

SSN-666 Case Looming In Texas
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After several years of wrangling with the Texas government, a crop duster is giving the Texas Department of Agriculture one last chance to approve his application for a pesticide applicators license without compelling him to forsake his religious obligations. Gene McArthur has submitted a religious accommodation request to Todd Staples, the Commissioner of the Texas Department of Agriculture (TDA). In his [request](#), Mr. McArthur states, “I am prohibited by my religion from identifying with the number of the beast cited by the book of Revelation in the Holy Bible... The Social Security Number is the number of the beast.” Mr. McArthur’s religious prohibition conflicts with the TDA requirement for all applicants to identify themselves with a Social Security Number. The requirement stems from section 666 of the United States Code dealing with Social Security ([42 USC §666](#)).

The first round of Mr. McArthur’s battle was fought by him alone. As a result, Susan Combs, then Commissioner of the TDA, denied Mr. McArthur’s religious accommodation request acting upon the opinion of Attorney General Gregg Abbot ([Opinion #GA-0289](#)). In his opinion, the Attorney General stated, ““Although the "right to worship without governmental restriction or compulsion is fundamental, the Supreme Court has refused to strictly scrutinize laws that are generally applicable and neutral toward religion yet have an incidental effect on certain religious practices.”” *Mauldin*, 94 S.W.3d at 872 (citing *Smith*, 494 U.S. at 878-79). In 1999, over five years before the Attorney General reviewed Mr. McArthur’s case, the Texas legislature passed the Religious Freedom Act intending to reverse the effects of court refusals to “strictly scrutinize laws that are generally applicable and neutral toward religion yet have an incidental effect on certain religious practices.” In his opinion regarding Mr. McArthur’s situation, Mr. Abbott never mentioned the existing Texas statute that specifically addressed the government’s burden to consider accommodation a religious practice that conflicts with a government practice ([Tx. Stat., Title 5, Ch. 110](#)). The Statute provides that, “a government agency may not substantially burden a person’s free exercise of religion” – unless – “the government agency demonstrates that the application of the burden to the person: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that interest.”

This round, Mr. McArthur is not standing alone. He has the support of an Austin law firm, and a religious liberty advocacy group. In a [letter](#) from the lawyer representing Mr. McArthur to Todd Staples, Commissioner of the TDA, she stated “It is clear to me that both the Federal Religious Freedom Restoration Act, ([42 USC §2000bb](#)) and the Texas Religious Freedom Act ([Texas Statutes, Title 5, Chapter 110](#)) were violated when Mr. McArthur’s previous religious accommodation request was denied.” In her [letter](#), Mr. McArthur’s lawyer asserted that the government could not prove a “compelling” governmental interest to the “person” of Mr. McArthur who does not have any child support obligations. She stated, ““Government efficiency such as enforcing child support obligations with relative quickness or accuracy is not the principal purpose for which

governments are instituted. Securing Mr. McArthur's religious liberty is a "compelling governmental interest" that substantially outweighs relative administrative conveniences or contrivances.'" She warned the government that "Unless Mr. McArthur's request for religious accommodation is approved, within the customary timeframe required for processing pesticide applicators licenses, we anticipate filing a sixty day notice of intent to take action at law in compliance with the provisions of Texas Religious Freedom Act, Title 5, Sections 110.001 through 110.012."

Mr. McArthur is affiliated with a network of other Christian's who share the same religious beliefs. They are joining together to provide faith and financial support for Mr. McArthur in his fight. David Alan Carmichael is the Principal Minister of the American Christian Liberty Society. Mr. Carmichael recently prevailed in a law suit against the United States Navy who discharged him after he made a religious accommodation request to not be identified by a Social Security Number, David Alan Carmichael v. United States, 298 F.3d 1367, Fed. Cir. (Aug 2002); 66 Fed. Cl. 115 (2005). He founded the American Christian Liberty Society as a religious support group focused upon the needs of those who's religious convictions prohibit them from identifying with a universal identification number, or through the use of biometric identifiers such as fingerprints, retina scans, facial scans, DNA, or implanted electronic devices (<http://www.christianliberty.org>). Their group believes that those mechanisms fulfill the Bible prophesies of Revelation, chapter 13, referring to the number, mark, and name of the Beast. Mr. Carmichael wrote a [letter](#) to Todd Staples, Commissioner of the TDA to affirm the bona fides of Mr. McArthur's convictions, saying, "I interviewed him with the intent of determining whether or not he is truly sincere, whether his beliefs are Biblically based, and whether his lifestyle and actions are consistent with his professed convictions... I am certain that to Mr. McArthur, identifying with the Social Security Number is in affect denying loyalty to Jesus Christ for the sake of loyalty to the Anti-Christ."

Mr. Carmichael believes that Mr. McArthur's fight will have far-reaching consequences upon the future of religious liberty in America.