

Can We Defend Our Rights Within Our Own PMA or Ministry?

Although the wording of the various constitutions may differ from state to state, as well as the wording of each states laws, the original intention does not. When looking at the purpose and powers of our states it is often easier to look at the issues, arguments, and debates of this countries founding fathers and the wording they used within these debates. Not only were these debated in the continental congress, many of their thoughts and interpretations were clarified within letters they had written in their own hand as well as being contained within the Federalist and Anti-Federalist papers. These issues were directed toward the discussion of establishing a federal government however these same thoughts and principals are also applied to our individual relationships with our own state governments.

This synopsis is not intended to be a replacement for our own duties to know our history and to ensure that history will not be allowed to repeat itself however a few of the key principles should be noted.

Our founding fathers clearly and distinctly declared that our rights and liberties are inalienable and are a gift from God. Not to be regulated, infringed upon, or controlled by anyone, including the governments of the states that are the creation of the people.

When speaking of our freedoms and our liberty, Benjamin Franklin, writing under the pen name of "Silence Dogood, in writing #8, wrote ***"It is the right of every man, as far as by it, he does not hurt or control the right of another"***

Thomas Jefferson declared within his writings ***"Whenever the general government assumes undelegated powers, it's acts are unauthoritative, void, and of no force."***

Our founders also declared, The only reason we created the states, the only reason they exist, is to secure our rights. That is their sole purpose and responsibility.

Within the state constitutions, which is our compact (contract) with our states, the states were never given the authority to regulate or interfere with

our liberties. Doing so is actually contrary to the purpose for which the states were formed.

As I mentioned previously, this is not intended to be a history lesson, however a few of these principles should be kept in mind when any local, county, or state agency or any representative of those agencies attempt to interfere with, or by any means, trespass upon our rights and liberties.

We are all aware that we have rights to assemble, to associate, the right to direct our children's education, the right to keep our private matters private and many others, which will always remain outside of the jurisdiction of the state to interfere with. In the case of faith-based organizations, we also have the absolute right the protections of our religious liberties and freedoms and no state within this union was ever granted the authority to determine our faith or what constitutes activities of our faith.

If at any point our private associations or our faith-based organizations should come under the attack of any officer, agent, employee, representative, or contractor of any government entity, we have recourse for those actions. In some cases that recourse may come in the form of these representatives subjecting themselves to criminal violations of interfering with or infringing upon our rights.

The courts have created a doctrine known as "qualified immunity". It should be noted that this perceived immunity is a doctrine of the courts, not an action of the legislature. We all know that the courts cannot create law. That is a power reserved to our legislature. The pursuance of this doctrine is not only an undelegated and unauthorized power, but also directly contrary to the only purpose our governments were created, which is to protect our rights and liberties. This is likely the primary reason why this doctrine was never legislated. Granting immunity to anyone or any entity for violating our rights is a clear failure of the duties and responsibilities granted to our states when they were formed.

The doctrine of "qualified immunity" also cannot be extended to any civil

action for a tort lawsuit (**tort-** NOUN, *law*)

1. a wrongful act or an infringement of a right (other than under contract) leading to civil legal liability.).

Any person violating or infringing upon our God given rights is still subject to civil action for their own actions. They can be sued both in their public capacity and individually. The claim that they are just doing their job is NOT a valid defense for violating the rights of another.

We should also remember that if this type of violation occurs, this would be an infringement of the rights of every individual member of our associations, not just the association or trustees of the association. That means that with every attack, every member of our association is having their own rights infringed upon. Every member individually now has the standing to bring their own civil action for this infringement. If, or when our associations fall subject to one of these attacks, every member of the association should be encouraged to bring a tort lawsuit against those attempting to infringe upon our rights. That suit should name each individual involved in the infringement including any investigators, agents, prosecutors, and judges. None of them are immune to civil tort action. The effort to infringe upon our rights is much more likely to stop if the response to those actions is a civil action being brought against the offender. If all members of the association bring their own suits individually it will likely be much more effective. **No representative of government has the authority to infringe upon your rights and when members of the association are willing to stand up for their own rights, and the collective rights, we can likely expect a more promising result. The courts, and the infringing representatives are much more likely to respond appropriately when they are facing multiple civil suits (from each individual member) than a single tort action solely from the trustees of the association. If your association has 500 members, every attack on your association should result is the aggressor having to face 500 individual tort civil actions from 500 individuals who have had their rights trampled upon.**

I strongly recommend that any such action of infringement be discussed with a civil attorney and preferably one who has also taken a stand as a constitutional attorney or is a part of a constitutional law firm.