

WASHINGTON CIVIL RIGHTS COUNCIL

Free People's Educational Packet

October 2020



Version 1.1

Introduction

Following an order that is not Law is neither an obligation nor a moral or ethical position to take. You are not obligated to follow an unlawful order.

Mission

- Preserve and protect our freedoms enshrined in our federal and state constitutions.
- Empower the average American to take meaningful action in support of being able to continue to exercise their innate freedoms of movement and of association.
- Advocate for calm and peaceful behavior focused on dialog and education about the law because this is how to avoid violence and altercations.

Where are we going?

Mandatory Masks, Vaccines and Lockdowns, Really?! We are reaching deep to regain not only our sanity but the rights that let us thrive in health and in happiness (unencumbered). Out of this sea of Coronavirus confusion and the constantly changing rules and regulations we struggle to see what is real, what is missing, ask "who we are" and whose life are we living.

Freedoms at risk. Over the last number of months, we've begun to see the disconnect that has to our dismay, steered us down a different road than we wanted, one that was not our own but someone else's, one that doesn't make sense (logically or scientifically). We are an organized community of everyday Americans, who have had enough of the escalating imposition of government mandates on our own personal health choices and freedoms. All of us have experienced the dramatically changing environmental constraints that seem to go against our own instincts, against all of our personal rights, health rights, rights to choose.

It's time to return to Rule of Law. We organized in order to accomplish something we never thought we would have to do ourselves, believing our representatives in office would do for us as part of their job. We thought they would continue to protect us by operating from the longstanding "Solid Foundation of the Law." Surprisingly they continue to take actions and make decisions that exercise a power outside of the law. Actions they take are directly eroding our physical health, our financial health and our social structures in obvious ways. We see it, we feel it, and we have decided WE THE PEOPLE shall go along no more. We have had enough and now will use lawful remedies to bring this country back to a place in our own lives which supports us, protects us, helps us make decisions unencumbered to thrive with our rights intact.

Health is our focus, and the law is on our side!

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Section 1 – LAW FAQ

What is Criminal Trespass?

Criminal trespass can occur when people come onto property when they should not be there, or it might occur when people violate the conditions of entry onto property. Conditions of entry are the terms and conditions under which members of the general public may enter onto private property. For instance, common conditions of entry are “no pets allowed.”

Why is shopping without a mask not a Trespass?

It is not considered a trespass to be at a place of public accommodation if the premises are at the time open to members of the public and you complied with all lawful conditions imposed on access. While there is currently a Health Secretary’s Order that strongly recommends masks, it provides for exemptions and thus, there is no law requiring masks.

Why is the governor’s order regarding masks not a LAW?

All states have a distinct law-making process similar to that at the federal level. A bill introduced in the state House of Representatives or Senate is reviewed by a committee, which involves debate and sometimes a public comment period. If the committee decides the bill is ready for passage it must be voted on and accepted by both houses and only then signed into law by the governor. Once signed into law, an RCW code is attached to the law. This process was not followed for the masking order, there is no RCW code, there is no law. Any mandate or order by the Governor or Health Secretary, is no more than a strong suggestion or guidance, no matter how formally communicated. While a health order, under the state of emergency, does put onus on the average person to wear a mask, there is no law nor mandate requiring businesses to refuse service to customers that are unable to wear a mask for any reason.

Section 2 - What to Do If You Are Harassed or Denied Service

When you walk into any place of public accommodation, have the handouts with you at the ready:

- WA State Masking Orders
- Exemption Notice to Businesses (Know Your Rights)
- STORMS vs. FRED MEYER
- The COVID Science
- Liability Notice to Businesses
- Notice of Discrimination & Violation of Rights
- Deprivation of Rights under Color of Law

Scenario 1 – Getting Others to Stop Harassing You

If a customer or store clerk is harassing you:

1. Stay Calm.
2. State *“The Dept. of Health prohibits you from harassing me.”*

3. Show the person the **WA State Masking Orders** handout.
4. Point to the highlighted section at the bottom of the handout about the appropriate response regarding not wearing a mask, which is to leave you alone.
5. If someone wants to know your condition, point them to the highlighted section of the handout that says you are not required to “provide proof of any condition” and people should be “supportive and tolerant.”
6. If someone accuses you of endangering others, you can say *“I don’t think I am endangering other people. Are you aware that current survival statistics for COVID are known to be 99.9%? I would like to give you this information regarding the most recent science.”*
7. Hand them the **COVID Science** document.

Scenario 2 – Receiving Service after Education

If you are being denied entry or service by a clerk, a guard or other store employee:

1. Stay Calm.
2. State *“I have an exemption and am unable to wear a mask.”*
3. Show this person the **WA State Masking Orders** and point to the highlighted Exemptions section.
4. If you are still denied service, don’t argue. Ask to talk to the person in charge.
5. Ask the person in charge for their name and title. If necessary, offer to talk to them outside so as not to disturb others.
6. Hand the person in charge the **WA State Masking Orders** handout so they see the non-harassment language.
7. Hand them the **Exemption Notice to Businesses** handout and say *“I have a document regarding exemptions to masking orders. Will you please take a quick look at the highlighted sections.”*
SAY NOTHING WHILE THEY ARE READING
8. Once they are done reading, say *“Thank you for reading. Not everyone is aware that the Health Order provides for exemptions or that there is a WA state law against discrimination. I just wanted to make sure you were aware.”*

If the manager is open minded, this will work to give you access.

Scenario 3 - Successfully Receiving Service after Presenting Liability Notice

Assuming you have gone through steps 1 through 8 in scenario one above but are still being denied service, proceed with the following steps:

1. Hand the manager a copy of the **Liability Notice to Businesses**.

2. If the manager offers you a face shield or alternative accommodation, politely refuse and explain that their accommodation does not actually provide equal service per the ADA Title II and per WA law because they don't let you shop for yourself.
3. You can share **STORMS vs. FRED MEYER** court case handout as evidence of the fact that stores are held liable for discrimination if they don't let you shop for yourself.
4. Whether alternative accommodations are offered or not, if the store remains adamant in denying you service, hand the manager the **Liability Notice to Businesses**.
5. Say the following *"This Liability Notice informs you of the laws your business is breaking. Legal action may be brought against the business AND against you personally because you are enforcing UNLAWFUL policy. Are you still going to deny me service?"*

If the manager changes their mind, you will have successfully gained access.

Scenario 4 – Using the Notice of Incident to Prepare for Further Legal Action

If your best efforts to educate about law have been unsuccessful in giving you equal access to services, proceed with the following steps:

Phase 1 – Giving the business 3 days to modify policy

1. Having handed the manager the **Liability Notice to Businesses**, state *"Please review this and I will be back in 10 days to inquire whether you have modified your policy to comply with Law."*
2. Walk away and return after 10 days. Upon return, if you are allowed entry and receive service, you have been successful.
3. If you are again denied service, use the **Notice of Discrimination & Violation of Rights** as described below.
4. If you are so inclined, you can choose to serve the Notice of Discrimination & Violation of Rights on the spot, without waiting 10 days.

Phase 2 – Using the Notice of Discrimination & Violation of Rights

1. Let the manager know, *"No worries I am leaving. I am just going to fill out this Notice of Discrimination & Violation of Rights before I leave so that this incident is fully documented for the purpose of further legal action. I should remind you that this will apply against personally and the business. As a manager when you choose to enforce unlawful policy, you become personally liable."*
2. Confirm proper spelling of their name and the address/location where the incident occurred.
3. Fill out the Notice of Discrimination & Violation of Rights document.
4. Take a photo of the completed document with your phone, then hand the manager the Notice.

5. Let them know that they will be receiving the initial notice of legal action documents by mail.

The important part of this process is capturing the evidence of unlawful practices by using the **Notice of Discrimination & Violation or Rights** document. Contact your Group Organizer to take further steps to make a written legal demand that the business change their policies to no longer discriminate. You will need a photo of your completed Notice of Discrimination & Violation or Rights document.

Scenario 5 – What To Do If the Police are Called

While the law protects your right to move about freely in public spaces, during these odd COVID times, there is a chance that a misinformed business that is trying to enforce the mask mandate, will call law enforcement to help them enforce their discriminatory (and unlawful) policy. Saying “we don’t honor exemptions” is unlawful because it violates the Secretary of Health Order 20-03, which allows for mask exemptions. Interactions with law enforcement can come up.

If you have not arranged ahead of time for someone to record (video and audio) a law enforcement interaction, now is the time to do so. It’s always nice to travel in pairs for this reason. The second that law enforcement is on the scene, someone should be recording their interaction at the business. Even at the last minute, while you are speaking with a law enforcement officer, you should always ask a witness nearby to witness the interaction. This is important because in order to be charged with trespassing two witnesses are required other than you. Plan for that.

One rule that should be followed at all times at any place of business is **“Don’t be a disturbance”** (yelling, threatening, preaching, or physically aggressive). Doing so creates a legitimate charge of “disturbing the peace” and “trespassing” and will give law enforcement a reason to make an arrest. A good idea is to offer to step to the side or outside where you can speak to the manager without disturbing others.

Initial Verbal Contact with Officer

1. Make sure to step outside when you speak to the police officer. Police face pressure to get you off the business property and will be much nicer and willing to dialog once you are outside.
2. Remain very CALM and MOTIONLESS. That means you are in peaceful protest mode and the cop can’t accuse you of trying to evade their authority or disturbing the peace.
3. Ask **“Officer, what law are you enforcing? What is the RCW code (law) are you responding to?”** There is no law to wear face coverings so the officer has to use something else. If the officer talks about mask mandates, you can show them the WA State Masking Orders which provides for exemptions.
4. If Law enforcement names **“Trespassing”** as the issue (which they always do!) ask next, **“What EVIDENCE do you have that I have trespassed?”** They don’t and won’t have any evidence.
5. If the police officer responds that it is private property and the establishment can make its own rules, ask **“Can a public accommodation (privately owned or not) enforce a policy that violates the law, such as not allowing someone to enter based on skin color the establishment disapproves of, because the same state and federal laws that prohibit racial discrimination**

also prohibit discrimination based on medical conditions?"

6. Depending on your assessment of the officer's disposition, you can hand him or her copy of the handout **Deprivation of Rights under Color of Law**. This handout puts police on notice they are acting unlawfully and could be liable to legal action.

Most of the time, at this point, the officer will shrug their shoulders and will just give you a verbal warning and leave. Don't expect to convince or convert a police officer's mind on the spot. You are just educating and planting seeds.

Physical Contact with Officer

7. If the Law Enforcement officer goes beyond talking and initiates contact such as grabbing you or trying to put you in cuffs), do not resist. While resisting is natural it gives the officer cause to create a bogus charge of "resisting arrest."
8. Being motionless, look at them and ask *"Am I being detained?" "Am I being arrested?"*
9. If the answer is "YES" remain CALM and ask the officers name and badge number (for the recording). At this point you are going to the police station. Do not panic. The officer may do that to harass you or if they are having a bad day but you have broken no law and they know it. They will end up releasing you with no charges and not citation.
10. If the answer is "No" say *"Am I free to go now?"* Wait for an explicit answer. That's important. This is formal code. It puts the officer on notice that you know your rights and they will not mess with you further and will let you go.

If you are brave you can decide to resist arrest

Anyone that is being arrested by a police officer who feels it is wrongful can resist arrest. The person being wrongfully arrested can tell the officer that it is **wrongful**. Once that statement is made, the officer has to demand that the person present evidence that the arrest is wrongful. You can do your best to educate the officer at this point that law prohibits places of public accommodation from discriminating on basis for religion or medical conditions. If evidence presented proves that the arrest is wrongful then the officer cannot lawfully arrest the person any longer. If no evidence is presented then the person being arrested must cooperate with police entirely.

Culturally, when approached by police or being detained by police, feelings of shame or fear often come up. These are natural results of what happens when we are targeted in public by law enforcement. Know that it is a natural reaction that happens, especially for people that know they have done nothing wrong. Often Police, especially new officers, have the full knowledge of when they themselves could be breaking the law. Anything beyond "disturbing the peace" or "harming others" can escalate beyond reasonable force by Law Enforcement. That is why your power resides in your ability to remain CALM and communicative during the whole process.

Section 3 - Understanding the Handouts Provided

Item 1 –WA State Masking Orders

Carry this handout with you when you go out and show it to anyone harassing you. **Important note: make THEM read the highlighted portions rather than reading for them.** It registers much better because they can't deny their own eyes.

The Governor's Order. Excerpt from the Governor's Order (Proclamation by the Governor, 20-25.6) is shown at the top. It states "No business may operate, allows a customer to enter... unless the customer is wearing a face covering." But the sentence ends with the section highlighted in yellow "as required by Order of the Secretary of Health 20-03" so the details regarding the Governor's order are in the Health Secretary's Order shown next on the page.

The Health Secretary's Order. In the order from the Health Secretary (Order of the Secretary of Health, 20-03) there is clear evidence that the Health Secretary's intent is to comply with federal and state non-discrimination laws (American Disabilities Act Title II and Washington State Law RCW 49.60.030). The provision for exemptions highlighted in yellow shows that exemptions cover both medical and mental health conditions. Does wearing a mask impact your mental health?

Department of Health FAQ regarding Cloth Face Coverings. Several FAQ from the DOH website are shown on this handout. The first FAQ clearly states that others are advised to do NOTHING if they see you are not wearing one. The DOH tells others to "just wear your mask and keep six foot distance."

The second FAQ reads that you are "not required to provide proof of any condition that qualifies you for an exemption" so no one should be demanding any proof. Furthermore, this FAQ suggests that if someone keeps bothering you; you should "tell someone from the business and ask them to help." This means the DOH recognizes that exempt individuals will be in places of public accommodation and are not to be harassed. Stores are expected to prevent others from harassing you or discriminating against you.

The third FAQ on the page shows that the choice of how to treat customers regarding masking orders is up to each business and not to any other authority. This is critical information. It means that exemptions must be allowed based on existing non-discrimination laws for places of public accommodation.

Item 2 - Exemption Notice to WA State Businesses

This handout shows both the Health Secretary's Order and WA State Law against discrimination on one page. These together show your rights at places of public accommodation.

Item 3 - STORMS vs. FRED MEYER

This handout shows legal precedent for the claim that having someone shop for you is not equal access. Storms won against Fred Meyer because she was not allowed to shop for herself

Item 4 – The COVID Science

This handout shows that the virus is no more deadly than the flu, that deaths are back to normal levels and shares why masks are a health hazard. Share this handout with people that do not know the true science about Covid. Most people think that the death rate is between ten to 100 times higher than it actually is. And almost no one knows that the flu and Covid have the same fatality rate.

Item 5 – Liability Notice to Businesses

This handout is for business managers that are choosing to enforce UNLAWFUL discriminatory policy at their places of business. It lays out what laws are being broken. You can hand it to the manager and let them know you will be **back in ten (10) days** and expect that gives them enough time to revise policy to become compliant with law. If they are continuing to discriminate, you will be filing a formal Notice of Discrimination & Violation of Rights and possibly be taking legal action.

Item 6 – Notice of Discrimination and Violation of Rights

This handout is to be used when a business continues to discriminate and violate your rights even after you have shared the Liability Notice to Businesses which clarifies the law. The point of this handout is to capture the manager's name, store name and address/location and to take a photo of the notice so you have written record of what has transpired. (WA Civil Rights Council will help you with taking further legal action if you choose to do so once you have a written Notice of Discrimination).

Item 7 – Deprivation of Rights Under Color of Law

This is a handout you can give to any government official or law enforcement official trying to trespass you or in other ways harass you simply for being somewhere unmasked. This document spells out that they are breaking the law and possible consequences if they continue to do so.

Section 4 – Your Handouts

What follows are pages that can be printed individually and used as described above OR you can just print and carry the whole packet with you.

WA State Masking Orders

From Washington State's official COVID-19 site

<https://coronavirus.wa.gov/information-for/you-and-your-family/face-masks-or-cloth-face-covering>
September 19, 2020

OFFICE OF THE GOVERNOR PROCLAMATION BY THE GOVERNOR 20-25.6



Employers:

No business may operate, allow a customer to enter a business, or conduct business with a customer inside any building that is open to the public or outdoors in a public place unless the customer is wearing a face covering, **as required by Order of the Secretary of Health 20-03.**

DEPARTMENT OF HEALTH ORDER OF THE SECRETARY OF HEALTH 20-03



The following individuals are exempt from the requirements to wear a face covering

Persons with a **medical condition, mental health condition**, developmental or cognitive condition, or disability that prevents wearing a face covering. This includes, but is not limited to, persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance

DEPARTMENT OF HEALTH Cloth Face Coverings and Masks FAQ



What should I do if I see someone not wearing a mask?

Nothing. Some people have conditions or circumstances that would make wearing a cloth face covering difficult or dangerous. Just wear your mask and stay six feet away.

I can't wear a mask for health/medical reasons. What if other customers harass me?

You are not required to provide proof of any condition that qualifies you for an exemption. It's important for people to be **supportive and tolerant of one another during this pandemic.** Avoid confrontations, and if someone continues to question you, tell someone from the business and ask them to help...

Who will enforce the requirement for the public to wear a face covering?

The Governor's proclamation **requiring masks inside of businesses is enforced by those businesses**, with help from local law enforcement as needed. The Department of Labor & Industries could also cite a business that intentionally does not comply with the order.

Exemption Notice to WA State Businesses

The bearer of this Notice has an **EXEMPTION** from mask wearing. This document is being shared with you to educate you about your responsibilities as a place of Public Accommodation and to protect you from unknowingly violating State and Federal statutory law.

State of Washington DEPARTMENT OF HEALTH

ORDER OF THE SECRETARY OF HEALTH 20-03.1

The following individuals are exempt from the requirement to wear a face covering:

- Children younger than five years old; and
 - Children who are younger than two years old should never wear face coverings due to the risk of suffocation.
 - Children who are two, three, or four years old, with the assistance and close supervision of an adult, are strongly recommended to wear a face covering at all times in settings, like grocery stores or pharmacies, where it is likely that a distance of at least six feet cannot be maintained from non-household members and vulnerable people must go.
- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes, but is not limited to, persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance.

Discriminating against any individual including those with exemptions (such as a medical or mental health condition) violates Federal and State Laws and constitutes an unfair and deceptive act in trade or commerce. This carries civic and monetary penalties, including imprisonment of up to one year.

Washington State Legislature

RCW 49.60.030

Freedom from discrimination—Declaration of civil rights

(1) The right to be free from discrimination because of race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability is recognized as and declared to be a civil right. This right shall include, but not be limited to:

- (a) The right to obtain and hold employment without discrimination;
- (b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement.

STORMS vs. FRED MEYER

Non-discrimination includes being able to do your own shopping within the store.

Sherry W. STORMS, Appellant, v. FRED MEYER STORES, INC., Kevin Elicker, and Robert Weidemeyer, Respondents.

Country of Origin: [United States](#)

Court Name: Court of Appeals of Washington, Division 1

Primary Citation: 120 P.3d 126 (Wash.App. Div. 1,2005)

Date of Decision: Monday, September 26, 2005

Judge Name: GROSSE, J.

Jurisdiction Level: [Washington](#)

Summary:

This Washington discrimination case was brought by a dog owner (Storms) with psychiatric conditions against a store and its managers who refused to allow her to stay in store with her alleged service dog. The dog was trained to put herself between Storms and other people so as to keep an open area around Storms and alleviate her anxiety (a symptom of her post-traumatic stress syndrome). The appellate court found that there was sufficient evidence to establish a prima facie case of discrimination against Fred Meyer for refusing to allow her to shop accompanied by her dog. Testimony showed that Brandy had been specifically trained to help Storms with her particular disability by placing herself in between Storms and others in a way that alleviated her anxiety, which was further corroborated by testimony that Brandy engaged in such behavior. Thus, evidence showed that the defendants' violated RCW 49.60.215 by not allowing Storms to do her own shopping within the store because she was accompanied by a service animal.

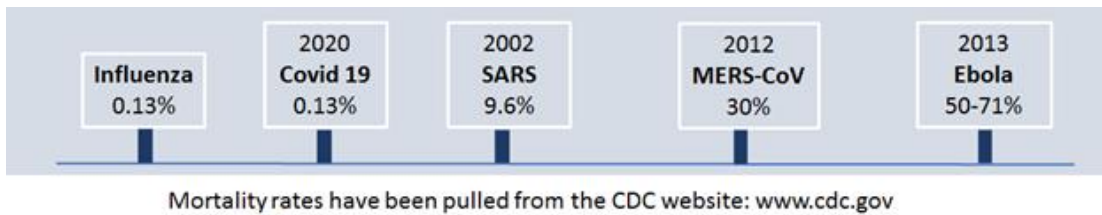
RCW 49.60.215

Unfair practices of places of public resort, accommodation, assemblage, amusement—Trained dog guides and service animals. It shall be an unfair practice for any person or the person's agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement, except for conditions and limitations established by law and applicable to all persons, regardless of race, creed, color, national origin, citizenship or immigration status, sexual orientation, sex, honorably discharged veteran or military status, status as a mother breastfeeding her child, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a person with a disability except as otherwise required by law: PROVIDED, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice.

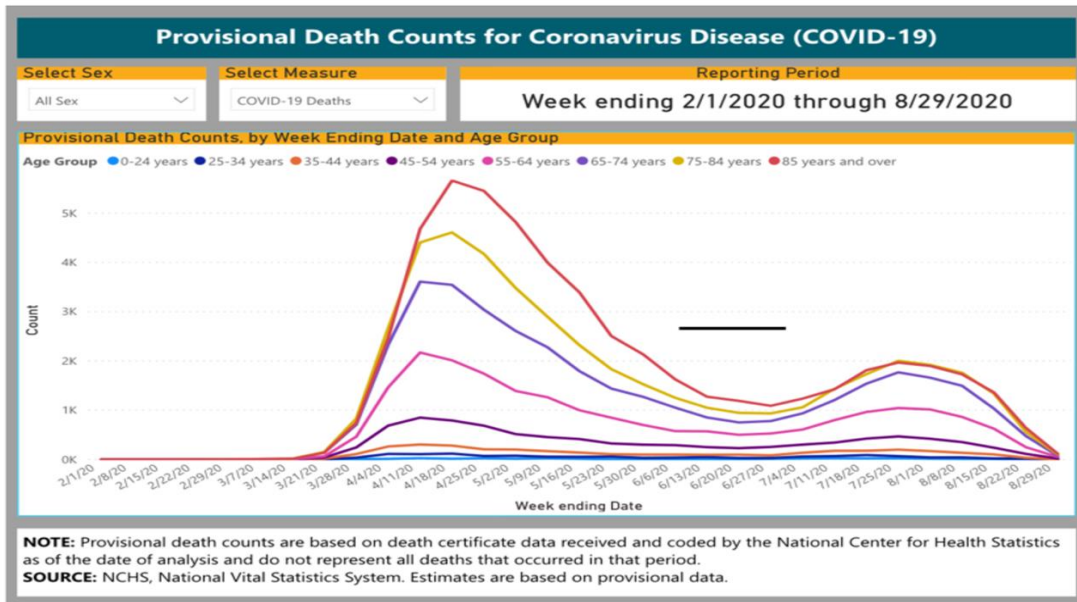
THE COVID SCIENCE

COVID IS A MILD VIRUS. The most pressing issue with the Covid-19 virus is how lethal is it? What is our chance of dying from it? Early in the pandemic the expected deaths were based on models that we now know were highly exaggerated, more than tenfold. Now, after 6 months and much more data to go on, we are better equipped to know how lethal it is.

Mortality Rate is defined as the amount of deaths per the number of virus infections (symptomatic and asymptomatic), in other words, how many die out of the number of people that are infected (# Covid Deaths / # of Covid infections). Based on the World Health Organization’s current best estimates, the **risk of dying from Covid-19 is 0.13%**. So it can also be said that you have a **99.9% chance of living** if you are infected. Does this tiny risk of Covid fatality warrant keeping all of us at an emergency status? Did we take the same precautions with other more lethal viruses? Below you can see clearly that other epidemics from the last one hundred years were much more lethal, but we took very different responses as a country.



COVID DEATH COUNTS ARE MINIMAL. Below is a graph of the United States death count numbers by week, broken out by different age groups. As you can see, by all counts, for all age groups death counts are at pre pandemic levels. Source is the CDC: <https://tinyurl.com/y45nuan9>



MASKS MAY CAUSE MORE HARM THEN GOOD. Dr. Russell Blaylock, many other doctors and OSHA caution that not only do face masks fail to protect, but they also create serious health risks to the wearer – migraines, dizziness, oxygen deprivation, carbon dioxide toxicity, elevated breathing and heart rates, impaired attention, thinking and coordination.

<https://www.technocracy.news/blaylock-face-masks-pose-serious-risks-to-the-healthy/>



LIABILITY NOTICE TO BUSINESSES

To Whomever Is Responsible for this Establishment

As the one responsible for the operation and management of this establishment, YOU are criminally and civilly liable for the activities that you allow or prohibit on these premises – regardless of whether you own this establishment or not.

YOU ARE HEREBY NOTIFIED THAT:

No health order, executive order or ordinance suspends established law or negates constitutionally protected rights or civil rights. (Health guidelines are NOT law).

No business may enforce policy that violates established law. Any claim of a “store policy” is SUPERCEDED BY LAW. Any store policy that is contrary to law is considered NULL and VOID. You or any employee may be held personally liable for attempting to enforce UNLAWFUL polices.

It is UNLAWFUL to violate anyone’s rights or discriminate against someone or refuse someone service on the basis of age, gender, ethnicity, medical condition or religious beliefs.

It is UNLAWFUL for you or any employee to prohibit someone from entering or fully enjoying the services of this establishment, which is place of public accommodation (whether the patron is wearing a mask or not). All patrons have an IMPLIED, IRREVOCABLE LICENSE granted by this establishment to the public when open for business.

Preventing entry or refusing service VIOLATES ESTABLISHED LAW including:

- United States Constitution (1st and 4th Amendments)
- U.S. Federal Civil Rights Act (Title II, Section 2000)
- Americans with Disabilities Act (Title III, which **requires FULL and EQUAL ACCESS to all services and facilities WITHOUT DISCRIMINATION**).
- Washington State Law ([RCW 49.60.030](#) and [RCW 49.60.215](#))

It is UNLAWFUL for you or any employee to block someone’s path or to restrict, detain, or confine their free movement. Any such attempt constitutes UNLAWFUL RESTRAINT and FALSE IMPRISONMENT under Washington State Criminal Code [RCW 9A.40.040](#).

It is UNLAWFUL for you or any employee to require someone to wear a mask. Recommending that someone wear a mask, which is designated by the FDA as a “medical device,” is the unlicensed practice of medicine. Any such attempt may be reported to the Medical Licensing Board for violating Washington State Criminal Code [RCW 18.71.021](#), which carries the penalty of a civil fine of \$1000 per day [RCW 18.130.190 \(3\)](#), in addition to any criminal liability [RCW 18.130.190 \(5\)](#).

If you or any employee attempt to summon law enforcement with a claim of “trespassing” against someone not wearing a mask, you may be charged with and convicted of ASSAULT and/or HARASSMENT under Washington State Criminal Code [RCW 9A.36.041](#) and [RCW 9A.46.060](#).

There is NO VALID CLAIM of TRESPASS for not wearing a mask because:

- This business establishment is open to the public.
- This business has extended an irrevocable license to the public.
- The patron has entered lawfully and has not interfered with the business.
- There has been no evidence of violation.

Any attempt to prohibit someone from the “full and equal enjoyment of all services and facilities” of this business establishment may:

- Be reported to additional responsible parties of this establishment
- Be reported to law enforcement for possible criminal charges.
- Be reported to state and federal agencies for violation of rights.
- Be used as a basis for formal complaints or legal action.

THEREFORE, you and your employees have hereby been PUT ON NOTICE of potential civil and criminal violations of unlawfully preventing the entry of or refusing the service of any member of the public – wearing a mask or not, for any reason whatsoever. Any such violations may result in further service of a NOTICE OF DISCRIMINATION & VIOLATION OF RIGHTS, which can be used for formal complaints or legal action against you.

Date: _____

Name of Establishment and Location: _____

Name of Individual Responsible for this Establishment (Receiving this Liability Notice):

Name of Individual Giving this Liability Notice: _____

Contact Info of Noticer (optional):

Phone Number: _____

Email: _____

Witness (optional): _____

(AFFIDAVIT)

NOTICE OF DISCRIMINATION & VIOLATION OF RIGHTS

This establishment is a place of public accommodation and as such is PROHIBITED BY LAW from discriminating against any individual based on age, gender, ethnicity, medical condition or religious beliefs. (Civil Rights Act of 1964)

DATE and TIME of Violation:

NAME of Violator: _____

(If identity is not given, provide physical description of violator):

Name of business: _____

Location of Incident: _____

Description of Incident (attach additional sheets if needed):

The above-named violator of my rights has been informed of U.S. Law and has willingly and knowingly refused my free and equal entry and access to all services and facilities as required by law. This individual has been served a NOTICE OF DISCRIMINATION AND VIOLATION OF RIGHTS and has been informed that unlawful civil and criminal violations may result in formal complaints, criminal charges, and legal action against them.

Signature of injured party: _____ Date: _____

PRINT FULL NAME: _____

Signature of violator: _____ Date: _____

PRINT FULL NAME: _____

_____ CHECK here if violator refuses to sign NOTICE OF DISCRIMINATION

WITNESS (optional) Name: _____

Deprivation of Rights under Color of Law

To any law enforcement official who attempts to enforce Governor Inslee's mask proclamation 20-25.6 and the subsequent Order of the Secretary of Health 20-03 as if it is law:

Please be advised that:

1. Because the WA State Department of Health Mask Order is not law, and because it explicitly provides for exemptions as required by both state and federal anti-discrimination statutes, any attempt to enforce it as if it is law is a violation of **18 USC Section 242 - Deprivation of Rights under Color of Law**, which carries criminal penalties. (See below)
2. And such an attempted enforcement action also violates provisions of the US Constitution's First and Fourth Amendments.
3. Any attempt to enforce this non-law will be reported to the U.S. Department of Justice.

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim. **The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.**

TITLE 18, U.S.C., SECTION 242

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, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.