

April 15, 2021

Pete Buttigieg Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Avenue S.E. Washington, DC 20590

Department of Transportation Agency Secretary David Kim
CALTRANS
P.O. Box 942873
Sacramento, CA 94273-0001

General Information:
(916) 654-2852
Public Affairs/Media Line:
(916) 657-5060
All districts here: <https://dot.ca.gov/contact-us>

District 12 – Irvine/Orange County
1750 East 4th Street, Suite 100
Santa Ana CA 92705

Department of Civil Rights
<https://dot.ca.gov/programs/civil-rights>

California Fair Employment and Housing
www.dfeh.ca.org

Attn: Secretary Kim,

On the Caltrans website, this statement appears:

Mission

Provide a safe and reliable transportation network that serves all people and respects the environment.

And this statement also appears:

We will achieve equity when everyone has access to what they need to thrive — starting with our most vulnerable — no matter their race, socioeconomic status, identity, where they live, or how they travel.

There are also links to CIVIL RIGHTS and ADA ACCESS.

These statements and links show that CALTRANS is aware of its charter to provide transportation and “transportation equity” in California.

Therefore, it is very troubling to me that I have frequently been seeing signs on the front of Caltrans buses that say, “No Mask, No Service,” and “No Mask, No Ride.”

Normally this is the sign that displays the destination of the bus.

I’m confused as to how the buses can be displaying a sign that says, “No Mask, No Service” and “No Mask, No Ride” as these are serious violations of civil rights and ADA state and federal laws.

That would be like displaying signs that say:

“No Blacks Allowed on Bus.”

“Handicapped People Not allowed on the Bus”

“Old People Not Allowed on the Bus.”

“Muslims Are Prohibited from Service”

You see, I am a Christian, and I do not veil my face with any sort of mask, face covering, shield, nothing. I do not put anything on my face, and that practice is protected by several laws.

I know that Caltrans is aware of these laws, including state and federal ADA laws, civil rights laws and other non-discrimination laws.

Caltrans has links to these laws and is required to uphold them, regardless of any state of emergency, pandemic or executive orders.

If there has been a new law passed that allows such blatant discrimination against a member of the public who wants to take public transportation, please alert me to it.

Please direct me to the bill that was passed by our state legislative body, along with the date it was signed into law by the Governor.

I am also requesting the code of law and the date it was written in the California Code of Regulations.

As you know, the legislative branch of government is the only branch has law-making power, as we the People have consented to in the U.S. Constitution.

I’m not aware of any legislative action that was taken to create such a law.

Laws start out as bills, and then the public comments on these ideas for laws. There is debate, and bills are sent to different committees to be modified based on the input of We the People.

I'm not aware of a bill that was introduced into our legislature, that had public debate, that was passed out of committees, and that was signed into law by the Governor.

Here are the laws

No emergency order, executive order, policy, measure, rule, protocol, strategy, suggestion, guidance, recommendation, resolution or proclamation is a law.

Executive orders only apply to the executive branch of government, and I am not in the executive branch of government.

Emergency orders are predicated on a state of emergency, and there is no evidence of any emergency. Further, emergency orders only apply to governmental resources and actions, not those of private individuals such as myself. Only legitimate laws can limit the behavior of an individual.

Even if there were conditions for an emergency, no emergency suspends one's rights as secured, guaranteed and protected by the United States Constitution and the Bill of Rights, which include the amendments to the Constitution.

Thus, I am requesting a written statement from the California State Transportation Secretary David Kim affirming and confirming that my rights to board any Caltrans bus with my bare face, as protected by state and federal laws, and to be served without discrimination, intimidation, threats, or harassment will be upheld. This means being served in the same and equal manner (not separate and segregated) as required by federal non-discrimination laws.

I'm sure you're aware that as a government official, any act of yours "under color of law" that deprives me of the rights and privileges as protected by the Constitution or the laws of the United States is a violation of Title 18, Section 242. This crime is punishable by a range of imprisonment that includes life in prison, or the death penalty.

You personally would be in violation of this crime and held responsible. There is no immunity for public servants under Title 18, Section 242. In fact, it is written explicitly for these situations to protect individuals from having their rights violated by any person acting "under color of law."

TITLE 18, U.S.C., SECTION 242

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Your statement and letter affirming your commitment to upholding my rights, as protected guaranteed and protected by the Constitution, and directing everyone in this Caltrans Department, including bus drivers, customer service clerks and others, is requested within ten days of your receipt of this letter.

Any statement to the contrary will put you at risk of violation of Title 18, Section 242, and will be handled accordingly.

Thank you,

The Healthy American
Peggy Hall
681 Avenida del Mar #681
San Clemente, CA 92674