

David Alan Carmichael

May 23, 2007

Governor Tim Kaine
Patrick Henry Building
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RELIGIOUS ACCOMMODATION REQUEST

In 1786, the Virginia General Assembly instituted an act that no doubt intended to be an ever-present reminder of the authority structure of our law and government. It is cited in the Code of Virginia at §57-1 and §57-2. That act, and the Virginia Constitution's Bill of Rights, Article I, Section 16, refer to religion as the duty that we owe our Creator and the manner of discharging it. A contemporary writer of this government's founders, Sir William Blackstone, explained that those duties that we owe our Creator are laws that are higher than the mere municipal laws of men, those civil laws which we refer to as statutes. Men, the General Assembly, do not have the power to create law, they are merely tasked to direct government to apply and enforce law. Law is. It has been created by the greatest authority, Almighty God, Creator of Heaven and Earth. Sir William Blackstone explained that divine law or revealed law is supreme. Any law or act of men that is not in conformance with that divine or revealed law is indeed not law. Men do not have the authority to direct government to punish men for adhering to divine law. The Constitution of Virginia did not render such authority to the Virginian government, nor did the framers of the Virginia Constitution have the authority to do so. Obedience to Almighty God is not merely a natural right, it is a natural obligation of the highest order. It is a natural right and obligation which is higher than the mere preservation of one's own life. Though there is a civil statutory prohibition against taking a man's life, and such a statutory prohibition is consistent with divine law, and subsequently natural law, there is immunity from the prohibition to the man who takes a life of another in the preservation of his own in self defense. Even more-so, Obedience to Almighty God is a natural obligation of the highest order, which is higher than the mere preservation of one's own life.

In the Virginia Constitution, it reminds the government of Virginia that there are rights retained by the people (Va. Constitution - Article I - §1, §15, §16, §17). Where are those rights articulated? Sir William Blackstone's Commentaries on The Laws of England are one place. The Holy Bible is another place. Not identifying with the number of the Beast is one of those rights and obligations retained by the people. The obligation to Almighty God to abstain from associating with the number of the Beast pre-dated the Constitution of Virginia. The civil statute requiring association with the number of the Beast against a man's will is *ex post facto* to Revelation, Chapter 13.

Though the use of an automobile in the ordinary course of life and business in Virginia is regulated according to Virginia statutes, the use of the automobile continues to be not a mere privilege but a common right. Barring any disqualifier in physical, mental or self-control ability, arbitrary denial of the mechanisms to engage in that common right is just plain wrong. The

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General Assembly has passed a statute that threatens incarceration and monetary penalties for using an automobile without a license (Code of Virginia, 42.6-300). The Virginia General Assembly has now made it a requirement to confess and affiliate with the number of the Beast in order to obtain that license (Code of Virginia, 42.6-323). The Social Security Number is the number of the Beast referred to in the book of Revelation, beginning in Chapter Thirteen of the Holy Bible. The Bible prohibits identification with the number of the Beast at the penalty of eternal damnation. Associating my name with the SSN against my will, and the threats of my incarceration for using an automobile in the ordinary course of life, ministry and business because of my submission to Almighty God, are acts that are both, sinful and tyrannical (See Code of Virginia §57-1).

Prior to October 1, 1996, my name had been erroneously associated with a Social Security Account and its number. On October 1, 1996, I covenanted with Ms. Shirley Chater, Commissioner of the Social Security Administration, that I and those of my household would never identify with the Social Security Number (hereinafter SSN) nor would I apply for or receive any benefits of such association. Hitherto, and continuing hereafter, I have been faithful to the compact that I made with her. Because identification with the number of the beast, manifested in the SSN, is prohibited by the Holy Bible and in keeping with my covenant with Ms. Shirley Chater, I cannot identify with the SSN for the purpose of applying for, obtaining or retaining a Virginia Driver's license. The statutory requirement to associate with a SSN in order to apply for a driver's license, and the Virginia Department of Motor Vehicles practice of requiring association with the SSN to obtain and retain a driver's license, conflicts with my obligations before Almighty God. Therefore, this religious accommodation request is submitted to you.

Currently, those who have had the good fortune of never having their name associated with a Social Security record or SSN are able to obtain a Virginia driver's license without identifying or associating with a SSN. My name was associated with a SSN against my will and was communicated to the Virginia Department of Motor Vehicles without my being cognizant of the SSN being the number of the beast, without being told that there is no requirement in law to obtain a SSN, without being shown any mechanism for disassociation with the SSN, without being informed about any rights that I might have, or might waive, and by many deceptions, frauds, coercions and unlawful acts of various government agents. Unlike those who have had the good fortune of never having their name associated with a SSN, I am being prohibited from obtaining a Virginia driver's license because my name is being associated with a SSN against my will.

I have corresponded with the Commissioner of the Department of Motor Vehicles in the past where I requested a religious accommodation. My request was denied. The General Assembly has recently passed a Statute that provides guidance to the government of Virginia with regard to dealing with conflicts between a civil statute and the religious obligations of men. If there is such a conflict, the man must convey to the government that there is a conflict, that his religious convictions are *bona fide* and that the government is a placing a substantial burden upon him on the basis of his religious obligations. I believe that I can meet this burden to make the statute apply in this situation. Never-the-less, the Constitution of Virginia, the Religious Freedom Act (Code of Va. §57-1 and §57-2) and *stare decisis* of the Virginia Supreme Court do more so

provide authoritative support to my cause and the duty for the Virginia government to relent from its censure of my use of an automobile in the ordinary course of life, ministry and business.

My principal vocation is minister of the gospel. I do not do it by preference, but by mandate. Jesus said, "All authority has been given unto me." By that authority, he commanded, "Go." The common conveyance of the day that we in America use to "Go" is the automobile. The Supreme Court of Appeals of Virginia has declared by *Stare Decisis*, "A citizen's right to travel upon public highways and transport his property thereon in the ordinary course of life and business is a common right... The right of a citizen so to do is that which he has under his right to enjoy life and liberty, to acquire property, and to pursue happiness and safety. In the same decision, the Court ruled that "A citizen's right to travel the public highways includes the right to use the usual conveyances of the time, including horse-drawn carriage, or automobile, for ordinary purposes of life and business." *Thompson v. Smith, Chief of Police. Supreme Court of Appeals of Virginia. 155 Va. 367, 154 S.E. 579, 71 A.L.R. 604. Sept. 12, 1930.* Such a ruling is common sense. It is right. It is the right application of law.

There are automobiles that have been donated, to the Christian ministry for which I am the Principal Ecclesiastical Officer, for the purpose of carrying out the "Go" commandment. Virginia statutes declare that property owned by our ministry must be owned in the name of the Principal Ecclesiastical Officer, Code of Va. §57-16. The Virginia statutes appear to require automobiles to be titled. Identification with a SSN appears by the statutes and Department of Motor Vehicles practice, to be required to title an automobile. Thus, as Principal Ecclesiastical Officer of our Christian evangelical Bible teaching ministry, it is impossible for me to conform to the title requirements of Virginia statutes. But for... the Virginia statutory requirement to associate myself and my property with a SSN, I would be able to comply with the Virginia statutory requirements of automobile titling and registering, as well as driver's licensing. The *Thompson v. Smith* case cited above points out that the government can regulate the use of an automobile under the government's police power, but it may not abuse that police power. The Court determined that "A Citizen's right to travel upon public highway and use usual conveyances in so doing is not mere privilege which city (now the DMV) may permit or prohibit at will.... City (now the DMV), in regulating, under police power, citizen's right to travel upon public streets, may not arbitrarily or unreasonably prohibit or restrict it, nor permit one, and refuse another of like qualifications, under like conditions, to exercise it.... Cities (now the DMV) may regulate exercise of right to drive private automobile on streets by granting, refusing, and revoking permits, but only under rules of general application. Such permits may not be arbitrarily refused or revoked or permitted to be held by some and refused to others of like qualifications, under like circumstances and conditions."

I have a 19 year old daughter who, while she remains chaste and unwedded, remains my ward on the basis of my obligations before Almighty God, as is fitting with Biblical precepts and the common law. She is under the same religious prohibitions as I am. She as well ought not to be prohibited from the use of an automobile. She, as a college sophomore, has a need to transport herself several miles for school in a remote mountain area where there is not public transportation available. She is currently limited to the use of a 50cc motor-scooter motorized vehicle, that I purchased to attempt an alternative to using a common automobile, because she is being prohibited from obtaining a Virginia driver's license. Such use of a motor-scooter is by

common reason known to be dangerous compared to the use of an automobile, and it is much more than inconvenient in the rain and completely impractical in the snow.

I have a 16 year old son who, while he remains chaste and unwedded, remains my ward on the basis of my obligations before Almighty God, as is fitting with Biblical precepts and the common law and he is under the same religious prohibitions that I am. He, also as a college sophomore, has a need to transport himself to school. He also has a need to transport himself and his equipment to various places to do work where there is not public transportation available.

I have my wife who has a need to use an automobile for the purpose of obtaining supplies for our household, to transport all of our four children, to travel for Christian ministry obligations, and to do those other things necessary in the ordinary course of life, ministry and business, to enjoy the right to life, liberty and happiness. She too is under the same religious prohibition.

Though each of my family members has all of the physical, mental, and other qualifications to utilize an automobile, we are being denied driver's licenses, automobile title and registration unless we abdicate our obligations to Almighty God who has commanded us to not affiliate with the number of the Beast, the SSN. Such a prohibition is completely arbitrary and unlawful. The Virginia Constitution, Virginia statutes, and the rule of law articulated by the Virginia Supreme Court of Appeals of Virginia provide government actors with guidance that supports us in our liberty to use an automobile in the ordinary course of life ministry and business without being required to violate the prohibitions of Revelation, Chapter 13, and without being punished for such automobile use.

Part of the impetus for having Virginia implement the number of the beast program is Section 666 of the Federal welfare code (42 USC §666). It relates to "certain family matters" that do not relate to me and my family. It provides that every state receiving welfare funds have every applicant for a professional license, occupational license, recreational license, driver's license and marriage license, supply a Social Security Number on the application. The intended interest of the Federal government is to help identification of dead-beat dads be more efficient. There may also be a Federal interest in enforcing collection of Federal student loans. In both instances, the programs do not apply to us. I am faithful to the wife of my youth, and to my children, according to my obligations before Almighty God which exceed the expectations of the State. Also, we have no Federal student loans and have refused to apply for any government financial aid on the basis of our obligations to Almighty God, and because of our ineligibility due to our not being participants in the welfare program of the Beast.

The Virginia Court has recently determined, "A decision by state to prosecute individuals for certain crimes may not be based on unjustifiable standard such as race, religion or other arbitrary classification; thus, if accused can prove that facially neutral law is being applied in discriminatory manner, he or she has equal protection claim.... A statute prohibiting possession of parts of wild birds "except as specifically permitted by law" excepted some uses, while excluding bona fide religious use by Native American couple convicted of possession of owl feathers, and thus was not religiously neutral, requiring state to show that statute was necessary to advance compelling government interest and did so in the least restrictive manner, where state law permitted possession of owl feathers by taxidermists, academics, researchers, museums, and educational institutions, and federal law specifically allowed for possession and use of eagle

feathers in Native American religion, while there was no specific exception for possession of owl feathers for religious use under either state code or federal law. U.S.C.A. Const.Amend. 1; Const. Art. 1, § 16; Code 1950, §§ 29.1-415 to 29.1- 422, 29.1-521, subd. A, par. 10; 50 C.F.R. § 22.22. ...Where the state creates a mechanism for legitimate individualized exceptions but fails to include religious uses among these legitimate exceptions, discriminatory intent may be inferred... Failure to make allowance for bona fide religious uses tends to exhibit hostility, not neutrality, towards religion. When state creates mechanism for legitimate individualized exceptions to application of law that substantially burdens free exercise of religion but fails to include religious uses among these legitimate exceptions, discriminatory intent may be inferred. U.S.C.A. Const.Amend. 1; Const. Art 1, § 16. Failure to make allowance for bona fide religious uses tends to exhibit hostility, not neutrality, towards religion. U.S.C.A. Const.Amend. 1....Substantial burden is imposed on free exercise of religion when governmental action compels party to affirm belief he or she does not hold, discriminates on basis of religious beliefs, inhibits dissemination of particular religious beliefs, or compels party to forego religious practices. U.S.C.A. Const.Amend. 1.” Horen v. Com., 23 Va. App. 735, 479 S.E. 2d 553 (1997)

Therefore, I respectfully request the issuance of a driver’s license on the basis of my capability to safely use an automobile in the ordinary course of life, ministry, and business, without having to identify, associate, or otherwise, with a Social Security Number. I hereby request that you do whatever act is necessary to prohibit the Virginia Department of Motor Vehicles from requiring me and those of my household to identify ourselves with a SSN, and prohibit them from adhering a SSN to their records relating to us.

I recommend that you formulate a policy for your delegates who are administering the laws of Virginia on behalf of your Executive Agencies. I am available to provide service to you to help you formulate guidelines, for decision making in these special circumstances, that are right to protect the interests of all Virginians, religious convictions notwithstanding.

A package is forthcoming that will provide historical information regarding our past efforts to try to obtain a religious accommodation.

Sincerely,

Encl:

- 1) Letter from Leslie Young Carmichael to Governor Tim Kaine
- 2) Letter from Bethany Michelle Carmichael to Governor Tim Kaine
- 3) Letter from Jesse Gray Carmichael to Governor Tim Kaine

cc: Commissioner, Virginia Department of Motor Vehicles
Attorney General of Virginia