

# CITIZEN MEMORANDUM

## Restoring Constitutional Rights in Hawai'i

### **Part One: Parental Rights, Childhood Vaccines, and Medical Transparency**

### **Part Two: Biosecurity Emergency Powers and Property Rights**

### **Part Three: Emergency Proclamations, Constitutional Limits, and Long-Term Governance**

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#### **I. OATH AND DECLARATION**

I am of lawful age, of sound mind, and acting voluntarily. I declare and affirm that the statements herein are true and correct to the best of my knowledge and belief.

I submit this Citizen Memorandum freely pursuant to my constitutional right to petition the government for redress of grievances and to place this document into the public record.

I submit this memorandum as a **parent and/or citizen** and as a beneficiary of the **Constitution of the United States of America** and the **Constitution of the State of Hawai'i**. I do not waive any rights. I do not consent to violations of bodily autonomy, parental authority, due process, religious liberty, property rights, or constitutional separation of powers.

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#### **II. PURPOSE AND NOTICE**

This Citizen Memorandum provides formal notice and demands corrective action to restore constitutional governance in Hawai'i in three interconnected areas:

1. **Childhood vaccines and pediatric medical policy**, where recent legislative efforts and administrative pressure have sought to weaken parental rights and religious exemptions while limiting transparency.
2. **Biosecurity emergency powers**, which currently permit extraordinary actions affecting private property without sufficient judicial safeguards.
3. **Emergency proclamations under Chapter 127A**, which have allowed prolonged suspension of laws, public participation, and legislative oversight.

These concerns are nonpartisan and structural. They go to the heart of constitutional limits, informed consent, and the rule of law.

## Statement of Governing Principles

While unalienable rights are recognized in our founding principles as inherent and God-given, modern governance increasingly treats those rights as conditional privileges, subject to administrative control and emergency suspension. This trend is not consistent with the original intent of limited government and demands correction.

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## PART ONE — PARENTAL RIGHTS, CHILDHOOD VACCINES, AND MEDICAL TRANSPARENCY

### 1. Constitutional Foundations

#### A. Bodily Integrity — Fourteenth Amendment

The U.S. Supreme Court has repeatedly affirmed a protected liberty interest in bodily integrity and the right to refuse unwanted medical treatment.

- **Cruzan v. Director, Missouri Dept. of Health (1990)** — recognized a constitutionally protected liberty interest in refusing medical treatment.
- **Washington v. Harper (1990)** — confirmed that forced medical treatment implicates a significant liberty interest and requires due process.
- **Rochin v. California (1952)** — held that forced bodily intrusion that “shocks the conscience” violates due process.

**Principle:** Compelled medical interventions are constitutionally suspect and demand the highest justification and procedural safeguards.

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#### B. Parental Rights — Fourteenth Amendment (Family Integrity Doctrine)

Parents—not the State—hold the primary right and responsibility to direct the upbringing and medical care of their children.

- **Meyer v. Nebraska (1923)**
- **Pierce v. Society of Sisters (1925)** — *“The child is not the mere creature of the State.”*
- **Troxel v. Granville (2000)**

Medical decision-making is inseparable from child-rearing and family integrity.

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#### C. Religious Liberty — First Amendment

Parents may object to medical procedures on religious grounds. Any law burdening religious exercise must meet strict scrutiny and use the least restrictive means. Eliminating religious exemptions where alternatives exist raises serious constitutional concerns.

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## D. Ninth Amendment — Rights Retained by the People

The Ninth Amendment protects fundamental rights retained by the people, including bodily autonomy and medical choice, even when not explicitly enumerated.

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## E. Informed Consent

Informed consent requires:

- full disclosure of risks, benefits, and alternatives,
- freedom from coercion,
- and a genuine right to refuse.

When refusal is punished by exclusion from education or public life, consent is no longer voluntary.

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## 2. Children, Developing Immune Systems, and Ethical Standards

Children cannot consent and have developing immune and neurological systems. For that reason, **the highest ethical, scientific, and constitutional standards must apply** to any medical policy affecting them.

Public policy that pressures parents or conditions education and services on medical compliance undermines these standards and parental authority.

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## 3. Major New Study on Long-Term Childhood Health Outcomes

Recent peer-reviewed research raises serious questions that demand transparency, caution, and respect for parental choice.

A U.S. study titled “**Impact of Childhood Vaccination on Short- and Long-Term Chronic Health Outcomes in Children**” analyzed over **ten years of pediatric clinical records (2005–2015)**. The study compared children vaccinated in their **first year of life** with children vaccinated later or not at all.

### Key Findings

- **Developmental delays:**  
Children vaccinated before age one were **approximately twice as likely** to be diagnosed with developmental delays.
- **Asthma:**  
Risk was **approximately 4.5 times higher** in children vaccinated in the first year of life.

- **Ear infections:**  
Risk was **about twice as high** in early-vaccinated children.

The study also identified a **dose-response pattern**, meaning children who received more doses earlier showed higher rates of chronic health outcomes.

#### **Significance:**

This research does not “settle” the science, but it clearly demonstrates that:

- long-term outcomes matter,
- early-life exposure timing matters,
- and short-term safety trials are insufficient to answer these questions.

When reliable long-term data raises concerns, forcing compliance is neither ethical nor constitutional.

NOTE: This memorandum does not make medical claims; it shows that unresolved long-term data makes forced medical policies unconstitutional.

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## **4. Transparency and Public Trust**

Scientific debate, open data, and long-term surveillance are essential to public trust.

Suppressing questions, dismissing parental concerns, or framing policy as “settled” when long-term evidence is still emerging undermines informed consent.

Parents cannot exercise meaningful choice without full access to data, studies, and honest discussion of uncertainty.

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## **5. DEMANDS — PART ONE**

I hereby demand that the State of Hawai‘i formally recognize and enforce the following:

1. **Absolute protection of parental medical decision-making** under the Fourteenth Amendment, without penalty or discrimination.
2. **Full constitutional informed consent** in pediatric medical policy, including disclosure of known risks, unknowns, and long-term uncertainties.
3. **No childhood vaccine mandates** for school or services without transparent, independent, multi-year pediatric safety data.
4. **Immediate public access** to all studies, trial data, protocols, and communications relied upon to justify vaccine policy.
5. **Protection of religious liberty**, and rejection of efforts to eliminate religious exemptions without strict scrutiny.
6. **Ban discrimination** against children based solely on vaccination status.
7. **Accountability mechanisms** for agencies or institutions that coerce, punish, or override parental medical authority.

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## **PART 2 — BIOSECURITY EMERGENCY POWERS, PROPERTY RIGHTS, AND CONSTITUTIONAL SAFEGUARDS**

### **1. Findings and Constitutional Conflict**

I submit formal notice that Part III of Act 236, Session Laws of Hawai‘i 2025 (the “biosecurity emergency” framework), as described and implemented, creates grave constitutional risk by enabling or encouraging:

- **Warrantless inspections or entry onto private property**
- **Requisitioning, seizure, or control of private property without prior judicial review**
- **Extended emergency declarations without sufficient legislative oversight**
- **Broad administrative discretion without clear limiting principles**

These powers implicate and risk violating the **Fourth, Fifth, and Fourteenth Amendments** to the U.S. Constitution and **Article I (including Sections 2, 5, 7, 8, and 20) of the Hawai‘i Constitution**, among others.

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### **2. Supreme Court and Hawai‘i Case Law**

#### **A. Warrants Required for Administrative Inspections**

- **Camara v. Municipal Court (1967)** — officials may not enter a private residence for routine administrative inspection without a warrant; administrative convenience does not override the Fourth Amendment.
- **See v. City of Seattle (1967)** — extended to commercial properties; agencies must obtain a warrant unless an established exception applies.

#### **B. Emergencies Must Be Temporary and Cannot Create New Power**

- **Home Building & Loan Ass’n v. Blaisdell (1934)** — upheld temporary emergency measures but emphasized the limit: “**Emergency does not create power.**”

#### **C. Takings Require Just Compensation**

- **Lucas v. South Carolina Coastal Council (1992)** — regulations that destroy all economically beneficial use can be a *per se* taking requiring compensation.
- **Horne v. Department of Agriculture (2015)** — the Takings Clause protects personal property as fully as real property; seizures require compensation.

#### **D. Due Process Required Before Deprivation**

- **Mathews v. Eldridge (1976)** — due process must weigh the private interest, risk of erroneous deprivation, and government interest; meaningful procedures are required.

- **State v. Bani, 97 Hawai'i 285 (2001)** — reinforces that the State may not impose significant burdens without notice and meaningful opportunity to be heard; the principle applies wherever enforcement burdens rights without safeguards.

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### 3. What Hawai'i Must Do Instead

Hawai'i can respond rapidly to real biosecurity threats **without suspending constitutional protections** by adopting a narrowly tailored, time-limited, judicially supervised framework with transparency, oversight, and compensation.

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### 4. DEMANDS — PART 2

I hereby demand the Legislature and Governor immediately act to **repeal and replace** any biosecurity emergency provisions that enable constitutional violations, and formally adopt these safeguards as non-negotiable minimum standards:

#### A. Declaration Standard (Narrow & Evidence-Based)

- A biosecurity emergency may be declared only when:
  - an imminent and demonstrable threat exists,
  - non-emergency tools are insufficient,
  - and actions are narrowly tailored to the specific threat.
- Written findings must state: nature/location of threat, why ordinary tools fail, scope/duration.

#### B. Strict Duration Limits + Legislative Oversight

- Automatic termination after **30 days** unless properly extended.
- One extension up to **30 additional days** only with updated written findings.
- **No emergency beyond 90 days** without approval by concurrent resolution of the Legislature.

#### C. Warrants Required

- Judicial warrants required for inspection/entry/search/seizure of private property except:
  - written voluntary consent, or
  - narrow exigent circumstances recognized by law (not administrative convenience).

#### D. Court Order Before Taking/Control

- No requisition, seizure, or control of private property unless:
  - a court issues an order authorizing temporary possession,
  - the State proves necessity, narrow tailoring, least restrictive means,
  - and the action is directly connected to the actual threat.

## **E. Compensation + Immediate Due Process**

- Immediate full and fair compensation for takings or destruction, consistent with:
  - Article I, Section 20 (Hawai‘i Constitution)
  - Fifth Amendment (U.S. Constitution)
  - Lucas and Horne
- Immediate administrative hearing + judicial review.

## **F. Time Limits on Temporary Control**

- No temporary control beyond **7 days** without a judicial review hearing.
- No holding longer than necessary to resolve the specific threat.

## **G. Transparency**

- Weekly public updates during emergencies.
- Written notice to property owners of rights and remedies.
- A full report to the Legislature within 30 days after termination detailing actions taken and property affected.

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# **PART 3 — EMERGENCY POWERS, CONSTITUTIONAL LIMITS, AND LONG-TERM GOVERNANCE IN HAWAI‘I**

## **1. Purpose of Part 3**

I respectfully request immediate legislative and executive review of **Chapter 127A, Hawai‘i Revised Statutes**, which governs emergency powers.

Recent years have shown Hawai‘i’s emergency framework can be used for extended or repeated proclamations for conditions that are not sudden or unforeseen—resulting in diminished legislative authority, reduced transparency, and constitutional harm.

Reforming Chapter 127A is essential to restore checks and balances and prevent government by proclamation.

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## **2. Constitutional Purpose and Limits of Emergency Power**

Emergency powers exist solely to address immediate and unforeseen threats and function as administrative tools, not replacements for legislative authority, long-term governance or lawmaking.

- **Blaisdell (1934):** emergency action must be temporary; “**Emergency does not create power.**”

- **Ex parte Milligan (1866):** “The Constitution... is a law for rulers and people, in war and in peace.”
- **Youngstown Sheet & Tube Co. v. Sawyer (1952):** executive action cannot replace legislative authority.

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### 3. Constitutional Violations and Risks

Extended proclamations have threatened or violated:

#### U.S. Constitution

- **First Amendment:** restrictions on assembly, testimony, petition, access to process
- **Fifth/Fourteenth:** due process through suspension of hearings, records, review
- **Equal Protection:** arbitrary classifications (see **Roman Catholic Diocese v. Cuomo (2020)**)
- **Separation of powers/federalism principles** where executive replaces legislated process

#### Hawai‘i Constitution — Article I

- Section 1 (inherent rights), 4 (speech), 5 (privacy), 6 (right to know), 7 (due process/equal protection), 20 (assembly), 21 (petition) — particularly when sunshine laws, records, hearings, and judicial timelines are suspended.

#### Structural Violations

- **Hawai‘i Constitution Article III, Section 1:** no branch may exercise powers belonging to another.
- Indefinite extensions functionally permit executive lawmaking—contrary to constitutional design.

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### 4. DEMANDS — PART 3

I hereby demand the Legislature and Governor adopt emergency-power reforms that restore constitutional balance:

1. **Hold public reform hearings** on HRS 127A powers and suspension authorities.
2. **Clarify the definition of “emergency”** to sudden, unforeseen, immediate threats only.
3. **Require legislative ratification** for extensions beyond **60 days** (or earlier), by concurrent resolution.
4. **Protect essential rights from suspension**, including:
  - due process and hearings,
  - public meetings and records,
  - Native Hawaiian rights,
  - environmental protections,

- judicial timelines,
- public participation.

5. **Require written findings for any suspension**, including:
  - exact statute suspended,
  - factual evidence meeting the true emergency definition,
  - explanation of why the statute impedes emergency response.
6. **Create an Emergency Powers Oversight Committee** (bipartisan) with authority to:
  - receive public testimony,
  - demand evidence of necessity,
  - recommend termination when thresholds are not met.

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### **III. FINAL AFFIRMATION AND NOTICE OF RIGHTS**

The people of Hawai'i do not surrender constitutional rights in exchange for administrative convenience.

Children are not property of the State.

Homes and farms are not subject to warrantless entry by proclamation.

The Legislature cannot be replaced by emergency declarations.

I affirm:

- **parents deserve full constitutional authority over their children's medical decisions,**
- **property owners deserve warrants, due process, and just compensation,**
- **the public deserves transparency and lawful limits on emergency power.**

This memorandum serves as formal notice and demand for corrective action. Failure to remedy unconstitutional frameworks and practices invites constitutional challenge and public accountability.

If any provision of this memorandum is deemed unenforceable, all remaining provisions shall remain in full force and effect.

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### **SIGNATURE**

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

(Optional Notary) \_\_\_\_\_