

The background of the entire image is a close-up, slightly wavy American flag. The top portion shows the blue field with white stars, while the bottom portion shows the red and white stripes. The text is overlaid on this background.

Oregon Business Owners

*Have the Right
To
Life, Liberty, and
The
Pursuit of
Happiness*

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Oregon Business Owners

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Dear Oregon Business Owner,

Please use this guide book as a tool and resource to **STAY OPEN**. We have assembled much information pertinent to the situation you have been put in unfairly and against the law.

We have enclosed Governor Brown's **Executive Order 20-27** hilited to show you what ORS statutes she chose to follow. The 2 laws we have given you we feel are the most important as the first one, **ORS 433.441** specifically states in **#5** on page 2, she had 14 days plus another 14 days of authority and then it expired. She had to go back to the State Legislature for and additional amount of authority. She chose not to.

The 2nd law she broke is **ORS 183.335** Public Notice Rules. She failed to do this on her first attempt to write her Statewide Mask orders. But honestly, it doesn't matter. Her failure to comply with **#5** above negates this entire fiasco. PERIOD!

The 3 things we wish you would use to make the most impact with any **State Agent** who tries to fine, harass or shut down your business is located in;

- Section 7 – **Illness & Injury Protection Plan**. This is a template for you to adopt and show any State Agent if they demand it.
- Section 8 – **17 Key Points For Businesses & Patrons**. Understand these and give anyone a copy who gives you grief.
- Section 10 – **Public Notices**. Put these on 3 separate 8.5 x 11 sheets with your store logo on them. Put them in bold and large font. Post them where everyone can see.

As far as the rest of the book, read **Judge Shirtcliff's opinion** and temporary injunctive relief. Even if the Supreme Court decided NOT to review the case, they didn't overturn this.

And here's a great question for you to ask any elected public official who has to swear upon the Bible that they will uphold the **Constitution** of the United States. "How many protections are afforded in the First Amendment?" The vast majority flunk the test. And therein lies our problem as Citizens & Business Owners.

My hope and prayer is that you will take off your masks, end social distancing and return to the Old Normal. Just put on a sandwich board outside your front door this statement, "**We Don't Wear Masks, Social Distance, Or Lockdown. Those That Disagree, Don't Enter!**"

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Executive Order 20-27

[Oregon.gov](#)

Office of the Governor
State of Oregon

EXECUTIVE ORDER NO. 20-27

A SAFE AND STRONG OREGON (PHASE II): MAINTAINING ESSENTIAL HEALTH DIRECTIVES IN RESPONSE TO COVID-19, AND CONTINUING TO IMPLEMENT A PHASED APPROACH FOR REOPENING OREGON'S ECONOMY

Since January 2020, the State of Oregon has been engaged in responding to the public health threat posed by the novel infectious coronavirus (COVID-19). As the threat escalated, the State's response elevated to meet the threat. On March 8, 2020, I declared a state of emergency pursuant to ORS 401.165 et seq., and directed certain immediate response actions. Thereafter, the [World Health Organization](#) declared that the COVID-19 outbreak is a global pandemic, and the President of the United States declared the COVID-19 outbreak a national emergency.

During March and April 2020, as the coronavirus continued to spread around the world, I took a series of actions aimed at slowing the spread of COVID-19 in Oregon, and to mitigate the public health and economic impacts of the pandemic. These actions included but were not limited to limitations on gatherings; closing schools; taking steps to protect those in congregate living situations; declaring an abnormal market disruption; banning on-site consumption of food and drink at food establishments statewide; suspending in-person instructional activities at higher education institutions; ordering the postponement of non-urgent health care procedures in order to conserve personal protective equipment (PPE) and hospital beds; and imposing a temporary moratorium on residential and commercial evictions. On March 23, 2020, I ordered Oregonians to "Stay Home, Save Lives," directing individuals to stay home to the greatest extent possible, ordering the closure of specified retail businesses, requiring physical distancing measures for other public and private facilities, and imposing requirements for outdoor areas and licensed childcare.

Those actions helped prevent and control the spread of COVID-19 in Oregon. Accordingly, in late April and early May 2020, I began to take steps to ease the restrictions mentioned above, including allowing for the gradual resumption of non-urgent health care procedures, reopening certain outdoor recreation opportunities, allowing small gatherings, and easing restrictions around childcare and certain retail businesses. I also signed an executive order directing the State to begin a phased, data-driven, and regionally tailored approach to reopening social, economic, and other activities in Oregon.

Although physical distancing, the "Stay Home, Save Lives" order, and the other essential actions mentioned above have helped slow the spread of COVID-19 in Oregon, State and local public health officials advise that the virus is continuing to circulate in the community and expect the number of cases to increase as restrictions are lifted. Even in counties that have had low numbers of cases to date, the risk of spread remains. This virus remains very dangerous, and the global spread of the novel coronavirus continues to seriously threaten the lives and health of Oregonians. As of today, there are at least 4,399 cases and 159 deaths in Oregon, with more than 100,000 deaths from COVID-19 nationwide. Cases of COVID-19 have been detected in all corners of the state, as the

virus knows no boundaries. Supply chains for testing and PPE remain critical, and Oregon's capacity to test, contact-trace, and isolate new cases needs continued improvement. Given that risk for a resurgence of COVID-19 remains if protective measures are not maintained here in Oregon, we must maintain preparedness as we continue to ease these restrictions over time. Put simply, the difficult work of controlling the statewide spread of this virus must continue.

I am encouraged by the hard and careful work counties, businesses and other entities, and individuals have done around the state to move forward with the phased reopening process, and to adapt to a new way of operating. As we continue to move forward, this reopening process must continue to balance the need to restore and strengthen our overall social and economic wellbeing with the prevention of a resurgence of COVID-19 that would undermine the important public health outcomes achieved to date. The goals of this reopening process include minimizing hospitalizations and deaths; minimizing risk to frontline workers; avoiding overwhelming health systems; allowing people to safely return to work so they can support themselves and their families; protecting those at highest risk of severe illness, especially communities of color; and supporting small gatherings that preserve community cohesion and cultural practices.

The success of Oregon's emergency response efforts and phased reopening will depend in large part on the ability of employers, employees, and each and every member of the public to adhere to public health, safety, and physical distancing measures. Preventing and controlling outbreaks and limiting the spread of COVID-19 is the only way to avoid future business and social disruption, and to allow Oregon's economic and social life to thrive.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:

Pursuant to ORS 401.168, ORS 401.175, ORS 401.188, and ORS 433.441, I am ordering the following:

Framework for Reopening a Safe and Strong Oregon

1. This Executive Order rescinds and replaces Executive Order 20-25, sets forth baseline requirements that apply statewide, and provides a statewide phased reopening process and guidelines that apply in Phase I and Phase II.
 - a. **Baseline Requirements.** This Executive Order sets forth certain baseline requirements—essential statewide protective measures—that Oregonians and Oregon businesses must continue to adhere to, to keep our communities safe and to allow the phased reopening process to move forward. These baseline requirements apply statewide, except as modified by the phased reopening directives and **guidance**, or as otherwise modified as allowed under this Executive Order.
 - b. **Phased Reopening.** This Executive Order establishes the phased process by which Oregon's social and economic life will gradually reopen, including the criteria the State will use to evaluate whether to ease or tighten restrictions, to keep Oregonians safe. That process will proceed in three phases—Phase I, Phase II, and Phase III. Counties will be allowed to move through the phases at different paces.
 - c. **Structure of this Executive Order.** Paragraphs 2–10 of this Executive Order outline the baseline requirements that apply, statewide, before a county or the State enters Phase I, and continue to apply unless and until modified. Some of these baseline requirements will be modified in Phase I, Phase II, or Phase III, as outlined below in paragraphs 11–24.

Baseline Requirements.

2. Stay Safe, Save Lives. Keeping our community safe and reopening our economy depends on Oregonians continuing to adhere to critical physical distancing requirements and other health measures. It is essential to the health, safety, and welfare of the State of Oregon during the ongoing state of emergency that individuals continue to stay at or near their home or place of residence, when possible. To that end, pursuant to ORS 401.168(1), ORS 401.175(3), ORS 401.188(2) to (3), and ORS 433.441(3):

a. Individuals must continue to adhere to applicable restrictions on gatherings. Paragraph 3 of this Executive Order sets forth baseline gatherings restrictions. Gatherings restrictions for Phase I are set forth in paragraph 15(a), and gatherings restrictions for Phase II are set forth in paragraph 20(a).

b. Individuals must comply with any public health directives set forth in my Executive Orders.

c. Individuals should maintain physical distancing of at least six feet from any person who is not a member of their household, when possible, and should adhere to any applicable Oregon Health Authority (OHA) guidance, including but not limited to guidance on physical distancing and face coverings. OHA guidance is available at <https://govstatus.egov.com/OR-OHA-COVID-19>.

3. Gatherings for Baseline Phase. Gatherings present particular risks for the spread of COVID-19, as sustained contact with large groups presents an increased risk of spreading the disease and, in the event an infected person attends the gathering, makes the work of rapid, effective contact-tracing (a cornerstone of the State's reopening plans) much more difficult. Accordingly, pursuant to ORS 401.168(1), ORS 401.188(2), and ORS 433.441(3)(a), (b), (d) and (f):

a. Cultural, Civic, and Faith-Based Gatherings. Cultural, civic, and faith-based gatherings of more than 25 people are prohibited. Cultural, civic, and faith-based gatherings of 25 or fewer people are allowed only if a distance of at least six feet can be consistently maintained between individuals from different households.

b. Social and Recreational Gatherings. Social and recreational gatherings of more than 10 people outside of a home or place of residence are prohibited. Social and recreational gatherings of 10 or fewer people are allowed only if a distance of at least six feet can be consistently maintained between individuals from different households.

c. Paragraph 3 of this Executive Order applies to gatherings only, and does not apply to workplaces, banks and credit unions, gas stations, hotels or motels, shelter programs, health care facilities, pharmacies, child care facilities, schools, higher education institutions, state or local government, or other businesses or activities (e.g. retail, including grocery stores) that are subject to other directives in my Executive Orders or OHA guidance.

d. The Governor, or OHA with the Governor's approval, may modify the directives of paragraph 3 of this Executive Order, as necessary. Any modifications will be made available at <https://govstatus.egov.com/OR-OHA-COVID-19>.

4. Business and Sector-Specific Restrictions. Pursuant to ORS 401.168(1), ORS 401.188(1) to (3), and ORS 433.441(3)(a), (b), and (f), businesses must comply with any applicable OHA guidance, including but not limited to employer guidance, and face coverings guidance, which may be amended from time to time. Additionally, the following baseline requirements apply until modified in Phase I, Phase II, or otherwise:

a. Food and Drink

(1) During the Baseline Phase, restaurants, bars, taverns, brew pubs, wine bars, cafes, food courts, coffee shops, clubs, or other similar establishments that offer food or drink may not offer or allow on-premises consumption of food or drink. Establishments may offer food or drink for off-premises consumption (e.g., take-out or drive-through) or for delivery. Establishments offering such service must implement physical distancing protocols of at least six feet between customers ordering, waiting, or in line, consistent with any applicable OHA guidance. Establishments also must implement physical distancing protocols of at least six feet for staff, when possible. Any sale of alcoholic beverages for off-premises consumption must comply with ORS chapter 471 and any rules adopted thereunder.

(2) Paragraph 4(a)(1) of this Executive Order does not apply to health care facilities, child care facilities, workplaces, government buildings, emergency response facilities, school-based food programs, and shelter and meal programs serving vulnerable populations. Such places are encouraged to use physical distancing, staggered schedules, take-out, and other similar measures to reduce the risk associated with the spread of COVID-19.

b. Sector-Specific Guidance. Certain specified sectors of Oregon's economy must comply with applicable OHA **guidance**, which may be amended from time to time. This requirement includes but is not limited to retail businesses; public transit; zoos and other gated outdoor attractions; museums; and athletic training activities (as permitted by and in compliance with applicable OHA **guidance**).

c. Businesses Closed during Baseline Phase. Subject to any modifications made to the following list (through OHA **guidance**, at the direction of the Governor), operation of the following businesses, for which close personal contact is difficult or impossible to avoid, continues to be prohibited during the Baseline Phase:

Amusement parks; aquariums; arcades; barber shops and hair salons; bowling alleys; dance studios; esthetician practices; fraternal organization facilities; gyms and fitness studios (including climbing gyms); hookah bars; indoor and outdoor malls (i.e., all portions of a retail complex containing stores and restaurants in a single area); indoor party places (including jumping gyms and laser tag); medical spas, facial spas, day spas, and non-medical massage therapy services; nail and tanning salons; non-tribal card rooms; skating rinks; senior activity centers; social and private clubs; tattoo/piercing parlors; tennis clubs; theaters; yoga studios; and youth clubs.

Paragraph 4(c) of this Executive Order does not apply to restaurants, bars, taverns, brew pubs, wine bars, cafes, food courts, coffee shops, or other similar establishments that offer food or drink, which remain subject to paragraph 4(a) of this Executive Order. Indoor and outdoor malls, and other businesses subject to paragraph 4(c) of this Executive Order, are not prohibited from operating to provide food, grocery, health care, medical, pharmacy, or pet store services.

d. Modifications: At the direction of the Governor, OHA or another appropriate state agency may issue **guidance** allowing one or more of the types of businesses or facilities listed in paragraph 4(c) to open, either as part of the phased reopening process or otherwise. In addition, at the direction of the Governor, OHA may amend the directives of paragraph 4 of this Executive Order, and any **guidance** referenced herein, and may create additional **guidance** and FAQs, as necessary. All referenced **guidance**, and any amendments, will be made available at <https://govstatus.egov.com/OR-OHA-COVID-19>.

e. Result of Non-Compliance: Businesses that fail to comply with the applicable requirements of paragraph 4 of this Executive Order shall be closed until they demonstrate compliance.

5. Workplace Restrictions during Baseline Phase. Pursuant to ORS 401.168(1), ORS 401.188(1) to (3), and ORS 433.441(3)(a), (b), (d) and (f):

a. All businesses and non-profit entities with offices in Oregon shall facilitate telework and work-at-home by employees, to the maximum extent possible. Work in offices is prohibited whenever telework and work-at-home options are available, in light of position duties, availability of teleworking equipment, and network adequacy.

b. When telework and work-from-home options are not available, businesses and non-profits must designate an employee or officer to establish, implement, and enforce physical distancing policies, consistent with OHA **guidance**. Such policies also must address how the business or non-profit will maintain physical distancing protocols for business-critical visitors.

c. Businesses and non-profits must comply with any applicable OHA guidance, including but not limited to guidance for employers. At the direction of the Governor, OHA may from time to time modify or promulgate new **guidance**, as necessary.

d. Businesses and non-profits that fail to comply with paragraph 5 of this Executive Order will be closed until they demonstrate compliance.

6. **Government Buildings.** Pursuant to ORS 401.168(1), ORS 401.188(1) to (3), and ORS 433.441(3)(a), (b), (d) and (f):

a. The Department of Administrative Services (DAS) is directed to issue **guidance** for all state executive branch offices and buildings, subject to approval by the Governor. **Guidance** may include, but is not limited to, directives regarding the operation of government buildings; the provision of public services; telework and work-from-home options; and physical distancing measures. That guidance, which may be modified from time to time, will be communicated by DAS to affected state agencies and made available to the public at <https://www.oregon.gov/das/pages/coronavirus-state-gov-employee.aspx>.

b. Paragraph 6 of this Executive Order applies to all offices and buildings owned or occupied by the state executive branch. This Executive Order does not apply to offices and buildings owned or occupied by the state legislative and judicial branches, federal government, local governments, and tribal governments.

7. **Outdoor Recreation and Travel.** Pursuant to ORS 401.168(1) and (3), ORS 401.175(3), ORS 401.188(1) to (3), and ORS 433.441(3):

a. Individuals may go outside for recreational activities (walking, hiking, etc.), but must limit those activities to non-contact, are prohibited from engaging in outdoor activities where it is not possible to maintain appropriate physical distancing, and must follow applicable OHA **guidance** regarding outdoor recreation activities. Managers of recreation areas also must comply with applicable OHA **guidance**. At the direction of the Governor, OHA may from time to time modify that **guidance**, as necessary.

b. Individuals should continue to minimize non-essential travel, consistent with any applicable OHA **guidance**. Whenever possible, Oregonians should travel the minimum distance necessary to or from a home, residence, or workplace; for obtaining or providing food, shelter, consumer needs, education, health care, or emergency services; for receiving or rendering essential business and government services; for the care of family members, household members, elderly persons, minors, dependents, persons with disabilities, or other vulnerable persons, pets, or livestock; for travel as directed by government officials, law enforcement, or courts; and for other economic, social, or recreational activities allowed by or consistent with my Executive Orders and OHA **guidance**.

c. Private and public campgrounds may open if they are able to comply with OHA's guidance regarding outdoor recreation.

d. The Oregon Parks and Recreation Department retains authority to close any property or facility if proper physical distancing cannot be maintained.

e. During Baseline Phase, pools, skate parks, outdoor sports courts, and playground equipment areas remain closed. At the direction of the Governor, OHA or another appropriate state agency may issue **guidance** allowing one or more of these types of facilities to open, either as part of the phased reopening process or otherwise. Such **guidance** will be made available at <https://govstatus.egov.com/OR-OHA-COVID-19>.

8. Higher Education, Schools, Childcare, Youth Programs. The Governor has directed state education entities to work with school and education partners across Oregon on a reopening plan for schools, so Oregon students can return to the classroom for the 2020-2021 school year, in some form. Higher education institutions shall continue to comply with Executive Order 20-09, including as extended or modified by further Executive Orders, and any **guidance** from the Higher Education Coordinating Commission. Childcare facilities, and any expansion or restriction of childcare services, will proceed pursuant to Executive Order 20-19, including as modified by further Executive Orders, and any **guidance** from the Department of Education, Early Learning Division, Office of Child Care. K-12 schools continue to be subject to Executive Order 20-20, including as extended or modified by further Executive Orders, and any **guidance** from the Department of Education. If directed to do so by the Governor, OHA or other appropriate state agency may provide further **guidance** on youth programs, including but not limited to indoor, outdoor, and overnight summer camps.

9. **Guidance**. At my direction, and under the authority of this and other Executive Orders, OHA and other appropriate agencies have issued and will continue to issue and revise detailed **guidance** for the public, for employers, and for particular sectors of the economy. Oregon's continued forward movement towards reopening is reliant on all Oregonians continuing to follow applicable general and sector-specific guidance from OHA and other state agencies. Oregon has used a targeted, science-based approach to respond to the ongoing COVID-19 emergency. As we continue to learn more about combatting the novel coronavirus, Oregonians can expect that **guidance** may need to be modified over time, to ensure an effective emergency response. To that end, if directed to do so by the Governor, OHA or other agencies, as appropriate, shall modify or provide additional detail regarding any of the baseline requirements set forth in paragraphs 2 through 8 of this Executive Order, as necessary, and subject to approval by the Governor. Any such modifications and additional **guidance** will be made available to the public at <https://govstatus.egov.com/OR-OHA-COVID-19>.

10. **Executive Order 20-25 is rescinded, and replaced by the directives in this Executive Order.**

Reopening Oregon Framework

11. **Phased Reopening**. The State shall undertake a phased, **data-driven**, and regionally tailored approach to modifying and further easing the baseline requirements set forth above, in order to reopen social, economic, and other activities in Oregon. Reopening will proceed in three phases—Phase I, Phase II, and Phase III. The phased reopening process will balance important health outcomes with the need to **restore and strengthen Oregon's social and economic wellbeing**.

12. Prerequisites for Entering Phase I. The Phase I directives set forth in paragraph 15 of this Executive Order take effect statewide when Oregon meets all prerequisites for Phase I. Those

prerequisites shall be established by the Governor, upon **recommendation by OHA**, and may include but are not limited to:

- a. Declining prevalence of COVID-19;
- b. **Adequate minimum testing regimen**;
- c. **Adequate contact tracing system**;
- d. Adequate isolation/quarantine facilities;
- e. Issuance of statewide sector **guidance** for Phase I sectors;
- f. **Sufficient healthcare capacity**; and
- g. **Sufficient personal protective equipment supply**.

13. Process for Statewide Transition to Phase I. OHA shall notify the Governor when the statewide prerequisites set forth in paragraph 12 of this Executive Order have been met, at which time the Governor may determine that Phase I is in effect, in accordance with **guidance** issued by OHA. Once the Governor makes that determination, the Phase I directives of this Executive Order take effect statewide.

14. Process for Individual County Transition to Phase I. Even if the Governor has not yet issued a statewide determination pursuant to paragraph 13 of this Executive Order, a county may seek approval from the Governor to transition to Phase I if the county meets all Phase I prerequisites, as set forth in paragraph 12 of this Executive Order, and any applicable **guidance** issued by OHA. The Governor's Office may specify the process by which counties can apply for approval under this paragraph. Once the Governor approves a county application in writing, the Phase I directives take effect in that county.

15. Phase I Directives. Under Phase I, and notwithstanding any inconsistent baseline requirements set forth in paragraphs 2–9 of this Executive Order, the following is permitted in any county where the Phase I directives have taken effect, but only if the county and authorized activities comply with all applicable Phase I **guidance** issued by OHA:

a. **Local Gatherings**. In addition to gatherings authorized by paragraph 3 of this Executive Order, individuals may gather locally for any purpose in groups of up to 25—including social or recreational gatherings previously limited to 10 or fewer people under paragraph 3(b) of this Executive Order—as long as a distance of at least six feet can be consistently maintained between individuals from different households. Local travel to such gatherings is allowed. In Phase I, the restrictions in this subparagraph do not apply to sectors of the economy where a different sector-specific set of **guidance** applies (e.g., restaurants, personal care business, and retail), so long as that sector-specific **guidance** is followed. **This subparagraph also does not apply in the circumstances set forth in paragraph 3(c) of this Executive Order.**

b. Sectors of the Economy. The following sectors may reopen or expand operations, provided that they operate consistent with OHA Phase I guidance and all other applicable OHA **guidance**:

(1) Food and drink establishments, including but not limited to restaurants and bars with food service, which must comply with Phase I restaurant **guidance**;

(2) Personal care businesses and facilities, such as salons and gyms, which must comply with Phase I personal services **guidance**;

(3) Indoor and outdoor malls, which must comply with Phase I Indoor and Outdoor Malls **guidance**; and

(4) Such other sectors as the Governor may identify as eligible for reopening or expanded operations during Phase I.

16. Transition from Phase I to Phase II. Neither the state nor any county may transition from Phase I to Phase II unless at least twenty-one (21) days have elapsed, to allow for evaluation of the public health effects of the prior transition.

17. Prerequisites for Entering Phase II. The Phase II directives set forth in paragraph 20 of this Executive Order take effect statewide when Oregon meets all prerequisites for Phase II, after not less than 21 days in Phase I. Those prerequisites shall be established by the Governor, upon recommendation by OHA, and may include but are not limited to:

a. All of the prerequisites for transitioning to Phase I, as set forth in paragraph 12 of this Executive Order;

b. Timely follow-up (**contact tracing**) on a specified percentage of new cases, within 24 hours;

c. **A specified percentage of new positive cases must be traced to an existing case; and**

d. **No significant increase in incident cases or test positivity rate.**

18. Process for Statewide Transition to Phase II. OHA shall notify the Governor when the statewide prerequisites set forth in paragraph 17 of this Executive Order have been met, at which time the Governor may determine that Phase II is in effect, in accordance with **guidance** issued by OHA. Once the Governor makes that determination, the Phase II directives of this Executive Order take effect statewide.

19. Process for Individual County Transition to Phase II. Even if the Governor has not yet issued a statewide determination pursuant to paragraph 18 of this Executive Order, a county may seek approval from the Governor to transition to Phase II, and may be approved to do so if, after not less than 21 days that county entered Phase I, the county meets all Phase II prerequisites, as set forth in paragraph 17 of this Executive Order, and any applicable guidance issued by OHA. The Governor's Office may specify the process by which counties can apply for approval under this paragraph. Once the Governor approves a county application in writing, and no earlier than 21 days after the County entered Phase I, the Phase II directives take effect in that county.

20. Phase II Directives. Under Phase II, and notwithstanding any inconsistent baseline or Phase I requirements set forth in paragraphs 2–9 and paragraph 15 of this Executive Order, the following is permitted in any county where the Phase II directives have taken effect, but only if the county and authorized activities comply with all applicable Phase II guidance issued by OHA:

a. Gatherings Restrictions. Notwithstanding the baseline and Phase I restrictions in paragraphs 3 and 15 of this Executive Order, during Phase II individuals may gather for any purpose in groups of up to 50 in indoor spaces, or up to 100 in outdoor spaces, so long as they maintain physical distancing of at least six feet between individuals who are not from the same household. In Phase II, the restrictions in this subparagraph do not apply to sectors of the economy where a different sector-specific set of **guidance** applies (e.g. those set forth in paragraph 20(b)), so long as that sector-

specific guidance is followed. This subparagraph also does not apply in the circumstances set forth in paragraph 3(c) of this Executive Order.

b. Sectors of the Economy. In addition to the sectors allowed to operate under existing baseline and Phase I directives and guidance, and notwithstanding any contrary directives in this Executive Order, the following sectors may reopen or further expand operations, provided that they operate consistent with applicable OHA Phase II guidance for that sector:

(1) Venues and event operators, including but not limited to theaters and places of worship, may operate provided that they comply with applicable OHA Phase II guidance.

(2) Indoor paid recreational activities not otherwise categorized (e.g., ice skating, bowling, and arcades) may operate provided that they comply with applicable OHA Phase II guidance.

(3) Outdoor paid recreational activities not otherwise categorized (e.g., jetboats, mini golf, and batting cages) may operate, provided that they comply with applicable OHA Phase II guidance.

(4) Pools and sports courts may open, provided that they comply with applicable OHA Phase II guidance.

(5) Food and drink establishments, including but not limited to restaurants and bars with food service, may expand service, provided that they comply with applicable OHA Phase II guidance.

(6) Recreational sports, which may return to play provided they comply with applicable OHA Phase II guidance.

(7) Such other sectors as the Governor may identify as eligible for reopening or expanded operations during Phase II.

c. Limited Return to Work. Notwithstanding paragraph 5, above, workplaces may begin a limited return to office work, although remote working remains recommended to the extent practicable. Workplaces that have employees returning to work must designate, or continue to designate, an employee or officer to establish, implement, and enforce physical distancing policies, consistent with any applicable OHA guidance. Such policies also must address how the business or non-profit will maintain physical distancing protocols for business-critical visitors.

d. Travel. Notwithstanding paragraph 7(b), above, individuals may travel in order to participate in all social, civic, economic, recreational and other activities authorized for counties who are in Phase II.

21. Guidance. Subject to approval by the Governor, OHA (or another agency, when directed by the Governor) shall issue phased reopening guidance. That guidance may ease and modify certain baseline requirements; set forth requirements for Phase I, Phase II, or Phase III; and provide other general and sector-specific guidance. That guidance may be amended from time to time. Guidance will be posted at the following web address: <https://govstatus.egov.com/OR-OHA-COVID-19>.

22. Subsequent Transitions. It is my expectation that neither the state nor any county may transition from Phase II to Phase III unless and until widely available and effective therapeutics or a vaccine become available, or other significant changes in the threat from the pandemic emerge, as determined by the Governor. However, I intend to continue to monitor progress in Phase II, and to periodically review whether additional adjustments can be made to Phase II directives and guidance.

23. Conditions for Re-imposing Restrictions. Reopening Oregon carries with it a risk of COVID-19 resurgence that may require increased restrictions, even after the state or individual counties transition to Phase I or Phase II. Subject to approval by the Governor, OHA shall specify conditions that could trigger re-imposition of increased restrictions. Those conditions may include but are not limited to:

- a. Inability to meet contact tracing requirements;
- b. Evidence of increasing prevalence of COVID-19 cases; or
- c. Evidence of increasing burden of severe COVID-19 cases.

If any of the potentially triggering conditions are met, OHA will call an immediate meeting with local public health officials, for further discussion and evaluation. OHA will then make recommendations to the Governor, who has the authority to decide what action is necessary, as well as the authority to take that action at any time.

24. Modifications to Phase I or Phase II. If directed to do so by the Governor, OHA or other agencies, as appropriate, shall modify or provide additional detail regarding any of the requirements set forth in paragraphs 11 through 23 of this Executive Order, as necessary, and subject to approval by the Governor. Any such modifications and additional guidance will be made available to the public at <https://govstatus.egov.com/OR-OHA-COVID-19>.

General Provisions

25. Legal Effect. This Executive Order is issued under the authority conferred to the Governor by ORS 401.165 to 401.236. Pursuant to ORS 401.192(1), the directives set forth in this Executive Order shall have the full force and effect of law, and any existing laws, ordinances, rules and orders shall be inoperative to the extent they are inconsistent with this exercise of the Governor's emergency powers.

26. Enforcement. The directives in this Executive Order and any guidance issued by OHA or other state agencies to implement this Executive Order are effective statewide, unless otherwise specified. This Executive Order and any guidance issued by OHA to implement this Executive Order are public health laws, as defined in ORS 431A.005, and may be enforced as permitted under ORS 431A.010. In addition to any other penalty that may be imposed under applicable laws, any person, business, or entity found to be in violation of this Executive Order or any guidance issued by OHA or other state agencies to implement this Executive Order is subject to the penalties described in ORS 401.990.

27. Severability. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Executive Order is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this Order.

28. Discretion; No Right of Action. Any decision made by the Governor pursuant to this Executive Order is made at her sole discretion. This Executive Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of Oregon, its agencies, departments, or any officers, employees, or agents thereof.

29. Effective Date. The provisions of this Executive Order are effective immediately, unless otherwise specified, and remain in effect until terminated by the Governor.

Done at Salem, Oregon, this 5th day of June, 2020.

Kate Brown
GOVERNOR

ATTEST:

Bev Clarno
SECRETARY OF STATE

ORS 433.441¹

Proclamation of public health emergency

(1) Upon the occurrence of a public health emergency, the Governor may declare a state of public health emergency as authorized by ORS [433.441 \(Proclamation of public health emergency\)](#) to [433.452 \(Detaining persons exposed to reportable condition or condition that is basis for state of public health emergency\)](#) to protect the public health.

(2) A proclamation of a state of public health emergency must specify:

- (a)** The nature of the public health emergency;
- (b)** The political subdivision or geographic area subject to the proclamation;
- (c)** The conditions that have brought about the public health emergency; **and**
- (d)** The duration of the state of public health emergency, if the duration is less than 14 days.

(3) During a public health emergency, the Governor may:

- (a)** Close, order the evacuation of or the decontamination of any facility the Governor has reasonable cause to believe may endanger the public health.
- (b)** Regulate or restrict by any means necessary the use, sale or distribution of food, fuel, medical supplies, medicines or other goods and services.
- (c)** Prescribe modes of transportation, routes and destinations required for the evacuation of individuals or the provision of emergency services.
- (d)** Control or limit entry into, exit from, movement within and the occupancy of premises in any public area subject to or threatened by a public health emergency if such actions are reasonable and necessary to respond to the public health emergency.

(e) Authorize pharmacists licensed under ORS chapter 689 to administer vaccines to persons who are three years of age or older.

(f) Take any other action that may be necessary for the management of resources, or to protect the public during a public health emergency, including any actions authorized under ORS [401.168 \(Governor's powers during state of emergency\)](#), [401.185 \(Providing temporary housing during emergency\)](#), [401.188 \(Management of resources during emergency\)](#) and [401.192 \(Effect of rules and orders during emergency\)](#).

(4) Nothing in ORS [433.441 \(Proclamation of public health emergency\)](#) to [433.452 \(Detaining persons exposed to reportable condition or condition that is basis for state of public health emergency\)](#) limits the authority of the Governor to declare a state of emergency under ORS [401.165 \(Declaration of state of emergency\)](#). If a state of emergency is declared as authorized under ORS [401.165 \(Declaration of state of emergency\)](#), the Governor may implement any action authorized by ORS [433.441 \(Proclamation of public health emergency\)](#) to [433.452 \(Detaining persons exposed to reportable condition or condition that is basis for state of public health emergency\)](#).

(5) A proclamation of a state of public health emergency expires when terminated by a declaration of the Governor or no more than 14 days after the date the public health emergency is proclaimed unless the Governor expressly extends the proclamation for an additional 14-day period.

(6) When real or personal property is taken under power granted by this section, the owner of the property shall be entitled to reasonable compensation from the state.

ORS 183.335¹

Notice

(1) Prior to the adoption, amendment or repeal of any rule, the agency shall give notice of its intended action:

(a) In the manner established by rule adopted by the agency under ORS [183.341 \(Model rules of procedure\)](#) (4), which provides a reasonable opportunity for interested persons to be notified of the agency's proposed action;

(b) In the bulletin referred to in ORS [183.360 \(Publication of rules and orders\)](#) at least 21 days prior to the effective date;

(c) At least 28 days before the effective date, to persons who have requested notice pursuant to subsection (8) of this section; **and**

(d) Delivered only by electronic mail, at least 49 days before the effective date, to the persons specified in subsection (15) of this section.

(2)(a) The notice required by subsection (1) of this section must include:

(A) A caption of not more than 15 words that reasonably identifies the subject matter of the agency's intended action. The agency shall include the caption on each separate notice, statement, certificate or other similar document related to the intended action.

(B) An objective, simple and understandable statement summarizing the subject matter and purpose of the intended action in sufficient detail to inform a person that the person's interests may be affected, and the time, place and manner in which interested persons may present their views on the intended action.

(b) The agency shall include with the notice of intended action given under subsection (1) of this section:

(A) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(B) A citation of the statute or other law the rule is intended to implement;

(C) A statement of the need for the rule and a statement of how the rule is intended to meet the need;

(D) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection. The list may be abbreviated if necessary, and if so abbreviated there shall be identified the location of a complete list;

(E) A statement of fiscal impact identifying state agencies, units of local government and the public that may be economically affected by the adoption, amendment or repeal of the rule and an estimate of that economic impact on state agencies, units of local government and the public. In considering the economic effect of the proposed action on the public, the agency shall utilize available information to project any significant economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected. For an agency specified in ORS [183.530 \(Housing cost impact statement required for certain proposed rules\)](#), the statement of fiscal impact shall also include a housing cost impact statement as described in ORS [183.534 \(Housing cost impact statement described\)](#);

(F) If an advisory committee is not appointed under the provisions of ORS [183.333 \(Policy statement\)](#), an explanation as to why no advisory committee was used to assist the agency in drafting the rule; **and**

(G)A request for public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

(c)The Secretary of State may omit the information submitted under paragraph (b) of this subsection from publication in the bulletin referred to in ORS [183.360 \(Publication of rules and orders\)](#).

(d)When providing notice of an intended action under subsection (1)(c) of this section, the agency shall provide a copy of the rule that the agency proposes to adopt, amend or repeal, or an explanation of how the person may acquire a copy of the rule. The copy of an amended rule shall show all changes to the rule by striking through material to be deleted and underlining all new material, or by any other method that clearly shows all new and deleted material.

(3)(a) When an agency proposes to adopt, amend or repeal a rule, it shall give interested persons reasonable opportunity to submit data or views. Opportunity for oral hearing shall be granted upon request received from 10 persons or from an association having not less than 10 members before the earliest date that the rule could become effective after the giving of notice pursuant to subsection (1) of this section. An agency holding a hearing upon a request made under this subsection shall give notice of the hearing at least 21 days before the hearing to the person who has requested the hearing, to persons who have requested notice pursuant to subsection (8) of this section and to the persons specified in subsection (15) of this section. The agency shall publish notice of the hearing in the bulletin referred to in ORS [183.360 \(Publication of rules and orders\)](#) at least 14 days before the hearing. The agency shall consider fully any written or oral submission.

(b)If an agency is required to conduct an oral hearing under paragraph (a) of this subsection, and the rule for which the hearing is to be conducted applies only to a limited geographical area within this state, or affects only a limited geographical area within this state, the hearing shall be conducted within the geographical area

at the place most convenient for the majority of the residents within the geographical area. At least 14 days before a hearing conducted under this paragraph, the agency shall publish notice of the hearing in the bulletin referred to in ORS [183.360 \(Publication of rules and orders\)](#) and in a newspaper of general circulation published within the geographical area that is affected by the rule or to which the rule applies. If a newspaper of general circulation is not published within the geographical area that is affected by the rule or to which the rule applies, the publication shall be made in the newspaper of general circulation published closest to the geographical area.

(c)Notwithstanding paragraph (a) of this subsection, the Department of Corrections and the State Board of Parole and Post-Prison Supervision may adopt rules limiting participation by adults in custody in the proposed adoption, amendment or repeal of any rule to written submissions.

(d)If requested by at least five persons before the earliest date that the rule could become effective after the agency gives notice pursuant to subsection (1) of this section, the agency shall provide a statement that identifies the objective of the rule and a statement of how the agency will subsequently determine whether the rule is in fact accomplishing that objective.

(e)An agency that receives data or views concerning proposed rules from interested persons shall maintain a record of the data or views submitted. The record shall contain:

(A)All written materials submitted to an agency in response to a notice of intent to adopt, amend or repeal a rule.

(B)A recording or summary of oral submissions received at hearings held for the purpose of receiving those submissions.

(C) Any public comment received in response to the request made under subsection (2)(b)(G) of this section and the agency's response to that comment.

(D) Any statements provided by the agency under paragraph (d) of this subsection.

(4) Upon request of an interested person received before the earliest date that the rule could become effective after the giving of notice pursuant to subsection (1) of this section, the agency shall postpone the date of its intended action no less than 21 nor more than 90 days in order to allow the requesting person an opportunity to submit data, views or arguments concerning the proposed action. Nothing in this subsection shall preclude an agency from adopting a temporary rule pursuant to subsection (5) of this section.

(5) Notwithstanding subsections (1) to (4) of this section, an agency may adopt, amend or suspend a rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, if the agency prepares:

(a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;

(b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;

(c) A statement of the need for the rule and a statement of how the rule is intended to meet the need;

(d) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection; **and**

(e)For an agency specified in ORS [183.530 \(Housing cost impact statement required for certain proposed rules\)](#), a housing cost impact statement as defined in ORS [183.534 \(Housing cost impact statement described\)](#).

(6)(a) A rule adopted, amended or suspended under subsection (5) of this section is temporary and may be effective for a period of not longer than 180 days. The adoption of a rule under this subsection does not preclude the subsequent adoption of an identical rule under subsections (1) to (4) of this section.

(b)A rule temporarily suspended shall regain effectiveness upon expiration of the temporary period of suspension unless the rule is repealed under subsections (1) to (4) of this section.

(7)Notwithstanding subsections (1) to (4) of this section, an agency may amend a rule without prior notice or hearing if the amendment is solely for the purpose of:

(a)Changing the name of an agency by reason of a name change prescribed by law;

(b)Changing the name of a program, office or division within an agency as long as the change in name does not have a substantive effect on the functions of the program, office or division;

(c)Correcting spelling;

(d)Correcting grammatical mistakes in a manner that does not alter the scope, application or meaning of the rule;

(e)Correcting statutory or rule references; **or**

(f)Correcting addresses or telephone numbers referred to in the rules.

(8)(a) Any person may request in writing that an agency send to the person copies of the agency's notices of intended action issued under subsection (1) of this section. The person must provide an address where the person elects to receive notices. The

address provided may be a postal mailing address or, if the agency provides notice by electronic mail, may be an electronic mailing address.

(b)A request under this subsection must indicate that the person requests one of the following:

(A)The person may request that the agency mail paper copies of the proposed rule and other information required by subsection (2) of this section to the postal mailing address.

(B)If the agency posts notices of intended action on a website, the person may request that the agency mail the information required by subsection (2)(a) of this section to the postal mailing address with a reference to the website where electronic copies of the proposed rule and other information required by subsection (2) of this section are posted.

(C)The person may request that the agency electronically mail the information required by subsection (2)(a) of this section to the electronic mailing address, and either provide electronic copies of the proposed rule and other information required by subsection (2) of this section or provide a reference to a website where electronic copies of the proposed rule and other information required by subsection (2) of this section are posted.

(c)Upon receipt of any request under this subsection, the agency shall acknowledge the request, establish a mailing list and maintain a record of all mailings made pursuant to the request. Agencies may establish procedures for establishing the mailing lists and keeping the mailing lists current. Agencies by rule may establish fees necessary to defray the costs of mailings and maintenance of the lists.

(d)Members of the Legislative Assembly who receive notices under subsection (15) of this section may request that an agency furnish paper copies of the notices.

(9) This section does not apply to rules establishing an effective date for a previously effective rule or establishing a period during which a provision of a previously effective rule will apply.

(10) This section does not apply to ORS [279.835 \(Definitions for ORS 279.835 to 279.855\)](#) to [279.855 \(Entities that may obtain goods and services through Oregon Department of Administrative Services\)](#), [279A.140 \(State procurement of goods and services\)](#) to [279A.161 \(Review and verification of advice and recommendations concerning procurements\)](#), [279A.250 \(Definitions for ORS 279A.250 to 279A.290\)](#) to [279A.290 \(Miscellaneous receipts accounts\)](#), [279A.990 \(Penalties\)](#), [279B.050 \(Methods of source selection\)](#) to [279B.085 \(Special procurements\)](#), [279B.200 \(Definitions for ORS 279B.200 to 279B.240\)](#) to [279B.240 \(Exclusion of recycled oils prohibited\)](#), [279B.270 \(State contracting agencies to use recovered resources and recycled materials\)](#), [279B.275 \(Purchase of goods containing recycled polyethylene material\)](#), [279B.280 \(Use of recycled products when economically feasible\)](#), [279C.360 \(Requirement for public improvement advertisements\)](#), [279C.365 \(Requirements for solicitation documents and bids and proposals\)](#), [279C.370 \(First-tier subcontractor disclosure\)](#), [279C.375 \(Award and execution of contract\)](#), [279C.380 \(Performance bond\)](#), [279C.385 \(Return or retention of bid security\)](#), [279C.500 \("Person" defined\)](#) to [279C.530 \(Condition concerning payment for medical care and providing workers' compensation\)](#), [279C.540 \(Maximum hours of labor on public contracts\)](#), [279C.545 \(Time limitation on claim for overtime\)](#), [279C.550 \("Retainage" defined\)](#) to [279C.570 \(Prompt payment policy\)](#), [279C.580 \(Contractor's relations with subcontractors\)](#), [279C.585 \(Authority to substitute undisclosed first-tier subcontractor\)](#), [279C.590 \(Complaint process for substitutions of subcontractors\)](#), [279C.600 \(Right of action on payment bond or public works bond of contractor or subcontractor\)](#) to [279C.625 \(Joint liability when payment](#)

bond not executed), 279C.650 (“Labor dispute” defined) to 279C.670 (Application of ORS 279C.650 to 279C.670) and 279C.800 (Definitions for ORS 279C.800 to 279C.870) to 279C.870 (Civil action to enforce payment of prevailing rates of wage) relating to public contracts and purchasing.

(11)(a) Except as provided in paragraph (c) of this subsection, a rule is not valid unless adopted in substantial compliance with the provisions of this section in effect on the date that the notice required under subsection (1) of this section is delivered to the Secretary of State for the purpose of publication in the bulletin referred to in ORS 183.360 (Publication of rules and orders).

(b) In addition to all other requirements with which rule adoptions must comply, a rule other than a rule amended for a purpose described in subsection (7) of this section is not valid if the rule has not been submitted to the Legislative Counsel in the manner required by ORS 183.355 (Filing and taking effect of rules) and 183.715 (Submission of adopted rule to Legislative Counsel required).

(c) A rule is not subject to judicial review or other challenge by reason of failing to comply with subsection (2)(a)(A) of this section.

(12)(a) Notwithstanding the provisions of subsection (11) of this section, but subject to paragraph (b) of this subsection, an agency may correct its failure to substantially comply with the requirements of subsections (2) and (5) of this section in adoption of a rule by an amended filing, as long as the noncompliance did not substantially prejudice the interests of persons to be affected by the rule.

(b) An agency may use an amended filing to correct a failure to include a fiscal impact statement in a notice of intended action, as required by subsection (2)(b)(E) of this section, or to correct an inaccurate fiscal impact statement, only if the agency developed the fiscal impact statement with the assistance of an advisory

committee or fiscal impact advisory committee appointed under
ORS [183.333 \(Policy statement\)](#).

(13) Unless otherwise provided by statute, the adoption, amendment or repeal of a rule by an agency need not be based upon or supported by an evidentiary record.

(14) When an agency has established a deadline for comment on a proposed rule under the provisions of subsection (3)(a) of this section, the agency may not extend that deadline for another agency or person unless the extension applies equally to all interested agencies and persons. An agency shall not consider any submission made by another agency after the final deadline has passed.

(15) The notices required under subsections (1) and (3) of this section must be given by the agency to the following persons:

(a) If the proposed adoption, amendment or repeal results from legislation that was passed within two years before notice is given under subsection (1) of this section, notice shall be given to the legislator who introduced the bill that subsequently was enacted into law, and to the chair or cochair of all committees that reported the bill out, except for those committees whose sole action on the bill was referral to another committee.

(b) If the proposed adoption, amendment or repeal does not result from legislation that was passed within two years before notice is given under subsection (1) of this section, notice shall be given to the chair or cochair of any interim or session committee with authority over the subject matter of the rule.

(c) If notice cannot be given under paragraph (a) or (b) of this subsection, notice shall be given to the Speaker of the House of Representatives and to the President of the Senate who are in office on the date the notice is given.

(16)(a) Upon the request of a member of the Legislative Assembly or of a person who would be affected by a proposed adoption, amendment or repeal, the committees

receiving notice under subsection (15) of this section shall review the proposed adoption, amendment or repeal for compliance with the legislation from which the proposed adoption, amendment or repeal results.

(b)The committees shall submit their comments on the proposed adoption, amendment or repeal to the agency proposing the adoption, amendment or repeal. [1971 c.734 §3; 1973 c.612 §1; 1975 c.136 §11; 1975 c.759 §4; 1977 c.161 §1; 1977 c.344 §6; 1977 c.394 §1a; 1977 c.798 §2; 1979 c.593 §11; 1981 c.755 §2; 1987 c.861 §2; 1993 c.729 §3; 1995 c.652 §5; 1997 c.602 §3; 1999 c.123 §1; 1999 c.334 §1; 2001 c.220 §1; 2001 c.563 §1; 2003 c.749 §5; 2003 c.794 §206; 2005 c.17 §1; 2005 c.18 §1; 2005 c.382 §1; 2005 c.807 §5; 2007 c.115 §1; 2007 c.768 §58; 2011 c.380 §2; 2017 c.518 §2; 2019 c.213 §126]

¹ Legislative Counsel Committee, *CHAPTER 183—Administrative Procedures Act; Review of Rules; Civil Penalties*, https://www.oregonlegislature.gov/bills_laws/ors/ors183.html (2019) (last accessed May 16, 2020).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2019, Chapter 183*, https://www.oregonlegislature.gov/bills_laws/ors/ano183.html (2019) (last accessed May 16, 2020).

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent. [Currency Information](#)



Verified Correct Copy of Original 5/18/20

CIRCUIT COURT OF OREGON
Eighth Judicial District

Baker County Courthouse
1995 3rd Street, Suite 220
Baker City, OR 97814
(541) 523-6303

Matthew B. Shurtcliff, Circuit Judge
Elaine A. Calloway, Trial Court Administrator
FAX (541) 523-9738

May 18, 2020

Ray Hacke
Pacific Justice Institute
1850 45th Ave. NE, Suite 33
Salem, OR 97305

Marc Abrams and Christina Beatty-Walters
Oregon Department of Justice
100 SW Market Street
Portland, OR 97201

Kevin Mannix
2009 State St.
Salem, OR 97301

Re: Opinion on Temporary Injunctive Relief
Elkhorn Baptist Church, et al v. Katherine Brown Governor of the State of Oregon
Case # 20CV17482

Dear Mr. Hacke, Mr. Abrams, Ms. Beatty-Walters, and Mr. Mannix:

This matter came before the court on May 14, 2020, on Plaintiffs' Motion for Temporary Injunctive Relief Pursuant to ORCP 79 and Defendant's Motion to Dismiss. The Plaintiffs were represented by Ray Hacke. The Defendant, Governor Brown, was represented by Marc Abrams and Christina Beatty-Walters. Kevin Mannix also appeared after filing for intervenor status pursuant to ORCP 33 on behalf of additional plaintiffs. Intervenor status was granted after Mr. Abrams, on behalf of the Governor, did not object to the intervenor status of the additional plaintiffs.

On March 8, 2020, in response to the Covid-19 pandemic, Governor Brown declared a state of emergency pursuant to ORS 401.165. She implemented Executive Order 20-03. Governor Brown implemented Executive Orders 20-03 through 20-25 between March 8 and May 14, 2020.

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STATE OF OREGON
CIRCUIT COURT
MAY 18 AM 11:34
2020
CLERK
BY _____

The Governor has multiple “tools” (as described by counsel for the governor) at her disposal in implementing emergency orders for the State of Oregon. These include ORS 401.165 Declaration of State of Emergency, ORS 433.441 (which include ORS 433.441 through 433.452) Proclamation of Public Health Emergency, and Article X-A of the Oregon Constitution dealing with Catastrophic Disasters.

Governor Brown chose to declare a state of emergency pursuant to ORS 401.165. On March 8, 2020, Governor Brown also utilized provisions of ORS 433.441 in her original executive order (see Executive Order 20-03 sec 1. and 3.) and later orders.

Each of these provisions of Oregon law grant the Governor certain powers and limitations during times of emergencies.

ORS 401.165

This statute allows the Governor to declare a state of emergency within geographical regions of the state or throughout the whole state. It also gives her complete authority over all executive agencies of state government and full constitutional police powers. It authorizes her to direct agencies in the state government through this provision. Other aspects of the statute provide the Governor with control over emergency operations, the power to close roads and highways, and otherwise manage emergency response. This statute has no expiration clause other than upon declaration of the Governor or legislative assembly. The limitations are only in the statutory scope of authority given to the Governor. This statute was passed into law in 1949.

ORS 433.441 to 433.452

This statutory provision allows the Governor to declare a state of public health emergency. Although there are multiple definitions that can trigger a public health emergency, one that the coronavirus clearly meets is contained in ORS 433.442 (4)(a)(B) – (4) “an occurrence or imminent threat of an illness or health condition that: (a) Is believed to be caused by any of the following: (B) the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin that may be highly contagious.” This statute carries additional powers than given in ORS 401.165, including those contained in ORS 433.441 (3)(d) granting the Governor the power to “Control or limit entry into, exit from, movement within and the occupancy of premises in any public area subject to or threatened by a public health emergency and necessary to respond to the public health emergency.” These provisions give the Public Health Director specific powers when authorized by the Governor. ORS 433.452 allows the Public Health Director or Local Public Health Administrator to detain an individual when the director or administrator reasonably believes a person within their jurisdiction may have been exposed to a communicable disease identified by rule of the Oregon Health Authority to be a reportable disease or condition that is the basis for the public health emergency.

This statute provides these additional powers to the Governor in a specific public health emergency. It also states in section (4) that:

“Nothing in ORS 433.441 to 433.452 limits the authority of the Governor to declare a state of emergency under ORS 401.165. If a state of emergency is declared as authorized under 401.165, the Governor may implement any action authorized by ORS 433.441 to 433.452.”

The limitations to ORS 433.441 are given in Section (5) of this provision which states:

“A proclamation of state of public health emergency expires when terminated by a declaration of the Governor of no more than 14 days after the date the public health emergency is proclaimed unless the Governor expressly extends the proclamation for an additional 14-day period.”

ARTICLE X-A OF THE OREGON CONSTITUTION

This provision of the Oregon Constitution was added in 2012 after the voters of Oregon passed it through a ballot measure. It gives the Governor discretion to invoke the provisions of this Article if the Governor finds and declares that a catastrophic disaster has occurred. One of the definitions of a catastrophic disaster is a Public Health Emergency. It also defines a catastrophic disaster (including a public health emergency) as a natural or human-caused event that: (a) results in extraordinary levels of death, injury, property damage or disruption of daily life in this state; and (b) severely affects the population, infrastructure, environment, economy or government functioning in the state.

Clearly the coronavirus pandemic fits this definition. This provision of our Constitution gives the Governor the option and the authority to convene the legislature and allows for certain procedural voting changes in light of the catastrophic event. These include sections allowing the legislature to convene in a place other than the capitol, voting procedures for two thirds of those legislators who constitute a quorum, and allowing attendance through electronic means. Section six of Article X-A limits the time frame allowed for the Governor to exercise extraordinary powers in the case of a catastrophic disaster. Section six provided that the actions taken by the governor once invoked, shall cease to be operative not later than 30 days following the date the Governor invoked the provisions of sections 1 to 5 of the article, or on a date recommended by the Governor and determined by the legislative assembly. This constitutional provision does allow an extension when the legislative assembly extends the Governor's extraordinary powers beyond the 30-day limit upon approval of three-fifths of the members of each house who are able to attend a session described in the Article.

STATUTORY AND CONSTITUTIONAL PROVISIONS

These two statutory provisions and Article X-A of the Oregon Constitution carry with them certain powers for the Governor and certain restrictions. The general provisions of ORS

401.165 have allowed Governors since 1949 to direct state resources in times of emergencies. This is the most expansive statute of the three laws and has the least restrictions, especially as to the time limitation of the emergency declaration. However, the statute does not grant the Governor power directly over the movement of citizens and gatherings. ORS 433.441 and its various provisions gives the Governor additional and more specific powers to control or limit entry into, exit from, movement within and the occupancy of premises in any public area subject to or threatened by a public emergency in specific times of public health emergencies. See ORS 433.441(3)(d). This statute gives the Governor power over the movement and gathering of citizens. Reference to provisions of ORS 433.441 through 433.452 and more specifically ORS 433.441(3)(d) are found throughout the Governor's various executive orders. ORS 433.441(3)(d) is specifically cited in areas where the Governor has ordered that business and retail establishments are prohibited from operating. See Executive Order No. 20-12 p. 4 sec. 2 Closure of Certain Business and p. 3 sec. 1 Stay Home and Save Lives regulating non-essential social and recreational gatherings, which would include churches. Additionally, ORS 433.452 gives the Public Health Director or the Local Public Health Administrator the power to detain individuals that the director or administrator reasonably believes may have been exposed to the virus.

When granting this additional power over the movement and gatherings of citizens, the legislature saw fit to add additional time restrictions. Those time restrictions contained in section (5) of that provision only allow the Governor to extend the emergency declaration for 14 additional days from the original 14-day period. This provision makes the maximum time restriction to be 28 days by operation of law. The Governor in her original executive order 20-3 set her executive order to 60 days. This is well beyond the maximum 28-days allowed by ORS 433.441. This court finds that when the Governor utilized the provisions of ORS 433.441 in her executive order, she triggered all the provisions of ORS 433.441 including the time restrictions in ORS 433.441(5). By doing so, the executive order became null and void beyond the maximum 28-day time period allowed by the statute. Moreover, by not complying with ORS 433.441(5) timelines, the Governor's subsequent Executive Orders 20-05 through 20-25 are also null and void. (see Executive Order 20-12 extended until terminated by the Governor; Executive Order 20-24 extended for an additional 60-days; Executive Order 20-25 extended until terminated by the Governor as examples of extensions beyond 28 days).

The statutes are to be read to work together with the more specific statute governing. "Where there is a conflict between two statutes, both of which would otherwise have full force and effect, and the provisions of one are particular, special and specific in their directions, and the other are general in their terms, the specific provisions must prevail over the general provisions." *Colby v. Larson*, 208 Or 121 (1956). ORS 401.165 and ORS 433.441 are in conflict over the length of time the Governor's orders last. ORS 433.441, enacted in 2007, is the more specific statute and relates directly to public health emergencies. It is the more specific statute pertaining to the restriction of citizens in the Governor's executive orders and also carries restrictions in time that the legislature saw fit to impose. Once the Governor began utilizing the specific provisions of ORS 433.441(3)(d) in Executive Order 20-12, the rights of citizens to assemble and operate their business became significantly curtailed, thereby ensuring the need

for further justification and the statutory limitations in time which create a check on this additional power of the Governor. Although ORS 433.441(4) indicates that nothing in ORS 433.441 to 433.452 limits the authority of the Governor to declare a state of emergency under ORS 401.165, it also does not suspend the time limitations of section (5).

This court finds that the Governor was not required to invoke the provisions of Article X-A of the Oregon Constitution. Article X-A clearly states that the Governor has discretion to implement the constitutional provisions because the Governor "may invoke the provisions of this article." See Article X-A, Section 1(3). However, because the Governor implemented statutory provisions, she is bound by them. Thus, once the maximum 28-day time provisions of ORS 433.441(5) expired, the Governor's Executive Order and all other orders were rendered null and void.

STANDARD OF REVIEW FOR PRELIMINARY INJUNCTION

In order to obtain a preliminary injunction, the plaintiffs must demonstrate that (1) they are likely to succeed on the merits, (2) that they are likely to suffer irreparable harm in the absence of a preliminary injunction, (3) that the balance of equities tips in their favor, and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def Council, Inc.* 555 U.S. 7, 20 (2008).

SUCCESS ON THE MERITS

The Plaintiffs have demonstrated that the Governor was beyond her statutory authority in ORS 433.441 when she exceeded the ORS 433.441(5) timelines required pursuant to a public health proclamation. This court finds that once the provisions of ORS 433.441 were triggered, especially including the provisions of section (3)(d) relating to the Governor's powers to restrict the movement of citizens, the time limitations of section (5) are required. Based on these provisions this court finds the Plaintiffs' likelihood of success on the merits is high.

IRREPARABLE HARM

The United States Supreme Court has recognized that "the loss of freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347 (1976). Plaintiffs have alleged that without the preliminary injunction, their freedom of religion will be infringed because they will be prevented from gathering for worship at their churches, including this next Sunday and thereafter. Moreover, many intervenor plaintiffs have provided affidavits indicating that with the current restrictions in the Governor's orders they are unable to maintain their businesses and provide for their families. This court finds that the Plaintiffs have made a sufficient showing of irreparable harm.

BALANCE OF EQUITIES TIPS IN THEIR FAVOR

Plaintiffs have shown that they will be harmed by a deprivation of the constitutional right to freely exercise their religion. Other Plaintiffs have also shown great economic harm to their

businesses and their ability to seek a livelihood. Indeed, criminal penalties can be imposed if they violate current restrictions that are in place. This court understands that the current pandemic creates an unprecedented crisis in our state as well as in this country. The Governor has an enormous responsibility to protect the lives of the citizens of our state balanced against the citizens' constitutional rights to freedom of religion which includes how he or she chooses to worship. The Governor's orders are not required for public safety when Plaintiffs can continue to utilize social distancing and safety protocols at larger gatherings involving spiritual worship, just as grocery stores and businesses deemed essential by the Governor have been authorized to do. This court finds that based on these factors the balance of equities tips in favor of Plaintiffs.

INJUNCTION IS IN THE PUBLIC INTEREST

The public interest is furthered by allowing people to fully exercise their right to worship and conduct their business. Additionally, the utilization of social distancing protocols without additional restrictions is in the public interest to restore individual liberties and the ability to restore economic viability in our communities.

Based on this opinion, Plaintiffs' Motion for Preliminary Injunctive Relief is granted. Defendant's Motion to Dismiss is denied. The court is not awarding attorney fees.

The court has prepared the order in conformance with this opinion.

Truly yours,



Matthew B. Shurtleff
Circuit Judge

STATE OF OREGON)
) ss
County of Baker)

CERTIFICATE OF MAILING

I, Amy Swiger, Judicial Assistant, for the Eighth Judicial District, Oregon, hereby certify that the foregoing was emailed to the parties herein below named:

Case No. 20CV17482

Opinion

Ray Hacke, attorney for plaintiffs
Kevin Mannix, attorney for intervenor-plaintiffs
Marc Abrams, Assistant Attorney General
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tina.beattywalters@doj.state.or.us

Dated at Baker City, Oregon this 18th day of May, 2020.



Judicial Assistant



I hereby certify that the foregoing is a true and correct copy of the original in its entirety.

Dated this 18th day of May, 2020.

Judicial Assistant

LEGAL NOTICE

To the Person Currently in Charge of this Establishment

There is no statutory law that requires you, your employees, or your customers to wear a mask, get their temperature taken or stay six feet apart.

There is no law that requires you to serve your customers outside or reduce the number of people in your business establishment.

In fact, if you require your customers to wear a mask or restrict their movement or entry if they are not wearing a mask, **you are at risk for violating several federal and state laws.**

Any violation of the following laws WILL BE REPORTED to the appropriate authorities. As the person responsible for this establishment, **YOU PERSONALLY** will be at risk for fines and imprisonment upon conviction of these crimes:

U.S. FEDERAL LAWS

1. U.S. Constitution, 1st Amendment, Right to Assemble, Right to Freedom of Speech, Right to Religious Expression

Requiring someone to wear a mask as a condition to assemble in your place of public accommodation is an infringement of the right protected under the U.S. Constitution, the highest law of the land. No law is valid or lawful that violates the Constitution. No health order, emergency order, state of emergency, municipal ordinance, or store policy may suspend or violate the Constitution, period.

2. U.S. Constitution, 4th Amendment, Right to Privacy

Forcing a person to wear a mask without their consent is a violation of the 4th Amendment. Further, gathering vital statistics such as taking one's temperature is a violation of a person's right to privacy. Violation of this protection will result in your actions being reported to the U.S. Department of Justice, which is required by law to investigate Civil Rights Violations. No law is valid or lawful that violates the Constitution. No health order, emergency order, state of emergency, municipal ordinance, or store policy may suspend or violate the Constitution, period.

3. U.S. Title 52, Civil Rights Act of 1964: Unlawful to Discriminate in place of Public Accommodations

Your business establishment is legally defined as a place of "public accommodation" and as such you may not prohibit entry by discriminating against someone for their medical condition, disability, or religious views. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone based on their skin color, you may not deny entry to someone based on their bare face.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the "full enjoyment and equal access to facilities, services and accommodations," as REQUIRED BY LAW.

4. U.S. Title 42, Section 12101: Unlawful to Deny Entry to Persons with Disability or perceived medical condition (ADA)

Your business establishment is legally defined as a place of "public accommodation" and as such you may not prohibit entry by discriminating against someone for their medical condition or disability. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone in a wheelchair, you may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the "full enjoyment and equal access to facilities, services and accommodations," as REQUIRED BY LAW.

5. U.S. Americans with Disabilities Act: Unlawful to Deny Entry to Persons with Disability or perceived medical condition

Your business establishment is legally defined as a place of “public accommodation” and as such you may not prohibit entry by discriminating against someone for their medical condition or disability. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone in a wheelchair, you may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as REQUIRED BY LAW.



OREGON STATE LAWS

1. Oregon Constitution, Article 1, Section 1

Natural rights inherent in people. We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.

Therefore, attempting to deny a customer from acquiring property by shopping at your business or to deny their access to services that they have the right to enjoy is unlawful and a violation of Constitutional liberties.

2. Oregon Constitution, Article 1, Section 8

Freedom of speech and press. No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.

Every person may freely speak. A law may not restrain or abridge livery of speech. (Muzzling one's face with a muzzle does not allow for one to freely speak, and it abridges freedom of speech.) Therefore, denying entry due to a person not wearing a mask is a violation of the Oregon Constitution,

3. Oregon Constitution, Article 1, Section 2 & 3

Freedom of worship. All men shall be secure in the Natural right, to worship Almighty God according to the dictates of their own consciences.

Freedom of religious opinion. No law shall in any case whatever control the free exercise, and enjoyment of religious [sic] opinions, or interfere with the rights of conscience

Free exercise and enjoyment of religious expression without discrimination. If covering one's face intrudes on the religious expression of an individual, that right to religious expression may not be denied.

4. 2020 Oregon Revised Statutes 677.080 & 677.090 (2): Practicing medicine without a license

Any person who practices medicine without being licensed under this chapter as prohibited in ORS [677.080 \(Prohibited acts\)](#) (4) commits a Class C felony. Class C felonies are punishable by a maximum of five years in prison, \$125,000, or both.

Requiring someone to wear a mask is a medical intervention. Unless you are a licensed medical professional, you have no authority to recommend such a practice. Further, a surgical mask is designated by the FDA as a "medical device". You have no legal authority responsibility or liability to require that of either your customers or your employees.

No “emergency order” supersedes established law. Any “health order” related to mask-wearing is unlawful and unenforceable by law.

5. 2020 Oregon Revised Statutes 162.367 (1): Impersonating a peace officer

A person commits the crime of criminal impersonation of a peace officer if the person, with the intent to obtain a benefit or to injure or defraud another person, uses false law enforcement identification or wears a law enforcement uniform to give the impression that the person is a peace officer and does an act in that assumed character.

You are not a law enforcement officer and have no authority to enforce any law or order. Impersonating a law enforcement officer is a crime in this state under 2020 Oregon Revised Statutes 162.367 (2) and carries the penalty of up to five years in prison, \$125,000 fine, or both. You will be reported to authorities for this violation.

6. 2020 Oregon Revised Statutes 659A.403 (1): Free and Equal Access to Public Accommodations

Except as provided in subsection (2) of this section, all persons within the jurisdiction of this state are entitled to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, without any distinction, discrimination or restriction on account of race, color, religion, sex, sexual orientation, national origin, marital status or age if the individual is of age, as described in this section, or older.

Your business establishment is legally defined as a place of “public accommodation” and as such you may not prohibit entry by discriminating against someone for their medical condition, disability, or religious views. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. Just as you would not be able to deny entry to someone wearing a turban, you may not deny entry to someone not wearing a mask. Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as REQUIRED BY LAW.

A claim may be pursued through Department of Fair and Employment and Housing (DFEH) or a private lawsuit. If a business engages in a pattern or practice of discrimination, you can refer the

matter to the Attorney General or to your local district or city attorney may bring an action to enjoin any violation of Oregon's Statutes 659A.403

7. 2020 Oregon Revised Statutes 659A.103: Individuals with disabilities have the same rights as others

It is declared to be the public policy of Oregon to guarantee individuals the fullest possible participation in the social and economic life of the state, to engage in remunerative employment, to use and enjoy places of public accommodation, resort or amusement, to participate in and receive the benefits of the services, programs and activities of state government and to secure housing accommodations of their choice, without discrimination on the basis of disability.

Individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, including hospitals, clinics, and physicians' offices, public facilities, and other public places. Just as you would not be able to deny entry to someone in a wheelchair, you may not deny entry to someone not wearing a mask. Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the "full enjoyment and equal access to facilities, services and accommodations," as REQUIRED BY LAW.

A claim may be pursued through DFEH, or a private lawsuit. The ADA also handles these complaints - call (800) 514-0301

8. 2020 Oregon Revised Statutes 659A.142 (4): The disabled have full and equal access

It is an unlawful practice for any place of public accommodation, resort or amusement as defined in ORS [659A.400 \(Place of public accommodation defined\)](#), or any person acting on behalf of such place, to make any distinction, discrimination or restriction because a customer or patron is an individual with a disability.

Individuals with disabilities or medical conditions have the same right as the general public in attaining full and equal access to all public accommodations and their advantages, facilities and privileges to places of public accommodation, amusement or resort; and to other places to which the general public is invited, including public modes

of transportation private schools, hotels, **hospitals** and public buildings, such as courthouses, government buildings. Aggrieved persons may recover up to three times the actual damages or a minimum of \$1,000, injunctive relief and reasonable attorney's fees.

A claim may be pursued through DFEH, or a private lawsuit. The Attorney General, the Department of Rehabilitation, or the district city attorney may bring an action to enjoin any violation of ORS 659A.142 (4)

9. Oregon Bureau of Labor and Industries Code 839-005-0000 Prohibits a licensed business to deny service based on disability or religion

Any person who holds a license pursuant to the business and professions code is subject to disciplinary action of that person discriminates in, restricts the performance of, or refuses to perform the licensed activity because of a consumer's race, color, sex, religion, ancestry, disability, marital status or national origin.

10. 2020 Oregon Revised Statutes 163.264, Involuntary servitude in the first degree

Attempting to prevent someone's entry to this establishment or to restrict, detain or confine their movement without their consent constitutes INVOLUNTARY SERVITUDE, which is a Class B felony, with the penalty of up to 10 years in jail, a fine of up to \$250,000, or both. If you deny someone's entry to your place of public accommodation based on their medical condition or religious beliefs, you are at risk for charged with involuntary servitude.

11. 2020 Oregon Revised Statutes 166.025: Disorderly conduct in the second degree

(1)A person commits the crime of disorderly conduct in the second degree if, with intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof, the person:

(a)Engages in fighting or in violent, tumultuous, or threatening behavior;

(b)Makes unreasonable noise;

(c)Disturbs any lawful assembly of persons without lawful authority;

- (d)Obstructs vehicular or pedestrian traffic on a public way;
- (e)Initiates or circulates a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency; or
- (f)Creates a hazardous or physically offensive condition by any act which the person is not licensed or privileged to do.

Disorderly conduct in the second degree is a Class B misdemeanor and punishable by up to six months in jail, a fine up to \$2,500, or both.

14. 2020 Oregon Revised Statutes 166.165: Bias crime in the first degree

A bias crime in the first degree is a Class C felony and is punishable by up to 5 years in prison, a fine of up to \$125,000, or both. If you aggressively seek to harass or intimidate someone with the threat of violence, you could be in violation of ORS 166.165, bias crime. A person commits a bias crime in the first degree if the person:

- (a)Intentionally, knowingly, or recklessly causes physical injury to another person because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability, or national origin;
- (b)With criminal negligence causes physical injury to another person by means of a deadly weapon because of the person's perception of the other person's race, color, religion, gender identity, sexual orientation, disability, or national origin; or
- (c)Intentionally, because of the person's perception of another person's race, color, religion, gender identity, sexual orientation, disability, or national origin, places another person in fear of imminent serious physical injury.

15. 2020 Oregon Revised Statutes 162.325 (1c): Unlawful to wear a mask in the commission of a public offense

It is unlawful to conceal your identity in the commission of any public offense (such as those listed in this document.)

NOTE: NO STORE POLICY MAY VIOLATE ESTABLISHED LAW

Just as your place of business may not institute “Fist-fight Fridays” or encourage customers to engage in pickpocketing or require someone to snort a line of cocaine as a condition of entry, your “store policy” may not violate the established laws set forth in this notice.

No claim of an “emergency” or “executive orders” or “health orders” or “city ordinances” excuses you from violating the laws set forth in this notice.

Further, as a place of public accommodation (even as a private business) you have extended an irrevocable license (privilege) to the public to enter your establishment and you may not deny entry based on race, religion, disability or other protected characteristics.

THUS: By denying entry to a customer who is not wearing a mask for either medical or religious reasons, YOU ARE IN VIOLATION of at least five federal laws and 15 Oregon state laws, including:

US Constitution, 1st Amendment, 4th Amendment

US Title 42, US Title 52

Oregon Constitution Article 1, sections 1, 2, 3, 8

ORS 677.080, ORS 677.090, ORS 162.367 (1)

ORS 659A.403 (1), ORS 659A.103, ORS 659A.142 (4)

Oregon Bureau of Labor and Industries Code 839-005-0000

ORS 163.264, ORS 166.025, ORS 166.165

ORS 162.325 (1c)

YOU ARE HEREBY NOTIFIED of a potential CITIZEN'S ARREST for violations of the above laws, under 2020 Oregon Revised Statutes 133.225, which authorizes a private person to make a citizen's arrest in Oregon.

Under the authority of 2020 Oregon Revised Statutes 133.225, a private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. A private person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver the arrested person to a peace officer.

THEREFORE, you and your employees have hereby been PUT ON NOTICE of potential civil and criminal violations of unlawfully preventing the lawful entry of any member of the public.

YOU ARE AT RISK FOR A CITIZEN'S ARREST, AS AUTHORIZED UNDER OREGON REVISED STATUTE 133.225, WITH LAW ENFORCEMENT BEING SUMMONED FOR YOUR VIOLATIONS OF THE ABOVE LAWS. INITIAL _____.

HOW TO MAKE A CITIZEN'S ARREST IN OREGON:

1. First, CALL 911 to report a crime in progress.
2. Inform the perpetrator of the intended arrest, using the following language
 - a) "You are hereby informed of my attention to place you under citizen's arrest."
 - b) "You have willfully and knowingly violated these laws: (read off the list of violations as applicable)"
 - c) "My authority to arrest you is granted by 2020 Oregon Revised Statutes 133.225"
 - d) "I have called law enforcement to the scene"
 - e) "I am requesting your cooperation until law enforcement arrives".
 - f) "If you refuse to cooperate or attempt to flee the scene, I have the right to use reasonable force to detain you."
 - g) "The law allows for you to be kept out of harm's way in a secluded location until law enforcement arrives."

Prepared by www.THEHEALTHYAMERICAN.ORG in association with
www.privacyfight.com

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ONLY. DO NOT EMBED

FACT SHEET

OSHA REGULATIONS, HEALTH ORDERS AND YOUR BUSINESS

OSHA can only issue a citation for a violation that is "on the books". That means a rule or regulation that has been passed through a lawmaking procedure.

FACT 1: There is no OSHA regulation "on the books" regarding masks, distancing or operating a business outdoors, or suspending the operation of a business. That means you as a business owner, employee or patron do not have to wear a mask or distance. Business owners do not have to abide by guidelines that are not enforceable by law.

FACT 2: Guidelines are not laws. Playbooks are not laws. Blueprints are not laws. The only thing that is a law is a law, that is codified (it has a number associated with it and it is compiled into the state statutes and codes) and that was passed lawfully in a lawmaking procedure.

FACT 3: Emergency health orders are not statutory law. They are intended for emergencies only. There is no emergency by the legal definition of an event that is "imminent" "proximate" "sudden" "unexpected" and has the "potential for great harm." Nothing in the current health situation falls under that definition.

FACT 4: Emergency health orders may only be issued during an emergency. Health orders are very limited in their scope and duration. There is no emergency and therefore these emergency orders are invalid and unlawful and will not stand up in a court of law.

FACT 5: Because there is no OSHA rule or regulation requiring the wearing of masks or practicing physical distancing for your employees, you cannot require your employees to wear masks, nor can you be cited for not doing so.

FACT 6: You cannot be cited by OSHA for not requiring masks or distancing because:

- (a) There are no OSHA regulations you are violating
- (b) You are not a medical doctor and therefore cannot dispense medical advice such as wearing a mask, which is defined as a medical device by the FDA
- (c) You are not law enforcement and have no legal authority to enforce law or guidelines (and guidelines are not enforceable by law).

FACT 7: There is no OSHA rule or regulation requiring you to serve your patrons outside and not inside. Therefore, you are not violating any regulation and you cannot be cited for fined for doing so.

FACT 8: OSHA regulations only apply to your workplace and employees, not your patrons.

FACT 9: If you were to require masks of your employees or patrons at the risk of denying them employment or entry to your business establishment, you would be violating several established laws:

- (a) Local, State and Federal anti-discrimination laws that require “free and equal access” to any business establishment of any kind (including private clubs)
- (b) Impersonating a law enforcement officer
- (c) Practicing medicine without a license
- (d) False imprisonment (by blocking access to a place of public accommodation)
- (e) Irrevocable license to enter your place of business during open hours
- (f) Providing false information or misleading information relating to biological hazards and to conduct hoaxes (Federal Law 18 USC §1038) This law is enforced by the FBI and Department of Homeland Security
- (g) Kidnapping (by moving patrons from one place to another under duress and without their consent) which is a felony and carries a prison sentence

FACT 10: Committing any of the above crimes while wearing a mask, which conceals your identity elevates the severity of the crime and its punishment from misdemeanor to felony and may increase prison time and fines.

FACT 11: MASK-WEARING VIOLATES THE OSHA "GENERAL RULE"

The OSHA General Rule states that an employer must maintain a workplace that is free of known safety hazards.

Mask wearing by employees violates the OSHA General Rule for these reasons:

(A) Wearing a mask reduces the oxygen in the immediate atmosphere (around the nose and mouth of the person wearing the mask) below 19.5%, putting the person at IDLH -- immediate danger to life and health -- with irreversible adverse effects.

(B) Wearing a mask interferes with communication. This is why the CA State Department of Health states that those with hearing loss are exempt from wearing a mask, and those who communicate with the hard of hearing should also remove the mask.

(i) Miscommunication could be deadly between employees. An employee wearing a mask might not be clearly understood by another employee. For example, the mask-wearing employee might be shouting an alert or warning, but the other employee may not hear it because of the muffled voice. If there is a safety hazard and an employee could not be warned, the result could be fatal.

(ii) Miscommunication could be deadly between an employee and a patron. An employee wearing a mask might not be clearly understood by a patron. For example, the mask-wearing employee might be explaining the spices in a certain dish and the patron could be allergic but not hear the ingredients clearly because of the muffled voice. If there is a communication barrier between the masked server and the patron, the result could be fatal.

(C) Wearing a mask presents a safety and fire hazard to the face. An employee working over an open flame or where candles are present or other chemicals that could cause combustion are at an elevated risk for having their face catch on fire.

(D) Wearing a mask prevents a safety hazard to the employee if the mask is caught in machinery or equipment.

(E) Wearing a face shield creates a safety hazard for all of the same reasons listed in point 1-5, plus these additional safety hazards

(i) **Face shields are not in compliance** with OSHA Standard number 1926.102 for Eye and Face Protection.

(ii) **Face shields create glare and blurriness for the wearer.** Glare is one of the leading causes of cataracts, and cataracts are the leading cause of blindness.

(F) **OSHA guidelines state that cloth face coverings are not considered "PPE"** (personal protective equipment) and therefore they do not protect the wearer against any infectious disease, including COVID-19. <https://bit.ly/36duhU1>

(G) OSHA guidelines state: **Face coverings do not protect the wearer and are not personal protective equipment (PPE).**" <https://bit.ly/36duhU1>

(H) OSHA guidelines state: **"Persons for whom wearing a face covering would create a risk to the person related to their work are exempt.**
<https://www.osha.gov/Publications/OSHA3990.pdf>

THUS, requiring a mask of employees or patrons VIOLATES THE OSHA GENERAL RULE.

FACT 12: If you receive a visit from a health inspector or code enforcement officer, you have the right to ask for a warrant for that person to enter your premises.

FACT 13: If you are served with a violation, it is considered an administrative infraction and you have the right to go before an administrative judge or jury to have your case heard.

FACT 14: If you refuse to answer the violation, you may be at risk of having your license revoked – not because of not enforcing masks – but because you did not respond or appear to answer this claim.

FACT 15: Getting an administrative hearing or court date is a GOOD thing because you will be able to go before the officials and have this mask nonsense thrown out once for all – because **there is no lawful law, regulation, order or ordinance you are violating.**

FACT 16: You can protect the lawful integrity of your business AND avoid harassment from OSHA or Environmental health enforcers by preparing your own business notices and POST THESE IN A VISIBLE PLACE:

(A) **NOTICE TO GOVERNMENT AGENTS:** “Be advised that this is a private establishment. You need a warrant to lawfully enter this establishment. Any attempt to violate this will result in law enforcement being summoned.”

(B) **POLICY OF CONSTITUTIONAL COMPLIANCE:** “As a place of public accommodation, this establishment is in compliance with the United States Constitution and the Bill of Rights and therefore upholds the inalienable rights of the people for free and equal access to all facilities, privileges, accommodations and services without discrimination of any kind, whatsoever.”

(C) **NOTICE TO PATRONS:** Any person who harasses, intimidates, threatens or makes false accusations against this business, its owners, managers, employees and patrons, or who files a false claim or unfounded charges with a state or local agency regarding the lawful functioning of this business, as protected by local, state and federal laws, will be deemed a “direct threat” to the health and safety of this business and its owners, managers, employees and patrons, and as such will be banned from doing business with this establishment, and may be subject to a \$1,000,000 charge for violation of our store policies, and will be reported to local law enforcement, the FBI and Homeland Security for investigation, as fully allowed by law.

FACT 17: You can protect your business by preparing a written **ILLNESS AND INJURY PREVENTION PLAN** as required by OSHA (see sample document that you can edit to include your own business name.)

END

Injury & Illness Prevention Program

NOTICE OF COMPLIANCE

LET IT BE KNOWN THAT **THE APPLE BISTRO** is in compliance with the OSHA GENERAL DUTY CLAUSE.

The General Duty Clause of the United States Occupational Safety and Health Act states: 29 U.S.C. § 654, 51: Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees." 29 U.S.C. § 654, 52: Each employer shall comply with occupational safety and health standards promulgated under this act. 29 U.S.C. § 654, 5: Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

ACCORDING TO OSHA, The most current CDC guidance should be consulted in assessing potential workplace hazards and to evaluate the adequacy of an employer's protective measures for workers.

The CDC is recommending employers take the following steps to prevent the spread of COVID-19:

- Actively encourage sick employees to stay home
- Accommodate employees through social distancing or telework (if possible)
- Emphasize respiratory etiquette and hand hygiene by all employees
- Perform routine environmental cleaning
- Check government websites (CDC, State Department) for any travel advisories (where applicable)
- Plan for infection disease outbreaks in the workplace

THUS, **THE APPLE BISTRO** IS FOLLOWING OSHA GUIDANCE THAT SAYS TO FOLLOW LATEST CDC GUIDANCE:

<https://www.osha.gov/memos/2020-05-19/updated-interim-enforcement-response-plan-coronavirus-disease-2019-covid-19>

Prevent and Reduce Transmission Among Employees

Monitor federal, state, and local public health communications about COVID-19 regulations, guidance, and recommendations and ensure that workers have access to that information. Frequently check the [CDC COVID-19 website](#).

Actively encourage sick employees to stay home:

- Employees who have [symptoms](#) should notify their supervisor and stay home.
- Sick employees should follow [CDC-recommended steps](#). Employees should not return to work until the criteria to [discontinue home isolation](#) are met, in consultation with healthcare providers.
- Employees who are well but who have a sick family member at home with COVID-19 should notify their supervisor and follow [CDC recommended precautions](#).

Consider conducting daily in-person or virtual health checks (e.g., symptom and/or temperature screening) of employees before they enter the facility, in accordance with state and local public health authorities and, if available, your occupational health services:

- If implementing in-person health checks, conduct them safely and respectfully. Employers may use social distancing, barrier or partition controls, or personal protective equipment (PPE) to protect the screener. However, reliance on PPE alone is a less effective control and is more difficult to implement, given PPE shortages and training requirements.
 - See the “Should we be screening employees for COVID-19 symptoms?” section of [General Business Frequently Asked Questions](#) as a guide.
- Complete the health checks in a way that helps maintain social distancing guidelines, such as providing multiple screening entries into the building.
- Follow guidance from the [Equal Employment Opportunity Commissionexternal icon](#) regarding confidentiality of medical records from health checks.

- To prevent stigma and discrimination in the workplace, make employee health screenings as private as possible. Do not make determinations of risk based on race or country of origin and be sure to maintain confidentiality of each individual's medical status and history.

Identify where and how workers might be exposed to COVID-19 at work. Employers are responsible for providing a [safe and healthy workplaceexternal icon](#). Conduct a thorough [hazard assessmentexternal icon](#) of the workplace to identify potential workplace hazards related to COVID-19.

Use *appropriate* combinations of controls from the [hierarchy of controls](#) to limit the spread of COVID-19, including engineering controls, workplace administrative policies, and personal protective equipment (PPE) to protect workers from the identified hazards (see table below):

- Conduct a thorough hazard assessment to determine if workplace hazards are present, or are likely to be present, and determine what type of controls or PPE are needed for specific job duties.
- When engineering and administrative controls cannot be implemented or are not fully protective, employers are required by OSHA standards to:
 - Determine what PPE is needed for their workers' specific job duties,
 - Select and provide appropriate PPE to the workers at no cost, and
 - Train their workers on its correct use.
- Encourage workers to wear a cloth face covering at work if the hazard assessment has determined that they do not require PPE, such as a respirator or medical facemask for protection.
 - CDC recommends wearing a cloth face covering as a measure to contain the wearer's respiratory droplets and help protect their co-workers and members of the general public.
 - Cloth face coverings are not considered PPE. They may prevent workers, including those who don't know they have the virus, from spreading it to others but may not protect the wearers from exposure to the virus that causes COVID-19.
- Remind employees and customers that [CDC recommends wearing cloth face coverings](#) in public settings *where other social distancing measures are difficult to maintain*, especially in areas of significant community-based transmission.

- Wearing a cloth face covering, however, does not replace the need to practice social distancing.
- See the [OSHA COVID-19external icon](#) webpage for more information on how to protect workers from potential COVID-19 exposures and [guidance for employerspdf iconexternal icon](#), including steps to take for jobs according to exposure risk.

Separate sick employees:

- Employees who appear to have [symptoms](#) upon arrival at work or who become sick during the day should immediately be separated from other employees, customers, and visitors, and sent home.
- Have a procedure in place for the safe transport of an employee who becomes sick while at work. The employee may need to be transported home or to a healthcare provider.

Take action if an employee is suspected or confirmed to have COVID-19 infection:

In most cases, you do not need to shut down your facility. If it has been less than 7 days since the sick employee has been in the facility, close off any areas used for prolonged periods of time by the sick person:

- Wait 24 hours before cleaning and disinfecting to minimize potential for other employees being exposed to respiratory droplets. If waiting 24 hours is not feasible, wait as long as possible.
- During this waiting period, open outside doors and windows to increase air circulation in these areas.

If it has been 7 days or more since the sick employee used the facility, additional cleaning and disinfection is not necessary. Continue routinely cleaning and disinfecting all high-touch surfaces in the facility.

Follow the CDC [cleaning and disinfection recommendations](#):

- Clean dirty surfaces with soap and water before disinfecting them.
- To disinfect surfaces, use [products that meet EPA criteria for use against SARS-Cov-2external icon](#), the virus that causes COVID-19, and are appropriate for the surface.

- Always wear gloves and gowns appropriate for the chemicals being used when you are cleaning and disinfecting.
- You may need to wear additional PPE depending on the setting and disinfectant product you are using. For each product you use, consult and follow the manufacturer's instructions for use.

Determine which employees may have been exposed to the virus and may need to take additional precautions:

- Inform employees of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the [Americans with Disabilities Act \(ADA\)](#)[external icon](#).
- **Most workplaces** should follow the [Public Health Recommendations for Community-Related Exposure](#) and instruct potentially exposed employees to stay home for 14 days, telework if possible, and self-monitor for [symptoms](#).
- [Critical infrastructure](#)[external icon](#) workplaces should follow the guidance on [Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19](#). Employers in critical infrastructure also have an obligation to manage potentially exposed workers' return to work in ways that best protect the health of those workers, their co-workers, and the general public.

Educate employees about steps they can take to protect themselves at work and at home:

- Encourage employees to follow any new policies or procedures related to illness, cleaning and disinfecting, and work meetings and travel.
- Advise employees to:
- Stay home if they are sick, except to get medical care, and to learn [what to do if they are sick](#).
- Inform their supervisor if they have a sick family member at home with COVID-19 and to learn what to do [if someone in their home is sick](#).
- Wash their hands often with soap and water for at least 20 seconds or to use hand sanitizer with at least 60% alcohol if soap and water are not available. Inform employees that if

their hands are visibly dirty, they should use soap and water over hand sanitizer. Key times for employees to clean their hands include:

- Before and after work shifts
- Before and after work breaks
- After blowing their nose, coughing, or sneezing
- After using the restroom
- Before eating or preparing food
- After putting on, touching, or removing cloth face coverings
- Avoid touching their eyes, nose, and mouth with unwashed hands.
- Cover their mouth and nose with a tissue when you cough or sneeze, or use the inside of their elbow. Throw used tissues into no-touch trash cans and immediately wash hands with soap and water for at least 20 seconds. If soap and water are not available, use hand sanitizer containing at least 60% alcohol. Learn more about [coughing and sneezing](#) etiquette on the CDC website.
- Practice routine cleaning and disinfection of frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, and doorknobs. Dirty surfaces can be cleaned with soap and water prior to disinfection. To disinfect, use [products that meet EPA's criteria for use against SARS-CoV-2external ico](#) the cause of COVID-19, and are appropriate for the surface.
- Avoid using other employees' phones, desks, offices, or other work tools and equipment, when possible. Clean and disinfect them before and after use.

THE APPLE BISTRO Maintains Healthy Business Operations

Identify a workplace coordinator who will be responsible for COVID-19 issues and their impact at the workplace.

Implement flexible sick leave and supportive policies and practices:

- Ensure that sick leave policies are flexible and consistent with public health guidance and that employees are aware of and understand these policies.
- Maintain flexible policies that permit employees to stay home to care for a sick family member or take care of children due to school and childcare closures. Additional flexibilities might include giving advances on future sick leave and allowing employees to donate sick leave to each other.
- The Families First Coronavirus Response Act (FFCRA or Act) [requires certain employersexternal ic](#) to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19.
- Employers with fewer than 500 employees are eligible for [100% tax creditsexternal icon](#) for Families First Coronavirus Response Act COVID-19 paid leave provided through December 31, 2020, up to certain limits.
- Employers that do not currently offer sick leave to some or all of their employees should consider drafting non-punitive “emergency sick leave” policies.
- Employers should not require a COVID-19 test result or a healthcare provider’s note for employees who are sick to validate their illness, qualify for sick leave, or to return to work.
 - Under the American’s with Disabilities Act, employers are permitted to require a doctor's note to verify that they are healthy and able to return to work. However, as a practical matter, be aware that healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely manner. Most people with COVID-19 have mild illness and can recover at home without medical care and can follow CDC recommendations to determine when to [discontinue home isolation](#) and return to work.
 - The U.S. Equal Employment Opportunity Commission (EEOC) has established guidance regarding [Pandemic Preparedness in the Workplace and the Americans with Disabilities Actexternal icon](#). The guidance enables employers to take steps to protect workers consistent with CDC guidance, including requiring workers to stay home when necessary to address the direct threat of spreading COVID-19 to others.

- Review human resources policies to make sure that your policies and practices are consistent with public health recommendations and with existing state and federal workplace laws (for more information on employer responsibilities, visit the [Department of Labor's external icon](#) and the [Equal Employment Opportunity Commission's external icon](#) websites).
- Connect employees to employee assistance program (EAP) resources, if available, and community resources as needed. Employees may need additional social, behavioral, and other services, for example, to help them [manage stress and cope](#).

Protect employees at [higher risk for severe illness](#) through supportive policies and practices. Older adults and people of any age who have serious underlying medical conditions are at higher risk for severe illness from COVID-19.

- Support and encourage options to telework, if available.
- Consider offering [vulnerable workers](#) duties that minimize their contact with customers and other employees (e.g., restocking shelves rather than working as a cashier), if the worker agrees to this.
- Offer flexible options such as telework to employees. This will eliminate the need for employees living in higher transmission areas to travel to workplaces in lower transmission areas and vice versa.
- Ensure that any other businesses and employers sharing the same workspace also follow this guidance.

Communicate supportive workplace policies clearly, frequently, and via multiple methods. Employers may need to communicate with non-English speakers in their preferred languages.

- Train workers on how implementing any new policies to reduce the spread of COVID-19 may affect existing health and safety practices.
- Communicate to any contractors or on-site visitors about changes that have been made to help control the spread of COVID-19. Ensure that they have the information and capability to comply with those policies.

- Create and test communication systems that employees can use to self-report if they are sick and that you can use to notify employees of exposures and closures.
- Consider using a hotline or another method for employees to voice concerns anonymously.

Assess your essential functions and the reliance that others and the community have on your services or products.

- Be prepared to change your business practices, if needed, to maintain critical operations (e.g., identify alternative suppliers, prioritize existing customers, or temporarily suspend some of your operations).
- Identify alternate supply chains for critical goods and services. Some goods and services may be in higher demand or unavailable.
- If other companies provide your business with contract or temporary employees, talk with them about the importance of sick employees staying home and encourage them to develop non-punitive leave policies.
- Talk with business partners about your response efforts. Share best practices with other businesses in your communities (especially those in your supply chain), chambers of commerce, and associations to improve community response efforts.
- When resuming onsite business operations, identify and prioritize job functions for continuous operations.

Determine how you will operate if absenteeism spikes from increases in sick employees, those who stay home to care for sick family members, and those who must stay home to watch their children until [childcare programs and K-12 schools](#) resume.

- Plan to monitor and respond to absenteeism at the workplace.
- Implement plans to continue your essential business functions in case you experience higher-than-usual absenteeism.
- Prepare to institute flexible workplace and leave policies.

- Cross-train employees to perform essential functions so the workplace can operate even if key employees are absent.

Establish policies and practices for [social distancing](#). Alter your workspace to help workers and customers maintain social distancing and physically separate employees from each other and from customers, *when possible*. Here are some strategies that businesses can use:

- Implement flexible worksites (e.g., telework).
- Implement flexible work hours (e.g., rotate or stagger shifts to limit the number of employees in the workplace at the same time).
- Increase physical space between employees at the worksite by modifying the workspace.

THE APPLE BISTRO Maintains a healthy work environment

This may include some or all of the following activities:

- Increase ventilation rates.
- Ensure ventilation systems operate properly and provide acceptable indoor air quality for the current occupancy level for each space.
- Increase outdoor air ventilation, using caution in highly polluted areas. With a lower occupancy level in the building, this increases the effective dilution ventilation per person.
- Further open minimum outdoor air dampers (as high as 100%) to reduce or eliminate recirculation. In mild weather, this will not affect thermal comfort or humidity. However, this may be difficult to do in cold or hot weather.
- Improve central air filtration to the MERV-13 or the highest compatible with the filter rack, and seal edges of the filter to limit bypass.
- Check filters to ensure they are within service life and appropriately installed.
- Keep systems running longer hours, 24/7 if possible, to enhance air exchanges in the building space.

Ensure the safety of your building water system and devices after a prolonged shutdown:

- Follow the [CDC Guidance for Building Water Systems](#), which describes 8 steps to take before you reopen your business or building.

Give employees, customers, and visitors what they need to clean their hands and cover their coughs and sneezes:

- Provide tissues and no-touch trash cans.
- Provide soap and water in the workplace. If soap and water are not readily available, use alcohol-based hand sanitizer that is at least 60% alcohol. Ensure that adequate supplies are maintained.
- Ideally, place touchless hand sanitizer stations in multiple locations to encourage hand hygiene.
- Direct employees to visit CDC's [coughing and sneezing etiquette](#) and [clean hands webpage](#) for more information.

Perform routine cleaning:

- Follow the [Guidance for Cleaning and Disinfecting](#) to develop, implement, and maintain a plan to perform regular cleanings to reduce the risk of exposure to COVID-19.
- Routinely clean all frequently touched surfaces in the workplace, such as workstations, keyboards, telephones, handrails, and doorknobs.
 - If surfaces are dirty, clean them using a detergent or soap and water before you disinfect them.
 - For disinfection, most common, EPA-registered, household disinfectants should be effective. A list of [products that are EPA-approved for use against the virus that causes COVID-19](#)[external icon](#) is available on the EPA website. Follow the manufacturer's

instructions for all cleaning and disinfection products (e.g., concentration, application method, and contact time).

- Do not mix bleach or other cleaning and disinfection products together. This can cause fumes that could be very dangerous to breathe in.
- Advise employees to always wear gloves appropriate for the chemicals being used when they are cleaning and disinfecting and that they may need additional PPE based on the setting and product.
- Minimize non-essential travel and consider resuming non-essential travel in accordance with state and local regulations and guidance.
- Check the [CDC's Traveler's Health Notices](#) for the latest guidance and recommendations for each country where you will travel. Specific travel information for travelers going to and returning from countries with travel advisories, and information for aircrew, can be found on the [CDC website](#).
- Advise employees to check themselves for [symptoms of COVID-19](#) before starting travel and to notify their supervisor and stay home if they are sick.
- Ensure employees who become sick while traveling or on temporary assignment understand that they should notify their supervisor and promptly call a healthcare provider for advice if needed.
- If they are outside the United States, sick employees should follow company policy for obtaining medical care or contact a healthcare provider or overseas medical assistance company to help them find an appropriate healthcare provider in that country. A U.S. consular officer can help locate healthcare services. However, U.S. embassies, consulates, and military facilities do not have the legal authority, capability, or resources to evacuate or give medicines, vaccines, or medical care to private U.S. citizens overseas.

The table below presents examples of controls to implement in your workplace. The most effective controls are those that rely on engineering solutions, followed by administrative controls, then PPE. PPE is the least effective control method and the most difficult to implement. Worksites may have to implement multiple complementary controls from these columns to effectively control the hazard.

THE APPLE BISTRO uses the table below to implement the most appropriate controls for the workplace

TABLE: Example Controls to Prevent the Spread of COVID-19 in Work Environments

TABLE: Example Controls to Prevent the Spread of COVID-19 in Work Environments		Personal Protective Equipment (PPE)
Engineering	Administrative	
<p>Facilities and Equipment</p> <ul style="list-style-type: none"> Assess job hazards for feasibility of engineering controls Ensure ventilation and water systems operate properly Alter workspaces to maintain social distancing. <p>Examples include:</p> <ul style="list-style-type: none"> Configure partitions as a barrier shield Move electronic payment reader away from cashier Use verbal announcements, signage, and visual cues to promote social distancing Remove/rearrange furniture <ul style="list-style-type: none"> Provide remote shopping alternatives (e.g., delivery, pick-up) 	<p>Management and Communications</p> <ul style="list-style-type: none"> Monitor state and local public health communications about COVID-19 Encourage sick workers to report symptoms, stay home, and follow CDC guidance Develop strategies to: <ul style="list-style-type: none"> manage worker concerns communicate with workers Remind workers of available support services Communicate to partners, suppliers, other contractors on policies and practices Encourage social distancing and the use of cloth face coverings (if appropriate) in the workplace Use technology to promote 	

social distancing (e.g., telework and virtual meetings)

- Cancel group events
- Close/limit use of shared spaces
- Ask customers who are ill to stay home
- Consider policies that encourage flexible sick leave and alternative work schedules.
- Schedule stocking during off-peak hours

Cleaning and Disinfection

- Clean and disinfect frequently touched surfaces, (e.g., counters, shelving, displays)
- Provide employees with disposable disinfectant wipes, cleaner, or sprays that are effective against the virus that causes COVID-19

Training

Provide employees with training on:

- Policies to reduce the spread of COVID-19
- General hygiene
- Symptoms, what to do if sick
- Cleaning and disinfection

- Cloth face covers
- Social distancing
- Use of PPE
- Safe work practices
- Stress management

17 KEY POINTS FOR BUSINESS OWNERS AND CUSTOMERS

1. There is no emergency by the legal definition of the word, so all these orders are null and void.
2. The violation that are often cited can only apply to the governor's authority, not to the business or customer.
3. There is no lawful ordinance regarding masks, distancing, limiting number of patrons, operating outside, etc. These are GUIDELINES, not laws and therefore not enforceable by law.
4. Even if these state, county orders and city ordinances were lawful, there are exemptions, and you cannot force anyone to restrict their breathing.
5. It is unlawful for any government to deprive you of your ability to work or run a business or earn a living. Thus, you never have to shut down your business or change its operations.
6. You do not have to adhere to any nonsense of masks, distancing, operate outdoors, limit capacity, etc.
7. If you did enforce this nonsense, then you WOULD be at risk of violating over 20 federal and state laws (see attached).
8. If you did require your employees to wear masks, you'd be violating the OSHA general rule. (see attached OSHA info)
9. You are not a licensed doctor and cannot give medical advice, such as covering your nose and mouth with a medical device.
10. You are not law enforcement and have no authority to enforce laws.
11. Any business policy (i.e., to require masks) cannot supersede federal and state civil rights laws, which allows patrons to enter your business without a mask.
12. The snitches can be dealt with by reporting them (and the county or city that encourages the snitching) to the county Sheriff, the FBI and Homeland Security or harassment and intimidation. PUT A SIGN ON YOUR DOOR SAYING THAT "ANYONE CAUGHT HARASSING THE BUSINESS WILL BE REPORTED TO LOCAL LAW ENFORCEMENT, THE FBI AND HOMELAND SECURITY."
13. Put a sign on the door or visible in the entry that states, "THIS ESTABLISHMENT IS A PLACE OF PUBLIC ACCOMMODATION AND AS SUCH IS BOUND BY FEDERAL AND STATE LAWS TO OFFER EQUAL

ACCESS AND ENJOYMENT TO ALL FACILITIES, SERVICES AND PRIVILEGES TO ALL PATRONS REGARDLESS OF MEDICAL CONDITION, RELIGIOUS BELIEFS AND OTHER PROTECTED CHARACTERISTICS."

[You can point to the sign when any code enforcers come snooping around.]

14. Check your insurance to see if you are liable for people contracting a virus in your facility. If you are not -- then good news! "No liability, no responsibility!"

15. Have three or four boxes or containers of different masks with labels that say, "This masks does not protect against infectious disease," and if code enforcement comes around (or if you go to court) you can ask them which box of the ineffective masks you're supposed to enforce.

16. You can write a "presumptive letter" to the county counsel, board of supervisors, health officer, mayor and city council

17. You can educate law enforcement by sharing the info regarding laws they WOULD be asking you to violate by enforcing the unlawful.

The “Science” Sources

- CDC Table 3 Comorbidities - https://www.cdc.gov/nchs/nvss/vsrr/covid_weekly/index.htm#Comorbidities
- Heritage Foundation <https://www.heritage.org/data-visualizations/public-health/covid-19-deaths-by-age/>
- Freedom Foundation <https://www.freedomfoundation.com/covid-19/freedom-foundation-lawsuit-briefs-argues-mask-mandate-exceeds-authority/>
- Flu Bites PDF document - [flu season - Oregon.gov - www.oregon.gov › oha › documents › data › flubites](http://www.oregon.gov/oha/documents/data/flubites)
- [Communism vs COVID chart](#)
- The Great Barrington Declaration - <https://gbdeclaration.org>

▼ Table 3. Conditions contributing to deaths involving coronavirus disease 2019 (COVID-19), by age group, United States. Week ending 2/1/2020 to 10/31/2020.*

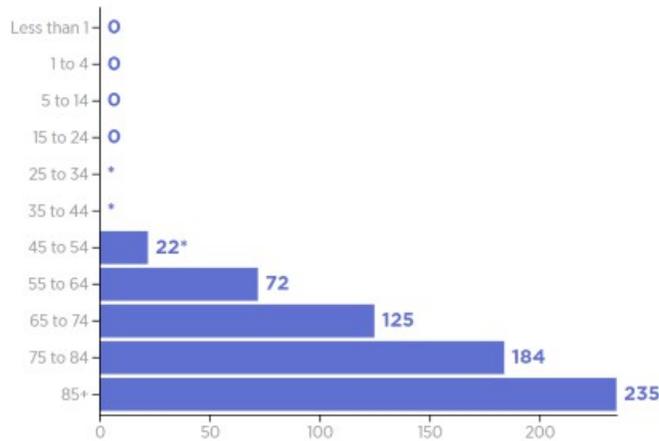
Updated November 4, 2020

		Number of Conditions								
		Age Group								
Conditions Contributing to Deaths where COVID-19 was listed on the death certificate ¹	ICD-10 codes	All ages	0-24 years	25-34 years	35-44 years	45-54 years	55-64 years	65-74 years	75-84 years	85 years and over
Total COVID-19 deaths ² , as of 10/31/2020	U071	217,337	479	1,681	4,334	11,478	27,563	46,982	57,859	66,956
Respiratory diseases		-	-	-	-	-	-	-	-	-
Influenza and pneumonia	J09-J18	94,277	160	764	1,951	5,526	13,332	21,867	25,290	25,385
Chronic lower respiratory diseases	J40-J47	19,143	32	80	182	527	2,014	4,642	6,128	5,537
Adult respiratory distress syndrome	J80	27,788	78	311	808	2,301	5,014	7,431	6,738	5,105
Respiratory failure	J96	76,337	142	543	1,406	4,215	10,256	18,007	21,251	20,515
Respiratory arrest	R09.2	4,435	9	32	83	216	494	915	1,165	1,521
Other diseases of the respiratory system	J00-J06, J20-J39, J60-J70, J81-J86, J90-J95, J97-J99, U04	8,299	26	70	183	455	1,089	1,857	2,245	2,374
Circulatory diseases		-	-	-	-	-	-	-	-	-
Hypertensive diseases	I10-I15	46,843	24	142	603	2,009	5,691	10,322	12,926	15,126
Ischemic heart disease	I20-I25	24,898	4	32	137	610	2,303	5,167	7,591	9,053
Cardiac arrest	I46	26,253	68	249	621	1,733	3,866	6,087	6,576	7,053
Cardiac arrhythmia	I44, I45, I47-I49	14,126	13	33	91	322	1,049	2,579	4,247	5,792
Heart failure	I50	14,818	6	50	108	387	1,239	2,601	4,149	6,278
Cerebrovascular diseases	I60-I69	10,866	7	35	113	396	1,257	2,463	3,143	3,451
Other diseases of the circulatory system	I00-I09, I26-I43, I51, I52, I70-I99	12,685	60	135	305	720	1,675	2,833	3,188	3,769
Sepsis	A40-A41	20,535	50	196	498	1,514	3,564	5,727	5,203	3,783
Malignant neoplasms	C00-C97	10,245	34	50	133	383	1,387	2,685	3,066	2,507
Diabetes	E10-E14	35,699	57	232	797	2,429	5,904	9,655	9,581	7,044
Obesity	E65-E68	8,238	113	388	855	1,422	2,078	2,027	1,062	293

Heart failure	I50	14,818	6	50	108	387	1,239	2,601	4,149	6,278
Cerebrovascular diseases	I60-I69	10,866	7	35	113	396	1,257	2,463	3,143	3,451
Other diseases of the circulatory system	I00-I09, I26-I43, I51, I52, I70-I99	12,685	60	135	305	720	1,675	2,833	3,188	3,769
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Diabetes	E10-E14	35,699	57	232	797	2,429	5,904	9,655	9,581	7,044
Obesity	E65-E68	8,238	113	388	855	1,422	2,078	2,027	1,062	293
Alzheimer disease	G30	8,089	0	0	0	3	64	543	2,378	5,101
Vascular and unspecified dementia	F01, F03	24,405	0	1	2	27	375	2,268	7,262	14,470
Renal failure	N17-N19	19,690	26	157	410	1,242	2,990	5,092	5,207	4,564
Intentional and unintentional injury, poisoning and other adverse events	S00-T98, V01-X59, X60-X84, X85-Y09, Y10-Y36, Y40-Y89, U01-U03	7,770	78	231	300	476	938	1,484	1,817	2,446
All other conditions and causes (residual)	A00-A39, A42-B99, D00-E07, E15-E64, E70-E90, F00, F02, F04-G26, G31-H95, K00-K93, L00-M99, N00-N16, N20-N99, O00-O99, P00-P96, Q00-Q99, R00-R08, R09.0, R09.1, R09.3,	112,379	379	1,040	2,262	6,090	15,131	26,339	29,739	31,391

Oregon

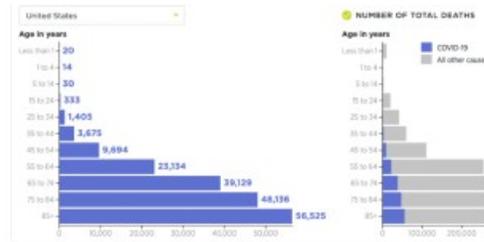
Age in years



CDC data also show that Americans, regardless of age group, are far more likely to die of something other than COVID-19. Even among those in the most heavily impacted age group (85 and older), only 9.4 percent of all deaths since February 2020 were due to COVID-19.

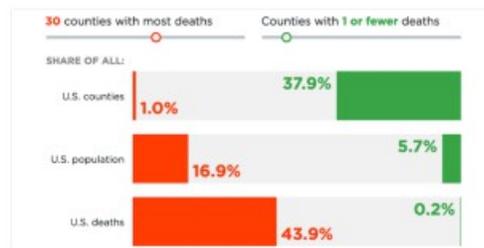
COVID-19 Deaths by Age

According to data from the Centers for Disease Control and Prevention, COVID-19 is deadliest among older populations. CDC data also show that Americans, regardless of age group, are far more likely to die of something other than COVID-19.



One Percent of U.S. Counties Account for Bulk of COVID-19 Deaths

While the death toll in the U.S. from COVID-19 continues to increase, a significant proportion of those deaths have occurred in just a handful of counties.





COVID-19 LITIGATION OREGON

Freedom Foundation Lawsuit Briefs Argues Mask Mandate Exceeds Authority



Rebekah Millard October 28, 2020

In Oregon, Gov. Kate Brown's emergency executive order for dealing with COVID-19 morphed into a statewide mask mandate written by the State Department of Health and enforced by the Occupational Safety and Health Authority (OSHA).

For individuals who cannot wear a facemask — a population that includes the three plaintiffs in an ongoing Freedom Foundation lawsuit against the state — the mask mandate has unleashed unimaginable hardships. They cannot enter places of public accommodation such as grocery stores and restaurants. They cannot walk around in public. Their ability to function in society has been destroyed.

Even when businesses give lip service to the idea of accommodation, other patrons feel empowered by the state order to harass and shame those who cannot wear a mask because of a disability. [See Shannan's story.](#)

This week, the Freedom Foundation filed a brief with the Oregon Court of Appeals in the



First, the Oregon Health Authority failed to comply with the law when it issued the mask mandate — it skipped all the necessary procedures for putting forward a new rule.

For example, when created on June 30, the mandate did not contain any notice or statement of statutory authority, nor did it list the waiver or rescission of any other state, local or constitutional rules or laws.

There were no other processes, notices, supporting documentation or written documentation authorizing or the mandate — a direct violation of ORS chapter 183, proving the director did not comply with the legal requirements of ORS chapter 183 in any form or fashion.

Second, the mask mandate violates Oregon's Constitution because it does not respect the doctrine of separation of powers. Under a democratic form of government such as Oregon's, only the state legislature (or the people) can pass or repeal laws.

The governor cannot give legislative power to a State agency such as OHA. Kate Brown's executive order did not exempt OHA from its obligation to follow rulemaking procedures, and even if the it had exempted the agency from following the law, OHA would still be statutorily obligated to comply with ORS chapter 183, which it did not do.

Third, the mask mandate violates the freedom of speech guaranteed by both the First Amendment to the United States Constitution and the speech protections of the Oregon constitution.

Speech is threatened both by forcing people into expressive conduct (wearing a mask), and by forcing those who cannot wear a mask to explain their reason for not doing so, often forcing them to talk about private medical conditions upon which the government has no right to compel speech.

Fourth, the mask mandate is preempted by federal law, the American's with Disabilities Act, because the mandate does not allow for adequate accommodation for disabled individuals.

Where a state law provides less protection to a disabled person than the Federal ADA, the Federal ADA expressly preempts that state law. The ADA prohibits private entities from discriminating against individuals with disabilities who are entitled to the "full and equal enjoyment of the goods, services, facilities, advantages or accommodations of any place of public accommodation." 42 USC § 1282(a).



Finally, the mask mandate does not follow the governor's emergency executive order. Since the mask mandate clearly exceeds the authority the governor delegated to OHA, the mask mandate is invalid.

Despite much misinformation on the topic, none of Gov. Brown's executive orders actually contain a statewide mandate requiring face coverings. None of the orders direct or authorize OHA to mandate face coverings statewide.

At most, the executive orders state that that people *should* adhere to OHA guidance on face coverings. Thus, the only authority OHA has, even under the governor's executive orders, is to tell people that they *should* wear face masks. It has no authority to say people *must* wear face coverings.

In bringing this lawsuit, it is Freedom Foundation's hope that the rule of law will be upheld, that the form of democratic government our constitution set up will be affirmed, and the individual freedoms Oregonians are guaranteed will be protected.

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Data at a Glance November 1—November 7, 2020 (Week 45)

	Current Week (45)	Previous Week (44)
Percentage of emergency department visits for ILI ¹	1.2%	1.2%
Percentage positive influenza tests ²	0.1%	0.2%
Portland tri-county influenza-associated hospitalizations ³	0	0
Portland tri-county COVID-19-associated hospitalizations ³	60	53
Reported influenza outbreaks	0	0
Influenza-associated pediatric mortality	0	0
Respiratory Syncytial Virus (RSV) activity ⁴	0.0%	0.0%

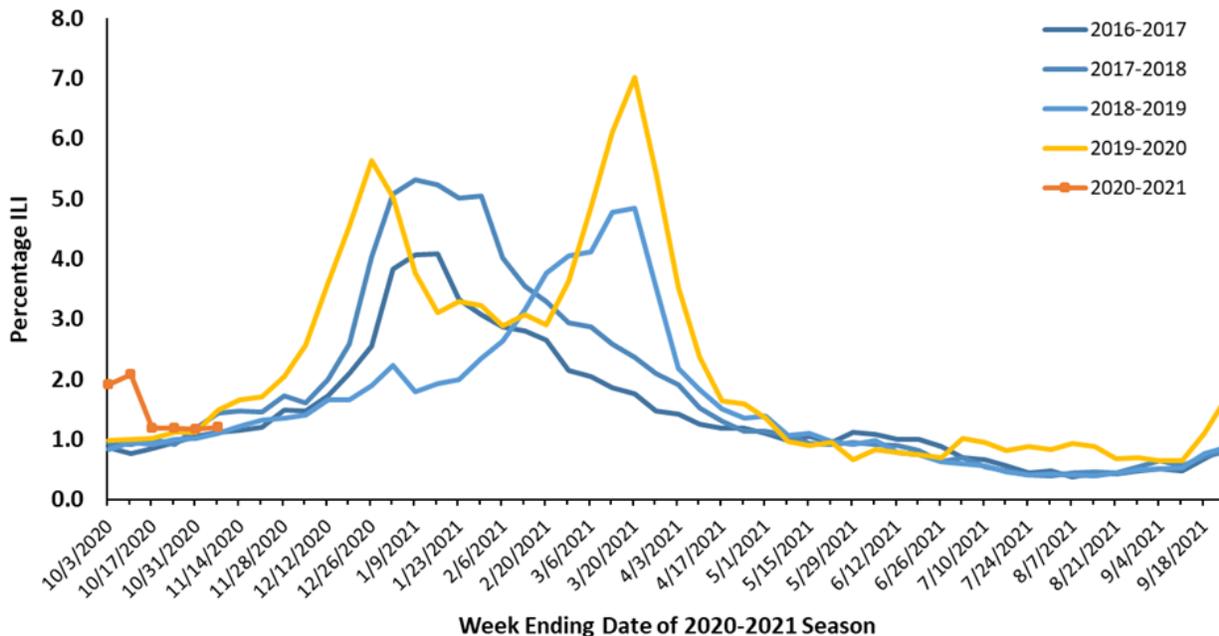
¹Based on Oregon ESSENCE Syndromic Surveillance. Data represent statewide aggregate percent.

²Percent positivity based on data from Oregon reporters to the National Respiratory and Enteric Virus Surveillance System (NREVSS)

³Based on hospitalization surveillance in Clackamas, Multnomah, and Washington counties only.

⁴Percent positivity based on data from Oregon's RSV Laboratory Surveillance System.

Figure 1. Percentage of ED Visits for ILI, Oregon ESSENCE Syndromic Surveillance, 2016–2017, 2017–2018, 2018–2019, 2019–2020, 2020–2021



Oregon ESSENCE Syndromic Surveillance: Oregon Public Health tracks hospital emergency department (ED) visits throughout the state using the Oregon ESSENCE syndromic surveillance system. ESSENCE categorizes chief complaints into syndrome categories, which include influenza-like illness (ILI). Figure 1, above, displays percentages for all of Oregon during this flu season compared with the previous three flu seasons. The percent of ED visits for ILI in all of Oregon was 1.2% during week 45, 2020.

Laboratory Surveillance: The National Respiratory and Enteric Virus Surveillance System (NREVSS) is a laboratory-based system that monitors influenza and other respiratory viruses circulating the United States. More information is at CDC's [website](#).

Table 1 shows the tests conducted and results by region for the current week for influenza in specimens tested at the Oregon laboratories reporting to NREVSS. Figure 2 shows that 0.1% of specimens tested at Oregon labs were positive for influenza during week 45, and the bar chart displays the number of influenza-positive tests by flu type and percent positivity.

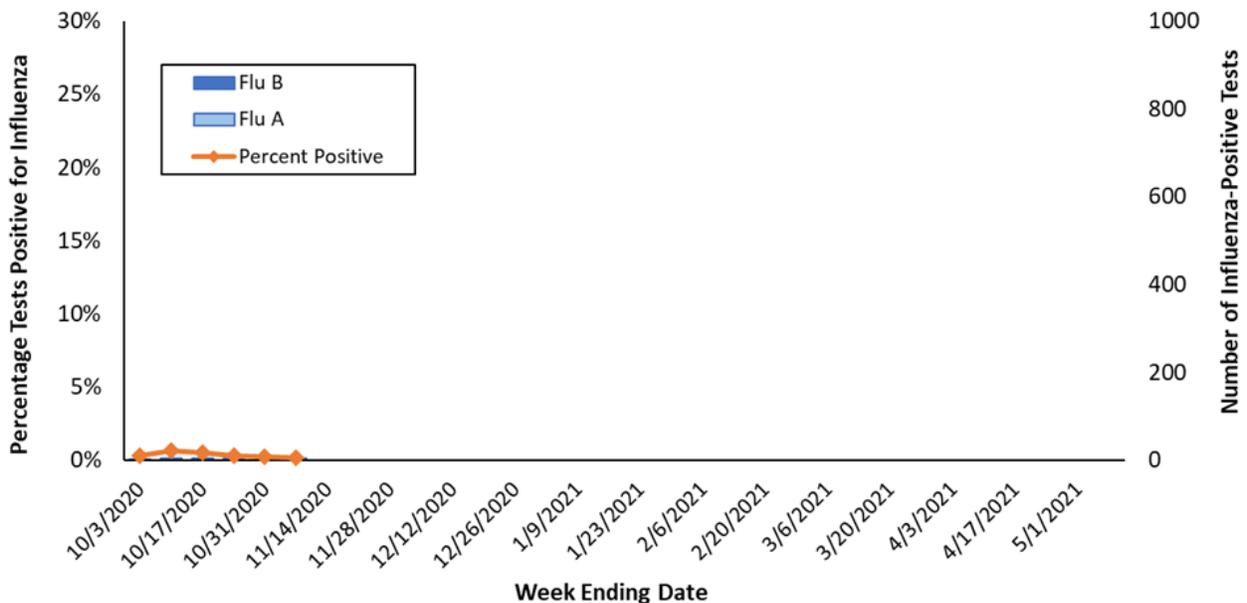
Participation by laboratories is voluntary. Current labs participating in NREVSS in Oregon include:

Legacy Emanuel Hospital and Health Center (Portland, OR), Oregon Health & Science University (Portland, OR), Providence Health (Oregon), Kaiser Permanente (Oregon), Veteran's Administration Hospital (Portland, OR), Bay Area Hospital (Coos Bay, OR), Curry Health Network (Brookings, OR), Mercy Medical Center (Roseburg, OR), Sky Lakes Medical Center (Klamath Falls, OR), Lake Health District, (Lakeview, OR), Rogue Valley Medical Center (SW Oregon), Good Shepherd Medical Center (Hermiston, OR), Mid-Columbia Medical Center (The Dalles, OR), Central Oregon Pediatric Associates (Central Oregon), Harney District Hospital (Burns, OR), St. Charles (Bend, OR), Columbia Memorial Hospital (Astoria, OR), Salem Hospital (Salem, OR), Willamette Valley Medical Center (McMinnville, OR).

Table 1. Influenza Test Results in Oregon, NREVSS, Current Week, 2020–2021 Season

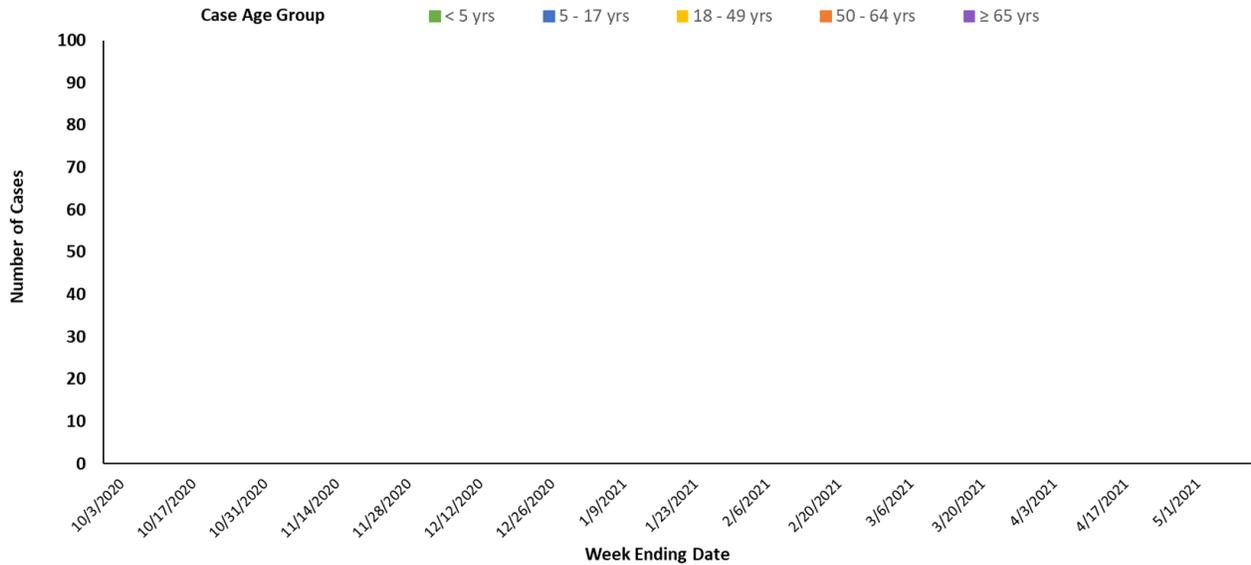
Region	Total Tests	Positive		Flu A		Flu B	
		No.	(%)	No.	(%)	No.	(%)
Portland Metro	893	0	0.0%	0	0.0%	0	0.0%
Southern Oregon	224	0	0.0%	0	0.0%	0	0.0%
Columbia Gorge	47	0	0.0%	0	0.0%	0	0.0%
Central Oregon	140	0	0.0%	0	0.0%	0	0.0%
Willamette Valley	90	2	2.2%	1	0.0%	1	0.0%
State Total	1394	2	0.1%	1	50.0%	1	50.0%

**Figure 2. Oregon Influenza Laboratory Surveillance
Percent Positive Influenza Tests by Week, NREVSS, 2020-2021 Season**



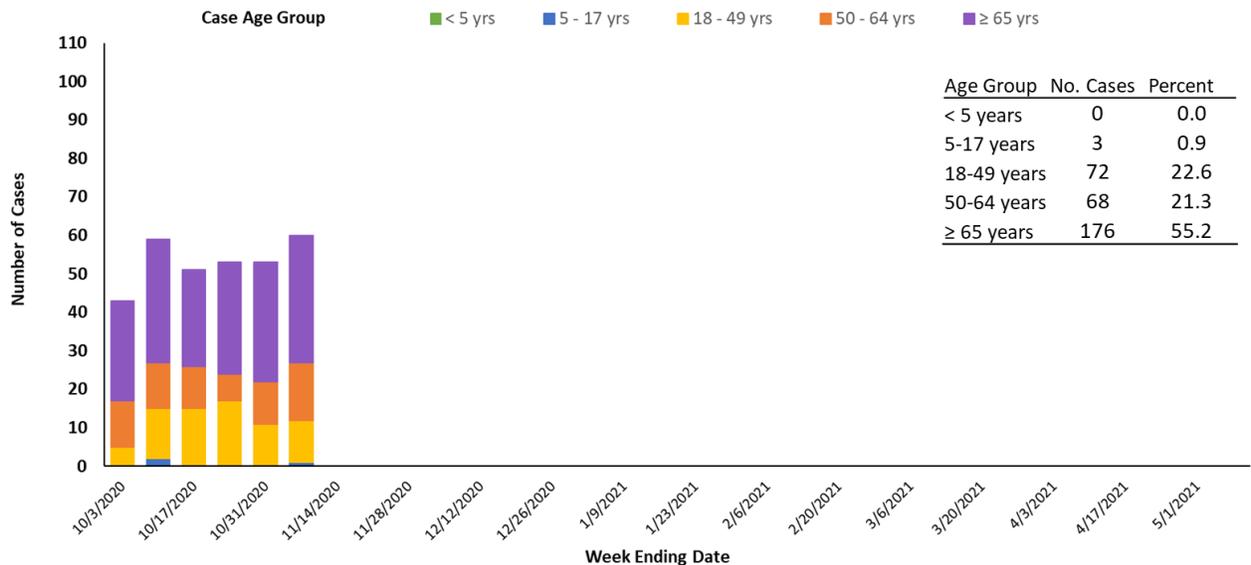
Portland Tri-County Influenza Hospitalizations: In Clackamas, Multnomah, and Washington counties there were no influenza-associated hospitalizations reported during week 45 of 2020 and none yet reported during the 2020-2021 season.

Figure 3. Portland Metro Area Influenza-Associated Hospitalizations by Week and Age Group, 2020-2021 Season



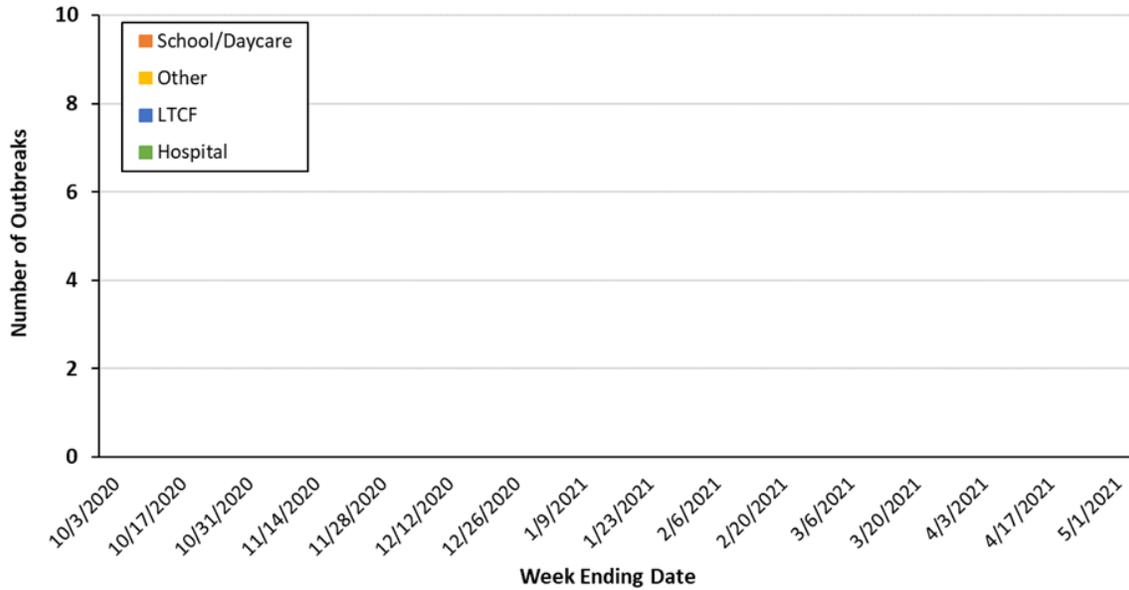
Portland Tri-County COVID-19 Hospitalizations: There were 60 COVID-19-associated hospitalizations among residents of Clackamas, Multnomah, and Washington counties reported during week 45 of 2020. A total of 319 hospitalizations have been reported since Week 40 of 2020.

Figure 4. Portland Metro Area COVID-19-Associated Hospitalizations by Week and Age Group, 2020-2021 Season



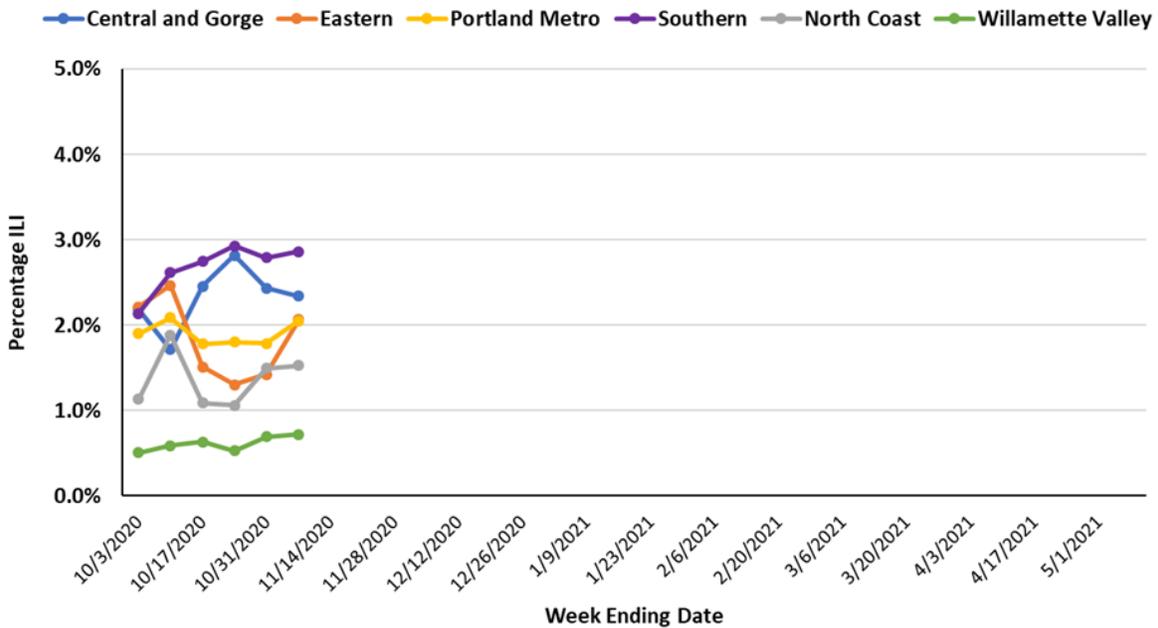
Influenza Outbreaks: There were no influenza outbreaks reported during Week 45, 2020 and none yet reported during in the 2020-2021 flu season.

Figure 5. Number of Influenza Outbreaks in Oregon by Setting, 2020-2021 Season



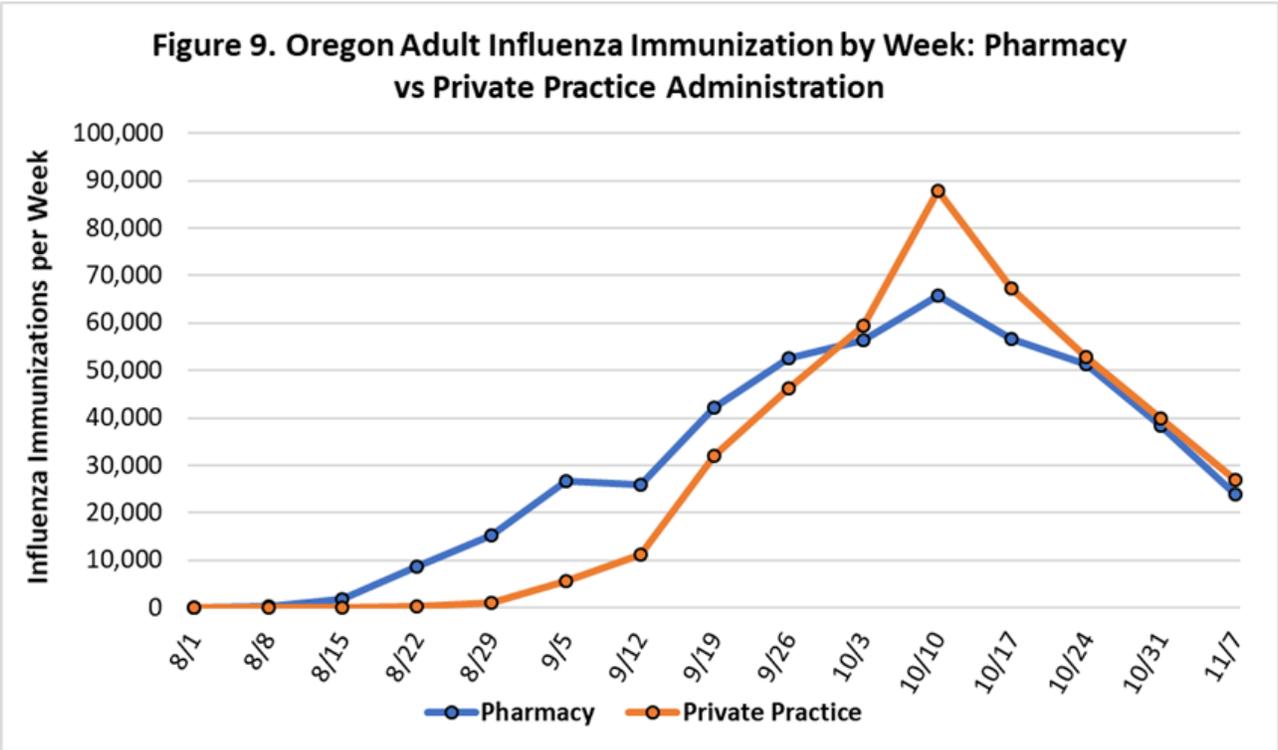
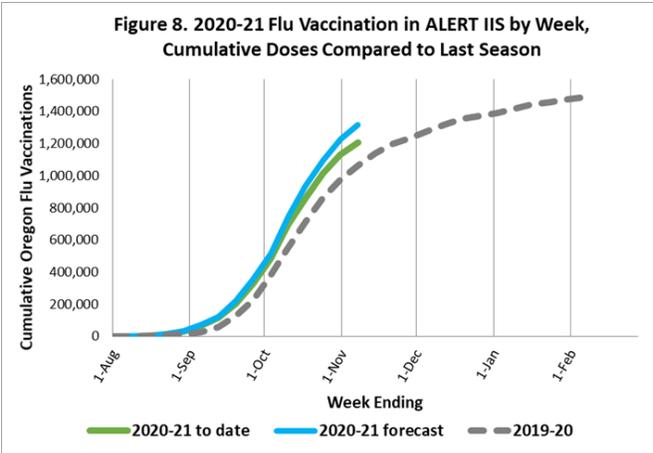
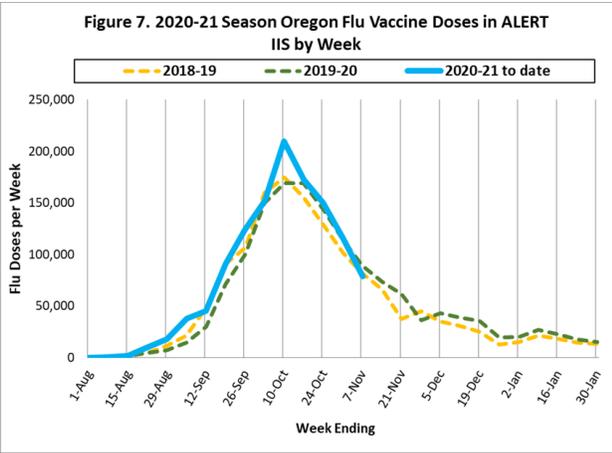
Outpatient Influenza-like Illness Surveillance: Oregon’s outpatient influenza-like illness (ILI) surveillance comprises 17 voluntary reporting outpatient providers, 64 emergency departments and urgent care clinics reporting to ESSENCE, and 150 OCHIN clinics from across Oregon. The percent of outpatients seen with ILI across the state during week 45 of 2020 was 2.0%. Regionally, the percent was highest in the Southern region areas (2.9%) and lowest in the Willamette Valley (0.7%).

Figure 6. Percentage of Visits for ILI at Outpatient Clinics & Emergency Departments, by Oregon Region, 2020-2021



Influenza-Associated Pediatric Mortality Surveillance: Influenza-associated deaths in children 17 years of age and younger are nationally notifiable. There were no pediatric flu deaths in Oregon reported during week 45, 2020 and none yet reported to the Oregon Health Authority in the 2020—2021 flu season.

Vaccination Information: As of November 7, 2020 (Epi Week 45), the pattern of new influenza immunizations in Oregon is closely following that of last season. In the early season, substantially more influenza immunizations were given than last season. To date, the Oregon ALERT Immunization Information System has received reports for almost 1.3 million influenza immunizations. For this week, we are including a chart of adult pharmacy vs private practice usage for influenza immunization. Pharmacies had a strong role in early-season influenza immunization, while private practices (as doctor's offices & clinics) contributed more to the October peak of immunization.



US Data (from CDC FluView): Seasonal influenza activity in the United States remains **low**.

Viruses

- **Clinical Labs:** The percentage of respiratory specimens testing positive for influenza at clinical laboratories is 0.2% this week.
- **Public Health Labs:** Influenza activity has been low over the summer months and few specimens have tested positive in the public health labs during weeks.
- **Virus Characterization:** Influenza virus characterization information will be updated weekly starting later this season.

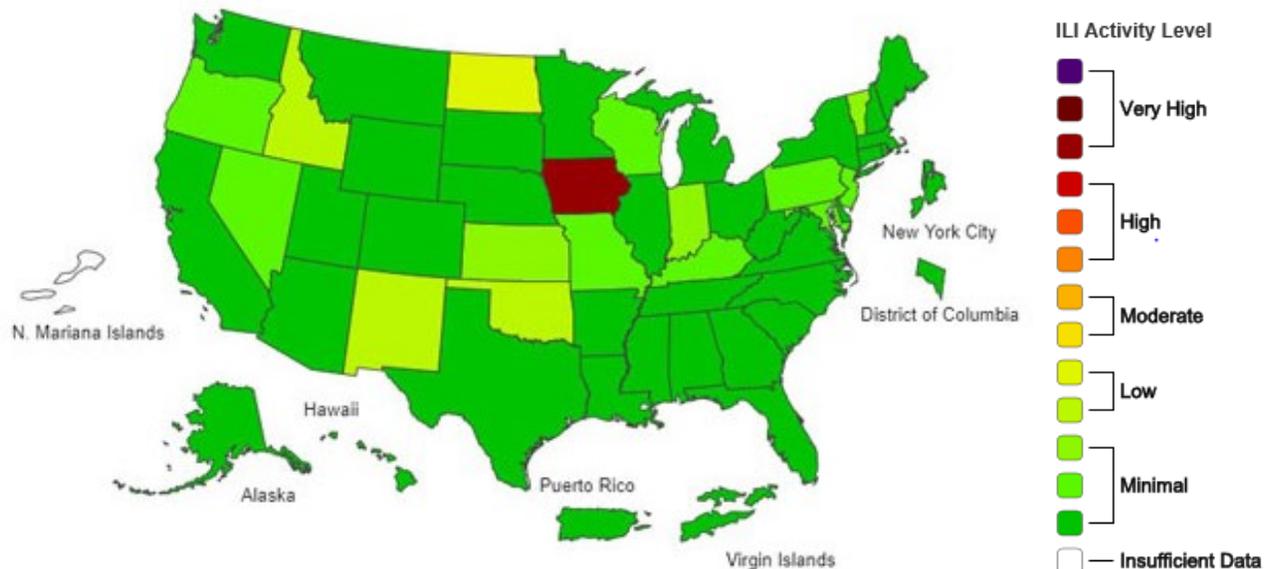
Illness

- **ILINet Outpatient Illness:** 1.5% of visits to a health care provider were for ILI, which was a slight increase from the previous week (1.3%). ILI activity remains below the national baseline of 2.6%; however, one of ten surveillance regions is above their region-specific baseline.
- **ILINet Activity Map:** This week, one jurisdiction experienced very high ILI activity, four experienced low activity, and the remaining jurisdictions experienced minimal activity.

Severe Disease

- **Hospitalizations:** Hospitalization rates will be updated weekly starting later this season.
- **P&I Mortality:** 8.9% of deaths were attributed to pneumonia, influenza, or COVID-19 (PIC). This is above the epidemic threshold of 6.1%.
- **Pediatric Deaths:** No influenza-associated pediatric deaths occurring during the 2019-20 season were reported to CDC.

**Influenza-like Illness (ILI) Activity Level Indicator Determined by Data Reported to ILINet
2020-2021 Influenza Season Week 45—Ending November 7, 2020**



Map above: This map uses the proportion of outpatient visits to ILINet sentinel providers for influenza-like illness to measure the ILI activity level within a state. It does not, however, measure the extent of geographic spread of flu within a state. Therefore, outbreaks occurring in a single city could cause the state to display high activity levels.

**“COMMUNIST COERCIVE METHODS FOR ELICITING INDIVIDUAL COMPLIANCE”.*
The Biderman Report of 1956 and COVID-19**

Chart of Coercion	COVID-19
<p>Isolation</p> <ul style="list-style-type: none"> • Deprives individual of social support of his ability to resist • Makes individual dependent upon the captor • Individual develops an intense concern with self. 	<p>Isolation</p> <ul style="list-style-type: none"> • Social distancing • Isolation from loved ones, massive job loss • Solitary confinement semi-isolation • Quarantines, containment camps
<p>Monopolization of Perception</p> <ul style="list-style-type: none"> • Fixes all attention upon immediate predicament; • Frustrates all actions not consistent with compliance • Eliminates stimuli competing with those controlled by the captor 	<p>Monopolization of perception</p> <ul style="list-style-type: none"> • Restrict movement • Create monotony, boredom • Prevent gathering, meetings, concerts, sports • Dominate all media the 24/7, censor information
<p>Induced Debility and Exhaustion</p> <ul style="list-style-type: none"> • Weakens mental and physical ability to resist • People ...become worn out by tension and fear 	<p>Induced debility</p> <ul style="list-style-type: none"> • Forced to stay at home, all media is negative • not permitted to exercise or socialize
<p>Threats</p> <ul style="list-style-type: none"> • Cultivates anxiety and despair • Gives demands and consequences for non compliance 	<p>Threats and Intimidation</p> <ul style="list-style-type: none"> • Threaten to close business, levy fines • Predict extension of quarantine, force vaccines • Create containment camps
<p>Occasional Indulgences</p> <ul style="list-style-type: none"> • Provides motivation for compliance • Hinders adjustment to deprivation. • Creates hope for change, reduces resistance • This keeps people unsure of what is happening. 	<p>Occasional Indulgences</p> <ul style="list-style-type: none"> • Allow reopening of some stores, services • Let restaurants open but only at a certain capacity • Increase more people allowed to gather • Follow concessions with tougher rules
<p>Demonstrate Omnipotence</p> <ul style="list-style-type: none"> • Demonstrates futility of resistance • Shows who is in charge • Provides positive motivation for compliance 	<p>Demonstrate Omnipotence</p> <ul style="list-style-type: none"> • Shut down entire economies across the world • Create money out of nowhere, force dependency • Develop <i>total</i> surveillance with nanochips and 5G
<p>Degradation</p> <ul style="list-style-type: none"> • Makes resistance seem worse than compliance • Creates feelings of helplessness. • Creates fear of freedom, dependence upon captors 	<p>Humiliation or Degradation techniques</p> <ul style="list-style-type: none"> • Shame people who refuse masks, don't distance • Make people stand on circles and between lines • Make people stand outside and wait in queues • Sanitation stations in every shop
<p>Enforcing trivial demands</p> <ul style="list-style-type: none"> • Develops habit of compliance • Demands made are illogical and contradictory • Rules on compliance may change • Reinforces who is in control 	<p>Enforcing trivial demands</p> <ul style="list-style-type: none"> • Family members must stand apart • Masks in home and even when having sex • Random limits on people allowed to be together • Sanitizers to be used over and over in a day

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The Chart of Coercion above is drawn from the Biderman Report on communist brainwashing techniques used by the Chinese and North Koreans on captured American servicemen to make them psychological as well as physical prisoners. Dr. Alfred D. Biderman M.A. and presented his Report at the New York Academy of Medicine Nov 13, 1956. Compare right column with your experience this year.

* Biderman Report <https://consensualenslavement.com/bidermanreport.html>

Amnesty International Report on Terror <https://www.amnesty.org/en/documents/pol10/0001/1983/en/>

PUBLIC NOTICES

(You can modify as desired for your business)

- (A) NOTICE TO GOVERNMENT AGENTS:** “Be advised that this is a private establishment. You need a warrant to lawfully enter this establishment. Any attempt to violate this will result in law enforcement being summoned.”
- (B) POLICY OF CONSTITUTIONAL COMPLIANCE:** “As a place of public accommodation, this establishment is in compliance with the United States Constitution and the Bill of Rights and therefore upholds the inalienable rights of the people for free and equal access to all facilities, privileges, accommodations and services without discrimination of any kind, whatsoever.”
- (C) NOTICE TO PATRONS:** Any person who harasses, intimidates, threatens or makes false accusations against this business, its owners, managers, employees and patrons, or who files a false claim or unfounded charges with a state or local agency regarding the lawful functioning of this business, as protected by local, state and federal laws, will be deemed a “direct threat” to the health and safety of this business and its owners, managers, employees and patrons, and as such will be banned from doing business with this establishment, and may be subject to a \$1,000,000 charge for violation of our store policies, and will be reported to local law enforcement, the FBI and Homeland Security for investigation, as fully allowed by law.



THE
CONSTITUTION
of the United States



We the People *of the United States*

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. I.

SECTION. 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION. 2.

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.]* The actual Enumeration shall be made

within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION. 3.

The Senate of the United States shall be composed of two Senators from each State, [chosen by the Legislature thereof,]* for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; [and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.]*

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be [on the first Monday in December,]* unless they shall by Law appoint a different Day.

SECTION. 5.

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6.

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION. 7.

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively, If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION. 8.

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings;
-And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION. 9.

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

[No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.]*

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10.

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II.

SECTION. 1.

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.]*

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

[In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.]*

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:- “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

SECTION. 2.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION. 3.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION. 4.

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article. III.

SECTION. 1.

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

SECTION. 2.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; - to all Cases affecting Ambassadors, other public Ministers and Consuls; - to all Cases of admiralty and maritime Jurisdiction; - to Controversies to which the United States shall be a Party; - to Controversies between two or more States; - [between a State and Citizens of another State;-]* between Citizens of different States, - between Citizens of the same State claiming Lands under Grants of different States, [and between a State, or the Citizens thereof;- and foreign States, Citizens or Subjects.]*

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment; shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION. 3.

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article. IV.

SECTION. 1.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION. 2.

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.]*

SECTION. 3.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION. 4.

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

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.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In Witness whereof We have hereunto subscribed our Names,

Go. Washington--Presidt:
and deputy from Virginia

NEW HAMPSHIRE

John Langdon
Nicholas Gilman

MASSACHUSETTS

Nathaniel Gorham
Rufus King

CONNECTICUT

Wm. Saml. Johnson
Roger Sherman

NEW YORK

Alexander Hamilton

NEW JERSEY

Wil: Livingston
David Brearley
Wm. Paterson
Jona: Dayton

PENNSYLVANIA

B Franklin
Thomas Mifflin
Robt Morris
Geo. Clymer
Thos. FitzSimons
Jared Ingersoll
James Wilson
Gouv Morris

DELAWARE

Geo: Read
Gunning Bedford jun
John Dickinson
Richard Bassett
Jaco: Broom

MARYLAND

James McHenry
Dan of St. Thos. Jenifer
Danl Carroll

VIRGINIA

John Blair-
James Madison Jr.

NORTH CAROLINA

Wm. Blount
Richd. Dobbs Spaight
Hu Williamson

SOUTH CAROLINA

J. Rutledge
Charles Cotesworth Pinckney
Charles Pinckney
Pierce Butler

GEORGIA

William Few
Abr Baldwin

Attest William Jackson Secretary

In Convention Monday

September 17th, 1787.

Present

The States of

New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Resolved,

That the preceeding Constitution be laid before the United States in Congress assembled, and that it is the Opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled.

Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which Electors should be appointed by the States which shall have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the Time and Place for commencing Proceedings under this Constitution.

That after such Publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the Time and Place assigned; that the Senators should appoint a President of the Senate, for the sole Purpose of receiving, opening and counting the Votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without Delay, proceed to execute this Constitution.

By the unanimous Order of the Convention

Go. Washington-President:

W. JACKSON Secretary.

* Language in brackets has been changed by amendment.

THE AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES AS RATIFIED BY THE STATES

Preamble to the Bill of Rights

CONGRESS OF THE UNITED STATES
BEGUN AND HELD AT THE CITY OF NEW-YORK, ON
WEDNESDAY THE FOURTH OF MARCH,
ONE THOUSAND SEVEN HUNDRED AND EIGHTY NINE

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

(Note: The first 10 amendments to the Constitution were ratified December 15, 1791, and form what is known as the "Bill of Rights.")

Amendment I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X.

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.

AMENDMENTS 11-27

Amendment XI.

Passed by Congress March 4, 1794. Ratified February 7, 1795.

(Note: A portion of Article III, Section 2 of the Constitution was modified by the 11th Amendment.)

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Amendment XII.

Passed by Congress December 9, 1803. Ratified June 15, 1804.

(Note: A portion of Article II, Section 1 of the Constitution was changed by the 12th Amendment.)

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President.-]* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

*Superseded by Section 3 of the 20th Amendment.

Amendment XIII.

Passed by Congress January 31, 1865. Ratified December 6, 1865.

(Note: A portion of Article IV, Section 2 of the Constitution was changed by the 13th Amendment.)

SECTION 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2.

Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV.

Passed by Congress June 13, 1866. Ratified July 9, 1868.

(Note: Article I, Section 2 of the Constitution was modified by Section 2 of the 14th Amendment.)

SECTION 1.

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, [being twenty-one years of age,]* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3.

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.

SECTION 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5.

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

*Changed by Section 1 of the 26th Amendment.

Amendment XV.

Passed by Congress February 26, 1869. Ratified February 3, 1870.

SECTION 1.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2.

The Congress shall have the power to enforce this article by appropriate legislation.

Amendment XVI.

Passed by Congress July 2, 1909. Ratified February 3, 1913.

(Note: Article I, Section 9 of the Constitution was modified by the 16th Amendment.)

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Amendment XVII.

Passed by Congress May 13, 1912. Ratified April 8, 1913.

(Note: Article I, Section 3 of the Constitution was modified by the 17th Amendment.)

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XVIII.

Passed by Congress December 18, 1917. Ratified January 16, 1919. Repealed by the 21st Amendment, December 5, 1933.

SECTION 1.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SECTION 2.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SECTION 3.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XIX.

Passed by Congress June 4, 1919. Ratified August 18, 1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Amendment XX

Passed by Congress March 2, 1932. Ratified January 23, 1933.

(Note: Article I, Section 4 of the Constitution was modified by Section 2 of this Amendment. In addition, a portion of the 12th Amendment was superseded by Section 3.)

SECTION 1.

The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

SECTION 2.

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

SECTION 3.

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

SECTION 4.

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

SECTION 5.

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

SECTION 6.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Amendment XXI.

Passed by Congress February 20, 1933. Ratified December 5, 1933.

SECTION 1.

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

SECTION 2.

The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

SECTION 3.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XXII.

Passed by Congress March 21, 1947. Ratified February 27, 1951.

SECTION 1.

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

SECTION 2.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

Amendment XXIII.

Passed by Congress June 16, 1960. Ratified March 29, 1961.

SECTION 1.

The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

SECTION 2.

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXIV.

Passed by Congress August 27, 1962. Ratified January 23, 1964.

SECTION 1.

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay poll tax or other tax.

SECTION 2.

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXV.

Passed by Congress July 6, 1965. Ratified February 10, 1967.
(*Note: Article II, Section 1 of the Constitution was modified by the 25th Amendment.*)

SECTION 1.

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

SECTION 2.

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

SECTION 3.

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

SECTION 4.

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Amendment XXVI.

Passed by Congress March 23, 1971. Ratified July 1, 1971.

(*Note: Amendment 14, Section 2 of the Constitution was modified by Section 1 of the 26th Amendment.*)

SECTION 1.

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

SECTION 2.

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXVII.

Originally proposed Sept. 25, 1789. Ratified May 7, 1992.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.

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