

TO: Pima County Board of Supervisors

Steve Christy, Rex Scott, Matt Heinz

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130 W. Congress 11th Floor Tucson, AZ 85701

FROM:

Affidavit to Pima County Board of Supervisors
Against Mandating of Covid Vaccination

Notice to Agent is Notice to Principle and Notice to Principle is Notice to Agent

Comes now, Affiant, _____, one of the People, as found in Article II section 2 of the Arizona Constitution, Sui Juris, in the Court of Record, do make the following claims:

Please take notice that the powers of the Arizona State Legislature and Governor are granted to them in the Arizona State Constitution, which they have taken a sworn oath to uphold. These powers are granted to them by the People and for the benefit of the People. At no time have the people granted authority over the people to the Legislature or authority over the people's inalienable rights. Therefore, the Legislature does not have the authority to violate the rights of the people. Consequently, it is impossible for the Legislature or Governor to have ever granted such authority they do not possess, to any county board of supervisors or entity which would allow them to violate the people's rights. Any statutory acts which attempt to do so are null and void.

Pima County Board of Supervisors role for the county is thus: "*The Pima County Board of Supervisors is responsible for steering public policy in the region. The five-member board provides direction to the County Administrator and the county's various departments as they work to ensure safe communities, nurture economic development, sustainably manage natural resources and protect public health*". A Pima County board member responsibilities state to "protect public health" not "dictate public health".

Mandating this experimental vaccine goes against my constitutional rights. Arizona Constitution Article II Section 4 states "*no person shall be deprived of life liberty or property without due process*". The Nuremberg Code states that "*The voluntary consent of the human subject is absolutely essential*" and you do not have my consent as a county board member, servant to the residents of this county, to mandate this experimental vaccine as a condition of employment, county business licensing or as a resident of Pima County. This illegal mandate is not part of the business or health licensing requirements agreements for Pima County. My God-given natural rights are protected under the Arizona and United States Constitution, as well as U.S. Codes. (See constitutional provisions below)

Arizona Constitution Declaration of Rights Article II, Section 2. Purpose of Government

"All political power is inherent in the people, and governments derive their just powers from the consent of the governed and are established to protect and maintain individual rights".

Arizona Constitution Declaration of Rights Article II, Section 4. Due Process of Law

"No person shall be deprived of life, liberty, or property without due process of law."

Arizona Constitution Declaration of Rights Article II, Section 8: Right to Privacy

"No person shall be disturbed in his private affairs..."

Arizona Constitution Declaration of Rights Article II, Section 13. Equal Privileges and Immunities

"No law shall be enacted granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which, upon the same terms, shall not equally belong to all citizens or corporations."

Arizona Constitution Declaration of Rights Article II, Section 32: Constitutional Provisions

"The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise."

Any corporation formed in Arizona maintains liability status under the Arizona Constitution.

Article XIV, Section 1 "Corporation" defined; right to sue and suability". Section 1: The term

"corporation" as used in this article, shall be construed to include all associations and joint stock companies having any powers or privileges of corporations not possessed by individuals or co-partnerships, and all corporations shall have the right to sue AND BE SUBJECT TO BE SUED, IN ALL COURTS, in like cases as natural persons".

Article XIV, Section 11. Liability of Stockholders states: “The shareholders or stockholders of every banking or insurance corporation or association shall be held individually responsible, equally and ratably, and not for one another, for all contracts, debts and engagements of such corporation or association, to the extent of the amount of their stock therein...”

Article XIV, Section 13. Want of legal organization as a defense: “No persons acting as a corporation under the laws of Arizona shall be permitted to set up or rely upon, the want of legal organization as a defense to any action which may be brought against them as a corporation...”

Article XVIII LABOR

Article XVIII Section 3. Contractual Immunity of Employer from Liability for Negligence

“It shall be unlawful for any person, company, association, or corporation to require of its servants or employees as a condition of their employment, or otherwise, any contract or agreement whereby such person, company, association, or corporation shall be released or discharged from liability or responsibility on account of personal injuries which may be received by such servants or employees while in the service or employment of such person, company, association, or corporation, by reason of the negligence of such person, company, association, corporation, or the agents or employees thereof; and any such contract or agreement if made, shall be null and void.”

Article XVIII Section 4. Fellow Servant Doctrine

“The common law doctrine of fellow servant, so far as it affects the liability of a master for injuries to his servant resulting from the acts or omissions of any other servant or servants of the common master is forever abrogated.”

Article XVIII Section 5. Contributory Negligence and Assumption of Risk

“The defense of contributory negligence or of assumption of risk shall, in all cases whatsoever, be a question of fact and shall, at all times, be left to the jury.”

Article XVIII Section 6. Recovery of Damages for Injuries

“The right of action to recover damages for injuries shall never be abrogated, and the amount recovered shall not be subject to any statutory limitation.”

Article XVIII Section 7. Employers Liability Law

“To protect the safety of employees in all hazardous occupations, in mining, smelting, manufacturing, railroad or street railway transportation, or any other industry the legislature shall enact an employer's liability law, by the terms of which any employer, whether individual, association, or corporation shall be liable for the death or injury, caused by any accident due to a condition or conditions of such occupation...”

“An unconstitutional act is not law. It confers no rights; it imposes no duties; affords no protection: it creates no office. It is, in legal contemplation, as inoperative as though it had never been passed.” – Norton v. Shelby County, 118 U.S. 425 (1886)

18 USC §242 - DEPRIVATION OF RIGHTS UNDER COLOR OF LAW: “Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States”

42 USC §1983 - CIVIL ACTION FOR DEPRIVATION OF RIGHTS: “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress..”

42 USC §1985(3) - CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS:

“Depriving persons of rights or privileges: If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws”

42 USC §1986 - ACTION FOR NEGLIGENCE TO PREVENT – “Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect”

A Covid Vaccine, Nor Any Vaccine, Cannot Be Mandatory Under Emergency Use Authorization, nor with FDA approval, at any time if the individual does not consent.

All employees – whether employed by religious organizations, or not – are protected against mandated COVID-19 vaccines, under 21 U.S.C. §360bbb-3, which provides that EUA products (like all of these vaccines) require (as a condition of emergency approval) that people have “the option to accept or refuse administration of the product.” “FDA has an obligation to ensure that recipients of the vaccine under an EUA are informed, that they have the option to accept or refuse the vaccine.” There is no exception in the statute for “private employers” as opposed to government, or for religious or non-religious employers. All EUA vaccines and any vaccines are optional under the rights of the individual.

Covid Vaccines Cannot Be Mandatory Under Title VII

In general, employee vaccine religious exemption requests must be accommodated, where a reasonable accommodation exists without undue hardship to the employer, under Title VII of the Civil Rights Act of 1964 Title VII, as amended, prohibits two categories of employment practices. It is unlawful for an employer: “(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.” 42 U.S.C. § 2000e-2(a).

The Occupational Safety and Health Administration (OSHA) has also recognized that there is “not evidence that COVID-19 vaccines prevent transmission of the virus from person-to-person,” and reiterated that employers should not improperly distinguish between employees.

<https://www.natlawreview.com/article/osha-issues-new-guidance-employers-combating-covid-19>

NOTICE OF POTENTIAL LIABILITY FOR LACK OF INFORMED CONSENT WHEN ADMINISTERING COVID-19 VACCINES (“GENE THERAPY”)

Currently available Covid-19 vaccines are not approved by the FDA. The Covid-19 vaccines are only approved under an Emergency Use Authorization, for investigational use only. Covid-19 vaccines lack requisite studies and are not approved medical treatment. The FDA’s guidance on emergency use authorization of medical products requires the FDA to “ensure that recipients are informed to the extent practicable given the applicable circumstances ... That they have the option to accept or refuse the EUA product. <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/informed-consent>

Experimental COVID-19 vaccines are continuing to go through the full Food and Drug Administration (FDA) approval processes. On August 23, 2021, FDA approved the biologics license application (BLA) submitted by BioNTech Manufacturing GmbH on May 18, 2021, by Amit Patel, for COMIRNATY (COVID-19 Vaccine, mRNA) for active immunization to prevent COVID-19 caused by SARS-CoV-2 in individuals 16 years of age and older. The FDA published a separate letter also on August 23, 2021, addressed to Ms. Elisa Harkins of Pfizer, Inc., that it was reissuing its August 12, 2021 letter of authorization (LOA) in its entirety with revisions incorporated to clarify that the EUA will remain in place for the Pfizer-BioNTech COVID-19 vaccine for the previously-authorized indication and uses, and to authorize use of COMIRNATY (COVID-19 Vaccine, mRNA) under this Emergency Use Authorization (EUA) for certain uses that are not included in the approved BLA. The purpose of the FDA reissuing its August 12, 2021, LOA is COMIRNATY is not currently available in the United States. The FDA acknowledges that while Pfizer has insufficient supplies of the newly licensed Comirnaty vaccine actually available, there is “a significant amount” of the Pfizer-BioNTech COVID vaccine — which has been produced under Emergency Use Authorization (EUA) and will continue to be offered under the same EUA status. The FDA in its convoluted letter of approval for the Pfizer vaccine under the EUA should remain unlicensed but can be used “interchangeably” (page 2, footnote 8) with the newly licensed Comirnaty product [which is currently unavailable]. According to the FDA, the newly licensed Pfizer Comirnaty vaccine, and the existing vaccine, while “legally distinct,” are not any different in terms of their “safety or effectiveness.” The pertinent quote from footnote 8 that proves two separate shots and not just a “rebranding” of the same shot:

“The licensed vaccine has the same formulation as the EUA-authorized vaccine and the products can be used interchangeably to provide the vaccination series without presenting any safety or effectiveness concerns. The products are legally distinct with certain differences that do not impact safety or effectiveness.”

There is currently no FDA approved COVID shot available in the United States. Pfizer-BioNTech COVID-19 is still considered experimental under U.S. law and only approved for Emergency Use only and cannot be mandated. There is a legal difference between products approved under authorization of emergency use (EUA) According to FDA 21 U.S. Code § 360bbb-3 “Authorization for medical products for use in emergencies,” medical products (including vaccines) which have been granted EUA compared with those the FDA has fully licensed. Despite whether these COVID shots are licensed or not, they cannot be mandatory under Title VII.

The number of adverse events reported to VAERS are “unprecedented” in VAERS history. The number of reports surrounding the experimental COVID-19 vaccines has been unprecedented since the surveillance program was created in 1990. Between December 14, 2020, and July 9, 2021, there

have been 10,991 reported deaths post-COVID-19 vaccination or 70 deaths per day in the U.S. alone. Statements to the fact that only a percentage of actual deaths or adverse reactions are reported to VAERS, possibly one percent (1), making the actual number of deaths in the hundreds of thousands and adverse reactions in the millions. <https://www.openvaers.com/>

VAERS also saw almost half a million adverse events reported in the same period, 48,385 of which were considered serious injuries. Some of these include 445 cases of GBS, 127,421 cases of anaphylaxis, 5,049 cases of Bell's palsy and 9,471 blood clotting disorders. Nearly 3,000 women also reported having experienced adverse events, with 1,072 miscarriages or premature births. <https://vaers.hhs.gov/>

New England Journal of Medicine reveals that when pregnant women are given covid vaccinations during their first or second trimesters, they suffer an 82% spontaneous abortion rate, killing 4 out of 5 unborn babies. (<https://pubmed.ncbi.nlm.nih.gov/33882218>)

Public Health England just released a new report showing that at least 62 percent of all deaths associated with the Wuhan coronavirus (Covid-19) are occurring in people who were already "vaccinated."

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1001354/Variants_of_Concern_VOC_Technical_Briefing_17.pdf)

The right to avoid the imposition of human experimentation is fundamental, rooted in the Nuremberg Code of 1947, has been ratified by the 1964 Declaration of Helsinki, and further codified in the United States Code of Federal Regulations. In addition to the United States regarding itself as bound by these provisions, these principles were adopted by the FDA in its regulations requiring the informed consent of human subjects for medical research. It is unlawful to conduct medical research, even in the case of an emergency, unless steps are taken to secure informed consent of all participants.

The Nuremberg Code 1947

1. The voluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved, as to enable him to make an understanding and enlightened decision. This latter element requires that, before the acceptance of an affirmative decision by the experimental subject, there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonably to be expected; and the effects upon his health or person, which may possibly come from his participation in the experiment. The duty and responsibility for ascertaining the quality of the consent rests upon each individual who initiates, directs, or engages in the experiment. It is a personal duty and responsibility which may not be delegated to another with impunity.
 2. The experiment should be such as to yield fruitful results for the good of society, unprocurable by other methods or means of study, and not random and unnecessary in nature.
 3. The experiment should be so designed and based on the results of animal experimentation and a knowledge of the natural history of the disease or other problem under study, that the anticipated results will justify the performance of the experiment.
 4. The experiment should be so conducted as to avoid all unnecessary physical and mental suffering and injury.
 5. No experiment should be conducted, where there is an a priori reason to believe that death or disabling injury will occur; except, perhaps, in those experiments where the experimental physicians also serve as subjects.
 6. The degree of risk to be taken should never exceed that determined by the humanitarian importance of the problem to be solved by the experiment.
 7. Proper preparations should be made and adequate facilities provided to protect the experimental subject against even remote possibilities of injury, disability, or death.
 8. The experiment should be conducted only by scientifically qualified persons. The highest degree of skill and care should be required through all stages of the experiment of those who conduct or engage in the experiment.
 9. During the course of the experiment, the human subject should be at liberty to bring the experiment to an end, if he has reached the physical or mental state, where continuation of the experiment seemed to him to be impossible.
 10. During the course of the experiment, the scientist in charge must be prepared to terminate the experiment at any stage, if he has probable cause to believe, in the exercise of the good faith, superior skill and careful judgement required of him, that a continuation of the experiment is likely to result in injury, disability, or death to the experimental subject.
- ["Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10", Vol. 2, pp. 181-182. Washington, D.C.: U.S. Government Printing Office, 1949.]

The "mandating" of this EUA covid vaccine which has not been shown to be effective whatsoever in treating the covid virus but has actually caused more harm. This mandate is requiring use of experimental gene therapy. This is misleading for any employee or resident of the state of Arizona being forced to take a "shot" as a requirement for employment. This is considered a "**deceptive trade practice**" both in Arizona and the United States.

“Deceptive trade practice refers to an activity in which an individual or business engages to mislead the public into purchasing a product or service.”

This falls not only under 15 U.S. Code § 57a - Unfair or deceptive acts or practices rulemaking proceedings, but also under Arizona law. Arizona Deceptive Trade Practices Laws are stated in Title 44 of Arizona Revised Statutes.

A.R.S. § 44-1522, false advertising is an unlawful practice, and according to § 13-2203 false advertising is also a class 1 misdemeanor.

A.R.S. § 44-1522 reads:

“§ 44-1522. Unlawful practices; intended interpretation of provisions

- A. The act, use or employment by any person of any deception, deceptive act or practice, fraud, false pretense, false promise, misrepresentation, or concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression, or omission, in connection with the sale or advertisement of any merchandise whether or not any person has in fact been misled, deceived, or damaged thereby, is declared to be an unlawful practice.
- B. The violation of chapter 9, article 16 or chapter 19, article 1 of this title is declared to be an unlawful practice and subject to enforcement under this article.
- C. It is the intent of the legislature, in construing subsection A, that the courts may use as a guide interpretation given by the federal trade commission and the federal courts to 15 United States Code sections 45, 52 and 55(a)(1).”

A.R.S. § 44-1531 reads:

” § 44-1531. Violations; civil penalties

- A. If a court finds that any person has willfully violated section 44-1522, the attorney general upon petition to the court may recover from the person on behalf of the state a civil penalty of not more than ten thousand dollars per violation.
- B. For purposes of this section, a willful violation occurs when the party committing the violation knew or should have known that his conduct was of the nature prohibited by section 44-1522.”

A.R.S. § 44-1532 reads in part:

“§ 44-1532. Violation of order or injunction; penalty

“A person who violates any order or injunction issued pursuant to this article shall forfeit and pay to the general fund of the state of Arizona a civil penalty of not more than twenty-five thousand dollars per violation. For the purpose of this section, the superior court in the county issuing any order or injunction shall retain jurisdiction, and the cause shall be continued. In such cases, the attorney general acting in the name of the state may petition for the recovery of civil penalties.”

Standing on our God given natural rights and our Constitutional rights, we the People of Arizona will hold each county supervisor personally and corporately liable and responsible for any and all mandates, votes, proclamations or illegal laws regarding mandating the Covid-19 vaccine, or any vaccine, as a condition of city, county or state business licensing; as well as wrongful terminations, and resulting actions such as loss of work, loss of paid vacation/personal time, pensions/retirements, denied unemployment and any financial or personal/emotion duress occurring from said actions; as well as all personal and health related issues from county personnel pressure on any Arizona resident or U.S. resident mandated to take the “experimental gene therapy.”

Demand to show “Clean hands”. I as one of the People, having all political power, never granted authority to anyone, to force the people, through programs or provisions systems, which are falsely presented as law. It is hereby Affiant’s wish, order, and demand, for all parties to give full disclosure of any program funds received from any government, state, municipal, town, personal or political subdivision as part of any program that granted authority to bring force upon the people in the private realm in regard to anything related to Covid-19 prior to and including 2020 and 2021. This includes all monies, including but not limited to, payments of any kind, that this board has received or will receive from any governmental, business entity or private entity/source, based on employees or state residents who are vaccinated with the EUA “experimental gene therapy” or any current or previous administrative or county processes relating to Covid-19 in any way, shape, or form.

All aforementioned information stands as protection of my personal rights, given to me by my Creator, which no man or woman can violate. You are violating my rights by mandating an “experiment gene therapy” as condition of employment, or as a condition of a county business license, and I am putting you on notice. Any man or woman who denies these claims are true must rebut them under penalty of perjury in the form of a sworn affidavit. Any man or woman who decides to suppress this affidavit agrees to pay \$1,000,000 from personal funds, and any disputes by such man or woman thereby agrees to having these matters heard before an Arbitrator of my choice. Any man or woman denying these claims are true must rebut these claims point by point within three (3) days (72 hours.) Failure to respond means that by acquiescence you agree all claims are true.

Verification

I hereby declare, certify, and state, pursuant to the penalties of perjury under the laws of the United States of America, and by the provisions of 28 USC §1746 that all of the above and foregoing representations are true and correct to the best of my knowledge, information, and belief.

Executed in _____, Arizona on this _____ day of _____ in the Year of Our Lord Two Thousand and Twenty-One.

Autograph of Affiant

Notary as JURAT CERTIFICATE

_____ State }

_____ County }

On this _____ day of _____, 2021 (date) before me, _____,

a Notary Public, personally appeared _____ Name of Affiant, who proved to me on the basis of satisfactory evidence to be the man/woman whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity and by his/her autograph(s) on the instrument the man/woman executed, the instrument.

I certify under PENALTY OF PERJURY under the lawful laws of Arizona State and that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary/Jurat _____

Seal

INSTRUCTIONS:

- ✚ In the **FROM** section, fill out with your full name and address
- ✚ Write your full name on the line after the word **“Affiant”**
- ✚ Print a legal-size copy on 8.5” x 14” paper, have affidavit notarized and make five (5) copies. Keep your original copy.
- ✚ **Serve each county board member with a copy of the affidavit, either in person, by process server or certified mail, return receipt requested.**