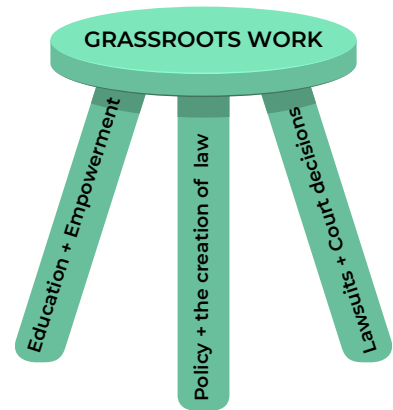


GRASSROOTS AND THE COURT SYSTEM

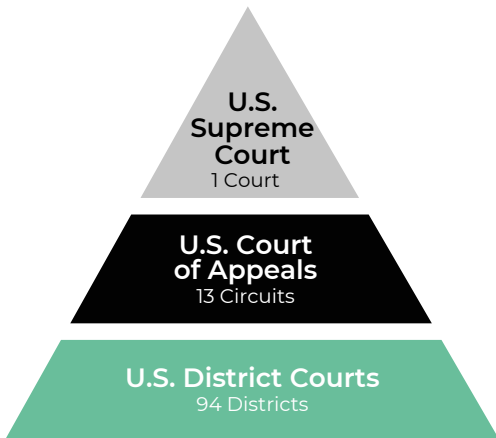
February 2024

Stand for Health Freedom sees a grassroots movement as a stool with three strong legs. Each leg is pivotal in the work we do, and when all three legs are working together, we have a sturdy place to land. The three legs of the stool are:

- Empowerment through **education**.
- **Policy work** through creating good law and stopping bad bills from being signed into law.
- Pivotal **court decisions** reflecting our constitutional rights.



When following pivotal cases that affect health freedom, we sometimes need help to fully understand the process from the 32,000-foot level. Here's a breakdown of how the court systems work and some definitions you need to know to follow a court case in our current system.



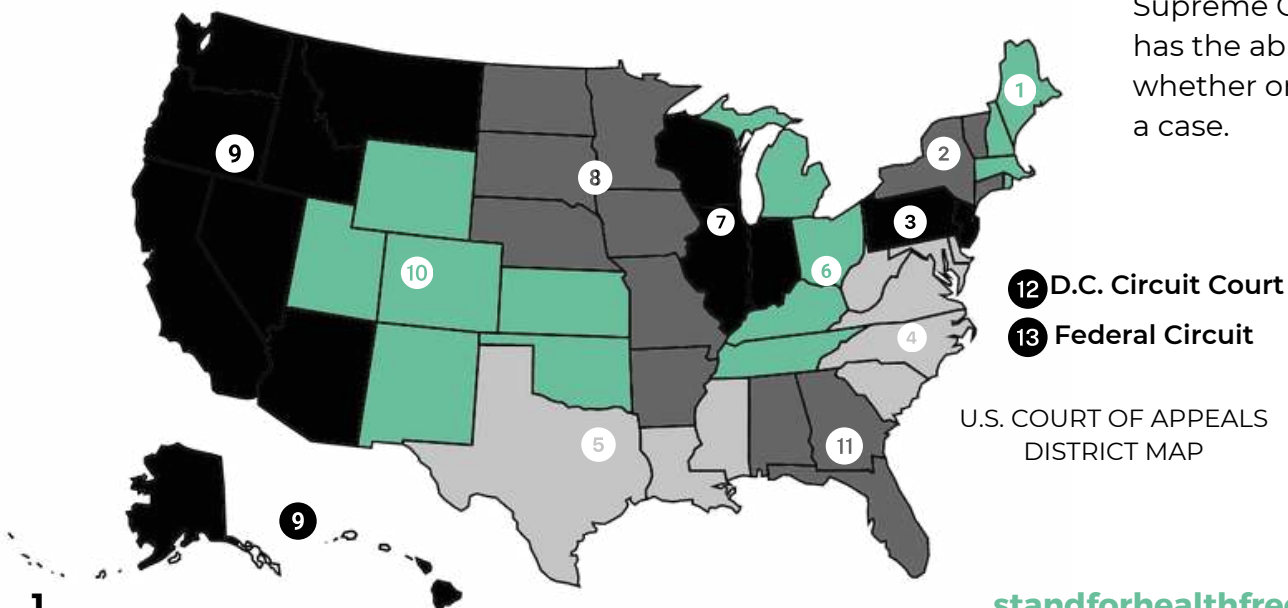
The U.S. is a **dual court system** where state and federal matters are handled separately.

There are two types of courts in the United States: state and federal. Picture them as parallel tracks that can (though rarely) end up in the U.S. Supreme Court.

Within the two respective tracks, there are three main levels: trial courts, appellate courts, and the highest court for that respective track.

When in federal court, you start at the district court level in the relevant state. Appeals are made to the circuit court, which is a regional court system. Parties may then appeal up to the

Supreme Court, which has the ability to choose whether or not to hear a case.



Legal definitions

Below are some definitions worth knowing when listening to or reading about a case.

Preliminary injunction - A court order made during the early stages of a lawsuit. Its purpose is to prevent one or both of the parties from doing anything to upset the status quo until the court can give the parties proper direction.

Adjudicate - To make an official decision about who is right in a dispute, to settle judicially.

Moot - An issue which has become indisputable or irrelevant; a court decision would have no effect.

Opine - To express opinions.

Jurisprudence - The philosophy or science of law.

Codify - To turn a common law requirement or practice into law.

Appeal - A higher court's review of the correctness of a decision by a lower court.

Perpetuity - Time without end, eternity.

Oral argument - Spoken presentations to a judge or appellate court by a lawyer detailing the legal reasons why they should prevail.

Motion to dismiss - A document filed with the court asking the judge to throw out certain claims in a civil or criminal case, or to throw out the case altogether.

Judicial review - A court's authority to examine an executive or legislative act and to invalidate that act if it's contrary to constitutional principles.

Constitutional republic - A form of government in which a representative is elected by the people to govern over them, according to the rules established in the law of the land.

Supreme Court cases that address issues of health freedom:

Jacobson v. Massachusetts - The state asserted that in an outbreak they could mandate a vaccine for smallpox or impose a fine. (The \$5 fine in 1905 would be about \$150 today.)

Conclusion: There's a big misconception about this case as the Supreme Court didn't rule on the mandate, but on the fine itself. In the end, the family had to pay the fine, but they were not forced to get the vaccine. [We wrote a great article on this case: "The power of one voice."](#)

Supreme court cases (continued):

Grizwold v. Connecticut -- This case looked at whether the Constitution protects the liberty of married couples to use contraceptives without government restriction.

Conclusion: The ruling detailed a "zone of privacy" into which the state cannot intrude.

Washington v. Harper -- Prison inmates were forced to take psychiatric medications against their will.

Conclusion: The Supreme Court ruled that no one can be forced to take any medication against their will.

Cruzan v. Director, Missouri Department of Health -- The first "right to die" case heard by the Court.

Conclusion: Not only does a person have the right to refuse a medical treatment, but a person can even choose not to accept a medical treatment that would save their life.

Buck v. Bell -- Carrie Buck was a resident at the Virginia State Colony for Epileptics and Feeble-minded in the early 20th century when eugenics was openly discussed in science and policy. The superintendent at the facility used Carrie as a test case for his policy of sterilizing the feeble-minded as she and others like her "represented a genetic threat to society."

Conclusion: The Court ruled that a state statute permitting compulsory sterilization of the unfit, including the intellectually disabled, "for the protection and health of the state" **did not violate** the due process clause of the 14th Amendment to the United States Constitution. Despite the changing attitudes in the coming decades regarding sterilization, the Supreme Court has never expressly overturned Buck v. Bell.

*"We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if it could not call upon those who already sap the strength of the State for these lesser sacrifices, often not felt to be such by those concerned, in order to prevent our being swamped with incompetence. It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sustains compulsory vaccination is broad enough to cover cutting the fallopian tubes. Jacobson v. Massachusetts, 197 U.S. 11, 25 S. Ct. 358, 3 Ann. Cas. 765. **Three generations of imbeciles are enough.**"*