INTIMIDATION VERSUS NEW REALITY

The following citation from the Washington State Supreme Court –

> "Government actors lack any personal privacy rights subsequent to the need to isolate their government actions from any undue influence related to personal preferences or other conflicting agendas."

creates a situation that is seriously at odds with Washington State RCW 9A.76.180 –

Intimidating a public servant.

(1) A person is guilty of intimidating a public servant if, by use of a threat, he or she attempts to influence a public servant's vote, opinion, decision, or other official action as a public servant.
(2) For purposes of this section "public servant" shall not include jurors.
(3) "Threat" as used in this section means:
  (a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or
  (b) Threats as defined in RCW 9A.04.110.
(4) Intimidating a public servant is a class B felony.

Since threats are the apparent focus of the above statute, that statute is also of relevance, but it is so long I will only cite the portion relevant to the above citation –

RCW 9A.04.110
Definitions.

In this title unless a different meaning plainly is required:

(28) "Threat" means to communicate, directly or indirectly the intent:
  (a) To cause bodily injury in the future to the person threatened or to any other person; or
  (b) To cause physical damage to the property of a person other than the actor; or
  (c) To subject the person threatened or any other person to physical confinement or restraint; or
  (d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or
  (e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or
  (f) To reveal any information sought to be concealed by the person threatened; or
  (g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
  (h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or
  (i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or
  (j) To do any other act which is intended to harm substantially the person threatened or another with respect to his or her health, safety, business, financial condition, or personal relationships;

The problem most commonly arises when a "government actor" issues an official action that is contrary to established entitlements and protocols and the individual negatively affected by that contrary official

decision files a "grievance seeking redress" and the government actor has a personal dislike regarding the tone or the content or any other element of that grievance seeking redress. The displeased government actor decides to indulge that personal preference and conflicting agenda and the result is that government actor/public servant alleging that the PROTECTED act of filing a grievance seeking redress constitutes an attempt to intimidate that government actor.

Based on the citation above, any such claims of intimidation automatically constitute a blatant attempt by that disgruntled government actor to "abridge" the exercise of that negatively affected individual's protected right to file that grievance seeking redress. That individual right is among those rights that are "inalienable", as in "cannot be taken away". And the dictionary definition of "abridge" is "restrict or limit".

Any such attempts to limit the exercise of an individual's PROTECTED right to file grievances seeking redress of government actions by claiming the act of filing such PROTECTED grievances seeking redress equals intimidation of a public servant is exactly what the Washington State Supreme Court addressed in the above cited citation when it refers to "personal preferences or other conflicting agendas".

Filing a PROTECTED grievance seeking redress with a government agency (or its employee) does not, in fact, CANNOT, automatically be "affirmatively misrepresented" as being intimidation of a public servant. Regardless of that government employee's personal preferences to the contrary!! Constitutional protections inherently protect the exercise of filing grievances seeking redress from such misrepresentation or retaliation tactics. Any such statements alleging intimidation in response to legally protected act of filing grievances seeking redress are themselves acts of "affirmative misrepresentation" – also known as fraud and perjury - when presented to support a claim of intimidation or other such alleged but otherwise unsupported acts.

The prevailing legal principle is that filing a grievance seeking redress is a right protected by the Constitution of the United States and its amendments. Charges of intimidating a public servant are based on Washington State statutes and were largely enforced based on the previous status quo of blanket immunity from personal liability for official actions. The above Washington State Supreme Court citation voids that previous blanket immunity and creates a new status quo where exercising undue influence from personal preferences or other conflicting agendas on official actions creates personal accountability and financial liability for those government actors responsible for those contrary official actions.

Therefore the main enforcement clause of RCW 9A.76.180 regarding the intimidation of a public servant must also be reviewed and reworded to reflect the new status quo regarding personal accountability and financial liability for contrary official actions. As long as a carte blanche immunity existed RCW 9A.76.180 could be enforced based on that legally prescribed and thus prevailing carte blanche immunity, but now that formerly prescribed and prevailing carte blanche immunity is no longer the law, any such blanket enforcement of RCW 9A.76.180 is also no longer the law as the legal justification and major enforcement tool no longer exists.

Based on the citation above, any aspect of filing a grievance seeking redress is no longer available to be manipulated or "affirmatively misrepresented" as being an attempt to intimidate a public servant into acting in any certain manner. Any grievance seeking redress is best characterized as –

1. Being the response required by law; and

2. Protected from being claimed as an act outside of the law in any way!!

Being required by law inherently invokes the protection of that legal requirement!! And places any attempts to limit ("abridge") that act as being outside the law itself!!! Harassment is the legal term!!

Under the previous carte blanche blanket immunity from personal liability, it has been commonplace for government actors to claim that the use of potentially offensive or unpleasant, vehement or caustic language was cited to support allegations of intimidation of a public servant. The very existence of the prevailing carte blanche immunity made it impossible to press any charges of any kind regarding the bullshit inherent in such allegations of intimidation because the carte blanche immunity prevailed. As it was designed to do.

It is NOT the most narrow-minded of a population that determines the level of morality imposed upon that entire population, it is the most liberal-minded of a population that determines such group behavior policies as the liberal nature encompasses the combined tolerance level of the group more effectively than the narrow-minded.

The Supreme Court of the United States sets the standard for freedom of speech protections in the following citations where the court decision (9-0) contained the following two relevant and still prevailing portions -

"We consider this case against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include *vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials*."

The above Supreme Court decision, that still prevails and provides absolute protection for "unpleasantly sharp attacks on government and public officials", was clearly established some one hundred years ago and any time an individual uses potentially offensive language as part of filing a grievance seeking redress of official government actions, that language and content is PROTECTED from any retaliatory measures OF ANY KIND. Such as alleging those PROTECTED activities constitute intimidating a public official.

Justice Hugo Black put it this way -

"To punish the exercise of this right to discuss public affairs or to penalize it through libel judgments is to abridge or shut off discussion of the very kind most needed. This Nation, I suspect, can live in peace without libel suits based on public discussions of public affairs and public officials. But I doubt that a country can live in freedom where its people can be made to suffer physically or financially for criticizing their government, its actions, or its officials."

I think those above citations set the tone RESTRICTING retaliatory measures OR NEGATIVE ALLEGATIONS OF ANY KIND IN RESPONSE to filing a grievance seeking redress of an official government action??!! Because SCOTUS sets that standard at the highest level of Constitutional protection and that protection is defined as being an "inalienable right", no State government or employee has any entitlement or right to challenge that inherently *superior* Constitutional protection!!

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So a claim by any government actor, who does not wish to address the contrary nature of their official decision, that the exercise of a protected civil right to file grievances seeking redress for that contrary official decision falls outside of the law only serves to double the charges of personal preferences or other conflicting agendas having undue influence over their official decisions. First, the original contrary official decision. And second, the "affirmative misrepresentation" that acts that are protected by law - and thus immune from being characterized as being in violation of the law – constitute intimidation.

Any such undue influence from personal preferences or other conflicting agendas also automatically disqualifies a government actor from availing themselves of both qualified immunity from personal liability as well as from having the Office of the Attorney General represent them as their contrary official actions create a conflict of interest between the interests of the State government and that government actor personally responsible AND LIABLE for that contrary official action.

RCW 9A.76.180 regarding the intimidation of a public servant is no longer able to be enforced under the current law as defined by the Washington State Supreme Court. At least, not as it is still written. Without any enforcement being provided by the carte blanche immunity from personal liability there is no statutory basis or justification to support the enforcement of the carte blanche blanket intimidating a public servant statute as it is written.

RCW 9A.76.180 automatically assumes that the official decision by the government actor is correct by default, which can only be reasonably assumed under the *now voided policy of carte blanche immunity from personal liability*. Remove that carte blanche immunity from personal liability and RCW 9A.76.180 is also minus its very basis and enforcement.

At least, as far as the fact of filing grievances seeking redress or the choice of language used in those grievances is concerned. The lack of any carte blanche immunity automatically puts the burden on the government actor to justify their potentially contrary official actions rather than use that carte blanche immunity to avoid having to address their contrary actions in any way at any time.

Can you say "abuse of authority"? Can you say "retaliation"?? How about "civil rights violations"???

Actual threats of a physical nature to public servants are a different situation with significant consequences that deserve to be treated as the threats they are, but equating the exercise of protected civil rights to file grievances seeking redress with threats of a physical nature is an equation that the Washington State Supreme Court has now rendered unavailable.

Also no longer available is the option for "affirmatively misrepresenting" an individual filing a grievance seeking redress as being "disruptive behavior" or a "disturbance". A protected act, such as filing a grievance seeking redress for an official government action, is certainly inherently protected against any such negative connotations – or restrictive disciplinary actions - being applied to support the refusal to recognize the proper priorities and established entitlements of the individual filing the grievance seeking redress AS REQUIRED BY LAW!!!

Certainly, a government actor would inherently view a grievance seeking redress as a negative and disruptive of normal accepted procedure. But that attitude, and its associated retaliatory based behavior

patterns, are among the personal preferences and other conflicting agendas the Washington State Supreme Court has declared as no longer supported by Washington State law.

"Not supported by law" is the legal definition of harassment. And failure to exercise due diligence is defined as "the same caution and restraint a reasonable person would exercise if their personal interests were at risk by their personal actions." Failure to exercise due diligence amounts to a finding of negligence. And that slippery slope gets even steeper with discrimination, collusion and other more serious illegal acts all being automatically attached to official acts that are contrary to established entitlements and protocols.

With personal accountability and financial liability now also automatically attached to those same contrary official acts.

Official acts that now potentially include falsely accusing an individual who is filing a grievance seeking redress for official government actions as being guilty of intimidating a public servant!!

And potentially double the possible PERSONAL AND FINANCIAL sanctions associated with such behavior!!

So now let's take a detailed look at the contradictions between the New Reality and the definitions of "threats" as cited earlier.

RCW 9A.04.110 (28) has several subsections that are in direct contrast to the implications of the Washington State Supreme Court decision defining contrary actions as disqualifying government actors from being eligible for immunity of any kind from personal liability for their contrary official actions.

Subsection (d) states "To accuse any person of a crime or cause criminal charges to be instituted against any person;", however, that is exactly what the New Reality defines as being permitted. Official actions based on "personal preferences and other conflicting agendas" by government actors are now defined by the Washington State Supreme Court as being prohibited, as well as being grounds to file charges for violations of civil rights.

This subsection is based on the previous blanket immunity provided for all Washington State government employees that the Washington State Supreme Court has declared no longer valid. Therefore all the other Washington State statutes that also rely on the now non-existent blanket immunity from personal liability for official actions also need to be declared void and invalid based upon the support for them having been revoked.

Subsection (e) "To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or"

Subsection (f) "To reveal any information sought to be concealed by the person threatened; or"

Subsection (g) "To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or"

Subsection (j) "To do any other act which is intended to harm substantially the person threatened or another with respect to his or her health, safety, business, financial condition, or personal relationships;"

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All also fall into that exact same situation. The actions they define as constituting "threats" are now defined by the Washington State Supreme Court as being standard procedure for filing complaints against government actors who commit official acts that the result of "personal preference and other conflicting agendas".

That means that five of the ten definitions for "threats" have been declared void and invalid by the Washington State Supreme Court. What remains are –

bodily injury (subsection a),
damage to personal property (subsection b),
physical confinement or restraint (subsection c),
to take wrongful action (subsection h),
and bring about a strike (subsection i).

All of which are still valid as defining "threats" based on not being revoked as part of the "personal preference and other conflicting agendas" criteria.

Subsections (d), (e), (f), (g), and (j) all share the common characteristic of being based on providing protection for the personal rights of government actors. Again, the Washington State Supreme Court clearly states that both the exercise and protection of personal rights while engaged in official government activities is no longer tolerated and is, in fact, OUTLAWED!!! As in no longer supported by law and thus OUTside the LAW – OUTLAWED!!!

And, thus any negative and retaliatory allegations leveled by those same government actors who now are no longer protected from personal liability for official actions against an individual who acts in the manner now defended by the same Washington State Supreme Court policies is guilty of the same acts they are pointing an accusing finger elsewhere.