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UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Case: Kirchner v. Ellison

Civil Action No.: _____

EXHIBIT I: Open Letter to Metro Area Minnesota Police Departments

This letter was distributed to Minnesota law enforcement leadership contemporaneously with the filing of the Petition for Declaratory Judgment and Injunctive Relief.

<!-- BEGIN LETTER - For email/mail distribution, copy from here -->

JOSEPH D. KIRCHNER

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January 27, 2026

Re: Kirchner v. Ellison, Case No. 0:26-cv-_____ (D. Minn.)

Open Letter to Metro Area Minnesota Police Departments

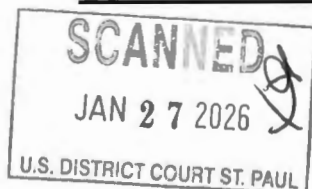
Dear Chief, Sheriff, or Commanding Officer:

Purpose of This Letter

On January 27, 2026, I filed a petition in the United States District Court for the District of Minnesota challenging the constitutionality of Minnesota Statute § 626.89 (the Peace Officer Discipline Procedures Act) and the federal doctrine of qualified immunity. The case is now pending as *Kirchner v. Ellison*, Case No. 0:26-cv-_____ (D. Minn.), and the full petition and supporting memoranda are available on the court's electronic docket.

I am writing to Minnesota law enforcement leadership not as an adversary, but as a fellow citizen who believes that constitutional compliance and effective policing are the same goal—not competing ones.

I humbly request that you review this letter and consider whether you might lend your support to constitutional accountability reform.



The Legal Argument

One People Cannot Be Bound by Separate Bills of Rights

The Constitution establishes one set of rights for all Americans. The Ninth Amendment was explicitly ratified to prevent the expansion of government power beyond constitutional boundaries:

> "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

This amendment exists precisely to prevent what qualified immunity has become: a **judge-created** expansion of government power that occurred entirely outside the Article V ratification process. No constitutional amendment grants law enforcement officers immunity from accountability for constitutional violations. The Supreme Court invented this doctrine in *Harlow v. Fitzgerald* (1982), and lower courts have expanded it ever since—without the consent of the governed, without constitutional authorization, without democratic process.

When officers operate under a separate accountability framework than the citizens they serve, we no longer have one Constitution. We have two bills of rights: one for those who enforce the law, and one for those subject to it. This is constitutionally impermissible.

The Constitutional Violations

My petition documents how qualified immunity violates seven constitutional provisions:

- **Article I, § 6** (Speech or Debate Clause) — the sole constitutional source of immunity, limited to legislators
- **Article III** — courts cannot create law; they can only declare it
- **Article IV, § 2** — citizens are entitled to equal privileges and immunities across jurisdictions
- **Article V** — constitutional change requires ratification, not judicial decree
- **Seventh Amendment** — citizens have a right to jury trial in civil cases
- **Ninth Amendment** — the Constitution cannot be construed to deny rights retained by the people
- **Fourteenth Amendment** — equal protection and due process apply to all

This Is Not About Defunding the Police

I want to be explicit: **I do not believe in defunding the police.** My petition moves in precisely the opposite direction.

I seek to **empower** law enforcement—not through unconstitutional immunity grants that erode public trust, but through the restoration of that trust. Officers cannot effectively serve communities that do not trust them. The path to effective policing runs through accountability, not around it.

I Have Been Working on This for Six Years

On June 2, 2020—eight days after George Floyd was killed—I stood at Lake Street and Nicollet Avenue in Minneapolis and spoke to a crowd about the importance of a singular bill of rights that binds the American people together. I spoke against the Law Enforcement Officers' Bill of Rights

(LEOBOR). I said then what I am filing in federal court now: **one people cannot be bound by separate bills of rights.**

After I spoke, I received one of the greatest embraces of my life from a stranger in that crowd. That moment convinced me that this message resonates—not because it is anti-police, but because it is pro-Constitution.

I have spent the last six years developing the legal arguments in this petition. This is not a theory in development. I am pointing to specific legal mechanisms that, under strict scrutiny, reveal contradictions that are logically irreconcilable:

- The Ninth Amendment **explicitly** prevents construing the Constitution to deny rights retained by the people
- Qualified immunity was **judge-created** outside the Article V ratification process
- The phrase "essentially objective" is **logically incoherent**—objectivity admits no degrees; a standard is either objective or it is not

These are not policy arguments. They are constitutional arithmetic that courts have declined to perform for forty years. The January 2026 killings did not create my petition—they demonstrated the lethal urgency of arguments I have been developing since I stood in that Minneapolis intersection in 2020.

Minnesota Has Already Proven This Works

Minnesota completed 2025 with zero officer-involved shootings. This extraordinary achievement proves that Minnesota law enforcement possesses the capacity for restraint, judgment, and self-accountability that qualified immunity assumes officers lack.

My personal interactions with Minnesota officers since the death of George Floyd have demonstrated a significant increase in awareness, community engagement, and empathy. I have witnessed officers who genuinely value the communities they serve and who understand that their authority derives from public trust, not legal immunity.

Local police have proven the ability to enforce law effectively without qualified immunity serving as a shield against accountability. The question is not whether Minnesota officers *can* operate under constitutional accountability—you already have. The question is whether Minnesota will lead the nation in formalizing what its officers have already demonstrated.

Recent Events Underscore the Need

The recent incidents involving ICE and off-duty Brooklyn Park police officers—where federal agents targeted officers of color for their immigration status—demonstrate that qualified immunity and administrative investigative discretion limit justice and accountability for everyone, including officers themselves.

When Chief Mark Bruley declared that ICE's actions were "not in accordance with the Constitution of the United States," he articulated the same principle underlying my petition: constitutional

1 compliance is not optional, and no government actor—federal, state, or local—operates above the
2 Constitution.

3
4 **ICE leaving Minnesota will not prevent the next tragedy caused by a lack of law enforcement**
5 **accountability.** What *can* prevent the next tragedy is a shared bill of rights, shared accountability,
6 and constitutional compliance that applies equally to all.
7

8 What This Does NOT Mean

9
10 I understand that officers may have concerns about what eliminating qualified immunity would mean
11 in practice. Let me be direct:

- 12
13 • **NOT** that officers will be personally bankrupted for good-faith mistakes
14 • **NOT** that departments lose the ability to defend officers against frivolous suits
15 • **NOT** that every complaint results in liability
16

17 It means that when officers violate clearly established constitutional rights, citizens have the remedy
18 the Constitution always guaranteed—and that remedy is determined by a jury, not dismissed by a
19 judge before trial. Officers who act in good faith have nothing to fear from constitutional
20 accountability. Officers who violate rights should face the same legal process as any other citizen.
21

22 What I Am Asking

23
24 My case may well succeed without any local police support. The constitutional arguments stand on
25 their own merit, and the relief I seek is restorative rather than punitive in character.
26

27 However, the purpose of this petition is not merely to prevail in court. It is to establish state and local
28 leadership that transcends the case itself—at a moment when our country desperately needs that
29 leadership.
30

31 I am not asking officers to sign anything they do not fully understand or believe. I am asking only
32 this:
33

34 **If, after reviewing my petition, you believe the constitutional arguments have merit—please**
35 **consider saying so.**
36

37 Any sign of openness from local law enforcement could establish exactly the local leadership our
38 country needs and demonstrate to the courts that accountability reform has the solidarity of those it
39 most directly affects.
40

41 I Am Available to Discuss This With You

42
43 I understand that this is a significant matter requiring careful consideration. I am available to:
44

- 45 • Speak with any officer who wishes to understand the petition and its effects
46 • Visit any station to explain the legal arguments and answer questions
47 • Discuss how constitutional accountability can improve community relations

My goal is not to impose anything on law enforcement. It is to restore what the Constitution always required: one set of rights for one people, equally applied.

Conclusion

Minnesota has an opportunity to lead. When George Floyd was killed on a Minneapolis street in 2020, Colorado responded by eliminating qualified immunity for state claims. Minnesota—where it happened—did not act. Now, with two more citizens killed by federal agents in Minneapolis in January 2026, the need for leadership has never been clearer.

I believe Minnesota law enforcement is ready for this moment. The zero officer-involved shootings in 2025 prove it. The professionalism I have witnessed since 2020 proves it. The question is whether Minnesota will formalize what its officers have already demonstrated—that effective policing and constitutional accountability are not enemies, but allies.

I respectfully invite you to join me in this effort.

Joseph D. Kirchner
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Optional Statement of Support

For officers or departments who wish to indicate their position:

STATEMENT OF SUPPORT / UNDERSTANDING

Case: *Kirchner v. Ellison*, Case No. 0:26-cv-_____ (D. Minn.)

I/We, the undersigned, have reviewed the summary of *Kirchner v. Ellison* provided in this letter and:

- ☐ **Support** constitutional accountability reform as described in this petition
- ☐ **Acknowledge** that the petition raises legitimate constitutional questions worthy of judicial consideration
- ☐ **Request further information** before taking a position

Name / Department: _____

1 **Title / Badge Number (optional):** _____
2

3 **Date:** _____
4

5 **Signature:** _____
6

7
8 _____
9 *This statement may be returned to legal@lawsofexistence.com or mailed to the address above.*