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Plaintiffs in pro per

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Janis Kaighn, Gregory R. Kaighn

Plaintiffs,

vs.

United States of America, State of  
Arizona, City of Prescott, Yavapai  
County, Prescott City Court, Sheila  
Polk, Yavapai County Attorney in her  
official capacity, Jon Paladini,  
Prescott City Attorney in his official  
capacity, Glenn Savona, Prescott  
Deputy City Attorney in his official  
capacity, Andy Reinhardt, City of  
Prescott Deputy Police Chief, in his  
official capacity,

Defendants.

CASE NO: CV-16-08079-PCT-SPL

VERIFIED COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF

DEMAND FOR JURY TRIAL

NOTICE OF CONSTITUTIONAL  
CHALLENGE TO FEDERAL AND  
ARIZONA STATUTES

**I. INTRODUCTORY ALLEGATIONS**

1. This case reveals a Constitutional Crisis of unimaginable proportions.

**The United States has been in a "hidden state of Martial Law" since May 4, 2007 when President George W. Bush signed Presidential Directive 51.**

Plaintiffs thorough and politically neutral analysis shows that President Bush was forced to sign Presidential Directive 51. A true and correct copy of Presidential Directive 51 is Exhibit 1 to this Verified Complaint. Presidential Directive 51 is unconstitutional as a matter of law.

1           2. The Martial Law decree was still in effect when President Obama took  
2 office in January of 2009. President Obama was literally taken hostage upon  
3 inauguration. Neither President Bush nor President Obama has ever 'run this  
4 country.' Similarly, the United States Supreme Court is also held hostage by  
5 Presidential Directive 51.

6           3. This case reveals the truth about the September 11, 2001 terrorist attacks.  
7 911 was an "inside job" in which nuclear weapons were used to destroy the World  
8 Trade Center in New York City. The Presidency and the entire government were  
9 hi jacked on 911. 911 was a 'coup' in which former Vice President Richard B.  
10 Cheney played the leading governmental role.

11           4. This case reveals the truth about the 2004 Presidential Election in the  
12 State of Arizona. The "terrorist attack" on the 2004 election occurred in Arizona.  
13 John Kerry was elected President of the United States at the ballot box. The  
14 primary focus of the "fixed" election was the passage of Proposition 200. The  
15 total number of votes cast in the Proposition 200 is wildly disproportionate to the  
16 vote totals for other state wide ballot measures.

17           5. This case reveals the real purpose of the Patriot Act. The purpose of the  
18 Patriot Act is to silence Democrats and those people perceived to be a 'political  
19 threat' The use of the Patriot Act by Federal and Arizona authorities to silence  
20 'opposition' is unconstitutional as a matter of law.

21           6. This case reveals the truth about the State of Israel. Israel is not and has  
22 never been a friend to the United States. The American people have been  
23 deceived for 75 years by the "Trojan Horse of lies that is Israel." Israel always has  
24 been a dictatorship in a constant state of war. Israel has always been an extension  
25 of Nazi Germany transplanted into the Middle East. World War II is not legally  
26 over and Adolph Hitler did not die by suicide. 911 brought "permanent war" to  
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1 America.

2 7. The shocking truth will stun the world. A still alive Adolph Hitler  
3 personally ordered the assassination of President John F. Kennedy. The fatal shot  
4 was fired from point blank range by a Secret Service Agent. Everything else that  
5 happened in Dallas on November 22, 1963 was part of the 'terrorist deception.'  
6 The American people can now understand the truth about the Kennedy  
7 Assassination and the lies of World War II.

8 8. The pursuit of 'political rivals' in Arizona has been lead by former  
9 Maricopa County Attorney Andrew Thomas, Maricopa County Sheriff Joe Arpaio,  
10 and their various counterparts throughout Arizona's other Counties. The Arizona  
11 State Bar and the Arizona Supreme Court investigated the conduct of the former  
12 Maricopa County Attorney after many complaints regarding the filing of  
13 outrageously improper criminal chargers for political purposes. Andrew Thomas  
14 and others were disbarred, Maricopa County Sheriff Joe Arpaio was implicated in  
15 serious criminal misconduct that violates the Federal Racketeering Statutes, and  
16 there has been major publicity of these events throughout Arizona. Exhibit 5 is a  
17 true and correct copy of the Independent Report submitted to the Arizona Supreme  
18 Court and the Arizona State Bar by Special Bar Investigator John Gleason. .

19 9. Plaintiffs 'quest for the truth' started in California when a 'three strikes  
20 felon' that should have in prison somehow had a 'lifetime free pass' from the  
21 Federal Government. In 2012 Domestic Violence Restraining Orders were issued  
22 to protect Janis Kaighn from the 'three strikes felon' and by extension his family.  
23 We now know that our restraining orders extend to the 911 Mastermind.

24 10. Exhibit 2 is a true and correct copy of the lawsuit that plaintiffs filed on  
25 February 1, 2016 pursuant to the original jurisdiction of the United States  
26 Supreme Court under the 'ambassadors' clause. Exhibit 3 is the Emergency Filing  
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1 Application filed at the U.S. Supreme Court and Exhibit 4 is an separate  
2 Application to the Supreme Court regarding the death of Justice Antonin Scalia.

3 11. The conduct of the Clerk of the United States Supreme Court in  
4 handling the filing of plaintiffs original jurisdiction lawsuit is clearly improper and  
5 clearly criminal. In addition, the Clerk of the United States Supreme Court is also  
6 implicated in and criminally responsible for the murder of Associate Justice  
7 Antonin Scalia. The Clerk of the United States Supreme Court backdated the  
8 "date of filing" to the same day that Justice Scalia died. Plaintiffs federal express  
9 records prove that filing date to be impossible.

10 12. The documents contained within Exhibit 3 clearly show that the Clerk  
11 of the United States Supreme Court wrongfully attempted to reject the case filing  
12 at the outset of the case. Thereafter the Clerk of the Supreme Court refused to  
13 assign a case number for six weeks, and then refused to assign a sequential  
14 "original jurisdiction" case number. The statutory motion procedure for original  
15 jurisdiction cases was not followed in any respect.

16 13. On February 13, 2016 at approximately 7:00 a.m. an agent from the  
17 U.S. Marshall's Service, a special agent from the FBI, and a local uniformed  
18 officer from the Prescott Police Department "pounded" on our door and wanted to  
19 discuss our Supreme Court original jurisdiction case. The purpose was to threaten  
20 plaintiffs into dismissing their case. Plaintiffs would not yield over the lawsuit  
21 and had to "throw" the aforementioned law enforcement officers out of their  
22 home.

23 14. The first media reports of the death of Justice Antonin Scalia came very  
24 shortly after the conclusion of the law enforcement visit to plaintiffs home on  
25 February 13, 2016. The evidence is very clear and very simple. The Supreme  
26 Court Clerk and the Arizona law enforcement personnel have acted in concert with  
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1 one another. The evidence of collusion in murder is beyond dispute. The file was  
2 backdated, a Supreme Court Justice was murdered, and plaintiffs were threatened  
3 by every level of law enforcement over this case. All of these events occurring on  
4 the same Saturday morning is impossible unless the events are related to one  
5 another.

6 15. The “payback” for plaintiffs honest citizenship was delivered by the  
7 City of Prescott, Yavapai County, the State of Arizona, and the United States of  
8 America in the form of completely false misdemeanor criminal charges,  
9 purportedly filed April 11, 2016 and mail served April 18, 2016. Gregory Kaighn  
10 was never arrested and never cited. The political manipulation by prosecutors in  
11 Yavapai County is an obviously transparent continuation of the same conduct that  
12 started in Maricopa County after the election of Andrew Thomas.

13 16. Gregory Kaighn has been a political target of Arizona Republicans  
14 since the 2004 Election. Mr. Kaighn was a visible spokesperson during the 2004  
15 Presidential campaign in Eastern Maricopa County. The overall group of  
16 volunteers from Mesa formed a permanent Democratic presence in Mesa that  
17 continued after the election. GEMDEMS is the short form abbreviation for the  
18 Greater Eastern Maricopa County Democratic Party. There are many victims of  
19 this “politically motivated Cabal” and there are many heroes throughout Arizona  
20 that will justifiably claim a piece of history.

21 17. After the 2004 election, Mr. Kaighn was part of the Arizona  
22 Democratic Party’s Election Integrity Committee and was also the Yavapai  
23 County representative to that committee. Mr. Kaighn supervised the first and  
24 perhaps only ‘hand count’ check of the computer voting machines in Yavapai  
25 County. Mr. Kaighn has been involved in politically sensitive and controversial  
26 issues.

1        18. The criminal charges brought against Mr. Kaighn are false and very  
2 transparent. The only purpose in these charges is to cause a jail sentence that  
3 creates an opportunity to inflict bodily harm and/or death in some way that is made  
4 to “look like an unfortunate accident.” Plaintiffs seek the enforcement of their  
5 Civil Rights and Constitutional Rights immediately as hereinafter set forth.

6        19. Yavapai County and the City of Prescott have no legitimate reason to be  
7 taking sides in a “he said, she said, swearing contest dispute” between Wells  
8 Fargo Bank and plaintiffs. The “swearing contest” involves a dispute over  
9 \$180.00 that occurred because Wells Fargo mishandled a check that it now agrees  
10 is owed to the plaintiffs. The criminal charges against Mr. Kaighn are blatantly  
11 corrupt.

## 12                    **II. JURISDICTION OF THE DISTRICT COURT**

13        20. 28 U.S.C. § 1331 grants jurisdiction to the District Court in all cases  
14 arising under the Constitution, law, or treaties of the United States.

15        21. 28 U.S.C. § 1343 grants jurisdiction to the District Court in all cases  
16 involving a civil rights violation in 42 U.S.C. § 1983.

17        22. 28 U.S.C. §§ 2201 grants the District Court jurisdiction, in cases where  
18 an actual controversy exists, to declare the rights and other legal relationships of  
19 any interested party whether or not further relief is or could be sought.

20        23. 28 U.S.C. § 1346 grants jurisdiction to the District Court in cases in  
21 which the United States is a defendant.

## 22                    **III. VENUE**

23        24. Venue is appropriate in this judicial district pursuant to 28 U.S.C. 1391  
24 in that the events giving rise to this Verified Complaint occurred in this district.

## 25                    **IV. THE PARTIES**

1 25. Plaintiff Janis Kaighn is a resident of the State of Arizona.

2 26. Plaintiff Gregory R. Kaighn is a resident of the State of Arizona. Mr.  
3 Kaighn is also a licensed member of the California Bar (Bar No. 124049) and is a  
4 member in good standing. Mr. Kaighn is also admitted to practice in the Northern,  
5 Southern, Central, and Eastern Districts of California; and is also admitted to  
6 practice in the Ninth Circuit Court of Appeals.

7 27. Defendant, The United States of America, is a sovereign country.

8 28. Defendant State of Arizona is one of the fifty states of the United  
9 States.

10 29. Defendant City of Prescott is a city duly organized under the laws of the  
11 State of Arizona.

12 30. Defendant Yavapai County is one of the 15 Arizona Counties.

13 31. Defendant Prescott City Court is the Court in which criminal charges  
14 are pending against plaintiff.

15 32. Defendant Sheila Polk is the Yavapai County Attorney and is named as  
16 a defendant herein in her official capacity.

17 33. Defendant Jon Paladini is the City Attorney for the City of Prescott and  
18 is named in his official capacity.

19 34. Defendant Glenn Savona is the Deputy City Attorney for the City of  
20 Prescott and is named in his official capacity. Mr. Savani is the lawyer that filed  
21 the criminal charges against Gregory Kaighn.

22 35. Defendant Andy Reinhardt is the Deputy Chief of Police for the City of  
23 Prescott and is named in his official capacity. There is no Chief of Police at this  
24 time. Defendant Reinhardt personally orchestrated and/or participated in the filing  
25 of false criminal charges against Gregory Kaighn. Published reports have  
26 identified defendant Reinhardt as a member of a legally defined "criminal street  
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gang.” The “Whiskey Row Chapter of the Iron Brotherhood” meets the federal definition of a “criminal street gang” as set forth in 18 U.S.C. § 521.

**V. INCORPORATION BY REFERENCE OF PLAINTIFFS SUPREME COURT ORIGINAL JURISDICTION CASE**

36. Plaintiffs hereby incorporate by reference the factual allegations set forth in Exhibit 2, their Supreme Court original jurisdiction lawsuit. Plaintiffs do so in order to simplify this pleading.

**FIRST CLAIM FOR RELIEF  
VIOLATION OF CIVIL RIGHTS**

**42 U.S.C. § 1983**

As for a separate and distinct first claim for relief, plaintiffs allege against defendants and each of them as follows:

37. Plaintiffs hereby incorporate by reference each and every allegation set forth above.

38. Defendants have knowingly, intentionally, and systematically denied plaintiffs their civil and constitutional rights in violation of 42 U.S.C. § 1983. Defendants have acted under ‘color of law’, in concert and conspiracy with one another, and each individual defendant has used force, intimidation, threats, and fear of retribution in order to deprive plaintiffs of the equal protection of the law, to deprive plaintiffs of equal privileges and immunities under the laws of the United States and the State of Arizona.

39. The conduct alleged herein falls within an exception to the Anti Injunction Act; plaintiffs federally protected rights will suffer irreparable harm under these extraordinary circumstances in the absence of federal intervention. Defendants are pursuing a political vendetta through political corruption.

40. As a result defendants have harmed and injured plaintiffs in their



persons and their property, denied plaintiffs due process of law, the equal protection of the law, and the privileges and immunities guaranteed by the United States Constitution and the Arizona Constitution to plaintiffs.

41. As a direct and proximate result of the conduct of defendants and each of them as alleged herein, plaintiffs are entitled to an injunction barring defendants from further violations of plaintiffs civil and constitutional rights. Specifically, defendants should be enjoined from taking any action that could result in criminal charges of any nature being brought against either plaintiff. At the Federal level, this also means the FBI, the U.S Marshall's Service, the Secret Service, and the CIA. At the local level, every single police officer and sheriffs deputy needs to cease and desist from further violations of plaintiffs constitutional rights. In addition, plaintiff Gregory Kaighn is entitled to an immediate injunction staying all pending criminal charges. Such an order is necessary in order to avoid any possible irreparable harm.

## SECOND CLAIM FOR RELIEF UNCONSTITUTIONALITY OF FEDERAL STATUTES

As for a separate and distinct claim for relief plaintiffs allege against defendant the UNITED STATES as follows:

42. Plaintiffs hereby incorporate by reference each and every allegation set forth above and allege as follows:

### **A. Legislation Enacted In Response to September 11, 2001 Terrorist Attacks**

43. The legislative package enacted after the September 11, 2001 terrorist attacks including the Patriot Act, the Homeland Security Act, and Presidential Directive 51 are substantially identical to the "German Enabling Act" that created a legal dictatorship for Adolph Hitler in Nazi Germany in 1933.

1 44. The United States has been in a 'legal dictatorship' and a state of  
2 martial law since President Bush signed Presidential Directive 51 on May 4, 2007.  
3 The pertinent language is as follows:  
4

5 (e) "Enduring Constitutional Government," or "ECG," means a  
6 cooperative effort among the executive, legislative, and judicial  
7 branches of the Federal Government, coordinated by the President, as  
8 a matter of comity with respect to the legislative and judicial branches  
9 and with proper respect for the constitutional separation of powers  
10 among the branches, to preserve the constitutional framework under  
11 which the Nation is governed and the capability of all three branches  
12 of government to execute constitutional responsibilities and provide  
13 for orderly succession, appropriate transition of leadership, and  
14 interoperability and support of the National Essential Functions  
15 during a catastrophic emergency.

16 45. The statutory authority for Presidential Directive 51 is the National  
17 Emergencies Act, 50 U.S. C §1601-1651. 50 U.S.C. §1621 gives the President  
18 the unilateral authority to declare any national emergency by Executive Order.  
19 The statute purports to grant a President the unilateral right to declare a state of  
20 emergency, impose martial law, and avoid judicial review. The 'dictators at will  
21 act' is a perfectly legitimate description of this clearly unconstitutional statute.

22 46. Article I, Section 8 of the United States Constitution does not grant  
23 Congress the power to grant the President the right unilateral right to declare a  
24 National Emergency. In this respect, the National Emergencies is unconstitutional  
25 as a matter of law.

26 47. Presidential Directive 51 is unconstitutional on its face and as applied  
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1 to the facts. The Directive, also called a Continuity of Government Plan contains  
2 no facts, no specifics, and only boilerplate statements of general mission. It is  
3 hopelessly vague and fails the test of constitutionality. Any legitimate “plan”  
4 would be explained in plain simple English. Americans know what “Martial Law”  
5 means. Americans know what a dictatorship” is.

6 48. Federal law requires public disclosure of the facts that form the basis for  
7 any national emergency declarations. A “secret” attempt to suspend the  
8 Constitution violates federal law. 50 U.S.C. § 1631 states as follows:

9  
10 When the President declares a national emergency, no powers or  
11 authorities made available by statute for use in the event of an  
12 emergency shall be exercised unless and until the President specifies  
13 the provisions of law under which he proposes that he, or other  
14 officers will act. Such specification may be made either in the  
15 declaration of a national emergency, or by one or more  
16 contemporaneous or subsequent Executive orders published in the  
17 Federal Register and transmitted to the Congress.

18 49. There is no possible use of the Patriot Act (or its surveillance  
19 techniques) against private American citizens that could be legal. Janis and I and  
20 everyone else that is facing the crackdown are the Patriot Act’s worst case  
21 scenario. America was told that this worst case scenario would never happen and  
22 that these tactics of war would never be improperly used against private citizens.  
23 The availability of these surveillance techniques comes from the Patriot Act. The  
24 use of these ‘toys’ whether through procedure or not renders the statutes  
25 unconstitutional as a matter of law.

26 50. If plaintiffs had been given Notice and an Opportunity to Be Heard on  
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1 the Merits of the affidavit(s) used by the FBI, there would have been no use of the  
2 Patriot Act and plaintiffs would not have incurred damages as alleged herein.

3 51. The Homeland Security Act is designed to consolidate power. The  
4 Homeland Security Act has the intent and effect of eliminating Constitutional  
5 rights through illegal domestic surveillance. Hitler's Nazi Germany had a nearly  
6 identical legislative package.

7 52. The Real Purpose of the Patriot Act is to crackdown on and eliminate  
8 all political dissent. These statutes are the only foundational basis for any of these  
9 actions occurring inside the United States. The legislative package from the  
10 terrorists is spread out over time so that no one notices how they work together  
11 until well into the crackdown.

12 53. The four general Acts of Congress, the statues within those Acts, and  
13 the Executive Orders are unconstitutional as a matter of law. The post 911 package  
14 of legislation is now clearly understood to be a consolidation of power after an  
15 'inside job' terrorist attack on the United States. The statutes and orders are  
16 facially unconstitutional and unconstitutional as applied to the facts of the case.

17 54. The entire post 911 legislative package is intended to interfere with  
18 Constitutional rights in general and has in fact eliminated plaintiffs Constitutional  
19 rights. Plaintiffs seek a declaration of judgement of unconstitutionality as a matter  
20 of law.

## 21 **B. The Federal Reserve**

22 55. The Federal Reserve has a one hundred history of economic disruption  
23 that parallels the last 100 years of terrorism. The bankers will never act in the best  
24 interests of the country. The banking system of bloated credit on more bloated  
25 credit creates economic shocks in order to make money after the shock. Wars  
26 create artificial economic cycles which makes for more "booms and bust" cycles  
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1 that concentrate wealth.

2 56. The Federal Reserve Act of 1913 is the fundamental source the  
3 economic imbalance and political upheaval that occurred since 1913. Economic  
4 imbalance causes problems in the political arena. The Federal Reserve has caused  
5 nothing but problems and legal headaches throughout it's 100 year history.

6 57. The first issue is the plain meaning of the words contained in the  
7 Constitution. Article I, Section 8 of the Constitution does not grant Congress the  
8 authority to create the Federal Reserve in any respect. Congress cannot convey  
9 authority beyond the language of Constitution.

10 58. The second issue is the privatization of the Federal Reserve. In *Lewis*  
11 *v. United States* 680 F. 2d 1239 (1982), the Ninth Circuit Court of Appeals  
12 articulated the same factual argument. Lewis is a civil tort case but the factual  
13 analysis should not change. Article I, Section 8 of the Constitution does not give  
14 Congress the authority to create a private central bank and give it away.

15 59. The Federal Reserve is unconstitutional as a matter of law for both  
16 reasons. Plaintiffs are entitled to a Declaration of Judgement.

### 17 **THIRD CLAIM FOR RELIEF**

#### 18 **UNCONSTITUTIONALITY OF ARIZONA STATUTES**

19 As for a separate and distinct third claim for relief, plaintiffs allege against  
20 the STATE OF ARIZONA as follows:

21 60. Plaintiffs hereby incorporate by reference each and every allegation set  
22 forth above.

#### 23 **A. Sovereignty and Supremacy Clause Issues**

24 61. Arizona Revised Statute 11-1051B is the last remaining piece of the  
25 'papers please' law. The statute is unconstitutional on its face and as applied to  
26 the facts. There were more than 20 attempts to falsely arrest plaintiff in 2015  
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1 alone. This case results from outrageous false criminal charges in 2016. There  
2 have been multiple attempt to assassinate both plaintiffs. Plaintiffs have every  
3 reason to object to “papers please” and every reason to be concerned about giving  
4 politically motivated law enforcement officials more ways to falsely arrest. The  
5 statute is unconstitutional as to plaintiffs individually and is therefore  
6 unconstitutional as a matter of law.

7 62. In addition, the remaining portion of ‘papers please’ law is federally  
8 preempted and violates the separation of powers clauses. In this regard, plaintiffs  
9 legal argument has not been previously raised as far as we know. Any  
10 constitutional issue related to sovereignty, federal pre emption, or separation of  
11 powers was effectively decided at statehood. These issues cannot be “changed” by  
12 the State of Arizona. The Constitution is certainly subject to further interpretation  
13 by the Courts; and federal law is subject to further amendment by Congress. The  
14 State of Arizona has no role in such matters and cannot “make changes.”

15 63. The people of Arizona have a contract that granted the Federal  
16 Government exclusive authority over immigration enforcement. The original  
17 contract in a representative democracy conveyed the right to the federal  
18 government and federal courts to determine legal and constitutional issues. The  
19 people of the State of Arizona already decided these issues 1912 when the contract  
20 was made at statehood. Separation of powers has already been decided and is not  
21 up for negotiation or legislation. The Supremacy Clause and separation of powers  
22 are part of the inherent bargain that goes with being one of the fifty states.

23 64. Arizona Constitution Article 2, Section 3, also misunderstands the  
24 allocation of sovereign rights that occurred when Arizona became a State. The  
25 State of Arizona derived it’s limited constitutional authority in a “three way deal”  
26 in 1912 when Arizona became a state. The Arizona Constitution cannot be  
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1 amended to give Arizona any authority over the Federal Government.

2 65. Arizona Constitution Article 30 related to “marriage” is  
 3 unconstitutional as a matter of law. The United States Supreme Court opinion in  
 4 *Obergefell v. Hodges*, 576 U.S. \_\_\_\_, 135 S.Ct. 2584 (2015) resolved this issue  
 5 nationwide. Plaintiffs are entitled to a Declaration of Judgement.

6 66. The voters of Arizona cannot go back on the underlying deal that  
 7 created statehood. The issue of “who checks whose balance” is part of that  
 8 original deal. This not a proper subject of legislation, state constitutional  
 9 amendments, or ballot initiatives. The individual states never owned the full  
 10 sovereignty, **the people own the underlying sovereignty**. A proper distinction  
 11 between the people of the state of Arizona and the legal entity the “State of  
 12 Arizona” is the key to a proper analysis.

13  
 14 **B. Proposition 200 (Voter I.D. and Proof of Citizenship) is Unconstitutional**

15 67. The requirement of proof of citizenship in order to register to vote is  
 16 unconstitutional for every person in the State of Arizona and in the United States.  
 17 The United States Supreme Court has already ruled that the proof of citizenship  
 18 requirements in Arizona law cannot be applied to the Federal Voter Registration  
 19 forms in *Arizona et. al. v. The Inter Tribal Council of Arizona, Inc. et. al.* 133 S.  
 20 Ct. 2247 (2013). The same issue is now raised for State of Arizona forms on the  
 21 exact same issues and arguments. The voting registration requirements must be the  
 22 same throughout the State of Arizona. The United States Supreme Court has  
 23 spoken to Arizona on this specific issue. The State of Arizona has created it’s own  
 24 quagmire.

25 68. With respect to identification at polls, alternative identification, and  
 26 proof of citizenship for voter registration, Arizona’s conduct violates the Equal  
 27



1 Protection Clause of the 14th Amendment to the Constitution, the Privileges and  
2 Immunities Clause of the 14 the Amendment to the Constitution, and the Voting  
3 Rights Act as noted above.

4 69. Arizona's voter identification "law" that is utilized on election day is  
5 not the same law that was contained in Proposition 200. Proposition 200's  
6 requirement to cast a ballot by a voter lacking in a photo I.D. is two pieces of  
7 'anything' that contains a pre printed name and address and appears to be  
8 legitimate.

9 70. Rather than use the statutory language purportedly passed by the  
10 voters, a much more restrictive list is contained in the Secretary of State's  
11 Election Procedures Manual. The use of the procedures manual to change  
12 substantive law is clearly illegal and an unconstitutional violation of the privileges  
13 and immunities clause and the equal protection clause of the 14<sup>th</sup> Amendment to  
14 the Constitution of the United States. Moreover, the Arizona Constitution, Article  
15 4, Section 1, prohibits any amendment to a voter approved ballot initiative.

16 71. In splitting the ballot in response to an adverse ruling by a Court,  
17 Arizona has sent a clear signal throughout the country that the entire issue of  
18 Voter I.D. at the polls was always a 'made up' issue and a farce. There has never  
19 been any evidence of "illegal voting" by Democrats or anyone else. The false  
20 politics of voter identification is exposed. Arizona has resolved this issue for the  
21 entire Country. Requiring a photo I.D. in order to vote is unconstitutional  
22 everywhere in the United States. Plaintiffs are entitled to Declaration of  
23 Judgement.

#### 24 **FOURTH CLAIM FOR RELIEF**

#### 25 **VIOLATION OF VOTING RIGHTS ACT**

26 As for a separate and distinct fourth claim for relief, plaintiffs allege as  
27  
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1 follows against the STATE OF ARIZONA,

2 72. Plaintiffs hereby incorporate by reference each and every allegation set  
3 forth above.

4 73. The Voting Rights Act, 52 U.S. C. § 10101(a)(1) protects all citizens of  
5 the United States without regard to “any constitution, law, custom, usage, or  
6 regulation of any State”

7 74. The Voting Rights Act, 52 U.S.C. § 10101 (a)(2)(a) requires that voting  
8 laws need to be uniform throughout the State. In Arizona the law changes  
9 throughout out the day in the same precinct when people go to lunch or take  
10 breaks

11 75. 52 U.S.C. §10101 (a)(2)(b) addresses the issue of proof of citizenship  
12 for voter registration. “Splitting the ballot” because of a legal dispute with the  
13 highest court in the land and punishing innocent voters instead, is a clear violation  
14 of the Voting Rights Act.

15 76. 52 U.S.C. § 10101(a)(1) is the federal statute defining voting rights.  
16 Simply stated “all citizens of the United States qualified to vote shall be entitled to  
17 vote without distinct of race, . . . any constitution, law, custom, usage, or  
18 regulation of any State.” Qualified to vote means eligible to register.

19 77. Arizona’s attempt to ‘split the ballot’ and limit the voting rights of  
20 people that register using the Federal Voter Registration form to federal elections  
21 is typical of the radicalized effort to destroy American institutions. Arizona has  
22 been hijacked and state government stolen. The very act of splitting the ballot  
23 triggers Federal Observers under the Voting Rights Act and a take over by the  
24 Federal Government of Arizona’s election process. The privileges and immunities  
25 clause, the equal protection clause, and even the due process clause are all violated  
26 because of splitting the ballot.

78. 52 U.S.C. §10101C permits injunctive and preventative relief. 52 U.S.C. §10302 authorizes a civil action by an aggrieved person to enforce the voting rights guaranteed under the 14th Amendment to the United States Constitution 52 U.S.C. § 10101. Plaintiff Janis Kaighn has not yet registered to vote.

79. Injunctive and preventative relief is authorized in 52 U.S.C. § 10101c. Based on the conduct as described herein, Federal Observers are needed and this Court should take jurisdiction over the entire Arizona elections process. The State of Arizona is flaunting the Constitution and flagrantly violating the constitutional, civil, and voting rights of the people of the State of Arizona.

### **PRAYER FOR RELIEF**

1. For Temporary Restraining Orders, Preliminary and Permanent Injunctions blocking any further implementation of Presidential Directive 51 also known as Executive Orders 51 and 20; and for Declaration of Judgement of Unconstitutionality.

2. For Temporary Restraining Orders, Preliminary and Permanent Injunctions blocking any further implementation of the May 2007 Continuity of Government Plan and for a Declaration of Judgement of Unconstitutionality.

3. For Declarations of Judgement that the National Security Act (50 U.S.C. §1601-1651); The Patriot Act(50 U.S.C. §1801-1885c), The Homeland Security Act (U.S.C. Title 6) are unconstitutional as a matter of law.

4. For Declaration of Judgement that the Federal Reserve Act (12 U.S.C. § 221-522) is unconstitutional as a matter of law.

5. For Declaration of Judgement that Arizona Revised Statutes 16-166F, 16-452, 16-579, Arizona Revised Statutes 11-1051(B), and Arizona Constitution Article 2, Section 3, and Arizona Constitution Article 30 are all unconstitutional as

1 a matter of law.

2 6. For Declaration of Judgement, Temporary Orders, Preliminary and  
3 Permanent Injunctions preventing further violations of 52 U.S.C. § 10101, The  
4 Voting Rights Act of 1965.

5 7. For the appointment of Federal Observers for Arizona elections, and for  
6 the Court to take jurisdiction over Arizona's election process.

7 8. For Declaratory Judgement, temporary, preliminary, and permanent  
8 injunctions against the United States, The State of Arizona, the City of Prescott  
9 and all of its subdivisions, Yavapai County and all of its subdivisions, and the  
10 individual "official capacity" defendants enjoining further violations of civil and  
11 constitutional rights of plaintiffs pursuant to 42 U.S.C. § 1983. All pending  
12 criminal investigations or prosecution are permanently enjoined.

13 9. For such other and further relief as the Court may deem just and proper.

14 10. For Attorneys fees if allowed by law, interest, and costs of suit all  
15 according to proof.

16 Dated: April 25, 2016

17  
18 By

19 Gregory R. Kaighn  
20 Janis Kaighn

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VERIFICATION

We are the plaintiffs in the present action. We have both reviewed this Verified Complaint and we hereby declare under penalty of perjury under the laws of the United States and the State of Arizona that the contents are true and correct to the best of our knowledge.

Dated: April 25, 2016

By

A handwritten signature in black ink, appearing to read 'G. Kaighn', written in a cursive style.

Gregory R. Kaighn

Janis Kaighn


A handwritten signature in black ink, appearing to read 'Jami Kaighn', written in a cursive style.

Exhibit 1, from the 2014 version of the Secretary of State Election Procedures Manual

The elector shall present acceptable identification that:

1. bears the name, address, and photograph of the elector (see List 1 below) or
2. two different forms of identification that bear the name and address of the elector (see List 2 below) or
3. one form of acceptable photo identification with one form of non-photo identification that bears the name and address of the elector (see List 3 below)

An elector who does not provide acceptable proof of identification shall not be issued a regular ballot, but shall receive a conditional provisional ballot. If the elector identifies himself or herself as a Native American, the elector shall be processed under the section of this procedure titled "Identification Requirements for Native American Electors." All others shall be processed under the section of this procedure titled "Conditional Provisional Ballot for No Identification."

Acceptable proof of identification includes but is not limited to the sources listed below. Other forms of identification not on this list must be deemed acceptable by the county election official in charge of elections and must establish the identity of the elector in accordance with the requirements of

List 1 - Acceptable Forms of Identification with Photograph, Name, and Address of the Elector

Valid Arizona driver license

Valid Arizona nonoperating identification license

Tribal enrollment card or other form of tribal identification

Valid United States federal, state, or local government issued identification

An identification is "valid" unless it can be determined on its face that it has expired.

List 2 - Acceptable Forms of Identification Without a Photograph that Bear the Name and Address of the Elector (Two Different

Forms Required; May Be Presented in Paper and/or Electronic Format)

Utility bill of the elector that is dated within 90 days of the date of the election. A utility bill may be for electric, gas, water, solid waste, sewer, telephone, cellular phone, or cable television

Bank or credit union statement that is dated within 90 days of the date of the election

Valid Arizona Vehicle Registration

Indian census card

Property tax statement of the elector's residence.

Tribal enrollment card or other form of tribal identification

Arizona vehicle insurance card, Recorder's Certificate,

Valid United States federal, state, or local government issued identification, including a voter registration card issued by the County Recorder

Any mailing to the elector marked "Official Election Material"

An identification is "valid" unless it can be determined on its face that it has expired. All items from List 2 may be presented to the poll workers in electronic format, including on a smart phone or tablet.

List 3 - Acceptable Forms of Identification, One Identification with Name and Photo of the Elector Accompanied By One Non-Photo Identification with Name and Address

Any valid photo identification from List 1 in which the address does not reasonably match the precinct register accompanied by a non-photo identification from List 2 in which the address does reasonably match the precinct register

U.S. Passport without address and one valid item from List 2

U.S. Military identification without address and one valid item from

List 2

Arizona vehicle insurance card

Recorder's Certificate

Valid United States federal, state, or local government issued identification,



including a voter registration card issued by the County Recorder

Any mailing to the elector marked "Official Election Material"

An identification is "valid" unless it can be determined on its face that it has expired. All items from List 2 may be presented to the poll workers in electronic format, including on a smart phone or tablet.

List 3 - Acceptable Forms of Identification, One Identification with Name and Photo of the Elector Accompanied By One Non-Photo Identification with Name and Address

Any valid photo identification from List 1 in which the address does not reasonably match the precinct register accompanied by a non-photo identification from List 2 in which the address does reasonably match the precinct register

U.S. Passport without address and one valid item from List 2.  
U.S. Military identification without address and one valid item from List 2 An identification is "valid" unless it can be determined on its face that it has expired.



## **[National Security Presidential Directives - NSPDs]**

For Immediate Release  
Office of the Press Secretary  
May 9, 2007

### **National Security and Homeland Security Presidential Directive**

NATIONAL SECURITY PRESIDENTIAL DIRECTIVE/NSPD 51

HOMELAND SECURITY PRESIDENTIAL DIRECTIVE/HSPD-20

Subject: National Continuity Policy

#### **Purpose**

(1) This directive establishes a comprehensive national policy on the continuity of Federal Government structures and operations and a single National Continuity Coordinator responsible for coordinating the development and implementation of Federal continuity policies. This policy establishes "National Essential Functions," prescribes continuity requirements for all executive departments and agencies, and provides guidance for State, local, territorial, and tribal governments, and private sector organizations in order to ensure a comprehensive and integrated national continuity program that will enhance the credibility of our national security posture and enable a more rapid and effective response to and recovery from a national emergency.

#### **Definitions**

(2) In this directive:

- (a) "Category" refers to the categories of executive departments and agencies listed in Annex A to this directive;
- (b) "Catastrophic Emergency" means any incident, regardless of location, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the U.S. population, infrastructure, environment, economy, or government functions;
- (c) "Continuity of Government," or "COG," means a coordinated effort within the Federal Government's executive branch to ensure that National Essential Functions continue to be performed during a Catastrophic Emergency;
- (d) "Continuity of Operations," or "COOP," means an effort within individual executive departments and agencies to ensure that Primary Mission-Essential Functions continue to be performed during a wide range of emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies;
- (e) "Enduring Constitutional Government," or "ECG," means a cooperative effort among the executive, legislative, and judicial branches of the Federal Government, coordinated by the President, as a matter of comity with respect to the legislative and judicial branches and with proper respect for the constitutional separation of powers among the branches, to preserve the constitutional framework under which the Nation is governed and the capability of all three branches of government to execute constitutional responsibilities and provide for orderly succession, appropriate transition of leadership, and interoperability and support of the National Essential Functions during a catastrophic emergency;
- (f) "Executive Departments and Agencies" means the executive departments enumerated in 5 U.S.C. 101, independent establishments as defined by 5 U.S.C. 104(1), Government corporations as defined by 5 U.S.C. 103(1), and the United States Postal Service;
- (g) "Government Functions" means the collective functions of the heads of executive departments and

agencies as defined by statute, regulation, presidential direction, or other legal authority, and the functions of the legislative and judicial branches;

(h) "National Essential Functions," or "NEFs," means that subset of Government Functions that are necessary to lead and sustain the Nation during a catastrophic emergency and that, therefore, must be supported through COOP and COG capabilities; and

(i) "Primary Mission Essential Functions," or "PMEFs," means those Government Functions that must be performed in order to support or implement the performance of NEFs before, during, and in the aftermath of an emergency.

#### Policy

(3) It is the policy of the United States to maintain a comprehensive and effective continuity capability composed of Continuity of Operations and Continuity of Government programs in order to ensure the preservation of our form of government under the Constitution and the continuing performance of National Essential Functions under all conditions.

#### Implementation Actions

(4) Continuity requirements shall be incorporated into daily operations of all executive departments and agencies. As a result of the asymmetric threat environment, adequate warning of potential emergencies that could pose a significant risk to the homeland might not be available, and therefore all continuity planning shall be based on the assumption that no such warning will be received. Emphasis will be placed upon geographic dispersion of leadership, staff, and infrastructure in order to increase survivability and maintain uninterrupted Government Functions. Risk management principles shall be applied to ensure that appropriate operational readiness decisions are based on the probability of an attack or other incident and its consequences.

(5) The following NEFs are the foundation for all continuity programs and capabilities and represent the overarching responsibilities of the Federal Government to lead and sustain the Nation during a crisis, and therefore sustaining the following NEFs shall be the primary focus of the Federal Government leadership during and in the aftermath of an emergency that adversely affects the performance of Government Functions:

(a) Ensuring the continued functioning of our form of government under the Constitution, including the functioning of the three separate branches of government;

(b) Providing leadership visible to the Nation and the world and maintaining the trust and confidence of the American people;

(c) Defending the Constitution of the United States against all enemies, foreign and domestic, and preventing or interdicting attacks against the United States or its people, property, or interests;

(d) Maintaining and fostering effective relationships with foreign nations;

(e) Protecting against threats to the homeland and bringing to justice perpetrators of crimes or attacks against the United States or its people, property, or interests;

(f) Providing rapid and effective response to and recovery from the domestic consequences of an attack or other incident;

(g) Protecting and stabilizing the Nation's economy and ensuring public confidence in its financial systems; and

(h) Providing for critical Federal Government services that address the national health, safety, and welfare needs of the United States.

(6) The President shall lead the activities of the Federal Government for ensuring constitutional government. In order to advise and assist the President in that function, the Assistant to the President for Homeland Security and Counterterrorism (APHS/CT) is hereby designated as the National Continuity Coordinator. The National Continuity Coordinator, in coordination with the Assistant to the President for National Security Affairs (APNSA), without exercising directive authority, shall coordinate the development and implementation of continuity policy for executive departments and agencies. The Continuity Policy Coordination Committee (CPCC), chaired by a Senior Director from the Homeland Security Council staff, designated by the National Continuity Coordinator, shall be the main day-to-day forum for such policy coordination.

(7) For continuity purposes, each executive department and agency is assigned to a category in accordance with the nature and characteristics of its national security roles and responsibilities in support of the Federal Government's ability to sustain the NEFs. The Secretary of Homeland Security shall serve as the President's lead

agent for coordinating overall continuity operations and activities of executive departments and agencies, and in such role shall perform the responsibilities set forth for the Secretary in sections 10 and 16 of this directive.

(8) The National Continuity Coordinator, in consultation with the heads of appropriate executive departments and agencies, will lead the development of a National Continuity Implementation Plan (Plan), which shall include prioritized goals and objectives, a concept of operations, performance metrics by which to measure continuity readiness, procedures for continuity and incident management activities, and clear direction to executive department and agency continuity coordinators, as well as guidance to promote interoperability of Federal Government continuity programs and procedures with State, local, territorial, and tribal governments, and private sector owners and operators of critical infrastructure, as appropriate. The Plan shall be submitted to the President for approval not later than 90 days after the date of this directive.

(9) Recognizing that each branch of the Federal Government is responsible for its own continuity programs, an official designated by the Chief of Staff to the President shall ensure that the executive branch's COOP and COG policies in support of ECG efforts are appropriately coordinated with those of the legislative and judicial branches in order to ensure interoperability and allocate national assets efficiently to maintain a functioning Federal Government.

(10) Federal Government COOP, COG, and ECG plans and operations shall be appropriately integrated with the emergency plans and capabilities of State, local, territorial, and tribal governments, and private sector owners and operators of critical infrastructure, as appropriate, in order to promote interoperability and to prevent redundancies and conflicting lines of authority. The Secretary of Homeland Security shall coordinate the integration of Federal continuity plans and operations with State, local, territorial, and tribal governments, and private sector owners and operators of critical infrastructure, as appropriate, in order to provide for the delivery of essential services during an emergency.

(11) Continuity requirements for the Executive Office of the President (EOP) and executive departments and agencies shall include the following:

- (a) The continuation of the performance of PMEFS during any emergency must be for a period up to 30 days or until normal operations can be resumed, and the capability to be fully operational at alternate sites as soon as possible after the occurrence of an emergency, but not later than 12 hours after COOP activation;
- (b) Succession orders and pre-planned devolution of authorities that ensure the emergency delegation of authority must be planned and documented in advance in accordance with applicable law;
- (c) Vital resources, facilities, and records must be safeguarded, and official access to them must be provided;
- (d) Provision must be made for the acquisition of the resources necessary for continuity operations on an emergency basis;
- (e) Provision must be made for the availability and redundancy of critical communications capabilities at alternate sites in order to support connectivity between and among key government leadership, internal elements, other executive departments and agencies, critical partners, and the public;
- (f) Provision must be made for reconstitution capabilities that allow for recovery from a catastrophic emergency and resumption of normal operations; and
- (g) Provision must be made for the identification, training, and preparedness of personnel capable of relocating to alternate facilities to support the continuation of the performance of PMEFS.

(12) In order to provide a coordinated response to escalating threat levels or actual emergencies, the Continuity of Government Readiness Conditions (COGCON) system establishes executive branch continuity program readiness levels, focusing on possible threats to the National Capital Region. The President will determine and issue the COGCON Level. Executive departments and agencies shall comply with the requirements and assigned responsibilities under the COGCON program. During COOP activation, executive departments and agencies shall report their readiness status to the Secretary of Homeland Security or the Secretary's designee.

(13) The Director of the Office of Management and Budget shall:

- (a) Conduct an annual assessment of executive department and agency continuity funding requests and performance data that are submitted by executive departments and agencies as part of the annual budget request process, in order to monitor progress in the implementation of the Plan and the execution of continuity budgets;
- (b) In coordination with the National Continuity Coordinator, issue annual continuity planning guidance for

the development of continuity budget requests; and

(c) Ensure that heads of executive departments and agencies prioritize budget resources for continuity capabilities, consistent with this directive.

(14) The Director of the Office of Science and Technology Policy shall:

(a) Define and issue minimum requirements for continuity communications for executive departments and agencies, in consultation with the APHS/CT, the APNSA, the Director of the Office of Management and Budget, and the Chief of Staff to the President;

(b) Establish requirements for, and monitor the development, implementation, and maintenance of, a comprehensive communications architecture to integrate continuity components, in consultation with the APHS/CT, the APNSA, the Director of the Office of Management and Budget, and the Chief of Staff to the President; and

(c) Review quarterly and annual assessments of continuity communications capabilities, as prepared pursuant to section 16(d) of this directive or otherwise, and report the results and recommended remedial actions to the National Continuity Coordinator.

(15) An official designated by the Chief of Staff to the President shall:

(a) Advise the President, the Chief of Staff to the President, the APHS/CT, and the APNSA on COGCON operational execution options; and

(b) Consult with the Secretary of Homeland Security in order to ensure synchronization and integration of continuity activities among the four categories of executive departments and agencies.

(16) The Secretary of Homeland Security shall:

(a) Coordinate the implementation, execution, and assessment of continuity operations and activities;

(b) Develop and promulgate Federal Continuity Directives in order to establish continuity planning requirements for executive departments and agencies;

(c) Conduct biennial assessments of individual department and agency continuity capabilities as prescribed by the Plan and report the results to the President through the APHS/CT;

(d) Conduct quarterly and annual assessments of continuity communications capabilities in consultation with an official designated by the Chief of Staff to the President;

(e) Develop, lead, and conduct a Federal continuity training and exercise program, which shall be incorporated into the National Exercise Program developed pursuant to Homeland Security Presidential Directive-8 of December 17, 2003 ("National Preparedness"), in consultation with an official designated by the Chief of Staff to the President;

(f) Develop and promulgate continuity planning guidance to State, local, territorial, and tribal governments, and private sector critical infrastructure owners and operators;

(g) Make available continuity planning and exercise funding, in the form of grants as provided by law, to State, local, territorial, and tribal governments, and private sector critical infrastructure owners and operators; and

(h) As Executive Agent of the National Communications System, develop, implement, and maintain a comprehensive continuity communications architecture.

(17) The Director of National Intelligence, in coordination with the Attorney General and the Secretary of Homeland Security, shall produce a biennial assessment of the foreign and domestic threats to the Nation's continuity of government.

(18) The Secretary of Defense, in coordination with the Secretary of Homeland Security, shall provide secure, integrated, Continuity of Government communications to the President, the Vice President, and, at a minimum, Category I executive departments and agencies.

(19) Heads of executive departments and agencies shall execute their respective department or agency COOP plans in response to a localized emergency and shall:

(a) Appoint a senior accountable official, at the Assistant Secretary level, as the Continuity Coordinator for the department or agency;



- (b) Identify and submit to the National Continuity Coordinator the list of PMEFs for the department or agency and develop continuity plans in support of the NEFs and the continuation of essential functions under all conditions;
- (c) Plan, program, and budget for continuity capabilities consistent with this directive;
- (d) Plan, conduct, and support annual tests and training, in consultation with the Secretary of Homeland Security, in order to evaluate program readiness and ensure adequacy and viability of continuity plans and communications systems; and
- (e) Support other continuity requirements, as assigned by category, in accordance with the nature and characteristics of its national security roles and responsibilities.

#### General Provisions

(20) This directive shall be implemented in a manner that is consistent with, and facilitates effective implementation of, provisions of the Constitution concerning succession to the Presidency or the exercise of its powers, and the Presidential Succession Act of 1947 (3 U.S.C. 19), with consultation of the Vice President and, as appropriate, others involved. Heads of executive departments and agencies shall ensure that appropriate support is available to the Vice President and others involved as necessary to be prepared at all times to implement those provisions.

(21) This directive:

- (a) Shall be implemented consistent with applicable law and the authorities of agencies, or heads of agencies, vested by law, and subject to the availability of appropriations;
- (b) Shall not be construed to impair or otherwise affect (i) the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals, or (ii) the authority of the Secretary of Defense over the Department of Defense, including the chain of command for military forces from the President, to the Secretary of Defense, to the commander of military forces, or military command and control procedures; and
- (c) Is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

(22) Revocation. Presidential Decision Directive 67 of October 21, 1998 ("Enduring Constitutional Government and Continuity of Government Operations"), including all Annexes thereto, is hereby revoked.

(23) Annex A and the classified Continuity Annexes, attached hereto, are hereby incorporated into and made a part of this directive.

(24) Security. This directive and the information contained herein shall be protected from unauthorized disclosure, provided that, except for Annex A, the Annexes attached to this directive are classified and shall be accorded appropriate handling, consistent with applicable Executive Orders.

GEORGE W. BUSH

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Source: [The White House](http://fas.org/irp/offdocs/nspd/nspd-51.htm)