

FAIR FIGHT AND FLIGHT DOCTRINE, ENDING POLICE VIOLENCE: WHAT IMPERTINENCE!¹

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I. INTRODUCTION

A police officer, Officer Rod Nearleigh, walks into a backyard without a warrant.² The back porch is not bordered by a footpath from the sidewalk or

¹ “What impertinence!” is a common phrase. *See, e.g.*, Alan Jay Lerner, *My Fair Lady*, Mrs. Eynsford-Hill (1964). “What impertinence!” was said by Isobel Elsom playing Mrs. Eynsford-Hill to Rex Harrison playing Professor Henry Higgins. *Id.*

² Rod Buster Nearleigh is what he was named. § 5 *Assault*, Restat 3rd, Intentional Torts to Persons Tent. Draft Appx 2-C-5 (2018).

An actor is subject to liability to another for assault if:

- (a) (i) the actor intends to cause the other to anticipate an imminent, and harmful or offensive, contact with his or her person, or
- (ii) the actor's intent is sufficient under § 11 (transferred intent);
- (b) the actor's affirmative conduct causes the other to anticipate an imminent, and harmful or offensive, contact with his or her person; and
- (c) the other does not consent to the anticipation of contact, as provided in § 12.

driveway.³ The elevated porch is enclosed.⁴ Officer Nearleigh walks up the back porch steps and steps over a boarded area; he trots past laundry machines.⁵ He firmly pounds on the back door of the home.⁶ A sick dog, “Trecks,” known for animal rights activism throughout the community sleeping inside is forced

³ § 30 *Privilege to Defend Land or Personal Property from Intrusion*, Restat 3rd, Intentional Torts to Persons TD 6-30.

An actor is privileged to engage in conduct that would otherwise satisfy the elements of battery, assault, purposeful infliction of bodily harm, or false imprisonment in order to prevent another's imminent intrusion or terminate another's intrusion upon the actor's land or personal property, if:

(a) the intrusion is not privileged; (b) the actor first asks the intruder to desist and the intruder disregards the request, or the actor reasonably believes that a request will be useless or dangerous or that substantial harm will be done before the request can be made; (c) the actor reasonably believes that the other is intruding or imminently will intrude upon the actor's property, and that the intrusion can be prevented or terminated only by the means used; (d) the means used are reasonably proportionate to the value of the interest the actor is protecting; and (e) the means used are not intended or likely to cause death or serious bodily injury.

Generally, limited doctrines covering hot pursuit, private necessity, and public necessity are topics beyond the central purpose and scope of this Article.

⁴ *Carroll v. Carman*, 574 U.S. 13 (2014). Any member of the public has the right, generally, to be free from the visitation of law enforcement not only because one has a right to be free from any visitation, thus a driveway does not instantly convey the right for a visitor to visit any resident, but also because law enforcement has often approached homes with weapons and every person has the right to choose whether to allow any dangerous instrument (e.g., chainsaw) onto one's property at any time.

⁵ *Id.* *Infra* note.

⁶ *Saucier v. Katz*, 533 U.S. 194 (2001).

to intimate the intrusion.⁷ The police respond by relenting.⁸ The owner, “Max,” a mistaken suspect, is left shaken.⁹ The next day, police use eye contact, warmly trapping the victims by supporting the victims’ perceptions of peace and freedom, but keeping close watch.¹⁰ The following day, Max is accosted while entering the front door of his home and arrested for a crime that Officer Nearleigh will falsely swear that he witnessed.¹¹ Officer Nearleigh and Officer Randy Attem attempt an unwarranted intrusion into Max and Trecks’ home.¹² There, the dog, Trecks, is confronted. Max shoves Officer

⁷ “Trecks” is short for Trecord Lamell Financier Rutholph III.

⁸ See Carman, 574 U.S. 13.

⁹ “Max” is short for Maximillian Hardy Loore Finner.

¹⁰ Saucier, 533 U.S. 194.

¹¹ § 103 *Battery: Definition of Offensive Contact*. Restat 3rd, Intentional Torts to Persons Tent. Draft 1-103

A contact is offensive within the meaning of § 101(c)(ii) if:
(a) the contact offends a reasonable sense of personal dignity; or
(b) the contact is highly offensive to the other's unusually sensitive sense of personal dignity, and the actor knows that the contact will be highly offensive to the other.

Liability under (b) shall not be imposed if the court determines that such liability would violate public policy or that requiring the actor to avoid the contact would be unduly burdensome.

¹² Officer Attem was named Boyd “Randy” (Randell) Attem-Cung.

Nearleigh, takes Trecks, and flees.¹³ The two seek safety.¹⁴ Officer Nearleigh does not pursue the unwarranted charges.¹⁵ Because Officer Nearleigh was an aggressor, Max instinctively shoved him from the doorway.¹⁶ Officer Nearleigh threatened arrest for assaulting an officer, a crime according to

¹³ § 101 *Battery: General Definition* [§ 101(d) of the black letter is for discussion only], Restat 3rd, Intentional Torts to Persons Tent. Draft 1-101.

An actor is subject to liability to another for battery if:

- (a) the actor intends to cause a contact with the person of the other, as provided in § 102, or the actor's intent is sufficient under § 110 (transferred intent);
- (b) the actor's affirmative conduct causes such a contact;
- (c) the contact (i) causes bodily harm to the other or (ii) is offensive, as provided in § 103; and
- (d) the other does not effectively consent to the otherwise tortious conduct of the actor, as provided in § 111.

¹⁴ § 21 *Self-Defense and Defense of Third Persons: General Principles*, Restat 3rd, Intentional Torts to Persons TD 6-21.

An actor is privileged to use force against another for the purpose of defending the actor or a third person against the other's unprivileged use of force, if the actor reasonably believes that the force is both necessary and proportionate to the force that the other is intentionally inflicting or about to inflict. More specific criteria for the privileged use of defensive force are stated in § 22 (use of nondeadly force), § 23 (use of deadly force), § 24 (defense of third person), § 25 (liability for excessive force), and § 26 (liability to bystander).

¹⁵ U.S. Const. Amend. V.

¹⁶ *Id.*

the legislature that can be punished with up to eight years in incarceration.¹⁷

Though the government's garb, training, force, and threatened penalties are intended to deter, control, and detain attackers and deter attacks, Max overcame Officer Nearleigh.¹⁸ Self-defense was excusable and crucial.¹⁹ Officer Nearleigh concocted

¹⁷ 18 U.S. Code § 111 (2021). § 45 *Privilege of Parent to Use Force to Discipline or Control Child*, Restat 3rd, Intentional Torts to Persons TD 6-45.

(a) A parent is privileged to use reasonable force against the parent's minor child that serves the purpose of disciplining, educating, controlling, or otherwise promoting the welfare of the child.

(b) Whether the force used is reasonable depends on the totality of the circumstances. In that determination, significant weight is given to whether the force that the parent employs is reasonable in degree, in light of any risk of physical harm to the child.

(c) As a matter of law, a parent is not privileged under this Section if:

(i) the parent uses deadly force (i.e., force that is intended or reasonably likely to cause death or serious bodily harm);

(ii) the parent uses force that is grossly degrading or that is likely to cause severe emotional harm; or

(iii) the parent uses force with a sexual purpose.

(d) A parent for purposes of this Section includes a legal parent, a legal guardian, or an adult who is acting as a parent *in loco parentis*.

(e) If an actor is entrusted by a parent or by law with a parental function, the actor has a more limited privilege to use reasonable force consistent with the scope of the grant of authority.

¹⁸ *Infra* note.

¹⁹ § 104 *Purposeful Infliction of Bodily Harm*, Restat 3rd, Intentional Torts to Persons Tent. Draft 1-104.

the scheme to terrorize the victim, divert attention from local drug dealers, and gain entrance into the home to control Trecks' local reputation.²⁰ The innocent victim has clearly-established rights to be free from unreasonable search and seizure and malicious prosecution and had a right to be defended by the government and a person defending a loved one from such attacks.²¹ The unlawful nature of Officer Nearleigh's actions attest to Max's rights to be free, a principle demonstrated and recorded throughout the law, including in the doctrines of qualified immunity,²² excessive force, and stand

An actor is subject to liability to another for purposeful infliction of bodily harm if:

- (a) the actor purposely causes bodily harm to the other, either by the actor's affirmative conduct or by the actor's failure to prevent bodily harm when the actor has a duty to prevent such harm; and
- (b) the other does not effectively consent to the otherwise tortious conduct of the actor, as provided in § 111.

²⁰ Footnote removed for brevity. Relocated to Appendix A.

²¹ U.S. Const. amend. IV and U.S. Const. amend. V.

²² § 39 *Law Enforcement Privilege*, Restat 3rd, Intentional Torts to Persons TD 6-39.

Subject to the rules stated in § 42, a law enforcement officer acting within the scope of employment is privileged to use force against another for the purpose of arresting someone; investigating, terminating, or preventing crime; or otherwise enforcing the law. The content and scope of the privilege are determined largely by applicable constitutional-law principles and criminal-law rules.

your ground.²³ Whether the threat is a fact, may occur in the future, is imaginary, is unreal, or is probable, for example described as being apparent, perceived, persistent, or manifested through an overt act, is relevant to the amount of resistance required to overcome Officer Nearleigh, however, the officer's misconduct cannot be accepted to any degree.²⁴ This Article examines an average citizen's estimation that damage caused by an unfair police

²³ 42 U.S.C. § 1983 (2021); La. Stat. 14, § 20 (2021); Fla. Stat. § 776.012 (2021).

²⁴ The subject of a threat believes that the threatened action or deprivation will imminently occur. The condition tense exists in different descriptions, such as zero, first, second, third, and mixed conditional. The condition explains the likelihood of something occurring. Examples of the conditions are as follows: I do not sleep if I do not laugh; If I do not laugh, I will not sleep; If I laughed, later I would sleep; If I had laughed, I would have slept last night; and If I had laughed, I would be asleep. Zero is a fact. First is a future situation. Second is unreal and imaginary situations. Third is past imaginary and unreal situations. Mixed is an unreal present, and an unreal, but probable future. Applying to threat, some examples are the following: I will arrest you if you open the door and ask me to leave your property; If he does not step out onto his porch, I will not arrest him; If I caught you, later I could sell biographical and demographic information about you; If I had tackled her, I would have sued her; and If I had frisked her, I would be asleep. Responses are commensurate. I fear you because you are hitting my property; If I run, I will stop you from hurting me; If I hid, later I would call the police; If I had hit her, I would have escaped with my family; If I had pushed him, I would be able to explain my side.

encounter will likely occur, a reasonable standard.²⁵ While immunizing strategies have aided some unfairness, it is the fear that a police officer will gain an unfair advantage using the color of law to subdue an otherwise lawful actor that drives a need to increase confidence in self-defense measures.²⁶ This Article posits that, when threat is perceived and likely to occur, then retaliation to subdue unfair and violative actors is authorized and a right to flee is guaranteed.²⁷ Section II of this Article discusses rules and principles deterring police violence, such as those presented to the United States Supreme Court in *Saucier v. Katz*.²⁸ Use of force is analyzed in Section III.²⁹ Recommendations, such as to protect animals from harm and property from damage, are

²⁵ Carmen M. Cusack, *Blind Rhyme: The Reasonable Person Standard Violates the First Amendment*, 19 J. L. & SOC. DEVIANCE 3 (2020).

²⁶ See, e.g., 42 U.S.C. § 1983 (2021); La. Stat. 14, § 20 (2021); Fla. Stat. § 776.012 (2021).

²⁷ See *infra* Sections II-V.

²⁸ *Infra* Section II. *Saucier*, 533 U.S. 194.

²⁹ *Infra* Section III.

provided in Section IV.³⁰ The Article concludes in Section V.³¹

II. POLICE VIOLENCE

A. Lawful Use of Force

Force may only be used lawfully.³² Police and others may use force under certain circumstances.³³ Minnesota Statute § 609.06 (2021) in the State of Minnesota is a typical law and possible model.³⁴

AUTHORIZED USE OF FORCE.

Subdivision 1. **When authorized.** Except as otherwise provided in subdivisions 2 and 3, reasonable force may be used upon or toward the person of another without the other's consent when the following circumstances exist or the actor reasonably believes them to exist:

³⁰ *Infra* Section IV.

³¹ *Infra* Section V.

³² Minn. Stat. § 609.06 (2021).

³³ *Id.*

³⁴ *Id.*

(1) when used by a public officer or one assisting a public officer under the public officer's direction:

- (i) in effecting a lawful arrest; or
- (ii) in the execution of legal process; or
- (iii) in enforcing an order of the court; or
- (iv) in executing any other duty imposed upon the public officer by law; or

(2) when used by a person not a public officer in arresting another in the cases and in the manner provided by law and delivering the other to an officer competent to receive the other into custody; or

(3) when used by any person in resisting or aiding another to resist an offense against the person; or

(4) when used by any person in lawful possession of real or personal property, or by another assisting the person in lawful possession, in resisting a trespass upon or other unlawful interference with such property; or

(5) when used by any person to prevent the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime; or

(6) when used by a parent, guardian, teacher, or other lawful custodian of a child or pupil, in the exercise of lawful authority, to restrain or correct such child or pupil; or

(7) when used by a school employee or school bus driver, in the exercise of lawful authority, to restrain a child or pupil, or to prevent bodily harm or death to another; or

(8) when used by a common carrier in expelling a passenger who refuses to obey a lawful requirement for the conduct of passengers and reasonable care is exercised with regard to the passenger's personal safety; or

(9) when used to restrain a person with a mental illness or a person with a developmental disability from self-injury or injury to another or when used by one with

authority to do so to compel compliance with reasonable requirements for the person's control, conduct, or treatment; or

(10) when used by a public or private institution providing custody or treatment against one lawfully committed to it to compel compliance with reasonable requirements for the control, conduct, or treatment of the committed person.

Subd. 2. Deadly force used against peace officers.

Deadly force may not be used against peace officers who have announced their presence and are performing official duties at a location where a person is committing a crime or an act that would be a crime if committed by an adult.

Subd. 3. Limitations on the use of certain restraints.

(a) A peace officer may not use any of the following restraints unless section 609.066 authorizes the use of deadly force to protect the peace officer or another from death or great bodily harm:

(1) a choke hold;

(2) tying all of a person's limbs together behind the person's back to render the person immobile; or

(3) securing a person in any way that results in transporting the person face down in a vehicle.

(b) For the purposes of this subdivision, 'choke hold' means a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe,

but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.³⁵

According to the law implemented using this wording first in 1963, use of force cannot be unreasonable.³⁶ Citizens and police may use force against and to arrest officers committing crimes contemplated by the legislature as posing the kinds of threats requiring force in response.³⁷ Neither police nor citizens may use any kind of force to perpetrate crime, including, but not limited to, attempted trafficking, terror, racketeering, fraud, and domestic violence.³⁸

³⁵ Minn. Stat. § 609.06 (2021).

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* The military must defend citizens from terror. *See* The Authorization for Use of Military Force (AUMF), 115 § 224 (2001). U.S. Const. amend. 14 § 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void. *Id.*

B. Police Violence is Unjustifiable

Police violence is complex.³⁹ In *Saucier*, an animal rights activist was arrested by the military.⁴⁰ Incumbent Vice President Al Gore had planned to deliver a speech at the military base.⁴¹ The occasion was the conversion of the base into a national park.⁴² The animal rights activist, the president of a prominent animal rights advocacy group, claimed that a hospital on base could be used to conduct experimentation.⁴³ The animal rights activist urged Gore to prevent animal experimentation in the federal park.⁴⁴ To perform his demonstration, he unfurled a gigantic banner and placed it on a fence near Gore.⁴⁵ The activist was dragged to a military van.⁴⁶ He placed his foot on the bumper, but was shoved inside.⁴⁷ He sued the military officers for

³⁹ See *infra* note; 42 U.S.C. § 1983 (2021).

⁴⁰ *Saucier*, 533 U.S. 194.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Saucier*, 533 U.S. 194.

⁴⁷ *Id.*

brutality.⁴⁸ The defendants claimed qualified immunity.⁴⁹ Though the lower court⁵⁰ conflated the claims and created a hybridized notion, the Supreme Court of the United States said that police brutality may exist as a doctrine with a separate test.⁵¹

A determination of police brutality discussed in *Saucier*, citing *Graham v. Connor*, is made by, first, identifying the challenge to a use of force that allegedly infringed on a specific constitutional right.⁵² Then, the claim must be judged in reference to the precise standard governing the right.⁵³ Reasonableness is an objective standard guiding excessive force claims under the Fourth Amendment.⁵⁴ On-scene beliefs and information may be mistaken, but cannot be unreasonable; otherwise, the force used was excessive regardless of

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ The lower court fact-finds. U.S. Const. amend. VII. “In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.” *Id.*

⁵¹ *Id.*

⁵² *Saucier*, 533 U.S. 194. *Graham v. Connor*, 490 U.S. 386 (1989).

⁵³ *Connor*, 490 U.S. 386.

⁵⁴ *Id.*

intent or motivation.⁵⁵ Fight, including self-defense and rejection of control, and flight, such as fleeing custody, may justify greater use of force when the officer claims to have the requisite authority to seize liberty or property or conduct a search.⁵⁶ The test for qualified immunity discussed in *Saucier* is first, whether the alleged facts demonstrate that a constitutional right would have been violated, and, after an assumption is drawn, second, whether the right was clearly established.⁵⁷

In *Saucier*, when he refused to walk and stepped on the van's bumper, he may have attempted to

⁵⁵ *Id.*

⁵⁶ U.S. Const. art. IV § 2, cl. 1 “*The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.*” This means that on occasion when general welfare, safety, order, morality, and police power are not abridged, the state may authorize officers to enter the ocean for non-governmental activities. These individuals may appear to enter the wild without permission but due to the nature of the activity, and its acceptable execution, the conduct effectively becomes immunized. Civilians are similarly restricted in their privilege to enter the high seas and leave the state's control. When they return, if by all accounts their conduct was lawful then they will not be charged. If their conduct was not lawful, then they could be charged and officers are not immunized, albeit environmentally, socially, and psychologically for failing to uphold the laws of their homeland, breaking international rules, violating the ocean and inhabitants thereupon or within, etc. They may be charged in county, state, federal, tribal, and other courts.

⁵⁷ *Saucier*, 533 U.S. 194.

demonstrate his right to be present and free from police control.⁵⁸ Montana offers a model response to police violence.⁵⁹ “Except as provided in [Section] 45-3-105, a person who is lawfully in a place or location and who is threatened with bodily injury or loss of life has no duty to retreat from a threat or summon law enforcement assistance prior to using force.”⁶⁰ This is similar to the first prong of stand your ground.⁶¹ The State of California does not use a stand your ground test, but demonstrates deference to the activist’s possible reasoning; for example, sentencing for murder may be determined by “[w]hether or not the offense was committed under circumstances which the defendant reasonably believed to be a moral justification or extenuation for his or her conduct.”⁶² The state’s view of reasonableness was not discussed by the Court in *Saucier*, however, the prongs for stand your ground,

⁵⁸ *Id.*

⁵⁹ *Infra* note.

⁶⁰ Montana Crim. Code § 45-3-105 (2021).

⁶¹ Fla. Stat. § 776.012 (2021).

⁶² CAL. PENAL CODE 190.05(h)(6) (2021).

generally, are principles that may apply in these kinds of cases.⁶³

Finally, when a right is clearly established, a reasonable person would know not to violate it.⁶⁴ This is distinct from wanton violence.⁶⁵ Thus, when misconduct occurs, culpable officers must be held accountable and not given credence.⁶⁶ Under these distinct doctrines, along with stand your ground, which the activist attempted to apply by resisting being thrown into the van, by stepping on the bumper and dragging his feet, the law demonstrates the right to resist unfair treatment particularly when police motives are insincere and unauthorized by the government.⁶⁷ When police are law-breakers, the right to self-defense is irrefutable.⁶⁸ Illegal conduct should not require a court to contemplate the various acts and whether police conduct can be charged.⁶⁹

⁶³ *Saucier*, 533 U.S. 194. Fla. Stat. § 776.012 (2021).

⁶⁴ Cusack, *Blind Rhyme*, 19 J. L. & SOC. DEVIANCE 3.

⁶⁵ *Id.*

⁶⁶ 42 U.S.C. § 1983 (2021).

⁶⁷ *Saucier*, 533 U.S. 194. Fla. Stat. § 776.012 (2021). 42 U.S.C. § 1983 (2021).

⁶⁸ Fla. Stat. § 776.012 (2021).

⁶⁹ *Saucier*, 533 U.S. 194.

Citizens must know that they clearly should fight or flee.⁷⁰

In the case at bar, *Saucier*, important regard was given by the Court to the standard applied to the doctrine of qualified immunity.⁷¹ Heightened scrutiny was given to the law.⁷² In these cases, often, the victim has falsely been accused or police relied on mistaken facts that caused the rights violation.⁷³ A question of whether a person had the right to be free from the type of force used when the defendant is guilty is different from whether a person has a right to flee a false arrest, unfounded force, and seizure despite a lack of probable cause.⁷⁴ Under an excessive force analysis, the right that is violated may determine the scrutiny when the law and policies are brutal because people are damaged.⁷⁵ Even when the right violated deals with reasonableness, and seems to merit rational review,

⁷⁰ Mo. Rev. Stat. § 575.145 (2021).

⁷¹ *Saucier*, 533 U.S. 194.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ Fla. Stat. § 776.012 (2021).

⁷⁵ *Saucier*, 533 U.S. 194. Connor, 490 U.S. 386.

because it is not a fundamental right, the basis for the violation analysis may raise the Court's scrutiny depending on the facts.⁷⁶ For example, when the right violated is claimed to be free speech under the First Amendment, it may have been pure speech, symbolic speech, or speech lawfully restricted by time, place, and manner when the brutality and unreasonable abrogation occurred.⁷⁷ First Amendment violations merit strict or intermediate scrutiny, and discrimination, sometimes causing separate speech rights violations, may be legal, illegal, or a violation of the most serious kind.⁷⁸

The Court's standard of scrutiny may do little more than slide with the type of right alleged to have been violated in one form of action against abuse; yet, it may be fixed in another.⁷⁹ The consequence of finding in favor of the complainant a clearly established right and demonstrating the violation before trial to avoid the granting of qualified

⁷⁶ *Saucier*, 533 U.S. 194.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

immunity shows, once again, that the system seeks to avoid entangling citizens with bullies when speedy resolutions are feasible.⁸⁰

In *Saucier*, the Court stated that the officers adhered to their training, and, thus, had no notice that a right to be free from excessive force would have been violated by the type of force used.⁸¹ Going forward, it should be denoted that all force is excessive when violence erupts rather than commands being given and obeyed.⁸² The public is anticipated to follow orders, and when officers opt to harm citizens rather than order them to obey, they encumber the system.⁸³

In this case, the Court conflated the reasonable person standard, leading to one result, with the untenable reasonable officer standard defined by the arresting officer who had been trained to arrest, leading to another result.⁸⁴ A reasonable person

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² Mo. Rev. Stat. § 575.145 (2021).

⁸³ *Id.*

⁸⁴ Cusack, *Blind Rhyme*, 19 J. L. & SOC. DEVIANCE 3. *Saucier*, 533 U.S. 194.

would not have arrested the activist.⁸⁵ An officer trained to violate the law would have arrested the activist though.⁸⁶ The activist was placed in the van with another person, and forced to be defenseless in front of that person, another harm seldom addressed by this Court, outside of family matters.⁸⁷ Because security could not estimate how many people would need to be dragged off, it is obvious that a reasonable actor would have first established order by telling the activists where to hang the banner, sit down, or leave in a brisk and lawful manner.⁸⁸ Though they may have intended to be disruptive, and, therefore, should have been stopped, the activists did not need to be tussled.⁸⁹ In conclusion, self-defense, encompassed within the doctrine of fair fight and doctrine of fair flight, should supplement various remedies because it evades clogage and expediently upholds the law and protects citizens.⁹⁰

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Saucier*, 533 U.S. 194.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

III. USE OF FORCE

Use of force by police officers demonstrates the grounds for a fair fight.⁹¹ The premise may be evident under various circumstances.⁹² For example, arrest tactics, such as handcuffing and sitting on a hard bench seat inside a police cruiser, are veritably unreasonable because people have injuries.⁹³ Police use of weapons during alleged emergencies is grounds for a belief that police intend to kill, and armament is an aggravation.⁹⁴ Defense of one's partner or partner's possessions may be critical.⁹⁵

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Saucier*, 533 U.S. 194.

⁹⁴ *Id.*

⁹⁵ *Id.* Fla. Sta. § 316.305 (2021). Laws that penalize drivers' use of cell phones for calling and texting, but not other uses, such as maps and speed limit tracking while driving, may unreasonably allow police to invade privacy by requiring motorists to use speaker phone and facilitating police making deductions about of how motorists are using their own property inside their private space, their vehicles. They may pull over motorists and inquire about what activities were being conducted even when they were not visible. The Fourth Amendment guarantees that they cannot unreasonably search effects. U.S. Const. amend. IV. Police invasion of privacy must be limited. Some seatbelt laws demonstrate that police have been granted entitlement to peer inside vehicles. *See, e.g.*, MCA 63-2-1(1) (2021). The majority of the seatbelt, placed over the breasts and groin in a private area by the motorist, under regular circumstances, is not visible to police. Seemingly, only those, when seated in a position

Police attainment of the element of surprise may provoke.⁹⁶

showing their chests, reveal seatbelt use to police unless they peer. A motorist may drive well and yet police may feel entitled to look in and imagine what private property is upon the crotch of a driver. Though driving while text messaging is lethal, and yet sadly many people utilize very little information development and exchange while using phones, police should not take advantage to diminish the sovereign's authority and the influence of and mandates given by the federal Constitution. Fla. Const. § 12 states the following:

Searches and seizures.—The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or places to be searched, the person or persons, thing or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. This right shall be construed in conformity with the 4th Amendment to the United States Constitution, as interpreted by the United States Supreme Court. Articles or information obtained in violation of this right shall not be admissible in evidence if such articles or information would be inadmissible under decisions of the United States Supreme Court construing the 4th Amendment to the United States Constitution. *Id.*

Fla. Sta. § 316.305(5) (2021). Impermissible invasion of privacy also occurs in Florida, which prohibits cell phone searches, by requiring officers to record race and ethnicity at the scene where the ticket was issued. The information is distributed to the entire body of authority throughout the state.

⁹⁶ Police working illegally with spouses may cause spouses to be converted in the eyes of the victim into enemy combatants or imminent threats. Spouses may have a right to be present in a home, but severe domestic violence, criminality, tortious misconduct, and terror, such as colluding with armed gunman could cause a spouse to invoke stand your ground and other extreme measures of self-defense. U.S. Const. amend. III. Caution should be given to the victim avoiding the oppression of the victimizing spouse, which may falsely entitle the state actor, leading to reprisal, flight, as well as to

Brutality occurs when police overexert the government's power and authority.⁹⁷ The right to be free from brutality is clearly established.⁹⁸ A reasonable person standard⁹⁹ is used to determine whether an officer erred at the scene or intended to use excessive force.¹⁰⁰ Officers fearing fight and flight during lawful arrests may overcome deterrents to law enforcement with escalating force.¹⁰¹ However, criminal, tortious, and other sanctionable conduct cannot escalate.¹⁰²

Police interjecting force into domestic violence, for example, by manhandling battered women,

the other means for justifiable homicide. Justifications need not arise at trial. They may be elucidated clearly and easily by the legislature. For example, soldiers at war have a right to kill. Police increasingly are presently focused on eliminating unfair play in the home. The War on Terror and the War on Drugs are bolstered by their efforts to patrol, be present, talk to community members, influence, and dissuade violence, hostility, and threatening discord between lovers and members of the same family. Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. 801, *et seq.* (2021). This closes potential entry points into the wars, including dissuasion from family life. *Compare with* LENORE E. A. WALKER, *THE BATTERED WOMAN SYNDROME* (2009).

⁹⁷ *Saucier*, 533 U.S. 194.

⁹⁸ *Id.*

⁹⁹ Cusack, *Blind Rhyme*, 19 J. L. & SOC. DEVIANCE 3.

¹⁰⁰ Connor, 490 U.S. 386.

¹⁰¹ Minn. Stat. § 609.06 (2021).

¹⁰² *Id.*

menacing children, caging men, or decommissioning males and others, including vulnerable parties, exerts undue pressure to achieve subordination to the individual arresting officer.¹⁰³ The scheme is well-established as a means for personal and familial profiteering at the expense of the government.¹⁰⁴ Pretextual arrests in domestic violence and other situations, such as alcohol offenses and trespass, demonstrate the types of pyramid schemes justifying self-defense against officers taking liberties by force.¹⁰⁵ Gay and straight patriarchal mentalities

¹⁰³ *Id.*

¹⁰⁴ Cusack, *Blind Rhyme*, 19 J. L. & SOC. DEVIANCE 3.

¹⁰⁵ The second section of the Eighteenth Amendment as it applies to concurrent jurisdiction granted through the Eighteenth Amendment was repealed with regard to manufacturing. U.S. Const. amend. IXX. The power to regulate commerce belongs to the federal government under the commerce power. U.S. Const. amend. XXI. The commerce clause is Article 1, Section 8, Clause 3 of the United States Constitution: “To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.” U.S. Const. art. I § 8, sec. 3. However, without an interstate issue, the federal regulation of alcohol through the Eighteenth Amendment was no longer necessary. *Id.* The Twenty-First Amendment overlaps with the Eighteenth Amendment and strengthens states’ power to ban alcohol. *Id.* U.S. Const. amend. XXI. States regulate manufacturing and distribution between counties. U.S. Const. amend. XXI. The Twenty-First Amendment made it possible for states to make their own laws regarding alcohol. U.S. Const. amend. XXI.

Eighteenth Amendment:

Section 1.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation. U.S. Const. amend. IXX.

The Eighteenth Amendment signifies that states can only ban alcohol, they cannot say what is illegal. *Id.*

Twenty-First Amendment:

Section 1.

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2.

The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited. U.S. Const. amend. XXI.

The Twenty-First Amendment specifies that states can define “intoxicating liquors” differently. *Id.* The definitional countermand rescinds the language in light of the growth. Yet, growth cannot explain the language of “repeal.” Only this Article sufficiently postulates how the two Amendments preserve the framers’ intent.

The Twenty-First Amendment pressures people to drink, but it carves out exceptions for drinks that imbue health. The federal code does that with drugs. 21 U.S.C. 801 (2021). No drugs should be legal; and people should not drink in excess. National Prohibition Cases, 253 U.S. 350 (1920); National Prohibition Act, II § 1; Volstead Act, H.R. 6810; National Prohibition Act of 1919. When the Amendments are described as being repealed, they should be reviewed in light of their intent, not the absorption into future laws. Repeal signifies a union. *South Dakota v. Dole*, 483 U.S. 203 (1987). Raging descriptions of prohibition stand for the proposition that the federal government uses morality to finance big government. When it is not convenient, morality is repealed. *Dole*, 483 U.S. 203. Likewise, safety measures are calculated according to revenue not cost, in many

turned on men, women, and children cannot dominate the conversation under the guise of the sovereign immunity doctrine or sanctioning at the individual level.¹⁰⁶

Stand your ground is effective, but relies on self-defense tactics that counter physical force.¹⁰⁷ Corrupt schemes build through illegal surveillance and encounters.¹⁰⁸ Police may not elicit information during alleged investigations that violates or in a manner that violates the principles of the Fourth and Fifth Amendments, for example, by conducting a mental search of someone's private areas or by

cases. *Dole*, 483 U.S. 203. The Eighteenth Amendment and Twenty-First Amendment, Section Two are not disparate or dispositive because they assume that states work voluntarily. U.S. Const. amend. IXX. U.S. Const. amend. XXI. Analogously, when states possibly prohibit self-defense, it is like suggesting that the two Amendments were incompatible. U.S. Const. art. I § 8. U.S. Const. amend. II.

¹⁰⁶ Minn. Stat. § 609.06 (2021). U.S. Const. amend. XV. "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—." *Id.* In addition to this law, philosophies may be interpreted. Though the nation may not acknowledge homosexuality and race as similar, the bias against homosexuals is unacceptable. The precedent set through the denotation of these fair feelings demonstrates adequate grounds to protect people from inferiorizing races seeking to shame, man-handle, belittle, and marginalize those who refuse to proffer sex to demonstrate the other's dignity and entrenched authority.

¹⁰⁷ Minn. Stat. § 609.06 (2021).

¹⁰⁸ *Id.*

asking questions.¹⁰⁹ They cannot stalk, conspire, intimidate, collude, or harass.¹¹⁰ Private businesses and surrounding property, schools, churches, hospitals, and sites described by scheming aggressors as or appearing as war spoils (e.g., unnecessary construction sites bearing machines like artillery), not just the home, are places subject to the same doctrines.¹¹¹ Police are forewarned that misconduct, including assault, battery, implied threat to use deadly force by brandishing a weapon at a place where one has no right to be during the commission of a crime, false imprisonment, harassment, and burglary, are subject to justifiable, not solely defensible, use of force.¹¹² Justifiable force in some jurisdictions includes deadly force without any duty to retreat or verify the aggressor's lethality.¹¹³ Citizens' fearful denial of self-defense is stricken, and, in the future, the right to be free from

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² Minn. Stat. § 609.06 (2021).

¹¹³ *Id.*

all crime, terror, harassment, and aggressive insanity must be upheld.¹¹⁴

IV. APPLYING REMEDIES

A. Broad Applicability

Current laws and doctrines apply, and the extent of protection for innocent citizens must be furthered.¹¹⁵ Stand your ground is available in numerous states and other doctrines are supportive and compatible.¹¹⁶ The elements are typically that the victim has the right to be in a location, is not breaking the law, and must use necessary force, including equal to the force used against the victim, to accomplish self-defense.¹¹⁷ Using a fair fight

¹¹⁴ *Id.* U.S. Const. amend. 14 § 4.

¹¹⁵ Minn. Stat. § 609.06 (2021).

¹¹⁶ Fla. Stat. § 776.012 (2021).

¹¹⁷ *See, e.g.,* § 22 *Self-Defense by Nondeadly Force*, Restat 3rd, Intentional Torts to Persons TD 6-22

(a) Subject to Subsection (b), the definitions stated in § 20, and the principles stated in § 21, an actor is privileged to use nondeadly force for the purpose of defending himself or herself against another only if the actor reasonably believes that

(1) the other is intentionally inflicting or is about to intentionally inflict unprivileged force upon the actor;

doctrine, the victim has a right to defend, a right against police brutality, and a right against excessive force.¹¹⁸

It is recommended for government actors to be limited in their use of government resources to violate rights.¹¹⁹ Publicly-supplied health insurance should not cover their injuries if charges (e.g., mayhem and arson) are pressed against them; if they escalate the confrontation; break other laws; or are injured while overcoming, countering, or ignoring self-defense.¹²⁰ Spouses colluding criminally with

(2) the force that the actor is using is proportionate to the other's force or threat of force; and (3) the actor can prevent the other's force or threat only by the immediate use of the force that the actor is employing.

(b) The privilege stated in Subsection (a) exists even if the actor knows or reasonably should know that he or she can safely avoid the necessity of defending himself or herself by retreating or otherwise giving up a right or privilege.

¹¹⁸ *Id.*

¹¹⁹ 42 U.S.C. § 1983 (2021).

¹²⁰ KS Stat § 21-5812 (2021). This statute is about War on Drugs and War on Terror.

21-5812. Arson; aggravated arson. (a) Arson is:

(1) Knowingly, by means of fire or explosive damaging any building or property which:

(A) Is a dwelling in which another person has any interest without the consent of such other person;

(B) is a dwelling with intent to injure or defraud an insurer or lienholder;

-
- (C) is not a dwelling in which another person has any interest without the consent of such other person; or
 - (D) is not a dwelling with intent to injure or defraud an insurer or lienholder;
 - (2) accidentally, by means of fire or explosive, as a result of manufacturing or attempting to manufacture a controlled substance or controlled substance analog in violation of K.S.A. 2014 Supp. 21-5703, and amendments thereto, damaging any building or property which is a dwelling; or
 - (3) accidentally, by means of fire or explosive as a result of manufacturing or attempting to manufacture a controlled substance or controlled substance analog in violation of K.S.A. 2014 Supp. 21-5703, and amendments thereto, damaging any building or property which is not a dwelling.
 - (b) Aggravated arson is arson, as defined in subsection (a):
 - (1) Committed upon a building or property in which there is a human being; or
 - (2) which results in great bodily harm or disfigurement to a firefighter or law enforcement officer in the course of fighting or investigating the fire.
 - (c) (1) Arson as defined in:
 - (A) Subsection (a)(1)(A) or (a)(1)(B) is a severity level 6, person felony;
 - (B) subsection (a)(1)(C) , (a)(1)(D) or (a)(3) is a severity level 7, nonperson felony; and
 - (C) subsection (a)(2) is a severity level 7, person felony.
 - (2) Aggravated arson as defined in:
 - (A) Subsection (b)(1) is a:
 - (i) Severity level 3, person felony, if such crime results in a substantial risk of bodily harm; and
 - (ii) severity level 6, person felony, if such crime results in no substantial risk of bodily harm; and
 - (B) subsection (b)(2) is a severity level 3, person felony.
- History: L. 2010, ch. 136, § 98; L. 2011, ch. 30, § 37; July 1. *Id.*

Ark. Code Ann. § 5-38-202 (2021). This statute in Arkansas is about mayhem, which can be a form of domestic violence, crime, corruption, terror, etc.

5-38-202. Causing a catastrophe -- Threatening to cause a catastrophe.

(a) (1) A person commits the offense of causing a catastrophe if

abusive officers should not receive insurance benefits, including life insurance.¹²¹ All law

he or she knowingly causes a catastrophe by:

- (A) Explosion;
 - (B) Fire;
 - (C) Flood;
 - (D) Avalanche;
 - (E) Collapse of building;
 - (F) Distribution of a poison, radioactive material, bacteria, or virus; or
 - (G) Another dangerous and difficult to confine force or substance.
- (2) Causing a catastrophe is a Class Y felony.
- (b) (1) A person commits the offense of threatening to cause a catastrophe if he or she:
- (A) Contacts any person, company, corporation, or governmental entity; and
 - (B) Threatens to cause a catastrophe by explosion, fire, flood, avalanche, collapse of building, release of a poison, radioactive material, bacteria, or virus, or another dangerous and difficult to confine force or substance, unless:
 - (i) Paid a sum of money or any type of property; or
 - (ii) The person, company, corporation, or governmental entity performs a requested act.
- (2) Threatening to cause a catastrophe is a Class D felony.
- (c) In addition to any other restitution ordered under 5-4-205, a court may order that a person who violates this section make restitution to the state or any political subdivision of the state for any cleanup costs associated with the commission of the offense.
- Id.*

¹²¹ Ark. Code Ann. § 5-38-202 (2021). *Infra* notes through note 143 and other notes describe circumstances relating to flight. Trees, rocks, dunes, etc. cannot flee. They are stationary allies. Many dwell on university campuses. These campuses, often taken by spouses and lovers in pyramid schemes to dominate or harm women and impoverish or embarrass men, are transformed into castles and forts that are guarded, maintained, and profitable. These compounds contain properties and edifices with hundreds of torture victims, mountains, coast, boats, classrooms, laboratories, lasers, stadiums, showers, farms, equipment, cranes, weapons, poisons, knives,

enforcement is offered the same right—a fair fight.¹²² Along with the obligation also comes the opportunity to defend against fellows, these include meter maids, airport security, The Department of Homeland Security’s Transportation Security Administration (TSA), servicemembers Absent With Out Leave (AWOL), and nurses.¹²³ The doctrine also supports fair flight.¹²⁴ While it is broad and based on one’s knowledge of or sincere belief in his or her innocence and clarity of conscience, one is under no obligation to fight for the order within the jurisdiction.¹²⁵ One need not subdue police, surrender health, or fall into

cameras, X-rays, radars, roads, etc. The students increasingly have become indoctrinated to succumb to and perpetrate combat and accept and create disorder, including self-oriented hierarchical ambition and feigned undue credit.

¹²² See also, Fla. Stat. § 394.47891 (2021). This statute says that veterans may be treated for their mental problems when they are convicted of crimes when their problems stem from war and service-related injuries.

¹²³ Florida Mental Health Act of 1971 (“Baker Act”), Fla. Stat. §§ 394.451-394.47891 (2019). 10 U.S.C. § 886, Art. 86 (2022).

¹²⁴ See Ark. Code Ann. § 5-38-202 (2021).

¹²⁵ *But see* UNITED NATIONS BLUE BOOK. 9. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Protection Principles), Use of Terms, a. 9. 10. Covenant, Article 9, para 1. “1.4 Arrest is depriving a person of his or her liberty, otherwise expressed as “the act of apprehending a person for the alleged commission of an offence or by the action of an authority.9 No law enforcement official shall make any arrest which is unlawful or unnecessary.10” *Id.*

the government's regimen.¹²⁶ One may flee to avoid injury without attacking the aggressor.¹²⁷ The government cannot require or weakly reward the conscription of citizens into a disciplinary scheme to subdue bandits wearing the government's garb; and the same is true of all federal uniforms.¹²⁸

B. Non-humans

Flight rather than fight may be desirable to humans and animals when they are attacked.¹²⁹

¹²⁶ *Id.*

¹²⁷ *But* Ark. Code Ann. § 5-38-202 (2021).

¹²⁸ UNITED NATIONS BLUE BOOK, Geneva Convention. 18 U.S. CODE § 2441 (2021).

¹²⁹ The three-fifths clause is found in U.S. Const. art. I § 2, cl. 3. "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons." *Id.* Anti-slavery law is located here, U.S. Const. amend. XIII. "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." *Id.* Representation is decided according to population, and that law is here, U.S. Const. amend. XIV § 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States,

Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State. *Id.*

Voting is permitted according to this law, U.S. Const. amend. XXVI § 1. “The right of citizens of the United States, who are 18 years of age or older, to vote, shall not be denied or abridged by the United States or any state on account of age.” *Id.*

The purpose of this section is to elucidate the Author’s thoughts on animal rights and well-being to avoid misuse of the public welfare and grant to animals’ rights through representation that will manifest in protection to avoid the resort to use self-defense. The three-fifths clause of Article I § 2 need not suffer from revision in principle due to the ratification and invocation of the Thirteenth Amendment. It needs to be untethered from the provision in § 2 of the Fourteenth Amendment calling for the federal government to ensure states’ rights. Three-fifths of all animals in a state, including police dogs, working seals, birds in cages, elephants in zoos, and the like, may influence decision-making. Animals appearing in entertainment shown or viewed in the United States, working with corporations doing business in the United States, receiving funds from Americans, etc., in principle, could seek or be entitled to representation. The reason for applying the three-fifths standard could be that some animals will travel between states. They should not be represented twice. Some are represented by special humans and do not want representation, political control, surrogate caregivers, and are controlled by others, including their parents and mates. They may feel like they ought not receive representation due to animals’ particular community rules. Representatives should meet in caucuses to discuss animals’ representation, which does not directly require animal representatives of a particular type to speak on behalf of all the others. Groupings may represent animals scouring for drugs with port authorities, animals in stage performances and at zoos, wild and domesticated breeds of donkeys, imported wildlife, and handicapped animals providing services to handicapped people providing services to handicapped animals. Furthermore, representation cannot be limited to humans. For example, reasons that males miss voting range

Citizens seeking immediate revenge and punishment may strike aggressors to thwart attacks, yet they cannot be better protected than those seeking quickly to regain peace.¹³⁰ Avoidant situations include flight from canines and patrol vehicles.¹³¹ Canines may be unwilling to release individuals struggling for freedom, thus flight may be a necessity.¹³² Furthermore, striking an animal may be unconscionable because of the injury and degradation to an animal trained to perform lawfully but given false information and forced to work under strained conditions.¹³³ Any actions greater than required to flee or prevent the bite will be criminal and tortious, amount to deprivations, and possibly cause harm to the animal, owner, and government.¹³⁴ In cases involving innocent animals, heightened

from domestic violence and oppression by spouses and children to sabotage and corruption by law enforcement and caregivers. Non-voters cannot receive adequate representation when animals are neglected by Congress.

¹³⁰ 18 U.S. Code § 2441 (2021).

¹³¹ *Infra* note.

¹³² U.S. Const. amend. VIII.

¹³³ People for the Ethical Treatment of Animals (PETA), www.peta.org.

¹³⁴ 18 U.S. Code § 2441 (2021).

protection due to obviousness of patriarchal foul-play is preferable to unfair demise.¹³⁵ This does not encourage police to deploy K-9 units.¹³⁶

Likewise damaging a vehicle may be relatively riotous and insulting to the proper use of the machine, and thus flight may be preferable.¹³⁷ Inmates in the government's custody are justified in fleeing from prison and using force when falsely convicted.¹³⁸ Though some may be guilty but incarcerated according to the government's false theory and justified in their belief that the government acted illegally through agents, a truly innocent person could be driven to escape under the right to habeas corpus.¹³⁹ Fleeing from prison, if innocent or if serving concurrent sentences and the punishment is certain to have been different had the law been followed, may be warranted, but not when

¹³⁵ Cusack, *Blind Rhyme*, 19 J. L. & SOC. DEVIANCE 3. Saucier, 533 U.S. 194.

¹³⁶ *Infra* note.

¹³⁷ Like farm equipment, but unlike a tank. 18 U.S. Code § 2441.

¹³⁸ Minn. Stat. § 609.06 (2021).

¹³⁹ U.S. Const. art. I § 9, cl. 2. "The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it."

other remedies have already satisfied the aggrieved.¹⁴⁰ Those aiding these people are also excused under doctrines involving exigent circumstances, danger, rescue, excusal for trespass in tort law, etc.¹⁴¹ Similarly, those detaining and imprisoning the innocent are aggressing against the reputations of those who do not.¹⁴² Those implicated seem culpable and are warranted in their enforcement of law and order in defense of and to protect the innocent and free.¹⁴³ Thus, flight to escape and thwart attacks, for example those involving animals and machines, may better protect and defend innocent individuals than fighting and use of self-defense.¹⁴⁴

¹⁴⁰ Minn. Stat. § 609.06 (2021).

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.* Free persons are entitled to rights.

¹⁴⁴ *Infra* note.

C. Accountability and Culpability Shared by Officers

The public and the government may hold officers responsible.¹⁴⁵ Officers who violate citizens' rights are liable for brutality, torts, and other violations unless they are immunized by their employers.¹⁴⁶ The doctrine of qualified immunity holds that when a citizen possesses clearly-defined rights and officers willfully violate them, the officers will be held liable.¹⁴⁷ In cases in which officers pose a harm through injustice and violative conduct, the government is obligated not only to immunize officers, but also act on behalf of victims.¹⁴⁸ Officers are liable, and, for example, should be immediately sanctioned within their neighborhoods.¹⁴⁹ If a person alleges malicious prosecution under the Fourth Amendment, then independent officer panels, including appeal boards, are to review an officer's

¹⁴⁵ Cusack, *Blind Rhyme*, 19 J. L. & SOC. DEVIANCE 3. *Saucier*, 533 U.S. 194.

¹⁴⁶ *Saucier*, 533 U.S. 194.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

facts before making a finding of probable cause, which will not be useable against a suspect at trial unless that defendant opens the door.¹⁵⁰ If wrongfully arrested, then a standard sum denoted in a statute should be paid, like an unfair and wrongful prison term in some states, and paid to the total network of people, animals, property, etc. against whom and which police caused torts and crimes to be committed.¹⁵¹

The fair fight and flight doctrine may apply to all government employees placing people in similarly dangerous and unauthorized circumstances, including bad teachers, racist school guards, damaging county roadside assistance, and others.¹⁵² Development of statues and doctrines for prison, a place from which people may not escape, is necessary.¹⁵³ Guilty people residing in prison may require fair fight and flight protections to be articulated by members of the court, the government,

¹⁵⁰ 42 U.S.C. § 1983 (2021); *Winfrey v. Rogers*, 901 F.3d 483 (5th Cir. 2018).

¹⁵¹ Ala. Code § 29-2-159 (2019); Me. Rev. Stat. 14 § 8242 (2020).

¹⁵² 42 U.S.C. § 1983 (2021); *Rogers*, 901 F.3d 483.

¹⁵³ Me. Rev. Stat. 14 § 8242 (2020).

corrections departments, and in the law.¹⁵⁴ The Eighth Amendment protects incarcerated people from torture, and, thus, an inherent, although temporary right to flee, may be imbedded in a human right to avoid unfair punishment.¹⁵⁵

Awareness of misconduct must be presented to the public.¹⁵⁶ Changes in official policies are to be announced, so that citizens avoid and the government prevents sneaking.¹⁵⁷ All attacks are to be quelled by the exercise of a right to fair fight and flight when desired by the targeted victim.¹⁵⁸ Citizens cannot attack a working animal except in the strictest circumstances when flight is not possible and, for example, shock or bite will occur immediately.¹⁵⁹ Those people must be 100% certain of one's innocence for any conceivable charge.¹⁶⁰

¹⁵⁴ Fla. Stat. § 776.012 (2021).

¹⁵⁵ U.S. Const. amend. VIII. This coalesces with the Thirteenth Amendment's prohibition against slavery. U.S. Const. amend. XIII.

¹⁵⁶ 42 U.S.C. § 1983 (2021).

¹⁵⁷ *Id.*

¹⁵⁸ Fla. Stat. § 776.012 (2021).

¹⁵⁹ *Id.*

¹⁶⁰ *Id.* See 42 U.S.C. § 1983 (2021). A possible and potential feeling of innocence is one which the totality of the circumstances affirmatively indicates the person as completely being innocent

They cannot attack to harm, and must flee as soon as practicable.¹⁶¹ Surrender is preferable to animal harm or agitation in probably any circumstance.¹⁶² Later, satisfaction is guaranteed.¹⁶³

without any impermissible bias issued by the contemplating suspect, a victim, in his or her favor to overcome an unlawful finding of probable cause. The lowest measure of weight given may be 51%, a proverbial certainty, to find probable cause lawfully. A 51% (e.g., 50.598%) likelihood is one probability standard used by some officers, prosecutors, judges, etc. which cannot be confused with a false charge by errant actors when ascertaining one's right to fight an animal attack. Deviant and undefined thinkers and actors, who believe that there is a reasonable doubt about their criminality, are not similarly situated with those who are conscientious and innocent. Reasonable doubt protects defendants on-trial. They are protected against the government's case particularly because it involves loss of prowess, asserted falsities, poor scope, withering veracity, laziness, inaccuracy, diminished expertise, and other unjust kinds of efforts and attempts to accomplish the aims of justice and professional work product. No animal, including those working for the government, may be harmed. This is true, particularly for the accused, for example a culpable person and defendant. A culpable person is a guilty party, who will confess and plead. A defendant is a person who believes his or her innocence and will assert the right to request to defend his or her innocence by demonstrating a particular perspective, involvement, lack of assertiveness, etc., in a public hearing. Therefore, total certainty and clarity about one's right to be free from an attack by or process of the government is recommended to justify the use of force overcoming an animal.

¹⁶¹ Fla. Stat. § 776.012 (2021).

¹⁶² *Id.*

¹⁶³ 42 U.S.C. § 1983 (2021).

V. CONCLUSION

The government must protect people from the lowest attacker, one seeking to make the law a private force against the innocent.¹⁶⁴ Citizens have a right to fight and flee.¹⁶⁵ They must use these tactics to avoid harm, and yet, the government should not obligate them to engage the system following mistreatment, for example, the defendant must not be forced to plead not guilty and raise procedural errors.¹⁶⁶ Police should be thwarted from unfair and excessive actions by doctrines that defrock unprofessionally used uniforms and support fair fight and flight.¹⁶⁷ A doctrine in tort law provides that group knowledge should be treated under the doctrine of transferred intent.¹⁶⁸ What one officer

¹⁶⁴ U.S. Const. amend. III.

¹⁶⁵ See e.g. Fla. Stat. § 776.012 (2021).

¹⁶⁶ U.S. Const. amend. V.

¹⁶⁷ *Id.* Sometimes, visibility may seem like a way to alert the community to the whereabouts of the most aggressive persons. These persons may be as likely or more likely than others to commit crimes, and thus, positioning these people, for example placed on patrol, in public places may benefit society.

¹⁶⁸ See also § 10 *Participation in an Intentional Tort*, Restat 3rd, Intentional Torts to Persons Tent. Draft 3-10.

intended to subject the police department to is what all who knew also intended.¹⁶⁹ Constructive knowledge should be held against police officers.¹⁷⁰ When all of the officers each knows enough to determine that each of the officers as an individual, or that the entire group, lacks probable cause then they cannot use the government's power.¹⁷¹ When police have not disproven through lawful means the person's innocence and rights to fight and flight, then they are to be rebuffed by the individual and government.¹⁷²

“An actor who knowingly and substantially instigates, encourages, or assists another person's commission of an intentional tort of battery, purposeful infliction of bodily harm, assault, intentional infliction of emotional harm, or false imprisonment is subject to liability for that tort, even if the actor's conduct does not independently satisfy all elements of the underlying tort.”

¹⁶⁹ The officers may have intended to cause the officer to appear incompetent, but they acted against the state. § 110 *Transferred Intent*, Restat 3rd, Intentional Torts to Persons Tent. Draft 1-110. Awareness that a right is clear demonstrates intent to disavow the state's authority, which damages the state. That is one reason why officers intentionally violating rights should not be immunized, but instead, held to a self-defense standard. 575.145

¹⁷⁰ Duration and frequency may be evidence of constructive knowledge in torts. *See e.g.*, Fla. Stat. § 768.0755 (2021).

¹⁷¹ § 10 *Participation in an Intentional Tort*, Restat 3rd,

¹⁷² U.S. Const. amend. IV. U.S. Const. amend. V.

Violative conduct cannot be justified.¹⁷³ When corrupt officers can be deterred and citizens can be protected from them, then the government is obligated to maintain order.¹⁷⁴ If citizens must defend themselves then force against officers is justifiable.¹⁷⁵ When citizens are attacked under the color of law, they cannot be required to submit to attacks and then sue to enjoin, defend in criminal court on procedural and substantive grounds, and seek financial and other forms of restitution.¹⁷⁶ They must exercise rights to defend and liberate themselves from attack.¹⁷⁷

The doctrine of fair fight and flight is clear.¹⁷⁸ It is the law, representing a wide range of problems and the solutions.¹⁷⁹ The fair fight and flight doctrine thwarts attack.¹⁸⁰ Fight and flight protect animals and property.¹⁸¹ The government must increase effort to

¹⁷³ U.S. Const. amend. V.

¹⁷⁴ U.S. Const. amend. IV.

¹⁷⁵ U.S. Const. amend. III.

¹⁷⁶ 42 U.S.C. § 1983 (2021).

¹⁷⁷ U.S. Const. amend. III.

¹⁷⁸ *See supra* Sections I-IV.

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

enforce rights and uphold the law, especially for the innocent.¹⁸² Case law and statues notify the public, for example, of vital underlying customs, ethics, safety procedures, emotional thresholds, sacred turf, professional expectations, and norms for decorum.¹⁸³ Refurbishment of local ordinances, opinions, and state and federal codes is not feasible, but, ultimately, could be profitable and fortuitous.¹⁸⁴ Statutory annotations may be helpful, education could be progressive, and policies must positively inform innocent and guilty persons and the public sector.¹⁸⁵ Updates should include these legal issues, analyses, and conclusion.¹⁸⁶ Officers cannot make arrests when they are criminals, thus self-defense should be reduced through the government's adherence to this Article.¹⁸⁷ Lastly, animals and machines should be treated in conformity with the law.¹⁸⁸ In summary,

¹⁸² 42 U.S.C. § 1983 (2021).

¹⁸³ *See supra* Sections I-IV.

¹⁸⁴ *Id.*

¹⁸⁵ *See* Appendix A

¹⁸⁶ *See supra* Sections I-IV.

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

the doctrine of fair fight and flight is in effect the law.¹⁸⁹

¹⁸⁹ U.S. Const. amend. I-XXVII.

Appendix A

The Third Amendment is useful for combatting battery from the state. U.S. Const. am. III. The Third Amendment of the United States Constitution states, “No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.” *Id.* The Third Amendment includes the doctrine of self-defense from any enemy combatant, soldier, or foreign soldier. *Id.* It entitles animals, plants, persons, and objects to protection from intrusion into the home. *Id.* The owner is represented in the dwelling place surrounding the protected entity and the person dwelling. *Id.* It is not far-reaching because it seeks to avoid tyranny, demise of the military, and armament of the people. *Id.* Without the Third Amendment, any corporation (e.g., construction company) could don a uniform and assume a position on a person’s property without permission. *Id.* This is impermissible. *Id.* The machinery is artillery and life-threatening. *Id.* The police are like the military, particularly when they act in concert with criminals (e.g., War on Drugs and War on Terror). *Id.* The widespread permeation of combat in the home, corporate sector, educational field, medical field, and in other areas has rendered the state a friend of the federal government. *Id.* In these warlike environments—and others—the government may assume that the prohibition against soldiers quartering extends to state realms. *Id.* The police, state actors, cannot assume that the government will not prosecute them under this provision simply because they don the state’s uniform. *Id.* The state and federal governments may prosecute the perpetrators. *Id.* Prosecution may not be required. *Id.* Terror requires a new confrontation and while the War on Drugs has connected the two, normal armies may be in cahoots with non-army members. *Id.* Thus, as the public relies on the government to prevent infringement, it is authorized to invoke this provision on the people’s behalf at large and specifically. *Id.* For example, an empty house may not be entered without permission from the owner. *Id.* Thus, the capture of private property (e.g., force-placed insurance) in cahoots with war is an infringement from afar that not only amounts to a taking when the government’s orders fail to suffice, the infringement is a total abridgment of peace and quiet entitled to the owner. *Id.* U.S. Const. am. V. An object (e.g., a patented robot) may own property (e.g., a purse) and when that purse is a home, the object cannot be penetrated by the military for the purpose of use without consent from the owner during peacetime. U.S. Const. am. III. The military’s role in government is too precious to abrogate with use of the private home as a barrack. *Id.* And thus, when the military is in need, proper sufficiency must be produced for them to combat the police. *Id.*

The Third Amendment segregates male and female roles. *Id.* While military work is not apt for females, they have served valiantly on the frontlines. *Id.* What is more is that without the Third Amendment, they would be forced to choose between a duty call and guard of the home, which is entrusted to women during war. *Id.* Men work to protect the frontier and external barriers, but women are left to dwell alone. *Id.* A woman answering a service call would be asked to choose between quartering in her children's home and working for "the man." *Id.* There is no in between. *Id.* The male is asked to leave his home and cannot return under inauspicious circumstances resulting in domestic violence, usurpation, sex schemes, homosexual misconduct of either variety, or a pyramid scheme amounting to burglary. *Id.* He cannot transform his home into the government's palace. *Id.*

Gangs led by leaders who have access to the courts, policemen, judges, the clergy, mother figures, and others of importance to the community may be equally responsible to an enemy combatant when the scope of their wrongdoing exceeds mere crime. *Id.* The crime at hand is a terrorizing maneuver to cause people to believe that LIBERTY has fallen. *Id.* The entrance of a terrorist soldier into the home amounts to a deprivation of the pursuits of happiness. *Id.* Happiness is a fundamental right, in the home. *Id.*

The waste-entertainment complex seeks to promote the image of gangs. *Id.* It dresses women in fatigues, arms actors, asks men to brag about crime through muses, and tells children to run through hallways. *Id.* It is a terror. *Id.* It can be redeemed by family pictures, etc. *Id.* However, it terrorizes people by pretending that soldiers can be quartered in the home. *Id.* This includes sailors, etc. *Id.* They are not to be bothered by First Amendment representation. *Id.* They seek to terrorize the common man, not express dissent against the government or others. *Id.* Entertainment played in the home is not a weapon, but when the entrance of soldiers results in the introduction of arms into the home, the propaganda instigating their revolt against the Third Amendment must be constrained. *Id.* They are to be held responsible, socially, religiously, and otherwise for their defect. *Id.*

Neither animals nor plants, etc. may be subjected to mistreatment. *Id.* When agents, including police, trounce the sedentary, they may presume non-offense. *Id.* This is incorrect. *Id.* They may invoke the Third Amendment permanently and without equivocation at all times to seek remuneration, truth and reconciliation, and justice. *Id.* They are not subject to the constraints of the Geneva Convention or other friendly alliances seeking to prevent the intrusion of soldiers. *Id.*

The Third Amendment is a living breathing entity seeking to establish peace on Earth. *Id.* It extends to the boundaries of the country, yet the ancient doctrine is the second legal premise. *Id.* It follows, do no harm. *Id.* The second is protect no aggressor against one's person. *Id.* The soldier cannot be quartered in a home because he violates the home by conducting business there for the government and only for himself. *Id.*

The Third Amendment works together with all the Amendments, First, Second, Fourth, Fifth, Sixth, Thirteenth, etc. *Id.* The assault upon the freedoms of the American mentality begins with condonation of intrusion. *Id.* For example, the Twenty-First Amendment legalizes alcohol, but it is prohibited by the Eighteenth Amendment. *Id.* Condonation of taxed alcohol is the basis for the government's description of intrusion. *Id.* It should be taxed at half the rate because the government cannot condone such large portions. *Id.* Every beverage seems to be twice as large and contaminous as can be handled by a person seeking to drink throughout a night. *Id.* Yet, it taxes at the same rates as other similar fare. *Id.* This is a crime, and part of the War on Terror. *Id.* Some states, people, and other entities have a distinct and notable right to ask the government not to introduce the push for alcohol within its walls. *Id.* Soldiers may request alcohol within a home. *Id.* It is a governor's right to refuse to bar tend. *Id.* Thus, the soldier cannot be introduced. *Id.* What is more is that each state may proscribe drinking and thus the soldiers require federal barracks. *Id.* See *Dole*, 483 U.S. 203.

The Sixth Amendment, stating "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence," may prevent soldiers from seeking quarters with their relatives particularly when domestic violence would result (e.g., interest in and against arms). U.S. Const. amend VI. U.S. Const. amend III. The Sixth Amendment is not just to prevent children from wrongly accusing their pedophile molesters. U.S. Const. amend VI. It is to help people to avoid domestic violence perpetrated on them by the courts, police, clerk's office, government of a federal proportion, etc. *Id.* The Sixth Amendment ensures that the domestic sphere should remain separate from the law when prosecution is in effect. *Id.* War is prosecution on a mass scale. *Id.* The current wars,

mentioned afore, demonstrate the social castigation of perpetrators (e.g., banks) and the reprisal suffered by careless thrill seekers and revenue suckers. *Id.* The Sixth Amendment thus stands for the right to confront gender roles which enter the home or private matters through the force of law. *Id.* Sixth Amendment right to confrontation may be violated by laws that prosecute people for self-harm or harm against the state or government when no individual, place, or institution is harmed—victimless crimes. *Id.* A solution for soldiers living in areas contaminated by drugs (e.g., wife or coup members in the home) is that the burden could be shifted to establishments where the noticeable possession or sale of drugs is prohibited or interrupts business. *Id.* While they may alert the authorities, they would be under no obligation to transform the home front into the frontline, thus giving women permission to enter. *Id.* The separation of spheres is inherent in the Sixth Amendment which changes the family dynamic from the ultimate judge to the subjection of the court. *Id.* Children, thus, can be tried as enemy combatants. *Id.* Participation in prosecution after police eject the accused from the premises should be optional. *Id.* Public and private places must ban possession and sale of drugs. *Id.* Drugs transported on foot, using a bicycle, or in a car may be unfrontational from the point-of-view assumed by the United States military member living in his own home. *Id.* When consumed in a home, there may be no need to prosecute, when the member is not confused or willingly subjected to the nuisance of odor, the sound of water pipe smoking, the sound of pills pouring from a bottle, contact high, smoke, intrusion of residue, etc. *Id.* Rehabilitation is not prescribed by the Sixth Amendment—which is unmerciful—and is an option for sanction when the possession or sale is in conjunction with another crime. *Id.*

Males in the home represent authority and may attempt to overthrow the delicacy of family energy. *Id.* Women are combatants when they overthrow the male or female energy. *Id.* The male stationed in the home cannot be forced to keep peace for another man or woman against his gender, which in America is monogamous (i.e., heterosexual). *Id.* Long-lasting relationships are normal, though not required by culture. *Id.* Thus, he cannot be imposed into the home by a government seeking to reestablish culture. *Id.* The overthrow of American values cannot be feigned by enemy combatants any more proficiently than soldiers can be asked to be surrogate husbands or make provisions for wives seeking to own two homes, particularly those seeking new homes in wooded areas. *Id.* Meaning, they seek to invade the homes of others at the expense of those perceived as being smaller and weaker (e.g., animals, plants, and existing objects). *Id.*

A car may be home, like a trailer, or like part of a home (e.g., open back porch). *Id.* It may not be searched. U.S. Const. amend IV. A text message sent may be a disruption to the road, but may be no grounds for an officer to intrude into the car. *Id.* A car may not be pulled over so that an officer can investigate the purpose of person's use of a phone, for example, switch a map to music or sending a textual phone call. *Id.* The phone call is prohibited, but the entertainment is not. *Id.* Thus, the government cannot elicit information from a motorist about the contents of his transcription to a satellite. It is protected under the Sixth and Fourth Amendments due to the targeted nature of law enforcement's use of search laws to fortify the morale of enemy combatants. *Id.* U.S. Const. amend VI. A grocery store is an extension of the home under the Third Amendment, objects intended to terrorize, placed there by the government (e.g., subsidized meat) may be part of the War on Terror. U.S. Const. amend III. While soldiers may be stationed there (e.g., hurricane shelter) much to the chagrin of existing doctrines prevailing in most circumstances, they cannot be used to block people from accessing the supplements they need for daily life. *Id.* This is tyranny and violates the Second Amendment, too. U.S. Const. amend II. Observation of shopping habits and notifications about homelife activity (e.g., water company fraud and duress during price hikes) cannot go unnoticed under the Sixth Amendment's invocation during these Wars on Terror and Drugs. U.S. Const. amend VI.