

Conduct that is intended to and reasonably understood to convey a message falls within the free speech guarantees of the First Amendment.
ACORN V. CITY OF TULSA, 835 F2d 735 (10th Cir. 1987)

The Below Critical Due Process Lawful Notice & Message Concerns The Fact That Store "Access Discrimination" Against People That Don't Wear A Mask Violates The Law (Please Share This With Others)

New Yorkers, Executive Orders 202.17 & 202.34 Say Not All Are Required To Wear Masks Like Those That Voice They Cannot Tolerate Wearing One For (Medical) Health Reasons: 202.17: Effective at 8 p.m. on Friday, April 17, 2020 any individual who is over age two and **able to medically tolerate a face-covering** shall be required to cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance. **202.34: This directive shall be applied in a manner consistent with the Americans with Disabilities Act (ADA) or any provision of either New York State or New York City Human Rights Law, or any other provision of law (that means, suits for violations of state and federal constitutional rights can apply).**

There Can Be No Discrimination in "Public Accommodations Access" To Stores And Other Businesses

Our laws say people who do not wear a mask because of health problems have a "Right" to equal protection and equal access to stores and other business facilities which are considered "Public Accommodations," per the constitutionally compliant ADA and Civil Rights Statutes, etc. The types of "Disorders" and "Impairments" covered by the ADA and other General Laws are, respiratory (COPD, Allergies, Asthma, etc.) systemic (diabetes) cardiovascular (heart disorders and stroke, etc.), neurological, special-sense organs, musculoskeletal, digestive, reproductive, hemic and lymphatic, endocrine, skin, genitourinary, orthopedic, speech, hearing and visual impairments, etc. In law "Rights" (or "Liberty Interests" which are a form of Rights) are considered as "Property." And people have a **liberty interest or right to have "**Equal Access**" to stores, etc., which cannot be taken away, because a principle of law says, "**What is mine (Equal Protection/Access, Rights/Property) cannot be taken away without my consent.**"**

Businesses Cannot Discriminate Against People That Don't Wear Masks

Just as we know people cannot be discriminated against because of their race or religion or age, etc. they also cannot be discriminated against for other reasons like health limitations or other reasons. That is a reason why the Supreme Court has ruled, "**One must be ever aware that the Constitution forbids sophisticated as well as simple minded modes of discrimination.**" LANE V. WILSON, 307 US 368, 95 LEd 110, 59 SCt 872 (1951). Also, when it comes to health matters **businesses cannot lawfully demand that people tell, what their medical condition is for not wearing a mask, or ask for people's Covid-19 testing status;** to do so is a violation of ones rights to privacy in health matters according to law and the Health Insurance Portability and Accountability Act (HIPAA) rules, et al. The courts have said **the right to privacy includes**, but is not limited to, "**individual interest in avoiding disclosure of personal matters.**" Doe V. DELIE, 257 F3d 309 (3rd Cir. 2001)

The Constitution Cannot Be Suspended In A Crisis/Emergency By Government Officials

On Monday April 27, 2020 **Attorney General Bill Barr issued a Memorandum** directing Department of Justice prosecutors to act **against authorities imposing lock-down measures that "could be violating the constitutional rights**

and civil liberties of individual citizens." Barr said "... the Constitution is not suspended in times of crisis. We must therefore be vigilant to ensure its protections are preserved,..."

The courts have ruled that governors and other government officials cannot make laws in violation of their oath to uphold the constitution. The courts have said, **"No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking (solemn oath) to support it."** Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958). The Fifth Circuit Appeals court has said, **The government cannot prohibit or control the conduct of people for reasons that infringe upon freedoms that are constitutionally guaranteed.** Smith v. U.S. 502 F 2d 512 CA Tex (1974). **Government Officials can be held liable for constitutional wrong doing resulting from his/her failure to sufficiently train or supervise subordinates.** White v. Farrier, 849 F2d 322 (8th Cir. 1998).

Furthermore, statutory businesses (corporations, and the like) are creations of the state/government and **have no more power over people's conduct than the state.** The black letter law maxim principle of law says, **"The power which is derived cannot be greater than that from which it is derived."** Further private entities like corporations, stores, restaurants or other food and drink places, hotels, places of entertainment, health facilities, travel services, public buildings, parks, stadiums, convention centers, halls, or other places of public gathering, museums, etc., are considered 'public accommodations' for purposes of access and commerce, see Title 42 U.S. Code § 12181 (7).

In a time of health crisis, or other types of crisis, government officials cannot just require people to forfeit their rights; or fine them and presume they give up their rights not to be fined for exercising their liberties, because the courts have said waiver of fundamental Rights will never be presumed, not ever. OHIO BELL V. PUBLIC UTILITIES COMMISSION, 301 U.S. 292 (1937). Also, **"The claim and exercise of a Constitutional right cannot be converted into a crime."** Miller v. U.S., 230 F.2d. 486, 489.

The American Medical Association Journal Notes Masks Are Not For Healthy People

Face masks should not be worn by healthy individuals to protect themselves from acquiring respiratory infection **because there is no evidence to suggest that face masks worn by healthy individuals are effective in preventing people from becoming ill.** Face masks should be reserved for those who need them because masks can be in short supply during periods of widespread respiratory infection. Because N95 respirators require special fit testing, they are not recommended for use by the general public. April 21, 2020 Issue of JAMA | JAMA Network - <https://jamanetwork.com/journals/jama/fullarticle/2762694>

There Is No Penalty On People Exercising Rights And Not Wearing A Mask

"But there are no penalties associated with Cuomo's mask order ... He acknowledged,.. that there are no penalties associated with the order" By Jon Campbell, USA TODAY Network, Apr 17, 2020 at 12:27 AM <https://www.eveningtribune.com/news/20200416/qa-what-happens-if-new-yorkers-disobey-cuomos-coronavirus-mask-order>

The government can't lawfully punish people for not wearing a mask because due process of law is violated when the government attempts to penalize people for exercising protected statutory or constitutional rights. US V. CONKINS, 987 F2d 564 (9th Cir. 1993). **There can be no penalty imposed upon someone because of his or her exercise of Constitutional rights.** Sherar v. Cullen, 481 F 2d 945/6(1973). Also, **"He who uses his legal rights, harms no one."**

Due Process Prevents Government Officials From Harming People

Government mask mandates, vaccines, and violating rights can all be harmful and due process guarantees protect people against harm from government officials. BROWN V. NATIONSBANK CORP, 188 F3d 579 (5th Cir 1999).

(Wearing A Mask Can Be Dangerous) Letter: Neurosurgeon details risks of face masks. Face Masks Pose Serious Risks To Healthy People By Russell Blaylock, MD. "By wearing a mask, the **exhaled viruses will not be able to escape and will concentrate in the nasal passages, enter the olfactory nerves and travel into the brain.** – ... **One should not attack and insult** those who have chosen not to wear a mask, as these studies suggest that is the wise choice to make. Russell Blaylock, MD ...

While most agree that the N95 mask can cause significant hypoxia and hypercapnia, another study of surgical masks found significant reductions in blood oxygen as well... **The importance of these findings is that a drop in oxygen levels (hypoxia) is associated with an impairment in immunity.** Studies have shown that hypoxia can inhibit the type of main immune cells used to fight viral infections called the CD4+ T-lymphocyte. This occurs because the hypoxia increases the level of a compound called hypoxia inducible factor-1 (HIF-1), which inhibits T-lymphocytes and stimulates a powerful immune inhibitor cell called the Tregs. . **This sets the stage for contracting any infection, including COVID-19 and making the consequences of that infection much graver. In essence, your mask may very well put you at an increased risk of infections and if so, having a much worse outcome.** " <https://alachuachronicle.com/letter-neurosurgeon-details-risks-of-face-masks/>

Workplace Covid-19 Regular Mask Wearing Illusion - OSHA Health and Safety Risks

Believing masks will keep one safe and healthy is likely an illusion. People wearing masks have been found to lower the oxygen content that they are breathing in, at times below healthy limits considering constitutionally compliant "Occupational Safety and Health Administration" (OSHA) standards for a safe workplace, **which is also unsafe for masked patrons in that workplace. Thereby, harming and not helping workers and patrons.**

Human beings must breathe oxygen . . . to survive, and begin to suffer adverse health effects when the oxygen level of their breathing air drops below [19.5 percent oxygen]. Below 19.5 percent oxygen . . . , air is considered oxygen-deficient. At concentrations of 16 to 19.5 percent, workers engaged in any form of exertion can rapidly become symptomatic as their tissues fail to obtain the oxygen necessary to function properly (Rom, W., Environmental and Occupational Medicine, 2nd ed.; Little, Brown; Boston, 1992). <https://www.osha.gov/laws-regs/standardinterpretations/2007-04-02-0>

Also **there are reports of workers not smelling gas leaks in the workplace** at times because of wearing masks. Further, **all people can pollute their lungs with dangerous synthetic microfibers and chemicals** from wearing face coverings. www.totalhealthmagazine.com/Allergies-Asthma/Consumers-Beware-Toxins-Lurking-in-Your-Clothing.html . "Also, just by wearing **synthetic clothes, plastic fibers are constantly released in the air.**" www.oceancleanwash.org/the-issue, www.plastichealthcoalition.org

The above shows businesses and government cannot lawfully mandate masks for public access.