

David Alan Carmichael  
1748 Old Buckroe Road  
Hampton, Virginia 23664

August 20, 2007

**PERSONAL FOR:**

John C. Dugan, Comptroller of the Currency  
1301 McKinney Street  
Suite 3710  
Houston, TX 77010

Dear Mr. John C. Dugan,

I received a letter in the mail from Louis G. Morris, President and CEO of Old Point National Bank, wherein he offered free checking services to me saying, "Everybody gets free checking." There was a *caviat*, noted by asterisk, that the offer was subject to federal regulation limitations. That clearly implied that federal regulation was the only limitation to the offer. The offer had Mr. Morris's signature printed upon it.

I drafted a letter to Mr. Morris accepting his offer, requesting to open a free personal checking account. I hand delivered the letter to Old Point National Bank on Mellon Street in Hampton, Virginia, where Mr. Morris received it. I presented to Mr. Morris identification that he found suitable to fulfill the customer identification requirements, and the requisite \$25.00 minimum deposit. In my letter, I included a request for religious accommodation from the requirement to identify myself with a Social Security Number. I informed him that I had recently won an action at law in the Court of Federal Claims where I filed suit against the United States when their agency refused to consider my religious accommodation request to not be identified with a SSN. The SSN is the number of the Beast that the Holy Bible has prohibited us from using as a personal identifier. I requested accounts for myself and for my children. Mr. Morris told me that he was not allowed to give me a checking account because you, through one of your agents, told his staff that he was not allowed to grant me a religious accommodation.

Prior to May 9, 2003, it is clear that Mr. Morris was mandated by your regulations to request that I provide a SSN to open an account. However, being mandated to request that I render a SSN did not mean that he was prohibited from providing banking services to me if Biblical edicts prohibited me from associating with a SSN. My name and contact information could be kept on a list in case government agencies needed to know whether I had a bank account at any particular bank. There was a balance between the government regulatory need and personal liberty. It appears that the new banking regulation promulgated May 9, 2003, prohibits Mr. Morris from providing banking services to me after October 2003, unless I either identify myself with a SSN or apply for one. That requirement is like telling me that I cannot have banking services

unless I murder my neighbor, or divorce my wife, or engage in a homosexual act, or commit adultery, or confess blasphemy, all of which are abominations and strictly prohibited by Biblical edict. Though some of those practices have become popular in our society, along with associating with the number of the beast in order to do those things which are necessary in the ordinary course of life and business, they are non-the-less prohibited by law that is much higher than the law of the land. Though you may have been given authority to establish regulations, it is reasonable to me that you must do so in compliance with not only the Bank Secrecy Act, but also the Religious Freedom Restoration Act and the Religious Land Use and Institutionalized Persons Act, among other laws that may apply by implication.

I could see Congress requiring identification with a SSN (SSAN) in order to participate in Social Security, with the denial of Social Security as the recompense, since the SSAN is necessary as a recording keeping mechanism for SS records. I cannot see how Congress has been given authority under the Constitution to make the SSN an obligatory unique personal universal identification number under any clause in the U.S. Constitution. Even if they have made the SSN the number of the beast, I see no authority in the United States Constitution for them to impose it upon me, my household, and the members of our religious community against our will contrary to our obligations of religion. I can see nowhere in the U.S. Constitution that empowers them to impose sanctions against us through the means of granting authority to the Treasury Department to sanction us particularly for our adherence to the prohibition to not adhere ourselves with the number of the beast. Since the compelling interest of government is to secure our rights, Congress has instituted the Religious Freedom Restoration Act, and the Religious Land Use and Institutionalized Persons Act, 42 USC§2000bb & §2000cc respectively. You probably have Treasury Department Regulations that touch upon religious protections of law. Even if the U.S. Congress had the authority to sanction everyone in America by stripping them of their civil capacities, property rights, religious obligations and other reserved rights unless they associate themselves with the obligatory unique personal universal identification number, such a scheme is none-the-less limited in its imposition against those who are prohibited from participation on the basis of their religious duty. To deny me banking services under the cloak of the color of law unless I forsake the law of Almighty God violates the U.S. Constitution since that color of law would exceed Congress's authority in Article I; it violates the First, Fourth, Fifth, Ninth, Tenth, and Fourteenth Amendments; and it violates the laws of the United States enacted in pursuance of the Constitution. Law comes down to these two points – rights and wrongs. Denying me, my household and our religious community banking services unless we disobey Biblical prohibitions is wrong. Wrong is a violation of law and equity as well as the Constitution and the laws of the United States enacted pursuant thereof. No government actor is personally immune under the law when they violate the law while acting under the color of law.

It is reasonable for me to presume that you know, or should have known, that your agents are instructing Mr. Morris to refuse business with people like me unless we forsake our Biblical obligations to not identify with a SSN though we know it to be the number of the beast described in the book of Revelation. I have written to you directly

because I presume that you are accountable to the law for regulations, rules and policies that you either promulgate or enforce. Because of the regulations, rules and policies that you have promulgated or are otherwise enforcing under the color of law, I am suffering not only insult but injury, and I am prohibited from doing those things necessary in the ordinary course of life, business and ministry with regard to banking services and the common exchange of money and monetary instruments.

What obligations do you have to the United States Constitution by way of oath or other obligation, and what are your obligations to comply with the laws of the United States, Treasury Regulations notwithstanding? What is your capacity for making determinations with regard to banking practices as it relates to the law in total? What are your obligations or limitations regarding making discretionary decisions about religious accommodations relating to common procedural regulations?

If you do have obligations to uphold the United States Constitution and the laws of the United States, then I recommend that you speedily retract your instruction to Mr. Morris saying that he is supposed to refuse me as a banking customer unless I associate myself with a SSN. You are probably immune in your person from those actions taken by you that do not violate law. However, actions that you take that violate law under the color of your office may yet render you, in your private person, liable to penalties of law.

It may be that this letter is not well taken by those who are hostile to the liberties that I seek. For that I convey my most sincere regret. The things I have suffered, that my children have suffered, and that others in my religious community have suffered, are not well taken by me for the sake of my neighbor and my posterity. I intend to do whatever I need to do to secure liberty for myself, my posterity, and those of my Christian class.

I look forward to your reply and immediate correction of your instructions to Mr. Morris who said he would fulfill his promise to provide me and my family members with free checking 'but for' your instructions.

Sincerely,

cc: Henry M. Paulson, Jr., Secretary of the Treasury  
Louis G. Morris, President & CEO, Old Point National Bank