

A Declaration of Independence

Declaring Independence from the Policies and Practices of President Trump

When in the course of human events it becomes necessary and appropriate for the People to disassociate themselves from the policies and practices of the President, they should publicly state the reasons that impel them to declare their opposition.

We hold these truths to be self-evident. That all persons are created equal. That they possess certain unalienable and natural rights; that among these are life, freedom, justice, liberty, equality, fairness and opportunity. That to secure these rights, governments are instituted. That the President and the Administration are bound to protect, preserve and defend these rights, deriving their powers from the consent of the governed, the Constitution, Declaration of Independence and the laws of the nation. That when, as now, the policies and practices of the President and the Administration become destructive of these truths, it is the right of the People to declare their independence from the policies and practices of the President and the Administration.

When the President implements and/or advocates policies and practices inconsistent with the Constitution, the rule of law, and fundamental American values, it is incumbent upon the People to speak out and to take action, individually and collectively, to oppose, challenge and resist, where necessary and appropriate.

Such has been the case of President Donald J. Trump and his administration since his inauguration on January 20, 2017.

The grievances listed below—actions taken by President Trump and his administration—raise serious legal and constitutional issues or undermine American values:

- ❖ He signed the Executive Order (EO) entitled “Protecting the Nation from Foreign Terrorist Entry into the United States.” The EO, among other actions, temporarily suspends the operation of the U.S. Refugee Admissions Program and indefinitely bans the entry of Syrian refugees; temporarily suspends entry of all persons from Iraq, Syria, Iran, Sudan, Libya, Somalia and Yemen; and institutes exceptions and preferences for refugees who are members of a religious minority and claim religious persecution.

Numerous legal cases alleging such challenges to this EO were brought in federal courts around the country. In the days following the EO, at least seven federal district courts temporarily halted the implementation of the EO, in whole or in part, though one of the courts denied a motion to extend a temporary restraining order (“TRO”).

In *State of Washington v. Trump*, Judge James L. Robart granted a TRO on February 3, 2017. On February 9, the United States Court of Appeals for the Ninth Circuit denied the Government’s emergency motion for a stay pending appeal of the TRO issued by Judge Robart. On February 16, 2017, the Government filed a brief with the Ninth Circuit

stating, “Rather than continue this litigation, the President intends in the near future to rescind the order and replace it with a new, substantially revised executive order . . .”*

- ❖ He signed the Executive Order entitled “Enhancing Public Safety in the Interior of the United States.” The EO targets “sanctuary” jurisdictions, stating that it is the policy of the executive branch to “[e]nsure that jurisdictions that fail to comply with applicable Federal law do not receive Federal Funds, except as mandated by law” and “as deemed necessary for law enforcement purposes[.]” Funding conditions not germane to the purpose of the funds raise a serious Tenth Amendment constitutional question.*
- ❖ He signed the Executive Order (EO) entitled “Border Security and Immigration Enforcement Improvements.” The EO declares that it is the policy of the executive branch for a wall along the southern border with Mexico to be built. The EO orders the Secretary of Homeland Security to design and construct the wall, to allocate funding to the wall, and to prepare a Congressional budget request. The Secure Fence Act of 2006 (“SFA”) is one of the statutes this EO relies on. The SFA authorizes the government to act as “necessary and appropriate.” The U.S. Supreme Court has held that under such a statute, “no regulation is ‘appropriate’ if it does significantly more harm than good.”*
- ❖ He has declared that his administration would “totally destroy” the Johnson Amendment, thereby enabling tax-exempt churches to endorse or oppose political candidates and to engage in lobbying activities. Courts have held that the Johnson Amendment does not violate the First Amendment.*
- ❖ His administration removed all references to Civil Rights from the White House website.
- ❖ His administration removed all references to LGBT Rights from the White House website.
- ❖ His administration removed all references to Climate Change from the White House website.
- ❖ His administration removed all Spanish language content from the White House website.
- ❖ His administration directed personnel at the Environmental Protection Agency, the Department of the Interior, the Department of Agriculture and the Department of Health and Human Services not to send out press releases or to create social media posts, blog entries or official website content and to consult with senior officials before speaking to the news media.
- ❖ He told Congressional leaders three to five million illegal ballots cost him the popular vote in the November 8, 2016 Presidential election, citing little or no evidence and undermining the electoral process.

- ❖ He believes that water-boarding is effective in eliciting information and has said that people at the highest levels of intelligence have informed him that torture in general is similarly effective.
- ❖ He stated, “The press has become so dishonest . . . Many of our nation’s reporters will not tell you the truth . . .” and his Assistant and Chief Strategist stated that he considers the media to be the “opposition party” and that the media should “keep its mouth shut.”
- ❖ He reacted to federal Judge James Robart’s granting a nationwide TRO regarding parts of the EO “Protecting the Nation from Foreign Terrorist Entry into the United States” in a twitter post stating, “The opinion of this so-called judge, which essentially take law-enforcement away from our country, is ridiculous and will be overturned.” President Trump also tweeted, “Just can’t believe a judge would put our country in such peril. If something happens blame him and the court system.”

We, the undersigned, hereby publish and declare that we will oppose, challenge and resist, when necessary and appropriate, any and all policies and practices that are antithetical to the natural and constitutional rights of the People. These rights include but are not limited to, free speech, a free press, a right to protest and a right to redress grievances, probable cause for allegations of criminal activity, due process and equal protection under the law.

The United States of America was founded on the above-mentioned principles. They have always been aspirational—not a description of what is, but of what we must strive to become. Even in the face of fierce opposition, history has demonstrated our country’s willingness to strive for and make progress towards inclusion, equality, safety and opportunity for all. We are proud of America’s values. They lay the foundation of our collective pursuit of happiness. We cannot and will not give them up. The People have prevailed in the past, and will prevail once again, in upholding core American values.

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