

The Custer Gulag: Unelected Bureaucrat Orders County "Closed"

Jobs Lost, Bills Unpaid, Car Loans Defaulted, Families Decimated Financially.

Why? Two Sick People in the Whole County.

"By legal standard, a government's actions are arbitrary and capricious when they are founded upon unreasonable grounds, are made without any proper consideration of circumstances, deny due process, and prejudice substantial rights. Therefore, by that legal definition, these shelter-in-place orders are arbitrary and capricious." --KrisAnn Hall

(see page 22 for a prepared summary of KrisAnn's argument)

"This is what tyranny looks like."

by Jackie Bubis
Commentary and Analysis
April 5, 2020

After reading through Public Health Agency Order 20-04 from the Director of the Custer County Public Health Agency, I have a few observations and questions. I note that many of the ORDERS in this document are word for word from the state document.

There seem to be a number of assumptions stated as fact in the Purpose section of the document:

"fact that numerous travelers from around the world visit our area"

"may result in serious illness", "will have the effect of interrupting the functioning of the community", "will overwhelm the capacity of the local health care systems,"

"This order will reduce the likelihood that many individuals will be exposed..."

"This PHO will also enable the services, businesses, and travel necessary to protect the health and safety of our community and preserve the continuity of social and commercial life as we save lives."

"Failure to comply with any of the provisions of this PHO constitutes an imminent threat to public health."

This order encompasses all the orders sent down from on high by the state and adds to them, making them even more strict.

In the Stay at Home portion of the ORDER:

1a states that all residents of Custer County are ORDERED to stay at home whenever possible. It goes on to say that "may leave their residences only to perform or utilize Necessary Activities." **Nowhere in the document are "Necessary Activities" defined.** So can the residents of Custer County leave their homes to take a walk? Can they leave their homes to ride a bike or a horse? Can they take a nice drive down a country road with their spouse?

NOTE: The corresponding paragraph from the state order reads exactly the same. However that document does have definitions of "Necessary Activities."

1b states that all public and private gatherings of ANY number of people occurring outside a residence are prohibited, except for the limited purposes which include "Essential Activities." Nowhere in the document are "Essential Activities" defined. (It benevolently allows the gathering of people who live in the same house.)

1c states that Residents of Custer County who have traveled out of State for more than 24 hours must be under a 14-day self-quarantine. This includes part time residents returning to Custer County.

1d both "directs" and "strongly discourages" all variations of vacationing in Custer County until April 30th. Will visitors be subject to fine or imprisonment?

1e urges higher risk people to stay in their residence at all times except to seek medical care. Do these high risk people also fall into the category of "all residents" ORDERED in **1a**?

1g PROHIBITS all "Unnecessary Travel" by automobile or public transit.

"Unnecessary Travel" is not defined within this document. Are we allowed to drive our car to town to pick up dinner at Willie's? Are we allowed to drive our car to town to buy deodorant? Can we ride a horse to town or is that covered in **1a**? *And...what public transit do we have in Custer County?*

In the Business Requirement section, there are a few things I need clarification on.

2c states that even liquor stores MUST establish curbside pickup only. Apparently I can only purchase items from the liquor store that I already know the name and size of, since they do not have a menu. Okay.

2d again "strongly recommends" that retail establishments limit the number of customers in the store in order to abide by Social Distancing Requirements so it is assumed (I know that's dangerous) that this measure cannot be enforced with fines or jail time for the business owners.

2e requires "Grocery, retail, convenience, hardware, farm and ranch supply SHALL follow the CDPHE Guidelines in having hand sanitizer, germicidal wipes, or hand washing stations available where patrons enter and exit. All check out stations will be wiped down after each customer with the proper disinfects recommendation by EPA." Is there a list of recommended disinfectants that are required? Where can that list be found and are these disinfectants readily available? Are there sufficient hand sanitizers or germicidal wipes available for purchase by these businesses to provide these "stations" at the entry/exit?

2f shuts down all hotels, motels, short-term rentals (30 days or less), bed and breakfast establishments, Airbnb, and lodging except with written permission of the CCPHA Director. They are still required to follow CDPHE guidelines even when shut down, apparently. **Will these businesses be reimbursed fair market value of their losses** by the CCPHA or Custer County as required by the Colorado Constitution? (COLO. CONST. art. 2, § 15) Also noted is that if the CCPHA Director grants a hotel or motel to house essential personnel, at no time will the hotel/motel room be used for leisure purposes.

The Enforcement section states: "This order will be enforced by all appropriate legal means. Local authorities are encouraged to determine the best course of action to encourage maximum compliance. Failure to comply with this order could result in penalties including a fine of up to one thousand (1,000) dollars and imprisonment in the county jail for up to one year, pursuant to 25-1-114, C.R.S." **Does this imply criminal charges?** Which local authorities fall under this order? And what exactly is "maximum compliance?"

Next we are told that there will be no active searching for violations. However, if your neighbor rats you out, the county will "reach out" to you to (re)educate, provide guidance and enforce this ORDER, if necessary.

This document is a classic example of **arbitrary and capricious** orders. This is what tyranny looks like. (See page 22 for more on Arbitrary and Capricious orders.)

Excerpted section of
Custer County Public Health Order 20-4
ORDER:

1. Stay At Home

a. All residents of Custer County are ordered to Stay At Home whenever possible. Individuals living in shared or outdoor spaces must at all times, to the greatest extent possible, comply with Social Distancing Requirements, and may leave their residences only to perform or utilize Necessary Activities.

b. All public and private gatherings of ANY number of people occurring outside a residence are prohibited, except for the limited purposes expressly permitted in this Public Health Order (PHO) which include Essential Activities. Nothing in this PHO prohibits the gathering of members living in the same Residence.

c. Residents of Custer County that have traveled out of State for more than 24 hours must be under a 14-day self-quarantine. This includes part time residents returning to Custer County.

d. All Custer County Visitors are directed to return home. CCPHA strongly discourages all variations of vacationing in Custer County until April 30th.

e. People at higher risk of severe illness from COVID-19 are urged to stay in their Residence at all times except as necessary to seek medical care. People who are sick must stay in their residence at all time except as necessary to seek medical care, and must not go to work, even for a Critical Business.

f. Individuals experiencing symptoms of COVID-19 must self-isolate until their symptoms cease or until they have a negative test result. Due to limited testing availability and narrow criteria for testing, if an individual has tested positive for COVID-19 and/or has developed symptoms of COVID-19 including early or mild symptoms (such as cough, fever and/or shortness of breath) they should be in isolation (staying away from others) until they have had no fever for at least seventy-two (72) hours (that is three full days of no fever without the use of medicine that reduces fevers), other symptoms have improved (such as cough or shortness of breath) and at least seven (7) days have passed since symptoms first appeared.

g. All Unnecessary Travel is prohibited including, but not limited to, travel by automobile or public transit. **People must use public transit ONLY** for purpose of performing Necessary Activities or maintain Critical Governmental Functions. People riding on public transit must comply with Social Distancing Requirements to the greatest extent feasible.

2. Business Requirements

a. Critical Businesses as defined by the Governors Order 20-24, are encouraged to remain open, although subject to certain limitations. Critical Businesses must always comply with Social Distancing Requirements at all times, adopt work from home or tele-work policies for any operations that can be done remotely, and implement other strategies. Such strategies may be to stagger schedules or re-design workplaces to create more distance between workers, unless doing so would make it impossible to carry out critical functions. Critical Businesses that serve the public such as grocery stores and other critical Retail shall comply with Social Distancing Requirements at all times, including when any customers are standing in line inside or outside.

b. Child care facilities providing services exempt in this PHO must, to the greatest extent possible operate under the following conditions: (1) child care must be carried out in stable groups of 10 or fewer ("stable" means that the same 10 or fewer children are in the same group each day); (2) children shall not change from one group to another;

(3) If more than one group of children is cared for at one facility, each group shall be in a separate group. Groups shall not mix with each other; (4) childcare workers shall remain solely with one group of children. To the greatest extent possible, childcare shall be performed in compliance with Social Distancing Requirements.

c. Restaurants, liquor stores, and coffee shops must establish curbside pickup only, no customers are to be allowed inside the establishment. This allows for proper compliance with Social Distancing Requirements.

d. CCPHA strongly recommends that Custer County retail establishments (such as grocery stores, dollar stores, hardware stores, food pantries etc.) limit the number of customers within the store in order to abide by Social Distancing Requirements. Retail establishments must follow CDPHE's Guidance (see the Retail Food Establishment COVID-19 Implementation of Public Health Order and Amended Notice of Public Health Order 20-22 Closing Bars, Restaurants, Theaters Gymnasiums, Casinos Non Essential Personal Services Facilities, Racetrack and Off Track Parawagering Facilities Statewide) to minimize the spread of COVID-19 in the community.

e. Grocery, retail, convenience, hardware farm and ranch supply shall follow the CDPHE Guidelines in having hand sanitizer, germicidal wipes or hand washing stations available where patrons enter and exit. All check out stations will be wiped down after each customer with the proper disinfects recommendation by EPA.

f. All short-term lodging must cease operations. Short term lodging includes but is not limited to hotels, motels, short-term rentals (30 days or less) bed and breakfast establishments, Airbnb, and lodging. All short-term lodging establishments shall follow CDPHE guidelines for minimizing the spread of COVID-19. **Authorized use for the purposes of emergency, quarantine, or to provide lodging for essential personnel must be in writing by the CCPHA Director. At no time are these to be used for leisure purposes.**

3. Houses of Worship and faith-based organizations shall abide by Social Distancing Requirements including 10 or fewer people until April 30, 2020. Pastoral services for individuals (one at a time or practicing appropriate Social Distancing Requirements) who are in crisis or in need of end-of-life services will be allowed. **Services can be conducted remotely through Face book, GoTo meeting, Zoom or any technology platform. If a technology platform is unavailable due to beliefs, organizations must still abide by Social Distancing Requirements including 10 or fewer people and a 6-foot distance between each person.**

ENFORCEMENT:

This order will be enforced by all appropriate legal means. Local authorities are encouraged to determine the best course of action to encourage maximum compliance. Failure to comply with this order could result in penalties including a fine of up to one thousand (1,000) dollars and imprisonment in the county jail for up to one year, pursuant to 25-1-114 C.R.S.

Custer County will not be actively searching for violations. However, if the county receives reports of events contrary to this order the county will reach out to the organizer/leader/owner/management to educate, provide guidance, and enforce the provisions of this order, if necessary.

(To read the entire document go to <http://custercountygov.com/pdf/PublicHealthOrder20-04.pdf>)

To get other updates, please see <http://custercountygov.com>. There is a redirection link at the top of the page.)

The Order was updated on April 7th. To read Custer County Public Health Order 20-04 and amendments in full go to: www.custercountycolorado.com/covid-19 and click on the "County Public Health Order 20-04".

KrisAnne Hall

Liberty over Security, Principle over Party, Truth over Personality



KrisAnne Hall is the president of Liberty First University and travels the country teaching the foundational principles of Liberty and our Constitutional Republic.

KrisAnne is the author of six books on the Constitution and Bill of Rights, she also has a nationally syndicated radio show and a cable television show. KrisAnne has been featured on C-SPAN TV and C-SPAN Book TV. She is also host of "The KrisAnne Hall Show". She is a disabled Army veteran, a mother, a pastor's wife and a patriot.

KrisAnne lives in North Florida with her husband JC, evangelist missionary to Haiti, and their adopted son. JC is also former Russian instructor for the US Navy. Visit <https://www.krisannehall.com>

Arbitrary and Capricious Orders

KrisAnne has been focusing on her Radio Show. Below is a summary from Episode 1067 Krisanne Hall Show prepared by Jackie Bubis

American was built on private property private rights and individual Liberty; all trashed, all gone. These stay-at-home orders are completely arbitrary. They deny due process. They are rife with the legal principle of unbridled discretion.

Arbitrariness is the quality of being determined by chance, whim, or impulse, not by necessity, reason, or principle. A shelter-in-place order that requires a worship service to close where a finite number of people sit far apart for a few hours but allows a Walmart, Costco, Home Depot (where limitless people come and go every single day, touching everything) to be open is the very definition of arbitrary.

By legal standard, a government's actions are arbitrary and capricious when they are founded upon unreasonable grounds, are made without any proper consideration of circumstances, deny due process, and prejudice substantial rights. Therefore, by that legal definition, these shelter-in-place orders are arbitrary and capricious.

When we shut down these businesses this is a taking of your business. It is a regulatory taking "in which a government regulation limits the uses of private property to such a degree that the regulation effectively deprives the property owners of economically reasonable use or value of their property to such an extent that it deprives them of utility or value of that property, even though the regulation does not formally divest them of title to it."

Whether temporary or permanent, it makes no difference. It's a taking. Every state constitution and the U.S. Constitution state that if the government is going to take your property, there must be due process and you must be given fair market value. Has your county talked to you about the fair market value loss of your business? Have they told you how they're going to reimburse you for the eminent domain taking of your property? No.



The U.S. Constitution

The Bill of Rights

The 9th Amendment Part 6 of 6

by *Revolutionary War & Beyond*,
Courtesy of Jax Bubis

9th Amendment -

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

Overriding the Will of the People: An example

Roe vs. Wade

This is exactly what happened in the *Roe vs. Wade*, 1973, abortion decision which made all state laws banning abortions illegal. The people of Texas had passed a law banning abortions. They believed that having an abortion should not be a protected right. The Supreme Court said otherwise, ignoring the 9th Amendment, and declared the law unconstitutional. So, a handful of judges defiantly overruled the vote of the people of Texas, and other states that also had anti-abortion rules.

Whether or not you agree that abortion is an appropriate choice for a woman to make, most people would agree that having a small group of unelected judges throw out the will of the people violates the very principles of freedom and liberty that the Founders fought for in the Revolutionary War and tried to protect in the Constitution.

Another case in which the Supreme Court overruled the will of the people of Texas was called *Lawrence vs. Texas*, 2003. In this case, the people of Texas had passed a law making certain types of sexual contact between people of the same sex illegal. The Supreme Court ruled this law unconstitutional, saying that people had a right to privacy in their consensual adult sexual relations, no matter what sex they were. The majority opinion, written by

Justice Anthony Kennedy, relied on the 14th Amendment Due Process Clause argument, that there is an equal right to privacy in one's sexual relations, no matter what sex the partners happen to be.

The Solution to the Problem

So what is the solution to this problem of judges taking away the right of the people to determine their own laws? The answer is in having judges appointed who agree that it is the right of the people to make these decisions. There are many judges who disagree that the Courts' should determine which unlisted rights are to be protected. It is the responsibility of the people to elect legislators, governors and presidents who will elect judges with this viewpoint.

These judges are generally called "originalists" or "strict constructionists" because they believe the original construction of the Constitution was that the people retain the right through their State legislatures to make these decisions. Judges on the opposite side, who believe the Courts can determine which unlisted rights are to be protected, are often called "judicial activists," which implies they are making laws in place of the legislatures.

See <https://www.revolutionary-war-and-beyond.com/9th-amendment.html>

Next week – 10th Amendment.

We live in a time when millions of Americans are not aware of their history. Many people do not have even a basic understanding of the ideas of the Founding Fathers - the principles they believed in, fought for and even died for. A good resource book on the subject is "Understanding Your Rights: Because you're about to lose them" by Revolutionary War and Beyond, edited by Jax Hunter. Available in paperback and Kindle versions on Amazon.com

Sheriff's Report...



SO Report for 4/10/20

3/27/20:

Hit & Run: An officer was dispatched to 50 Main St., Westcliffe, for a hit and run accident. Investigation is on-going.

3/29/20:

Disturbance: Deputies responded to Black Fawn Ln. for a minor family disturbance. During the investigation the victim chose to not pursue charges.

Traffic Summons: A Deputy was dispatched to 4th and Edwards in Westcliffe for a possible drunk driver. Jeremy Pierce (41) of Westcliffe was cited for Driving While Driver's License is Under Restraint for a Previous Alcohol Offense.

Arrest: Deputies were dispatched to the 2100 Blk of CR 341 for a report of a domestic violence incident. During the investigation Deputies determined Michael McQuaid (25) committed Menacing and stole the victims vehicle. McQuaid was Arrested in Cañon City by Cañon City Police and Fremont County Sheriff's Department.

3/30/20:

Gun: A Deputy responded to the 800 Blk of Durfee Cr. to collect an abandoned firearm. Investigation continues.

4/2/20:

Traffic Summons: A Deputy issued a speeding citation to Jose Contreas (27) of Lubbock, TX, for speeding 10-19 mph over the posted speed limit in the 200 blk of S. 6th St.

Intimidation: A Deputy received a call for witness intimidation on Ernest Ave. for an ongoing neighborhood dispute. The case is currently being investigated.

Health: A Deputy responded to Crestview Dr. in Wetmore for an adult female experiencing a mental health crisis. She was transported to a hospital for an evaluation.

4/4/20:

Trespassing: A Deputy investigated a possible trespassing and criminal mischief in the 8400 blk of Hwy 96. The case is under investigation.

Theft: A Deputy investigated a theft on Beneaton Lane. The case is still under investigation.

Traffic Summons: A Deputy conducted a traffic stop of a vehicle near Hermit Lane and Main St., Westcliffe, as he recognized the driver and knew the driver has a suspended driver's license. Charles Babcock (44) of Silver Cliff was issued a summons for driving with suspended driver's license.

HENRY from page 21

The side gate is the way I ended up loading the firearm at the most at the range, but the standard tube magazine was a great way to unload the gun and make sure it was clear.

One thing I was worried about is the shells extracting. I did have another Henry in the past that had issues with the shells extracting and wasn't sure if Henry fixed the problem. A friend of mine that I ended up selling



Henry Side Gate Lever Action .410 Shotgun

the shotgun to sent it into Henry, and they fixed it. It took about two weeks to get the shotgun back once he sent it off.

After 500 shells down the barrel over the past couple of months, all extracted with-

out a problem. It is a cylinder bore, so it shouldn't have a problem shooting almost any type of shells. I have to mention that it doesn't have a choke, but I figure most people would know that. Henry recommends this shotgun for target shooting, hunting, and birdshot. I used it for only target shooting, but I can see how a person could use it for hunting.

The Henry Side Gate Lever Action Shotgun will set you back a bit. The MSRP is \$1,077. The street price is closer to \$850, but it's a Henry! It is worth every penny. It is more than just a shotgun to me. It is a piece of art, and a call back to the American west.

The Henry Side Gate Lever Action Shotgun is just a perfect level action shotgun. I love it if you can't tell. From the brass receiver to the carvings in the wood, it is absolutely stunning. I have an extensive collection of firearms, and this happens to be my new favorite shotgun and right up there with my Hellbreaker AR15 build. If you want a .410 shotgun, then I think this is the one to get.

Henry, you have stolen my heart!

Please see: <https://www.ammoland.com/2020/03/henry-side-gate-lever-action-410-shotgun-test-drive-review/#ax-zz6HzdbDQJm>