent, postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in case to the defendant . On the___ day of , 20___, I received the return receipt, which had been signed by on the _____ day of 20

The return receipt is attached to this original summons to be filed by the Chancery Court Clerk & Master.

Sworn to and subscribed before me on this _____ day of , 20___. Signature of ____ Notary Public or ____ Deputy Clerk My Commission Expires: _____	Signature of plaintiff, plaintiff's attorney or other person authorized by statute to serve process.

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Suite 308
Nashville TN 37201

Please state file number on list. _____

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ORIGINAL

STATE OF TENNESSEE 20TH JUDICIAL DISTRICT CHANCERY COURT	**SUMMONS**	CASE FILE NUMBER 24-0022-III

PLAINTIFF	DEFENDANT
Chris Sevier, Christine Wiehle, Terry Anderson	Joe Biden

TO: (NAME AND ADDRESS OF DEFENDANT)

1600 Pennsylvania Avenue NW, Washington, DC 20500

Method of Service:

- ☑ Certified Mail
- ☐ Davidson Co. Sheriff
- ☐ *Comm. Of Insurance
- ☐ *Secretary of State
- ☐ *Out of County Sheriff
- ☐ Private Process Server
- ☐ Other

*Attach Required Fees

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Attorney for plaintiff or plaintiff if filing Pro Se: (Name, address & telephone number)	FILED, ISSUED & ATTESTED
Chris Sevier Esq. 2901 Old Franklin Road #1526 Antioch, TN 37013	~~FOR CLERK USE ONLY~~ JAN - 9 2024 MARIA M. SALAS, Clerk and Master By: Deputy Clerk & Master 1 Public Square Suite 308 Nashville, TN 37201

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TO THE SHERIFF:	DATE RECEIVED
	Sheriff

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ADA Coordinator, Maria M. Salas (862-5710)

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☐ Served
☐ Not Served _____

☐ Not Found
☐ Other _____

Date of Return:	By:
Agency Address:	Sheriff/or other authorized person to serve process

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Sworn to and subscribed before me on this _____ day of , 20___. Signature of ____ Notary Public or ____ Deputy Clerk My Commission Expires:	Signature of plaintiff, plaintiff's attorney or other person authorized by statute to serve process.

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ORIGINAL

STATE OF TENNESSEE 20TH JUDICIAL DISTRICT CHANCERY COURT	SUMMONS	CASE FILE NUMBER 24-0022-III

PLAINTIFF	DEFENDANT
Chris Sevier, Christine Wiehle, Terry Anderson	Kamala Harris

TO: (NAME AND ADDRESS OF DEFENDANT)

1600 Pennsylvania Avenue NW, Washington, DC 20500

Method of Service:

- ☑ Certified Mail
- ☐ Davidson Co. Sheriff
- ☐ *Comm. Of Insurance
- ☐ *Secretary of State
- ☐ *Out of County Sheriff
- ☐ Private Process Server
- ☐ Other

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Deputy Clerk & Master

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By:

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The return receipt is attached to this original summons to be filed by the Chancery Court Clerk & Master.

Sworn to and subscribed before me on this _____ day of , 20___.

Signature of ____ Notary Public or ____ Deputy Clerk

My Commission Expires:

Signature of plaintiff, plaintiff's attorney or other person authorized by statute to serve process.

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By:

D.C. & M.