

Interests of Amicus Curiae

As Christians and citizens of Minnesota, we have an interest in the upholding of the rule of law, and in exercising our religious freedoms, freedom of speech, and right to peaceably assemble given by the Constitution of the United States and the Constitution of the State of Minnesota; and in honoring our oaths to defend and protect the Constitution of the United States.

Summary of Argument

The Emergency Executive Orders relating to COVID-19 issued by Governor Walz are unlawful and unenforceable in the state of Minnesota. These orders violate both the federal and state constitutions, continue to cause the deaths of our fellow citizens, and have plunged our state into lawlessness. As such, while these orders are being enforced as law in Minnesota, we cannot comply with them. We ask the Court to defend us and our rights by affirming that these orders are unlawful and unenforceable.

1. Emergency Executive Order 20-01, signed by Governor Walz on March 13, 2020 is unlawful and unenforceable in the state of Minnesota.
2. All the executive orders regarding COVID-19 issued by Governor Walz after EEO 20-01 are unlawful and unenforceable in the state of Minnesota.
3. Some of these executive orders are unconstitutional and violate and undermine both the Constitution of the United States of America and the Constitution of the State of Minnesota.
4. Some of these executive orders have caused deaths, and suffering in Minnesota which will continue for years to come.
5. The issuance and enforcement of these executive orders have plunged the state of Minnesota into lawlessness and caused social conflict and unrest which will continue for years to come.
6. Christians and other responsible citizens of Minnesota cannot comply with these executive orders.

Arguments

1. Emergency Executive Order 20-01, signed by Governor Walz on March 13, 2020 is unlawful and unenforceable in the state of Minnesota.

1A. The Order, Declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19, states that "the infectious disease known as COVID-19 [is] an act of nature..."

The governor does not have the authority under the Constitution of the State of Minnesota or applicable statutes to declare a peacetime emergency because of an infectious disease such as COVID-19.

As Statute **12.31 National Security or Peacetime Emergency; Declaration. Subd. 2. Declaration of peacetime emergency** reads, "...A peacetime declaration of emergency may be declared only when an act of nature, a technological failure or malfunction, a terrorist incident, an industrial accident, a hazardous materials accident, or a civil disturbance endangers life and property and local government resources are inadequate to handle the situation."

"The infectious disease known as COVID-19" is not an "act of nature", nor is it any of the other only events listed for which a peacetime emergency may be declared.

An infectious disease is not an act of nature as understood by law. If every infectious disease were an act of nature, there would be no end to the acts of nature for which peacetime emergency declarations could be made.

Throughout the executive orders relating to COVID-19, the governor described the coronavirus as an "act of nature", as if doing so repeatedly would make it so.

- EEO 20-01 states, "The infectious disease known as COVID-19, an act of nature, has now been detected in 118 countries and territories..."
- EEO 20-02 states, "I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans..."

The description of the pandemic as an act of nature in EEO 20-02 was repeated in most of the subsequent orders. The governor defined an act of nature as including an infectious disease or a pandemic so he could declare a peacetime emergency. But as we explain in this Brief, the legislature directly and specifically denied the governor the authority to make a peacetime emergency declaration for a public health emergency which is clearly understood to include an infectious disease or a pandemic.

We do not believe a peacetime emergency has been declared for any other infectious disease in Minnesota history, including others much more deadly with higher mortality rates such as those occurring in 1918, 1957, 1968, or 2009.

According to a Factual Background in a recent decision (Order & Memorandum, Free Minnesota Small Business Coalition, September 1, 2020) "Minnesota Governors—regardless of their party affiliation—have used their authority to issue emergency executive orders to combat a myriad of emergencies that affected Minnesotans in times of peril."

Several examples of emergencies are described including one reference to an infectious disease:

Governor Dayton declared a peacetime state of emergency in response to the avian flu. When faced with a pandemic which had the potential to kill an untold number of Minnesotans and overwhelm our state hospital and emergency systems, Governor Walz also declared a peacetime state of emergency.

Governor Walz followed Governor Dayton into office. Governor Dayton declared several peacetime emergencies for events properly understood to be acts of nature including severe thunderstorms (EEO 12-08), severe storms and flash flooding (EEO 13-09), extreme arctic cold weather conditions (EEO 14-02), severe summer storms (EEO 14-11), deluge rains (EEO 16-08), and severe thunderstorms (EEO 18-11).

Governor Dayton's Emergency Executive Order 15-09 Declaring a State of Peacetime Emergency in the State of Minnesota was issued on April 23, 2015 after the H5N2 avian influenza was confirmed in turkeys in at least 46 locations in the state. Governor Dayton believed it was urgent to take action to "prevent further economic hardship in the state's poultry industry." He believed farms needed "support to maintain healthy flocks."

Governor Dayton's Emergency Executive Order 15-12 Declaring an Emergency and Providing for Relief from Regulations to Motor Carriers and Drivers Operating in the State of Minnesota was issued on July 13, 2015 "to prevent further economic hardship in the state's poultry industry."

During the state of emergency Governor Dayton declared because of the "infectious disease" spreading through the turkey population of the state, he did not issue any executive orders which violated citizens' constitutional rights or caused deaths or economic hardship for any citizens like those we describe in this

Brief. His executive orders were issued to direct state agencies for the most part, not citizens of the state of Minnesota.

Governor Dayton's emergency declaration was in response to an infectious disease which threatened property (turkey flocks, farms, and processing facilities). As we explain in this Brief, one of the issues with Governor Walz's emergency declaration was that it was in response to an infectious disease which did not meet the requirement of threatening property.

As we understand it, Governor Dayton may not have clearly had the authority to declare his peacetime emergency for the H5N2 avian influenza either. The law allows for a peacetime emergency declaration when the lives of citizens are threatened, not the lives of turkeys.

So we do not believe a lawful peacetime emergency has been declared for any other infectious disease in Minnesota history, including others much more deadly with higher mortality rates such as those occurring in 1918, 1957, 1968, or 2009. This is important because if it was understood that the law truly gave the governor the authority to declare an emergency because of an infectious disease, a Minnesota governor should have done so on several occasions before Governor Walz gave himself the authority to do so because of this particular coronavirus.

To date, this infectious disease has had a fatality rate of 3 percent for confirmed cases in Minnesota. According to the Minnesota Department of Health, there was a 5 percent fatality rate for the annual influenza virus in the 2018-19 season, and a 7 percent fatality rate in the 2017-18 season. If an infectious disease was meant to be included as an "act of nature" by the legislature, the governor should have declared a peacetime emergency in those years, and will likely have to declare emergencies every year going forward as annual viruses (including influenza, coronaviruses and others) return to circulate through the population.

If this infectious disease is to be included as an "act of nature", that act of nature must, like the other listed events, endanger both "life and property" for an emergency declaration. For the most part, this infectious disease does not directly endanger life—the symptoms of the virus may cause death, particularly when an individual already has comorbidities. More importantly, this infectious disease does not endanger property in any way. An act of nature, an event like a tornado or hurricane as understood by law, may endanger both life and property.

Other states like Wisconsin specifically list a "biological agent" defined as including a virus as grounds for declaring a "public health emergency". As Wisconsin Statutes Chapter 323, Emergency Management, Subchapter 1, 323.02 (16) reads:

"Public health emergency" means the occurrence or imminent threat of an illness or health condition that meets all of the following criteria:

- (a) Is believed to be caused by bioterrorism or a novel or previously controlled or eradicated biological agent.
- (b) Poses a high probability of any of the following:
 1. A large number of deaths or serious or long-term disabilities among humans.
 2. A high probability of widespread exposure to a biological, chemical, or radiological agent that creates a significant risk of substantial future harm to a large number of people.

Wisconsin statutes regarding emergency declarations are noteworthy here as Minnesota Governor Walz has followed Wisconsin Governor Evers like a lemming in ordering Minnesota's public policy response to COVID-19. As we describe following, Minnesota legislators proposed revising statutes to provide for a "public health emergency" and may have referenced Wisconsin statutes in doing so. Wisconsin Governor

Evers clearly had the lawful authority to declare a "public health emergency" in response to COVID-19, but Minnesota Governor Walz did not have the lawful authority to declare his peacetime emergency.

Also, according to Minnesota Statute **12.31 Subd. 2**, a peacetime emergency can be declared "if local government resources are inadequate to handle the situation", and it is not at all clear that those resources were inadequate in Minnesota. In the beginning, citizens were directed to engage in mitigation efforts including "social distancing" to "flatten the curve" and slow the spread of the virus to avoid overburdening medical facilities. County and city officials were entirely capable of notifying and directing the public about the need to wash their hands and social distance if the public really needed that sort of handling at all.

1B. Minnesota legislators knew that Governor Walz did not have the authority under the Constitution of the State of Minnesota or statutes to declare a peacetime emergency for this infectious disease.

On March 9, House File No. 4326 was introduced to give the governor the authority, which he did not yet have, to declare a peacetime emergency.

A proposed amendment to Section 1. Minnesota Statutes 2018, section 12.03 read:

Subd. 12. **Public health emergency.** "Public health emergency" means a determination by the commissioner of health that the public health is affected by or under imminent threat from pandemic influenza or an outbreak of a communicable or infectious disease...

A proposed amendment to Section 2. Minnesota Statutes 2018, section 12.31 read:

Subd. 2. **Declaration of peacetime emergency.** (a) The governor may declare a peacetime emergency. A peacetime declaration of emergency may be declared only when an act of nature, a public health emergency, a technological failure or malfunction, a terrorist incident, and industrial accident, a hazardous materials accident, or a civil disturbance endangers life and property and local government resources are inadequate to handle the situation.

In the proposed amendments, "a public health emergency" which includes "an outbreak of a communicable or infectious disease" is clearly defined as something which is not an "act of nature".

According to the Petition for Quo Warranto by Mohrman & Kaardal, P.A. dated May 28, 2019:

House File No. 4326 was approved by the Health and Human Services Finance Division on March 12, 2020, and was referred to the Ways and Means Committee where it has apparently died. There was no Senate companion. House File No. 4326 indicates that at least a committee of the state house thought the statutory provisions were inadequate to authorize the Government's use of emergency peacetime powers.

On March 13, Governor Walz issued Emergency Executive Order 20-01 Declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19 anyway.

We appeal to the Court to confirm which members of the Executive Council, responsible for sanctioning executive orders in Minnesota, were aware of House File No. 4326 and the fact that the governor did not have the authority to declare a peacetime emergency because of an infectious disease like COVID-19. Minnesota State Attorney General Ellison was responsible to advise the governor that he did not have that authority; and any Executive Council member who went on to sanction Emergency Executive Order 20-01 and the subsequent orders is guilty of malfeasance.

1C. In 2005, Minnesota legislators revised statute 12.31 to remove all references to "public health emergency", effectively removing any authority the governor had to declare a peacetime emergency because of an infectious disease, a pandemic, or any other "public health" matter.

In the 2005 House File No. 1555, all references to a "public health emergency" were removed from Minnesota Statutes 2004, Section 12.31, Subdivision 2, Declaration of Peacetime Emergency; from Section 12.32 Governor's Orders and Rules, Effect; from Section 12.34, Subdivision 1, Emergency Powers; and from several other Sections.

Revisions to the statutes shown in HF1555 included:

Subd. 2. Declaration of Peacetime Emergency. (a) The governor may declare a peacetime emergency. A peacetime declaration of emergency may be declared only when an act of nature, a technological failure or malfunction, a terrorist incident, ~~a public health emergency~~, an industrial accident, a hazardous materials accident, or a civil disturbance endangers life and property and local government resources are inadequate to handle the situation.

12.32 Governor's Orders and Rules, Effect. Subdivision 1. **Emergency Powers.** When necessary to save life, property, or the environment during a national security emergency or during a peacetime emergency ~~declared due to a public health emergency~~, the governor, the state director, or a member of a class of members of a state or local emergency management organization designated by the governor, may...

In 2005 the legislature revised the statutes so the governor could no longer make a peacetime emergency declaration for a public health emergency. At that time, a public health emergency was clearly understood to include an infectious disease or a pandemic. An "act of nature" was a distinct event for which a peacetime emergency could be declared, and an act of nature was understood not to include an infectious disease or a pandemic.

In 2020 some members of the legislature understood that an act of nature did not include an infectious disease or a pandemic, so they tried but failed to revise the statutes to authorize the governor to declare a peacetime emergency for a "public health emergency" again.

Governor Walz declared his peacetime emergency for an "act of nature" which he redefined to include an infectious disease or a pandemic. But the legislature had not redefined an act of nature to include an infectious disease or a pandemic. The governor did not have the authority to make a peacetime emergency declaration for either a public health emergency or an act of nature to include an infectious disease or a pandemic.

2. All the executive orders regarding COVID-19 issued by Governor Walz after EEO 20-01 are unlawful and unenforceable in the state of Minnesota.

2A. The governor has the authority under state law to issue executive orders after declaring a lawful peacetime emergency. He does not have the authority to issue any executive orders if his peacetime emergency declaration is not lawful, if he does not have the authority under the Constitution of the State of Minnesota or applicable statutes to declare that peacetime emergency.

As Statute **12.32 Governor's Orders and Rules, Effect** reads:

Orders and rules promulgated by the governor under authority of section 12.21, subdivision 3, clause (1), when approved by the Executive Council and filed in the Office of the Secretary of State, have, during a national security emergency, peacetime emergency, or energy supply emergency, the full force and effect of law.

The Minnesota State Legislature foolishly gave the office of the governor the authority to issue executive orders, during an emergency, which have "the full force and effect of law". These orders are not laws, because they were not enacted as laws by our elected representatives in the legislative branch, but they have the status of law. In the future, the Legislature must revise this statute.

At this time, it is understood that if any of the orders regarding COVID-19 had been issued after a lawfully declared peacetime emergency, those orders would have essentially been laws and enforceable as laws.

As Statute **12.45 Violations, Penalties** reads:

Unless a different penalty or punishment is specifically prescribed, a person who willfully violates a provision of this chapter [Chapter 12 Emergency Management] or a rule or order having the force and effect of law issued under authority of this chapter is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000, or by imprisonment for not more than 90 days.

Because the peacetime emergency declaration was not lawful, none of the subsequent executive orders are lawful or enforceable, and so the citizens of Minnesota are not subject to those penalties.

2B. The office of the governor was not given the authority by the Constitution of the State of Minnesota or any statutes to issue executive orders which apply directly to the citizens of Minnesota. It has traditionally been understood that executive orders apply to members and offices of the executive branch of government, not to individual citizens. The citizens of Minnesota are entitled to live under the law and the rule of law rather than executive orders under the rule of men.

Perhaps the governor has this authority, but in our laypersons' review of the statutes and our state constitution we could not find where he was given that authority. We appeal to the Court to confirm where the governor was given that authority, or to require the Minnesota State Attorney General to explain to the Court.

According to Statute **12.21 Governor, Subd. 3. Specific authority** (10), the governor may "alter or adjust by executive order...the working hours, workdays and work week of, and annual and sick leave provisions and payroll laws regarding all state employees in the executive branch as the governor deems necessary to minimize the impact of the disaster or emergency", but he does not have the authority from that statute to adjust the "working hour, workdays and work week of" any citizens who are not state employees.

Nonetheless, the governor issued Emergency Executive Order 20-04 Providing for Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation; which effectively shut down many places of employment in the state which could not continue to operate after he closed them "to ingress, egress, use, and occupancy by members of the public."

EEO 20-04 included the statement that it did not "prohibit an employee...from entering, exiting, using, or occupying that place of public accommodation in their professional capacity." It most certainly did when it forced the business to close and lay off or terminate its employees.

2C. In Emergency Executive Order 20-20 Directing Minnesotans to Stay at Home, the governor reminded the public:

Minnesota Statutes 2019, section 12.21, subdivision 3(7), authorizes the Governor to cooperate with federal and state agencies in "matters pertaining to the emergency management of the state and nation . . ." including "the direction or control of . . . the conduct of persons in the state,

including entrance or exit from any stricken or threatened public place, occupancy of facilities, and . . . public meetings or gatherings” Pursuant to subdivision 3 of that same section, the Governor may “make, amend, and rescind the necessary orders and rules to carry out the provisions” of Minnesota Statutes 2019, Chapter 12.

The governor repeated that claim, at times changing a few words but conveying the same meaning, in many of his orders to explain to the public from where he was given his authority.

2019 Minnesota Statutes, **Chapter 12 Emergency Management; Powers, Duties of Governor and Local Organizations, Section 12.21 Governor** details the authority of the office of the governor:

Subdivision 1. **General authority.** The governor (1) has general direction and control of emergency management, (2) may carry out the provisions of this chapter, and (3) during a national security emergency declared as existing under section 12.31, during the existence of an energy supply emergency as declared under section 216C.15, or during the existence of an emergency resulting from an incident at a nuclear power plant that poses a radiological or other health hazard, may assume direct operational control over all or any part of the emergency management functions within this state.

Subd. 2. **Cooperation.** In performing duties under this chapter, the governor may cooperate with the federal government, with other states, with Canadian provinces, and with private agencies, in all matters pertaining to the emergency management of this state and of the nation.

Subd. 3. **Specific authority.** In performing duties under this chapter and to effect its policy and purpose, the governor may:

(1) make, amend, and rescind the necessary orders and rules to carry out the provisions of this chapter and section 216C.15 within the limits of the authority conferred by this section, with due consideration of the plans of the federal government and without complying with sections 14.001 to 14.69, but no order or rule has the effect of law except as provided by section 12.32;

...

(7) cooperate with the president and the heads of the armed forces, the Emergency Management Agency of the United States and other appropriate federal officers and agencies, and with the officers and agencies of other states in matters pertaining to the emergency management of the state and nation, including the direction or control of:

...

(iv) the conduct of persons in the state, including entrance or exit from any stricken or threatened public place, occupancy of facilities, and the movement and cessation of movement of pedestrians, vehicular traffic, and all forms of private and public transportation during, prior, and subsequent to drills or actual emergencies;

(v) public meetings or gatherings; and

(vi) the evacuation, reception, and sheltering of persons;

...

(12) transfer the direction, personnel, or functions of state agencies to perform or facilitate response and recovery programs.

Under Subdivision 1, the governor "may assume direct operational control over all or any part of the emergency management functions within this state" during three specific emergencies which do not include a peacetime emergency. The governor is not authorized by Chapter 12 to assume such control during a peacetime emergency.

We believe our legislators were wise to not give the office of the governor this authority during peacetime emergencies. The governor was given authority for a specific list of emergencies. Keeping the list short

had prevented until now the abuses of power which Minnesotans have suffered under the rule of Governor Walz.

3. Some of these executive orders are unconstitutional and violate and undermine both the Constitution of the United States of America and the Constitution of the State of Minnesota.

This was detailed in the Complaint for Declaratory and Injunctive Relief for which we submit this Amicus Brief in support. The unconstitutional nature of the governors' lockdown orders across the nation have likewise been detailed in other lawsuits. While violations of citizens' Fourteenth Amendment Rights are typically explained in these lawsuits, we feel more emphasis needs to be given to the clear violations of our First Amendment Rights.

As the First Amendment reads, "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."

The federal or state legislative branch may not enact a law "prohibiting the free exercise [of religion]," and so the judicial branch may not deliver an opinion or the executive branch may not issue an order which prohibits that "free exercise" of religion either. Any prohibitions were required to be laws according to the authors of our First Amendment.

Those executive orders which are unconstitutional because they prohibit our "free exercise" of religion as explained in the Complaint also deny us our right to peaceably assemble. As the executive orders were enforced to lock down citizens across the country and in Minnesota, the viewpoints of American citizens opposed to the lockdowns were increasingly censored at an alarming rate on social and mainstream media platforms. The freedom of speech of many Americans was so abridged they were not even allowed to ask questions about public policy being created through executive orders.

4. Some of these executive orders have caused deaths, and suffering in Minnesota which will continue for years to come.

Because these unlawful and unconstitutional executive orders were issued and enforced in Minnesota, people will continue to die for some time, and many will continue to suffer for years to come. The citizens of Minnesota have been betrayed by the executive and legislative branches of state government through these executive orders, and by the judicial branch which has already denied several Minnesota citizens' petitions.

4A. In a May 27, 2020 article, "Will the Politicians Admit Their Lockdown Mistake?", Jeffrey A. Tucker, the Editorial Director for the American Institute for Economic Research, explained that COVID-19 fatalities had amounted to 800,000 lost years of life by the end of May. At the same time, the losses of life from missed health care and unemployment alone were estimated at 1.5 million lost years of life.

Dr. Scott W. Atlas was appointed as a White House coronavirus task force member in August. In an article for *The Hill*, published on May 25 and titled "The COVID-19 Shutdown Will Cost Americans Millions of Years of Life" he warned:

Our governmental COVID-19 mitigation policy of broad societal lockdown focuses on containing the spread of the disease at all costs, instead of "flattening the curve" and preventing hospital overcrowding... The policies have created the greatest global economic disruption in history, with trillions of dollars of lost economic output. These financial losses have been falsely portrayed as purely economic. To the contrary, using numerous National Institutes of Health Public Access publications, Centers for Disease Control and Prevention (CDC) and Bureau of

Labor Statistics data, and various actuarial tables, we calculate that these policies will cause devastating non-economic consequences that will total millions of accumulated years of life lost in the United States, far beyond what the virus itself has caused.

Dr. Atlas was joined by three others in detailing in the article the horrific cost in terms of lost hours of life. According to the article byline:

Scott W. Atlas is a physician and senior fellow at Stanford University's Hoover Institution...

John R. Birge is a professor at the University of Chicago Booth School of Business. Ralph L. Keeney is professor emeritus in business at Duke University and in engineering at the University of Southern California. Alexander Lipton is a visiting professor and dean's fellow at the Jerusalem Business School of the Hebrew University of Jerusalem.

By July 9, 2020, in an article published by the Manhattan Institute for Policy Research, "Death by Policy: Mortality Statistics Show That Many People Have Died from Lockdown-related Causes, Not From Covid-19", author Joel Zinberg wrote:

Inpatient admissions nationwide in VA hospitals, the nation's largest hospital system, were down 42 percent for six emergency conditions—stroke, myocardial infarction (MI), heart failure, chronic obstructive pulmonary disease, appendicitis, and pneumonia—during six weeks of the Covid-19 pandemic (March 11 to April 21) compared with the six weeks immediately prior (January 29 to March 10)...These emergency conditions did not become any less lethal as a result of the pandemic; rather, people simply died from acute illnesses that would have been treated in normal times.

As the article byline reads:

Joel Zinberg, M.D., J.D., is a Senior Fellow at the Competitive Enterprise Institute in Washington, D.C., and an associate clinical professor of surgery at the Mount Sinai Icahn School of Medicine in New York. He served as general counsel and senior economist at the Council of Economic Advisers from 2017 to 2019, where he specialized in health policy.

In a Minnpost.com article ("John Engebretson: Overdose Rise is 'The Third Wave of the Opioid Epidemic'") by Andy Steiner posted on September 8, 2020, Steiner quoted Engebretson, the director of Minnesota Outpatient Services at Hazelden-Betty Ford:

Overall, drug overdoses, not necessarily deaths—but overdoses in general—have been on the rise during this pandemic. We saw an 18 percent increase nationwide in overdoses in March, a 29 percent increase in April and a 42 percent increase in May...In Minnesota, there was a 20 percent jump in overdoses in 2019 compared to 2018. So far in 2020, we are seeing a 23 percent increase.

A cursory look at recent *Star Tribune* headlines reveals what is happening and will continue to affect the lives of the citizens of Minnesota for years to come:

- "Deficit of \$4.7B Seen as Budget Erodes" (Aug. 1). According to the article, "Minnesota lawmakers are facing a potential \$4.7 billion deficit in the next two-year budget as the coronavirus pandemic continues to gobble up more resources than the state gets in revenue."
- "Minnesota Exports Plummet: Industries Such as Communications Equipment, Agricultural and Construction Machinery Hit Hard in June Due to Virus, Report Says." (Aug. 11).
- "Executive Orders Brought Little Relief: Just One State is Paying Added Jobless Benefits." (Aug. 23).
- "Mall of America Layoffs: More Than 200 to Lose Jobs Because of Pandemic" (Sept. 4).
- "Hunger Crisis in State Worsens" (Sept. 6).
- "States Plan Cuts as Congress Deadlocks" (Sept. 7). These include "spending cuts to schools, childhood vaccinations and job-training programs."

- "Companies Avoid Layoffs by Tapping Jobless Benefits" (Sept. 7). Minnesota's unemployment insurance fund will continue to be drained indefinitely. Reducing employee hours and directing them to recover their lost wages through unemployment has been disastrous for many citizens suffering long delays in receiving payments.
- "Eviction Ban Alone Won't Stop Crisis: Both Landlords and Renters Will Likely Need Some Form of Further Aid." (Sept. 7).
- "Virus-fueled Debt Soars 79%, Nears Size of Entire U.S. Economy" (Sept. 9). The article details "spending that the government has authorized as it tried to control the economic impact of the coronavirus pandemic."

Progressive national media and the *Star Tribune* continue to report the collateral damage including the deaths caused by the government response to the virus, as being caused by the virus or caused by the pandemic. This false and manipulative reporting enables and encourages government to continue in its efforts, effectively increasing the collateral damage our citizens will suffer.

4B. Governor Walz established, controlled, and directed Minnesota's public policy response to COVID-19.

The national response began with governors ordering lockdowns in several other states to slow the spread of the virus and to "flatten the curve" to prevent overburdening medical facilities, particularly hospital intensive care units. Americans largely complied, leaving their jobs, closing their businesses, and isolating themselves in their homes.

As Governor Walz wrote in Emergency Executive Order 20-04 Providing for Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation, signed March 16, 2020, "Slowing the spread of COVID-19 is critical to ensuring that our healthcare facilities remain able to accommodate those who require intensive medical intervention."

Minnesotans initially allowed government interference in and control over our lives and the lives of our children during the "COVID-19 pandemic" to help slow the spread of the virus to avoid overburdening our hospitals. If state government had adequately prepared for a respiratory viral pandemic as they should have years before COVID-19 had entered the nation and the state, there would have been no need for mitigation efforts to slow the spread of the virus.

But Governor Walz decided he would slow the spread of the virus far beyond what was required to avoid overburdening hospitals, if not to entirely stop the spread; and he decided it was his function to protect Minnesotans from the virus and prevent its transmission.

Governor Walz would go on to repeatedly assert that his decisions, his actions, and his orders were "based on science".

A KARE 11 news report on March 13, 2020 titled "Gov. Walz Says Decision to Not Close School is Based on Science" reads:

The state did not suggest districts with K-12 students close... Those decisions are influenced by science. For example, State Health Commissioner Jan Malcom said children make up a small percentage of the cases globally.

Malcom was quoted, "The Chinese data is probably the most thorough on this. They are not seeing cases of child-to-child transmission nor child-to-family transmission... Kids can have the virus and not be symptomatic themselves but as a percentage of the transmission, it is very small, not zero but small.' "

Governor Walz was quoted, " 'Your instinct is to protect your children and one of the things is, and the epidemiologist will tell you this, I got off the phone with one of the commissioners former colleagues with Mike Osterholm who in no uncertain terms says do not close schools...' "

Despite what Governor Walz told the public on March 13, he issued "Emergency Executive Order 20-02 Authorizing and Directing the Commissioner of Education to Temporarily Close Schools to Plan for a Safe Educational Environment" signed on March 15, directing the Commissioner to "close all schools to students". He issued subsequent orders requiring a distance learning period (Order 20-19, March 30), an extended distance learning period for the remainder of the school year (Order 20-41, April 24), allowing summer school programs (Order 20-57, May 15), and requiring face coverings for students in schools (Order 20-81, July 22). On July 30, he issued Order 20-82 Authorizing and Directing the Commissioner of Education to Require School Districts and Charter Schools to Provide a Safe and Effective Learning Environment for Minnesota's Students during the 2020-21 School Year.

Order 20-41 "extended [the] distance learning period for the remainder of the school year", which meant as reported in the *Star Tribune* article headline on April 24, "Gov. Tim Walz Orders Minnesota Classrooms Closed the Rest of the School Year".

We do not believe Governor Walz received any "new science" in the 48 hours before March 15 which led him to close Minnesota schools. There has been no "new science" of any kind since March 15 which required authorities to close schools. The reporting on transmissions and mortality rates has shown that children are not at enough risk for COVID-19 to speak of, and certainly not at enough risk to warrant radically changing their lives for fear of "catching the virus".

None of the governor's decisions and orders relating to Minnesota schools were based on science—they were political decisions. From the very start, Minnesotans were subject to a series of political decisions and orders which have cost many of our fellow citizens their lives.

It was a political decision to slow the spread of the virus to avoid overburdening medical facilities to provide a cover for the incompetence and criminal negligence of authorities who had failed to prepare for a respiratory pandemic like COVID-19.

In *Three Seconds Until Midnight*, published in 2019, authors Steven Hatfill, Robert Coullahan, and John Walsh Jr. describe the sorry record of federal, state, and local governments in preparing us for an influenza pandemic similar to the one which occurred in 1918. Various attempts to plan began as far back as 1978, with efforts by several federal agencies including the stockpiling of medicines and equipment which could not be distributed or were not maintained.

To sum up what the authors found, we are entirely unprepared. If the COVID-19 outbreak had been nearly as lethal as the influenza pandemic of 1918, there would likely be no functioning Court such as this one to submit an Amicus Brief to six months later.

There have been plenty of people in government at all levels for the last 40 years who understood we needed to make some preparations for a viral respiratory pandemic. Their abject failure to make basic preparations was exposed by the immediate outcry when the COVID virus arrived, about the shortage or total lack of personal protective equipment like masks for medical personnel, ventilators, hospital beds and ICU equipment. Most of those kinds of equipment could have been stockpiled years ago and would have required little maintenance.

Our medical responders paid the price for the lack of basic preparation when they were forced to reuse equipment which should have been discarded, including masks. Our elderly citizens paid a higher price when people who were known to be "plague carriers" were put into nursing homes to ensure that hospitals would have enough beds for the influx of patients which never materialized.

To make matters worse, the public has no reason to expect or believe that Minnesota state government will do anything to prepare us for the next pandemic. Governor Walz told us on March 15 that we needed to lock down to prevent overburdening medical facilities. Four months later, after the July 4 holiday, the *Star Tribune* was still warning readers about the dire threat of case growth levels, and the numbers of people being hospitalized including those needing intensive care. So in four months, apparently nothing had been done to prepare for an increase in cases, and the governor could argue we needed to extend the lockdown again to avoid overburdening medical facilities and to continue protecting everyone. Four months was not enough time for state government to assemble a few more beds or intensive care units. But it was more than enough time for Minnesota to join the rest of the nation in national suicide in response to this particular coronavirus.

It was a political decision by governors like Walz that they had to be seen "doing something" in response to the grossly exaggerated threat of the virus. So, after Wisconsin Governor Evers closed that state's schools on March 14th, Governor Walz closed Minnesota schools on March 15th, despite acknowledging there was no science-based reason for doing so less than two days earlier.

The governor's political decision that it was not enough to slow the spread of the virus, his decision that he was responsible to continue to control the spread of the virus until the public believed it had been stopped, and his decision that he was responsible to protect Minnesotans from the virus were not based on science and were dangerous decisions. Minnesota citizens were subject to a series of political decisions and orders which simply made matters much worse and caused deaths.

The governor's orders closing schools, closing "places of public accommodation" and ordering citizens to "stay at home" effectively quarantined healthy people, rather than infected people whom we have always quarantined in the past. Before the "COVID pandemic", we had always allowed the population to build natural immunity in addition to trying to develop a vaccine to immunize individuals who might need one.

Science explains there are two ways to stop a virus, to end its circulation through the population. You immunize the healthy population by allowing the virus to circulate resulting in natural immunity, and you immunize the unhealthy and at-risk population with a vaccine. Both forms of immunization require exposure to the virus. Science explains we cannot entirely eradicate this virus; it will likely return as several other coronaviruses have every year for the rest of our lives.

But Governor Walz ordered Minnesotans to do everything they could do to prevent exposure to the virus, and everything they did put them at higher risk when they were eventually exposed to the virus. Healthy citizens were ordered to socially isolate themselves where they suffered anxiety and stress from job loss and the inability to provide for themselves and their families, which effectively weakened their immune systems putting them at much higher risk for the virus.

Healthy citizens were ordered to wear masks, which also served to directly weaken their immune systems, and indirectly did so by heightening or maintaining their level of fear and anxiety about "catching the virus". Wearing masks did much more to keep people in fear of the virus than it did to protect people from it.

Governor Walz ordered Minnesotans to do everything they could to avoid exposure to the virus when he should have known an effective and safe vaccine was not likely to be available for years. The series of orders Minnesota citizens were subject to in a misguided effort, which was not based in science, to protect them from the virus did no such thing. To our knowledge, Minnesota citizens received no instruction from state government or agencies, or progressive media, regarding how they could boost their immune systems to protect themselves. This was one of the most fundamental actions which should have been the first taken to "protect" citizens from the virus.

But the failure to competently and effectively "protect" Minnesotans from the virus by enabling and directing them to boost their immune systems is not much of an issue when you consider the abject

failure, the negligence, and the apparent lack of any real effort to "protect" those Minnesotans who were clearly at highest risk for the virus in the first place.

We understood early in March that the virus was ravaging the elderly population in Italy. As Governor Walz said in Order 20-03 on March 15, "Science tells us that COVID-19 is particularly dangerous for our elderly population and those with chronic health conditions."

Yet the governor and the Commissioner of Health did not finally release the "battle plan," as it was called for nursing homes and long-term care centers, until May 7, almost two months after it was understood which Minnesotans were at highest risk.

On May 20, the *Star Tribune* reported, "Virus Pipeline to Elder Care: Nursing Homes Accepting Infected Patients, Even as Death Toll Mounts":

Despite the devastating death toll, Minnesota nursing homes are still being allowed by state regulators to admit coronavirus patients who have been discharged from hospitals.

Early in the pandemic, the Minnesota Department of Health turned to nursing homes and other long-term care facilities to relieve the burden on hospitals that were at risk of being overwhelmed by COVID-19 patients. Minnesota hospitals have since discharged dozens of infected patients to nursing homes, including facilities that have undergone large and deadly outbreaks of the disease, state records show.

In a June 4 statement, Minnesota Citizens Concerned for Life called for the resignation of the Commissioner of Minnesota's Department of Health and "an immediate end to the state's policy of placing infected COVID-19 patients in long-term care centers..."

Two months after state government understood the threat the virus posed to our elderly citizens, nothing had effectively been done to protect them. There were many Emergency Executive Orders, but none locking down Minnesota's nursing homes and long-term care facilities. Three months after state government understood the threat, they were still putting people who had COVID-19 into nursing homes.

According to MinnPost.com on June 23, "Of the 1,393 COVID-19 deaths reported in Minnesota, 1,101 have been among residents of long-term care." That was nearly 80 percent of the deaths.

If Governor Walz was going to order any closures, it should have been closures of nursing homes and other long-term care facilities to protect those people at highest risk for the virus, and medical facilities to prevent overburdening so only people with symptoms would seek medical treatment. This should have been done before the first Minnesotan was confirmed with the virus. If Governor Walz was going to require testing for anyone, it should have been anyone who wanted access to nursing homes or medical facilities. If Governor Walz was going to require anyone to wear masks, it should have been those people who were at risk for the virus, not everyone else. All these things should have been done early in March, as part of the governor's effort to "protect" Minnesotans.

The decision by Governor Walz to do more than slow the spread of the virus caused the collateral deaths (examples in 4A). Those deaths would not have happened if Minnesotans had not been subject to his series of unlawful and unconstitutional orders.

The decision by Governor Walz to slow the spread of the virus to prevent overburdening hospitals led to those 80 percent of deaths in Minnesota. Under his direction, the Minnesota Department of Health apparently decided it was more important to prevent overburdening hospitals than it was to protect the lives of our elderly and most vulnerable citizens.

State government interference is responsible for the deaths of many more of the citizens of Minnesota than COVID-19 is. Governor Walz, and those members of his political party in the Minnesota State Legislature who voted seven times against ending his emergency powers thereby allowing the citizens of

Minnesota to return to school, to work, to their businesses, to assemble and to socialize; are indirectly responsible for the deaths of every citizen which occurred as a result of his unlawful and unconstitutional orders relating to COVID-19.

Having decided it was his function to slow the spread of the virus, far beyond what was required to avoid overburdening hospitals; and having decided it was his function to protect Minnesotans from the virus and prevent its transmission, the governor ordered all Minnesotans to protect others from the virus and to help to prevent its transmission.

So the governor issued Emergency Executive Order 20-81 Requiring Minnesotans to Wear a Face Covering in Certain Settings to Prevent the Spread of COVID-19, signed on July 22.

Wearing masks has prevented the virus from circulating through the healthy population resulting in natural immunity which is the only thing that will bring the virus to an end in this first of what will likely be annual visitations. Wearing masks has enabled the virus to continue to circulate until it will now run into the annual influenza season and people may be subject to both viruses at the same time. The conflicts between citizens regarding mitigation efforts have greatly increased over the wearing of masks.

People who suffer harm from being forced to wear masks as a condition of employment will eventually sue their employers, while the governor and others in state government have immunity and cannot be held accountable for any unintended consequences resulting from forcing citizens to wear masks.

5. The issuance and enforcement of these executive orders have plunged the state of Minnesota into lawlessness, and caused social conflict and unrest which will continue for years to come.

5A. The orders Governor Walz issued were given "the force and effect" of law. The office of Minnesota State Attorney General Ellison was responsible for enforcing the orders. Minnesota citizens were directed to regard the orders as law, to understand they were effectively "breaking the law" if they violated the governor's orders.

It would be more accurate to describe the orders as "pseudo-laws" because they were not laws enacted by our duly elected state legislators. As such, the orders were not derived through the constitutional process which laws undergo, including debate, consideration of the consequences of implementing them, and consideration of whether they were in fact constitutional.

Executive orders or "pseudo-laws" should be constitutional as well as "real laws" should be constitutional.

At this time Minnesotans are effectively living under executive rule, under "pseudo-laws" enacted by the governor. We no longer live under the law and the rule of law, we are now living under the rule of men, one man in the office of the governor. We no longer need the Minnesota State Legislature to enact the laws we all must agree to live under, we can now rely on the governor to do that. We may as well disband the Minnesota State Legislature and send our elected representatives home.

This is lawlessness.

5B. We were told the governor's orders were law, and then these laws were unevenly enforced upon us. Minnesotans were not allowed to assemble and to socialize for months in our schools, churches, and public places; but protestors were allowed to gather en masse after the death of George Floyd in Minneapolis.

On May 20, the *Star Tribune* reported, "21 More Charged for Violating Orders: New Cases are Filed Against People Accused of Breaking State's Stay-at-Home Guidelines." It was reported that 88 cases had been filed after the stay-at-home order began in late March.

According to *Star Tribune* news reports, on Monday, May 25, George Floyd died in the Hennepin County Medical Center. On Tuesday evening protestors gathered to march to the Minneapolis Police Department's Third Precinct. Early Friday morning the Third Precinct was burned down.

Emergency Executive Order 20-20 Directing Minnesotans to Stay at Home was issued on March 25 to remain in effect until April 10. Under this Order there was an exemption for "Outdoor activities":

Individuals may engage in outdoor activities (e.g., walking, hiking, running, biking, driving for pleasure, hunting, or fishing), and may go to available public parks and other public recreation lands, consistent with remaining at least six feet apart from individuals from other households.

Emergency Executive Order 20-33 Extending Stay at Home Order and Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation was issued on April 8, ordering Minnesotans to continue to stay at home until May 3. This Order had the same exemptions for "Outdoor activities".

Emergency Executive Order 20-38 Allowing for Safe Outdoor Recreation was issued on April 17. This order revised EEO 20-33, and further limited "Outdoor Recreational Activity":

Individuals **must not** engage in outdoor recreational activities where they will come into close proximity with others from different households...Outdoor recreational activities allowed by this Executive Order **do not include** performances, competitions, team events, tournaments, races, rallies, organized sports, spectator events, fairs, or any other events that involve the gathering of individuals in a manner that would preclude social distancing. For example, individuals must not partake, as participants or as spectators, in activities such as marathons, fundraising walks, fishing contests, league sports, and tournaments.

Emergency Executive Order 20-48 Extending and Modifying Stay at Home Order, Continuing Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation, and Allowing Additional Workers in Certain Non-Critical Sectors to Return to Safe Workplaces, was issued on April 30. This EEO repeated that "Individuals **must not** engage in outdoor recreational activities where they will come into close proximity with others from different households." This EEO was issued to be in effect until May 17.

Emergency Executive Order 20-56 Safely Reopening Minnesota's Economy and Ensuring Safe Non-Work Activities during the COVID-19 Peacetime Emergency, was issued on May 13 to remain in effect until May 31. This rescinded EEO 20-48, and prohibited gatherings:

All gatherings of more than 10 people are prohibited. Gatherings are groups of individuals, who are not members of the same household, congregated together for a common or coordinated social, civic, community, faith-based, leisure, or recreational purpose—even if social distancing can be maintained. This prohibition includes planned and spontaneous gatherings, public and private gatherings, and indoor and outdoor gatherings. Examples of prohibited gatherings include, but are not limited to, social, civic, community, faith-based, or leisure events, sporting or athletic events, performances, concerts, conventions, fundraisers, parades, fairs, and festivals that bring together more than 10 people from more than one household.

EEO 20-56 included the standard violation warnings:

Pursuant to Minnesota Statutes 2019, section 12.45, an individual who willfully violates this Executive Order is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000 or by imprisonment for not more than 90 days. Any business owner, manager, or supervisor who requires or encourages any of their employees, contractors, vendors, volunteers, or interns to violate this Executive Order is guilty of a gross misdemeanor and upon conviction must be punished by a fine not to exceed \$3,000 or by imprisonment for not more than a year.

Emergency Executive Order 20-63 Continuing to Safely Reopen Minnesota's Economy and Ensure Safe Non-Work Activities during the COVID-19 Peacetime Emergency, was signed on May 27. It rescinded EEO 20-56 as of May 31, but ordered that the relevant prohibitions on gatherings would continue to be in effect as of May 31.

Emergency Executive Order 20-74 Continuing to Safely Reopen Minnesota's Economy and Ensure Safe Non-Work Activities during the COVID-19 Peacetime Emergency rescinded EEO 20-63 on June 9, but continued to prohibit gatherings:

All indoor social gatherings of more than 10 people and all outdoor social gatherings of more than 25 people are prohibited, except as set forth below. Social gatherings are groups of individuals, who are not members of the same household, congregated together for a common or coordinated social, community, or leisure purpose—even if social distancing can be maintained. This prohibition includes planned and spontaneous gatherings as well as public and private gatherings.

Despite the EEO 20-56 prohibition of gatherings on May 13, people were allowed to gather in large numbers beginning on May 26 to protest the death of George Floyd. Law enforcement and the office of the Minnesota State Attorney General should have enforced the governor's orders on the protestors as they had been enforced upon the other citizens of Minnesota. We were not allowed to gather and socialize in our schools, churches, or places of business for months; the protestors should not have been allowed to gather either.

Minnesota State Attorney General Ellison is guilty of gross nonfeasance in not enforcing the governor's orders on the protestors. If Ellison had simply "done his job", the protests might have been ended or delayed; and the rioting, looting, deaths, and destruction which happened around the nation and the world may have been prevented. Attorney General Ellison selectively enforced the governor's orders.

"Rebellious Rodeo May Face Fines" according to the *Star Tribune* August 1 headline:

The organizers of a rodeo in the tiny northern Minnesota town of Effie are facing state punishment after disregarding warnings not to hold the event in violation of an executive order restricting the size of public gatherings. It's the first time the state has brought an enforcement action against an entertainment venue that has operated "in open defiance of the law," Attorney General Keith Ellison said in a news release.

It appears it was easier for the attorney general to bully the organizers of a rodeo than it was to enforce "the law" against protestors who shared his political viewpoints and his political party's endorsement.

5C. The governor's unlawful and unconstitutional orders have caused a great deal of conflict and social unrest which continue to grow.

Citizens were not obeying laws; they were obeying the governor's orders. Some of these orders were clearly understood to be unconstitutional. People who chose not to "social distance" or to wear masks came into conflict with others they described as "sheeple". The "sheeple" castigated the people who did not follow orders as selfish and accused them of causing the deaths of others. In the unlikely event that a vaccine arrives, increasing numbers of people believe it should be mandatory while others have already declared they will not be vaccinated, and these groups will be in heightened conflict.

We are grateful for the county sheriffs and law enforcement across the nation who honored their oaths and declined to enforce governors' executive orders which they determined were unconstitutional. But this added to the public's confusion and conflict about whether the orders were to be enforced and obeyed. Business managers and employees came to believe they had the authority to enforce governors' orders, putting them into conflict, sometimes violent, with customers.

Despite the false and manipulative reporting by the *Star Tribune*, the death of George Floyd was not a clear-cut incident of racist, police brutality ending in murder. A trial in a court with a jury was required to determine that—it was not for a mob of protestors to adjudicate.

The front-page combined headline on May 27 read, " 'Please, I Can't Breathe' ...4 Mpls. Cops Fired Over Choking Death That Came After Suspect's Pleas...White Officer Knelt on Black Man's Neck in Unauthorized Use of Force".

Floyd had repeatedly complained that he could not breathe before he was removed from the police vehicle and restrained on the ground. Floyd was not choked. The race of everyone involved was not relevant, and there was no reason to believe the officers involved were racists. The officer had been trained to use that approved method of restraint.

The *Star Tribune* manufactured the incident of racist police brutality to enable and encourage the protesting. Minnesota law enforcement failed to bring the protesting to a stop or delay it by enforcing the governor's orders. Minnesota Attorney General Ellison agreed with the protestors' political viewpoints. The protesting was further legitimized by the *Star Tribune's* repeated characterization of the rioters and looters as protestors with a just and noble cause.

The protests quickly spread around the country, and Americans in cities like Minneapolis moved from living under the rule of their governor to living under the rule of the mob when mayors, local businesses and global corporations began appeasing the mobs by forcing changes to public policy including revising law enforcement procedures and defunding and disbanding local police.

Minnesota Attorney General Ellison overcharged the police officers involved in Floyd's death to appease the mobs. The protesting mobs in Minneapolis are not likely to accept the eventual trial verdict, and the citizens of Minnesota will likely be subjected to more rioting and looting in the near future.

The malfeasance of Minnesota State Attorney General Ellison in sanctioning and enforcing Governor Walz's unlawful and unconstitutional Emergency Orders, and his nonfeasance in allowing the gathering for protests and rioting which Minnesota citizens had been told was unlawful, has resulted in rising racial conflict across the nation.

6. Christians and other responsible citizens of Minnesota cannot comply with these executive orders.

As Christians we are subject to governing authorities as described in Romans Ch. 13 and 1 Peter Ch. 2. As citizens of our nation, state, county, and city, we obey the civil authorities because they cannot maintain civil society unless we do so.

According to the Doctrine of the Lesser Magistrates, lower ranking civil authorities have a duty to refuse to obey unjust or immoral laws or commands made by higher ranking authorities. This is done by a lesser magistrate to protect people from a tyrannical higher magistrate. The doctrine applies to magistrates, to civil authorities, and does not allow citizens or people under civil authorities to disobey.

We believe some of the Executive Orders described in this Brief continue to cause death and suffering in Minnesota. We believe some of the Executive Orders described in this Brief are unconstitutional and violate both federal and state constitutions. We are compelled to obey them, whether we agree with them or not, and to appeal to authorities to reconsider them.

Governing authorities, civil authorities and magistrates have lawful authority, their authority is given them by law, and they are subject to law when exercising their authority. Christians and other responsible citizens are required and compelled to obey those with lawful authority who are exercising lawful authority.

We are equally compelled, however, to disobey unlawful authority and authority which is unlawfully exercised. We do this desiring that the authority will be made lawful.

We cannot claim to take seriously our duty and responsibility to obey lawful civil authority if we choose to obey civil authority which we know is unlawful. If we will readily obey unlawful civil authority, those in authority may as well not bother to limit themselves to exercising only lawful authority. History has shown people in positions of authority often prefer not to be restrained by law.

In this instance, when we obey these unlawful Executive Orders, we are legitimizing them and giving them the false appearance of lawfulness. We are encouraging additional unlawful orders. We are complicit in the harm including deaths caused by these orders.

When we obey these unlawful Executive Orders, we are enabling and encouraging the governor of Minnesota to continue to rule over us. As such we are undermining and encouraging violations of both the federal and state constitutions. Furthermore, those of us who took oaths to defend and to protect those constitutions are breaking our oaths when we obey these unlawful and unconstitutional Executive Orders.

If we encourage state government to continue to issue, and our fellow citizens to continue to obey, these unlawful orders, they will do so, and we will leave our children and grandchildren behind to live under executive orders and the rule of men once more, rather than under law and the rule of law. We will be complicit in ending our constitutional republic.

Conclusion

We request the Court to confirm that the Emergency Executive Orders relating to COVID-19 issued by Governor Walz are unlawful and unenforceable in the state of Minnesota. If the Court does so, then the Minnesota State Legislature must enact statutes, with sunset clauses perhaps, to make some of those orders lawful and enforceable to prevent further harm to the citizens of Minnesota.