

**DIRECTORS'/ORGANIZATIONAL AGENDA
ADDENDUM**

Monday, October 5, 2020

I. CONSTITUENT CORRESPONDENCE

1. Still No Justification - Robert Borer
2. No! To defund LE - Sarah Taylor
3. Support our Police - Kerrey Buser

Angela M. Birkett

From: Robert Borer <robert.borer@doane.edu>
Sent: Thursday, October 01, 2020 4:58 PM
To: pete.ricketts@nebraska.gov; Mayor
Subject: Still No Justification

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"...the Supreme Court has observed: '[t]he Constitution was adopted in a period of grave emergency. Its grants of power to the federal government and its limitations of the power of the States were determined in the light of emergency, and they are not altered by emergency.'" "...the response to a pandemic (or any emergency) cannot be permitted to undermine our system of constitutional liberties or the system of checks and balances protecting those liberties." Butler v. Wolf Local and State Officials- We still do not have any justification for a State of Emergency in Nebraska, **EXCEPT** for the economic and emotional devastation **CAUSED BY** the draconian policies of local and state politicians and health "experts."

An all cause mortality comparison for the first 36 weeks shows nothing unusual this year in Nebraska:

2014-10893

2015-11828 (up by 935)

2016-11155 (down by 673)

2017-11827 (up by 672)

2018-11906 (up by 79)

2019-11790 (down by 116)

2020-12277 (up by 487) An "emergency" is implicitly defined in our statutes as the **IMMINENT DANGER** of suffering from a natural disaster or other event...including other occurrences which will **SERIOUSLY AND SUBSTANTIALLY ENDANGER** the health, safety, welfare or property of the citizens.

When a state of emergency has been declared, the executive is authorized to take specified measures to prohibit or limit the number of persons who may gather or congregate upon public streets, alleys, or public places, or any outdoor place **WITHIN THE AREA AFFECTED**. There is **NO AREA** in Nebraska that is affected by a "pandemic." There is **NO IMMINENT DANGER**. No one's health is being seriously and substantially endangered. Case numbers are meaningless. A case is nothing more than a positive result to a test that doesn't diagnose or predict anything. It picks up genetic material from random sources. We need to follow Florida and other places and **OPEN THE STATE**. You are supposed to be looking out for the God-given and constitutionally protected rights of our citizens, and nothing is more fundamental than the right to work. Quoting Stickman further in Butler v Wolf: An economy is not a machine that can be shut down and restarted at will by government. It is an organic system made up of free people each pursuing their dreams. The ability to support oneself is essential to free people in a free economy. The late Justice William O. Douglas observed:

The right to work, I had assumed, was the most precious liberty that man possesses. Man has indeed as much right to work as he has to live, to be free, to own property. The American ideal was stated by Emerson in his essay on Politics, 'A man has a right to be employed, to be trusted, to be loved, to be revered.' It does many men little good to stay alive and free and propertied, if they cannot work. To work means to eat. It also means to live. For many it would be better to work in jail, than to sit idle on the curb. The great values of freedom are in the opportunities afforded man to press to new horizons, to pit his strength against the forces of nature, to match skills with his fellow man.

In a free state, the ability to earn a living by pursuing one's calling and to support oneself and one's family is not an economic good, it is a human good. Although jurisprudence may not afford the right to pursue one's occupation the same weight as others in our hierarchy of liberties, it cannot be given such short shrift as to allow it to be completely subordinated to an ad hoc and arbitrary regimen that cannot even be reduced to an objective, written definition—

even where that regimen is based on good intent. Here, Defendants took the unprecedented step of closing all businesses that they self-deemed to be "non-life-sustaining." The record shows that in doing so and in their manner of doing so, Defendants' actions were so arbitrary as to violate the Business Plaintiffs' substantive due process rights guaranteed by the Fourteenth Amendment.

... ..a public health emergency does not give Governors and other public officials carte blanche to disregard the Constitution for as long as the medical problem persists. As more medical and scientific evidence becomes available, and as States have time to craft policies in light of that evidence, courts should expect policies that more carefully account for constitutional rights. Robert J. Borer

Angela M. Birkett

From: sarah taylor <staylor109@hotmail.com>
Sent: Monday, October 05, 2020 9:47 AM
To: Council Packet
Cc: sarah taylor
Subject: NO! to defund LE

[CAUTION] This email comes from a sender outside your organization.

To whom it may concern:

As a former resident of Lincoln, and one whose family still reside there, I am writing in support of our law enforcement agencies in Nebraska and across our nation. The movement to "defund" police is a very dangerous and mindless one. You must not compromise the principles that defend our liberty in an effort to appease those who seek to destroy our freedom. And make no mistake, that is their goal. It is imperative that our Men in Blue have all the resources possible to preserve the peace for our Nebraska families and friends, and maintain the good life that heart-landers now know and deserve.

Regards,

Sarah Taylor
Lexington, Ne

Angela M. Birkett

From: kerrey buser <kerreyb@hotmail.com>
Sent: Monday, October 05, 2020 10:45 AM
To: Council Packet
Subject: Support Our Police

[CAUTION] This email comes from a sender outside your organization.

I have always found our police to be fair and responsive. They are desperately needed and in full force.

Do not defund the force or place limitations upon them that would impair their ability to respond to a crisis or to defend the innocent.

Kerrey Buser