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7 Plaintiffs in pro per

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF ARIZONA

10 Janis Kaighn, Gregory R. Kaighn

11 Plaintiffs,

12 vs.

13 United States of America, State of  
14 Arizona, City of Prescott, Yavapai  
15 County, Prescott City Court, Sheila Polk,  
16 Yavapai County Attorney in her official  
17 capacity, Jon Paladini, Prescott City  
18 Attorney in his official capacity, Glenn  
19 Savona, Prescott Deputy City Attorney in  
20 his official capacity, Andy Reinhardt,  
21 City of Prescott Deputy Police Chief in  
22 his official capacity,

23 Defendants.

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

PLAINTIFFS MOTION(S) FOR  
PRELIMINARY INJUNCTIONS,  
PERMANENT INJUNCTIONS, AND  
DECLARATIONS OF JUDGEMENT  
OF UNCONSTITUTIONALITY OF  
FEDERAL AND ARIZONA  
STATUTES; TEMPORARY  
RESTRAINING ORDERS,  
PRELIMINARY AND PERMANENT  
INJUNCTIONS STOPPING ALL  
CRIMINAL PROSECUTIONS OF  
PLAINTIFF(S); MEMORANDUM OF  
POINTS AND AUTHORITIES

Oral Argument Requested By  
Telephone (Local Rule 7.2 (f) and (h))

**PLAINTIFFS MOTION(S) FOR PRELIMINARY AND PERMANENT INJUNCTIONS,  
DECLARATIONS OF JUDGEMENT**

COMES NOW Plaintiffs Janis Kaighn and Gregory R. Kaighn who hereby move this Court pursuant to Federal Rule of Civil Procedure 65 for Preliminary (and Permanent) Injunctions, and Declarations of Judgement as hereinafter set forth. This Motion is based on this notice, the Memorandum of Points and Authorities filed herewith, the Declaration of Janis Kaighn filed herewith including exhibits attached thereto, the Verified Complaint filed in this case, and Plaintiffs Ex Parte Application for Temporary Restraining Orders.

1. Plaintiffs seek Temporary Restraining Orders, Preliminary and Permanent Injunctions stopping the pending criminal charges from being prosecuted. Plaintiffs will suffer irreparable harm under circumstances where an injunction is necessary to protect plaintiffs Federal rights. Plaintiffs further seek Orders preventing any future criminal prosecutions by these defendants.

2. Plaintiffs seek Preliminary Injunctions, Permanent Injunctions and Declarations of Judgement that the Federal Statutes at issue are Unconstitutional as a matter of law.

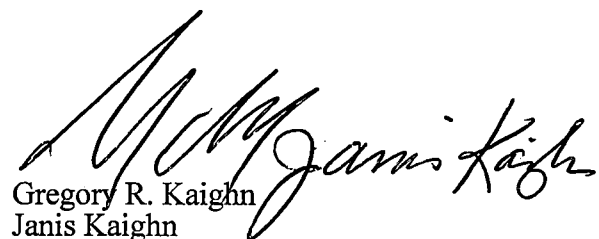
3. Plaintiffs seek Preliminary Injunctions, Permanent Injunctions and Declarations of Judgement that the Arizona Statutes at issue are Unconstitutional as a matter of law.

4. Pursuant to the Voting Rights Act, Plaintiffs seek the immediate appointment of Federal Observers and the taking of complete jurisdiction over the entire State of Arizona elections process by the Federal Courts.

5. For such other and further relief as may be just and proper under the circumstances.

Dated: April 25, 2016

By

  
Gregory R. Kaighn  
Janis Kaighn

## MEMORANDUM OF POINTS AND AUTHORITIES

### I. INTRODUCTION

The world has seen this ‘bad movie script’ before. The similarities between the rise to power of Adolph Hitler and the reaction of the United States government to the September 11, 2001 terrorist attacks have been obvious to many Americans. On February 27, 1933 the Reichstag Building, which housed the German Parliament, was destroyed in a massive fire caused by an inside job terrorist attack. Hitler blamed Communists and used “The Reichstag Fire Decree” to suspend the civil liberties of the German people. Dozens of people were arrested based on the exact notion of “terrorism” that became part of the American vocabulary after September 11, 2001.

Adolph Hitler sought enhanced powers from the German Parliament. On March 24, 1933 Hitler passed the “German Enabling Act” with a four year ‘sunset’ clause. Hitler promised that the “enhanced powers” would only be used in the event of a National Emergency. This exact scenario occurred again in the United States with respect to the passage of the Patriot Act. The American people were promised that the “worst case scenario” would never occur. The law was supposedly “necessary” to protect the American people from foreign terrorists. The “sunset” clause in the Patriot Act was a fraud.

The criminals that hijacked the United States and Arizona after 2001 followed the Hitler ‘playbook.’ very closely. The formula includes false elections, false prosecutions, trumped up charges, control of the legal profession, and inside job terror attacks. Presidential Directive 51 is the American equivalent of Adolph Hitler’s enhanced powers under the German Enabling Act.

Presidential Directive 51 derives its statutory authority from the National Emergencies Act. The attempt at a “legalized dictatorship” will not survive a constitutional challenge. The United States Constitution is stronger than the terrorists and gives individual rights to American citizens like the plaintiffs. Adolph Hitler made

1 no secret about his need for total control over German society. Conversely, the 911  
2 terrorists “hide in the shadows” and are engaging in a “silent coup” that is selectively  
3 enforced throughout the United States. The 911 terrorists lack the courage to tell the  
4 American people the truth about Martial Law in America. The American people will  
5 laugh at the concept of a silent coup in 2016 and will demand justice. This coup will end  
6 with public disclosure and public scrutiny.

7 The false prosecutions initiated in Arizona by Maricopa County Sheriff Joe Arpaio  
8 and former Maricopa County Attorney Andrew Thomas are well documented and a  
9 matter of public record. Both need to be arrested and charged in the interests of public  
10 safety. Andrew Thomas and others in his office were disbarred by the Arizona Supreme  
11 Court. The “911 Conspiracy” is not limited to the September 11, 2001 terrorist attacks.  
12 The “911 Conspiracy” includes the on going ‘coup’ formalized in Presidential Directive  
13 51. A long standing legal concept about conspiracies is “in for a dime, in for a dollar.”  
14 Anyone who joins a conspiracy is liable for the acts of the entire conspiracy. The issue is  
15 not limited to whether Andrew Thomas or Joe Arpaio were part of the original conspiracy  
16 to destroy the World Trade Center. Both ‘public servants’ joined a conspiracy to  
17 overthrow the duly elected government of the United States of America.

18 This case proves that the politically motivated vendettas and false prosecutions are  
19 not over. The shameful conduct of Yavapai County officials and City of Prescott officials  
20 literally chooses the side of Adolph Hitler’s Nazi Germany over the people the live, work,  
21 and pay taxes in Prescott Arizona. A City Attorney mailing a Court issued summons is  
22 disgustingly transparent. That stunt has undoubtedly been used on other people and is  
23 now exposed. All of the Yavapai County and City of Prescott officials involved in this  
24 matter should be arrested, prosecuted, and removed from office pursuant to Arizona  
25 statute.

26 This case demonstrates just how wise the Founding Fathers of this Country were in  
27 drafting the United States Constitution. The same legal document that established our  
28

Country over 200 years ago is the basis upon which two private citizens restore our Republic by enforcing their own individual rights

## **II. Legal Standard For Injunctive Relief**

In *Winter v. Natural Resources Defense Council, Inc.* 555 U.S. 7 (2008), the United States Supreme Court clarified or reiterated the requirements for a preliminary injunction. A plaintiff must show that (1) he or she is likely to prevail on the merits, (2) he or she is likely to suffer irreparable harm in the absence of preliminary relief; (3) that the equities balance in plaintiffs favor; and (4) that an injunction is in the public interest. This case very easily meets the required standards.

Plaintiffs will clearly prevail with respect to the outrageously corrupt criminal charges that were filed. The United States is indisputably in a “secret state of Martial Law” that cannot possibly be constitutional. Arizona’s conduct with respect to elections is beyond outrageous. Splitting the ballot is un American. Plaintiffs and every member of the general public face irreparable harm if Martial Law continues. Plaintiff Gregory R. Kaighn will suffer irreparable harm if the pending criminal charges are not enjoined. The equities clearly balance in plaintiffs’ favor; the defendants are engaged in a scheme to overthrow the duly elected government of the United States. For the same reason, it is most certainly in the public interest that injunctions issue.

## **III. The Roles Of Congress and the President In The American Democracy**

The duly elected government of the United States has been ‘hijacked’ and stolen through a series of outrageous criminal ‘legal manipulations’ of Federal Law. The last four Presidential elections have been nullified. Unlike the forms of government in many other countries, the United States Constitution has always been intended to limit the powers of government, particularly the Federal Government.

A similar theme exists throughout the Federal Constitutional issues raised in this case. The statutes at issue are generally unconstitutional because Congress never had the legal authority to pass these kinds of laws. The authority of the United States Congress is

1 set forth in Article I Section 8 of the Constitution. This provision both defines and limits  
2 the authority of Congress. Simply stated “if it’s not in Article I Section 8, then Congress  
3 can’t do it.”

4 The only potential “wobble room” is found in the ‘necessary and proper’ clause at  
5 the end of Article 1, Section 8. The ‘necessary and proper’ clause permits Congress to  
6 pass legislation that is related to other permissible and constitutional legislation within the  
7 scope of Congress’ powers. For that clause to be applicable Congress must have been  
8 acting within the scope of it’s legal authority in passing the related legislation. In the  
9 present case, the legislation at issue was never within the Constitutional limits of  
10 Congressional power and therefore cannot be saved by the ‘necessary and proper’ clause.

11 Article 1, Section 8 of the United States Constitution states as follows:

12 The Congress shall have power to lay and collect taxes,  
13 duties, imposts and excises, to pay the debts and provide for  
14 the common defense and general welfare of the United States;  
but all duties, imposts and excises shall be uniform  
throughout the United States;

15 To borrow money on the credit of the United States;

16 To regulate commerce with foreign nations, and among the  
17 several states, and with the Indian tribes;

18 To establish a uniform rule of naturalization, and uniform  
19 laws on the subject of bankruptcies throughout the United  
States;

20 To coin money, regulate the value thereof, and of foreign  
coin, and fix the standard of weights and measures;

21 To provide for the punishment of counterfeiting the securities  
22 and current coin of the United States;

23 To establish post offices and post roads;

24 To promote the progress of science and useful arts, by  
25 securing for limited times to authors and inventors the  
exclusive right to their respective writings and discoveries;

26 To constitute tribunals inferior to the Supreme Court;

27 To define and punish piracies and felonies committed on the  
28 high seas, and offenses against the law of nations;

1 To declare war, grant letters of marque and reprisal, and make  
2 rules concerning captures on land and water;

3 To raise and support armies, but no appropriation of money to  
4 that use shall be for a longer term than two years;

5 To provide and maintain a navy;

6 To make rules for the government and regulation of the land  
and naval forces;

7 To provide for calling forth the militia to execute the laws of  
8 the union, suppress insurrections and repel invasions;

9 To provide for organizing, arming, and disciplining, the  
10 militia, and for governing such part of them as may be  
11 employed in the service of the United States, reserving to the  
states respectively, the appointment of the officers, and the  
authority of training the militia according to the discipline  
prescribed by Congress;

12 To exercise exclusive legislation in all cases whatsoever, over  
13 such District (not exceeding ten miles square) as may, by  
cession of particular states, and the acceptance of Congress,  
14 become the seat of the government of the United States, and  
to exercise like authority over all places purchased by the  
15 consent of the legislature of the state in which the same shall  
be, for the erection of forts, magazines, arsenals, dockyards,  
16 and other needful buildings;--And

17 To make all laws which shall be necessary and proper for  
18 carrying into execution the foregoing powers, and all other  
powers vested by this Constitution in the government of the  
United States, or in any department or officer thereof.

19 These are the limits of Congressional authority in the United States of America.  
20 The Congress has no legal authority to grant "enhanced powers" to the President of the  
21 United States. The United States Constitution specifically prevents the Congress from  
22 "passing any law it chooses."

23 The Constitutional powers and authority of the President of the United States are  
24 derived from Article II of the Constitution. The powers of the President are both defined  
25 and limited by Article II of the Constitution. In the American Democracy, the President  
26 does not "make the laws." The Congress is the legislative branch of government and it  
27

1 “makes the laws.” The President is the ‘commander in chief’ of the armed forces but  
2 there is no language in Article II of the Constitution that gives any President the right to  
3 enact laws.

4 The Congress and the President cannot exchange their various powers with each  
5 other. The Constitution is the result of a “three way bargain” between the Federal  
6 Government, the States, and the people of the United States. Both the President and the  
7 Congress are bound by the limits of the original agreement as set forth in the United  
8 States Constitution. The purpose of the Constitution is to limit the government not the  
9 people.

#### 10 **IV. The Terrorism Related Post 911 Legislation is Unconstitutional**

##### 11 **A. Presidential Directive 51**

12 Presidential Directive 51 has been very well hidden from the general public. The  
13 same “directive” is also known as the “Continuity of Government Plan” and is also  
14 referred to as “Executive Orders 51 and 20.” This lawsuit seeks a Temporary Restraining  
15 Order, Preliminary and Permanent Injunctions and a Declaration of Judgement as to  
16 every possible name ascribed to Martial Law in America.

17 Presidential Directive 51 contains no specifics about what our government is  
18 actually doing. The American people are left with the vague and constitutionally  
19 inadequate language of a hidden coup d’etat. Presidential Directive 51 defines an  
20 “Enduring Constitutional Government” as a cooperative effort among the executive,  
21 legislative, and judicial branches of government. THAT LANGUAGE ESTABLISHES  
22 MARTIAL LAW IN AMERICA DISGUISED IN LEGALESE.

23 Presidential Directive 51 was signed on May 4, 2007 and allegedly published on  
24 May 9, 2007. The only “national emergency” that existed in May of 2007 was the  
25 imminent election of Democrats. Presidential Directive 51 is an attempt to replicate  
26 Adolph Hitler’s “legalized power grab” from 1933. Using the word “constitutional” in  
27 Presidential Directive 51 does not make this “directive” lawful or Constitutional in any  
28

1 respect. This outrageous power grab emasculates any legitimate purpose for any  
2 Continuity of Government plan. The concept of Continuity of Government arises from a  
3 decades old concern of President Reagan that a nuclear attack could wipe out the entire  
4 government all at the same time. Those are NOT the facts that the United States faces or  
5 has faced. The entire program is an abuse of power that is used to target political dissent.  
6 This is a disguised coup d'etat.

7 Presidential Directive 51 violates Article II of the Constitution. The President  
8 does not have the legal authority to enact this "directive." Neither President Bush nor  
9 President Obama have ever had the constitutional authority to extend a 'silent' martial  
10 law decree. Any purported grant of authority by Congress violates Article I, Section 8 of  
11 the Constitution. Presidential Directive 51 violates the privileges and immunities clause,  
12 the equal protection clause, and the due process clause of the 5<sup>th</sup> Amendment to the  
13 Constitution. The application of Presidential Directive 51 in Arizona violates the 14<sup>th</sup>  
14 Amendment to the Constitution for all of the same reasons.

15 There is no possible Constitutional basis for Martial Law in America.

#### 16 **B. The National Emergencies Act**

17 The National Emergencies Act was enacted in 1976 and is found at 50 U.S.C. §  
18 1601-1651. 50 U.S.C. §§ 1621 and 1622 are the statutory basis for Presidential Directive  
19 51 as well as the statutory basis upon which President's Bush and Obama have continued  
20 the Martial Law decree. The National Emergencies Act is Unconstitutional on it's face  
21 and as applied to the facts.

22 50 U.S.C. § 1621 purports to grant the President the authority to declare any  
23 national emergency. Article I, Section 8 of the Constitution does not grant Congress the  
24 authority to give the President the unilateral right to declare a national emergency.  
25 Similarly, Article II of the Constitution does not give the President the power to enact any  
26 laws related to any "national emergency."

27 50 U.S.C. 1622 is even more problematic. The termination methods for a declared  
28

1 national emergency are a farce. First, the statute is “backwards.” It calls for a declared  
2 emergency to remain in effect forever unless terminated. A permanent emergency is an  
3 oxymoron. A joint resolution of Congress is impossible in the United States at this point.  
4 President Bush was forced to sign Presidential Directive 51 because of the imminent  
5 election of Democrats and President Obama has been forced to continue the hidden state  
6 of Martial Law in America. Nice try, but this is exactly what the Founding Fathers  
7 intended to prevent and did prevent in drafting the Constitution.

8 No one person not even a President can unilaterally declare Martial Law in  
9 America forever. The Constitution vests the legislative authority with the Congress.  
10 Neither the President nor the Congress could ever possibly “suspend” the Constitution.  
11 The Constitution creates the Federal Government, and the suspension of the Constitution  
12 terminates all rights of the Federal Government. Suspension of the Constitution is  
13 impossible. The National Emergencies Act is unconstitutional on it’s face and as applied.  
14 There is no national emergency and the American people have already endured far too  
15 many years of this corruption.

### 16 **C. The Patriot Act**

17 The Patriot Act is found at 50 U.S.C. 1801-1885c. The chapter name of the  
18 legislation is “Foreign Intelligence Surveillance.” There is nothing at all about the Patriot  
19 Act that authorizes it’s use on private American citizen who happen to be either  
20 Democrats or anti war or both. This has been an outrageous abuse of power built on a  
21 criminal set of lies. Article I, Section 8 does not grant Congress the authority to pass the  
22 Patriot Act. Article II of the Constitution does not grant any President the legal right to  
23 implement the Patriot Act.

24 The scare tactics are exposed. Osama bin Laden could never have attacked  
25 America from a cave in Afghanistan. Immediately after the September 11, 2001 attacks,  
26 President Bush blamed “Islamic terrorists” just like Adolph Hitler blamed “the  
27 Communists” for the Reichstag Fire. (Plaintiffs again note that President Bush was  
28

1 forced and is personally a victim of this criminal enterprise.) The idea of terrorist attacks  
 2 on government buildings is right out of the “Hitler playbook.” Congress cannot suspend  
 3 the Constitution for any reason and certainly not as part of a conspiracy to overthrow the  
 4 duly elected government of the United States.

5 The Patriot Act violates most of the Constitution. It violates the first amendment  
 6 in terms of freedom of speech. It violates the fourth, fifth, sixth, and fourteenth  
 7 amendments to the Constitution with respect to due process, search and seizure, equal  
 8 protection, privileges and immunities, and right to counsel. There is no use of the Patriot  
 9 Act against private citizens that is lawful or constitutional. The use of the Patriot Act as a  
 10 part of a larger plan to subvert the Constitution and overthrow the duly elected  
 11 government of the United States is also unconstitutional as a matter of law.

#### 12 **D. The Homeland Security Act**

13 The Homeland Security Act is found at Title 6 of the United States Code, 6 U.S.C.  
 14 §§ 101-1405. The legislation was enacted in response to an “inside job terrorist” and is  
 15 part of a larger plan to overthrow the duly elected government of the United States. The  
 16 last four Presidential elections have been nullified. Congress did not have the  
 17 constitutional authority to pass the Homeland Security Act and there is no provision of  
 18 Article I, Section 8 of the Constitution that can “save” this legislation. The ‘necessary  
 19 and proper’ clause cannot apply since there is no underlying legal or constitutional basis  
 20 for the legislation. Moreover, there is no “related” legislation that falls within the  
 21 legitimate constitutional authority of Congress.

#### 22 **E. The Federal Reserve Act of 1913**

23 The Federal Reserve Act is found at 12 U.S.C §§ 221-521. The Federal Reserve  
 24 Act and the Federal Reserve System is the single biggest source of the structural problems  
 25 faced by the United States. Congress NEVER had the authority to pass the Federal  
 26 Reserve Act. Article I, Section 8 does not give the Congress the power to delegate  
 27 control over the money supply to others. The Constitution does not permit Congress to  
 28

1 create a private corporation to control our money supply.

2 The language in Article I, Section 8 granting Congress the authority to borrow  
3 money on the credit of the United States does not permit the creation of a privately owned  
4 “central bank.” Congress is also permitted to “coin money” but there is no provision of  
5 the Constitution that permits the delegation of that responsibility to a private corporation  
6 or anyone else. The ‘necessary and proper’ clause is inapplicable. It is neither  
7 ‘necessary’ nor ‘proper’ for Congress to delegate the authority to coin money to a  
8 privately held banking conglomerate. For these reasons, the Federal Reserve Act is  
9 unconstitutional on it’s face.

10 The Ninth Circuit Court of Appeals has already correctly ruled that the Federal  
11 Reserve is a private corporation. *Lewis v. United States*, 680 F.2d 1239 (1982) arose in  
12 the context of a Federal Tort Claim but the factual analysis of the Ninth Circuit of  
13 Appeals is applicable to the present facts. The Federal Reserve is a private corporation  
14 based on the facts related to how it operates. The *Lewis* Court addressed the legislative  
15 history of the Federal Reserve and the lack of control retained by Congress. The *Lewis*  
16 Court examined the operations of the boards of directors and the daily operations of the  
17 banks themselves. The fact that the Federal Reserve regulates it’s member banks does  
18 not transform the banks or the Federal Reserve into public agencies. The *Lewis* Court did  
19 everything except hold the statutes unconstitutional. The issue of Constitutionality was  
20 not present in *Lewis*, and plaintiffs therefore raise the identical factual and legal  
21 arguments in this case.

22 The Federal Reserve Act is also unconstitutional as applied to the facts of this  
23 case. The Federal Reserve as a 100 year history of financing both sides of the Wars that  
24 have entangled the American people. The Federal Reserve financed the 911 attacks on  
25 American soil. The Federal Reserve “nuked” New York City. The Federal Reserve is the  
26 major engineer of this conspiracy to overthrow the duly elected government of the United  
27 States. The Federal Reserve is a “killing machine” that has killed every politician that has  
28

1 ever dared to challenge it's constitutional legitimacy. International Bankers have been  
 2 involved in every Presidential assassination in American history. Abraham Lincoln was  
 3 the first President known to be assassinated by the International Bankers.

4 Andrew Jackson, our seventh President, fought the International Bankers, and  
 5 survived the first Presidential assassination attempt in American history on January 30,  
 6 1935. President James A. Garfield opposed the International Bankers and was  
 7 assassinated on September 19, 1881, six months after taking office. Three other  
 8 Presidents died under suspicious circumstances during the 1840's. President William  
 9 Henry Harrison, President Zachary Taylor, and President James K. Polk all died of  
 10 mysterious stomach related ailments.

11 President William McKinley opposed the International Bankers and was  
 12 assassinated on September 6, 1901. On June 4, 1963 President Kennedy signed  
 13 Executive Order 11110. Executive Order 11110 has never been repealed to our knowledge.  
 14 President Kennedy gave the Department of Treasury the power to issue silver certificates.  
 15 President Kennedy gave the United States the ability to print it's own money shortly  
 16 before his assassination.

17 The history of the Federal Reserve and the International Bankers that own it is  
 18 very grim. If the Federal Reserve were constitutional in any respect, then America would  
 19 not have a "killing field" full of Presidents.

## 20 **V. The Arizona Statutes At Issue Are Unconstitutional As A Matter Of Law**

### 21 **A. Election And Voting Issues**

22 In *Arizona et. al. v. The Inter Tribal Council of Arizona, Inc. et. al.* 133 S. Ct.  
 23 2247 (2013), the United States Supreme Court specifically held that Arizona's proof of  
 24 citizenship requirement in order to register to vote is unconstitutional as applied the  
 25 Federal Voter Registration forms authorized by law. The Supreme Court invited the State  
 26 of Arizona to apply for a formal waiver as other states have done. The astonishing  
 27 response of the State of Arizona to an adverse ruling from the United States Supreme  
 28

1 Court was to “split the ballot” such that persons registering to vote in Arizona using the  
2 Federal forms could not vote in state level elections.

3 The very act of “splitting the ballot” violates the rule of law set forth by the  
4 Supreme Court in the very same case. Arizona has intentionally created it’s own  
5 quagmire. The issue now before this Court is the unconstitutionality of the State of  
6 Arizona voter registration forms and related statutes. Splitting the ballot violates the  
7 privileges and immunities clause, the due process clause, and the equal protection clause  
8 of the 14th Amendment to the Constitution. “Splitting the ballot” renders any  
9 requirement of proof of citizenship to register to vote unconstitutional. Arizona cannot  
10 create separate classes of voters with different legal rights. Arizona Revised Statute  
11 16-166F is unconstitutional as a matter of law.

12 Proposition 200 is the ballot initiative approved in the disputed 2004 election that  
13 approved the concept of Voter I.D. at the polls. Proposition 200 also contained the “proof  
14 of citizenship” requirement discussed above. Arizona Revised Statute 16-579 is the law  
15 purportedly passed by the voters. Subsection A.1. is directly on point. The issue for  
16 many voters on election day is not limited to the Photo I.D. itself. Arizona recognizes  
17 that not all voters have Photo identification as specified. A.R.S. 16-579 allows alternative  
18 identification in the form of ***“two different items that contain the name and address of***  
19 ***the elector that reasonably appear to be the same as the name and address in the***  
20 ***precinct register.”***

21 The State of Arizona has actually implemented a different set of laws than  
22 contained in A.R.S. 16-579 and has abused the “pre clearance” of the Voting Rights Act  
23 for many years in the process. Arizona Revised Statutes 16-452 has historically been  
24 part of the pre clearance process of the Voting Rights Act. Any changes that were  
25 formerly subject to pre clearance were to be submitted to the Department of Justice for  
26 approval. Arizona used this process to implement the far more restrictive set of voting  
27 requirements. The actual list of alternative identification is found in a 400 page Secretary

1 of State's Election Procedures Manual. A true and correct copy of the 2014 version is  
2 Exhibit 1 to this brief.

3 Exhibit 1 is NOT what Proposition 200 provided. This entire "scheme" is  
4 intentionally confusing and unconstitutional as a matter of law. It violates the equal  
5 protection clause and the privileges and immunities clauses of the 14<sup>th</sup> Amendment.  
6 Arizona election officials have brazenly changed State law through an 'illegal back door'  
7 in order to suppress the vote. Both statutes and the Secretary of State's Election  
8 Procedures Manual violate the Voting Rights Act. A.R.S.16-579 and 16-452 are both  
9 unconstitutional as a matter of law.

### 10 **B. Supremacy Clause and Separation of Powers Issues**

11 A common theme exists among several of the constitutional challenges plaintiffs  
12 raise with respect to Arizona law. There are two Arizona Constitutional amendments at  
13 issue and one Arizona Statute.

14 Arizona Constitution Article 30 violates the United States Constitution. The  
15 Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. \_\_\_, 135 S. Ct. 2584 (2015)  
16 resolved the issue of 'gay marriage' nationwide. The Arizona Constitutional  
17 provision fails as matter of law.

18 Arizona Constitution Article 2, Section 3 is unconstitutional as a matter of law.  
19 The Arizona "sovereignty" amendment misunderstands the nature of the "three way  
20 bargain" made at statehood in 1912. The State of Arizona derives it's limited  
21 constitutional authority from a "three way deal" executed in 1912 when Arizona became a  
22 state. The Arizona Constitution cannot be amended to give Arizona any authority over  
23 the Federal Government. The voters of Arizona cannot go back on the underlying deal  
24 that created statehood. The issue of "who checks whose balance" is part of that original  
25 deal. This not a proper subject of legislation, state constitutional amendments, or ballot  
26 initiatives. The individual states never owned the full sovereignty, **the people own the**  
27 **underlying sovereignty**. A proper distinction between the people of the state of Arizona

1 and the legal entity the “State of Arizona” is the key to a proper analysis.

2 The same analysis applies to the last remaining piece of the “papers please” law.  
 3 Arizona Revised Statute 11-1051(B) is unconstitutional both on it’s face and as applied. The  
 4 ‘papers please’ law is federally preempted and violates the separation of powers clauses.  
 5 In this regard, plaintiffs legal argument has not been previously raised as far as we know.  
 6 Any constitutional issue related to sovereignty, federal pre emption, or separation of  
 7 powers was effectively decided at statehood. These issues cannot be “changed” by the  
 8 State of Arizona. The Constitution is certainly subject to further interpretation by the  
 9 Courts; and federal law is subject to further amendment by Congress. The State of  
 10 Arizona has no role in such matters and cannot “make changes.”

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

## 19 **VI. Arizona’s Mischief Triggers The Full Protections Of The Voting Rights Act**

20 The Voting Rights Act, 52 U.S.C. § 10101(a)(1) is the federal statute defining  
 21 voting rights. Simply stated “all citizens of the United States qualified to vote shall be  
 22 entitled to vote without distinct of race, . . . any constitution, law, custom, usage, or  
 23 regulation of any State.” Qualified to vote means eligible to register. 52 U.S.C. § 10101  
 24 (a)(2)(a) requires that voting laws must be uniform throughout the State. “Splitting the  
 25 ballot” because of a legal dispute with the highest court in the land and punishing  
 26 innocent voters in the process, is a clear violation of the Voting Rights Act. Arizona’s  
 27 malicious conduct triggers Federal Observers under the Voting Rights Act and a take over

1 by the Federal Government of Arizona's election process. 52 U.S.C. §10101C permits  
 2 injunctive and preventative relief. Plaintiff Janis Kaighn has not yet registered to vote.

3 **VII. Plaintiffs Are Entitled To Immediate Injunctive Relief Barring Criminal**  
 4 **Charges**

5 Both plaintiffs meet the legal standards to prospectively enjoin future criminal  
 6 charges. Plaintiff Gregory R. Kaighn meets the legal standards a Temporary Restraining  
 7 Order and Preliminary Injunction stopping the pending criminals charges. The fact that  
 8 such frivolous and petty charges have been filed shows that virtually everything that we  
 9 say in this case is true. The material allegations are beyond dispute.

10 In order to obtain the equitable relief sought, plaintiffs must fall within an  
 11 exception to the "Anti Injunction Act," 28 U.S.C. § 2283. Section 2283 states: "A court  
 12 of the United States may not grant an injunction to stay proceedings in a State court  
 13 except as expressly authorized by Act of Congress, or where necessary in aid of its  
 14 jurisdiction, or to protect or effectuate its judgments."

15 In *Mitchum v. Foster*, 407 U.S. 225 (1972), the United States Supreme Court  
 16 considered the Anti Injunction Act in connection with a Civil Rights Claim brought under  
 17 42 U.S.C. § 1983. The Court expressly held that a claim under the Civil Rights Act falls  
 18 within an exception to the Anti Injunction Act. There is no legal barrier to injunctive  
 19 relief.

20 The *Mitchum* Court resolved the apparent conflict between the Anti Injunction Act  
 21 and the Supreme Court decision in *Younger v. Harris*, 401 U.S. 37 (1971) and approved  
 22 the *Younger* standard. A plaintiffs seeking an injunction against pending state criminal  
 23 proceedings must show that a state court defense will not adequately protect his federal  
 24 rights because of bad faith, harassment, or other unusual circumstance. The *Mitchum*  
 25 noted "this Court long ago recognized that federal injunctive relief against a state court  
 26 proceeding can, in some circumstances, be essential to prevent great, immediate, and  
 27 irreparable loss of a person's constitutional rights." (citations not repeated)

1 The pending criminal charges are less than petty, completely false, and politically  
 2 motivated. The police report, Exhibit 2 to the Declaration of Janis Kaighn shows a phone  
 3 number for plaintiff of 928-830-2040. That phone number has been out of service for  
 4 eight years and was previously used for politics. Neither plaintiff has had any prior  
 5 contact with the City of Prescott police. There is no question that "the old cell phone  
 6 number" came from the elections process. There is no question that these politically  
 7 motivated charges violate plaintiffs constitutional and civil rights. Defendants conduct  
 8 violates the due process, equal protection, and privileges and immunities clauses  
 9 applicable through the 14<sup>th</sup> Amendment to the Constitution of the United States.

10 The problem is not defending against frivolous charges or allegations. The  
 11 problem is being physically harmed or killed either in Court or on the way. On July 19,  
 12 2015, a taser was pulled on plaintiff by a Sheriffs Deputy during oral argument in what  
 13 should have been a routine law and motion matter in Sacramento, California. The  
 14 purpose of these petty misdemeanor and corruptly false charges IS NOT to cause a  
 15 criminal record. The purpose IS NOT to cost plaintiffs substantial money. The purpose  
 16 IS NOT a maximum six month jail sentence and \$2500 fine. The purpose is to stop this  
 17 lawsuit. The purpose is to cause bodily harm. The purpose is to continue to use  
 18 prosecutorial power for political vendettas. The pending criminal case must be stopped  
 19 immediately in order to avoid irreparable harm. Wells Fargo knows that the Federal  
 20 Reserve Act is unconstitutional. Respectfully submitted,

21 Dated: April 25, 2016

22  
 23 By



24 Gregory R. Kaighn  
 25 Janis Kaighn



## Exhibit A, 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.