

No. _____

In the Supreme Court of the United States

ROWLAND MARCUS ANDRADE
and ABTC CORPORATION,
Petitioners,

v.

INTERNAL REVENUE SERVICE,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

APPENDIX

Charles Carter Morgan
4151 Pelicans Next Dr
Bonita Springs, FL 34134
(609) 636-0544
cmorganwwt@gmail.com

Counsel for Petitioner

Fifteenth day of December, MMXXV

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Appendix A

[Mandate Issued on Sep. 24, 2025]

[Original Judgment Filed on May 27, 2025]

**United States Court of Appeals
for the Fifth Circuit**

No. 24-20376
Summary Calendar

ROWLAND MARCUS ANDRADE; ABTC CORPORATION,

Plaintiffs—Appellants,

versus

INTERNAL REVENUE SERVICE,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:24-MC-248

Before JONES, DENNIS, and SOUTHWICK, *Circuit
Judges.*

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J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the appeal is DISMISSED for lack of jurisdiction.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See Fed. R. App. P. 41(b). The court may shorten or extend the time by order. See 5th Cir. R. 41 I.O.P.

[Seal]
UNITED STATES
COURT OF APPEALS
FIFTH
JUDICIAL CIRCUIT

Certified as a true copy and issued
as the mandate on Sep 24, 2025

Attest:

/s/ Lyle W. Cayce
Clerk, U.S. Court of Appeals,
Fifth Circuit

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[Filed: Sep. 24, 2025]

[Original Opinion Filed on May 27, 2025]

**United States Court of Appeals
for the Fifth Circuit**

No. 24-20376
Summary Calendar

ROWLAND MARCUS ANDRADE; ABTC CORPORATION,

Plaintiffs—Appellants,

versus

INTERNAL REVENUE SERVICE,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:24-MC-248

Before JONES, DENNIS, and SOUTHWICK, *Circuit
Judges.*

PER CURIAM:*

* This opinion is not designated for publication. *See* 5th Cir. R. 47.5.

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Plaintiff-Appellants ABTC Corporation (“ABTC”) and Rowland Marcus Andrade, ABTC’s president and owner, appeal the district court’s order denying their motion to quash two sets of summonses issued by the Defendant-Appellee Internal Revenue Service (“IRS”) to third-party banks. Plaintiff-Appellants filed their motion to quash below pursuant to the Customer Challenge provisions of the Right to Financial Privacy Act of 1978 (“RFPA”).

When, as here, a government authority like the IRS seeks to subpoena a customer’s records from a financial institution, that customer may challenge that subpoena under 12 U.S.C. § 3410(a). That same statute provides that “[a] court ruling denying a motion or application under this section shall not be deemed a final order and no interlocutory appeal may be taken therefrom by the customer.” 12 U.S.C. § 3410(d). A customer may only appeal the denial of a motion to quash “as part of any appeal from a final order in any legal proceeding initiated against him arising out of or based upon the financial records,” or “within thirty days after a notification that no legal proceeding is contemplated against him.” *Id.*

Neither has occurred here. Accordingly, the district court’s denial of the motion to quash below was not a final, appealable order under § 3410(d), and we lack appellate jurisdiction to hear this appeal. *See also* 28 U.S.C. § 1291.

We DISMISS for want of jurisdiction.

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Appendix B

[Filed: Sep. 17, 2025]

**United States Court of Appeals
for the Fifth Circuit**

No. 24-20376

ROWLAND MARCUS ANDRADE; ABTC CORPORATION,

Plaintiffs—Appellants,

versus

INTERNAL REVENUE SERVICE,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:24-MC-248

ON PETITION FOR REHEARING

Before JONES, DENNIS, and SOUTHWICK, *Circuit
Judges.*

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PER CURIAM:

IT IS ORDERED that the petition for rehearing is DENIED.

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Appendix C

[Filed: Aug. 7, 2024]

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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ORDER ON MOTION TO QUASH

Rowland Marcus Andrade and his company, ABTC Corp. (collectively, the “Movants”), filed this action seeking to quash two sets of third-party summonses issued by the Internal Revenue Service (“IRS”) and Department of the Treasury to JP Morgan Chase that sought the Movants’ bank records. (*See* Dkt. No. 1). The Court previously made rulings on a number of contested issues and left two issues unresolved subject to supplemental briefing. (*See* Dkt. No. 25). The Court held:

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- 1) The Movants' request that "[t]he IRS shall disclose to Movants all summonses, subpoenas, or request of any kind served on any financial institutions seeking records of Mr. Andrade or any entities associated with him, including but not limited to ABTC Corp., along with all evidence of any notice to Andrade or the entity relating to same" is DENIED as MOOT;
- 2) *The Movants' request that "[t]he IRS shall provide to Mr. Andrade copies of all records received in response to any of the summonses, subpoenas, or requests" shall be resolved after receipt of supplementary briefs pursuant to the briefing schedule that the Court has set;*
- 3) The Movants' request that "[t]he IRS shall provide to Mr. Andrade the order or memorandum authorizing the investigation pursuant to which the summonses were issued" is DENIED as MOOT;
- 4) The Movants' request that "[t]he IRS shall identify all other persons (including all government agencies) who have had access to or been given copies of any of the [United States District Court Southern District of Texas ENTERED May 23, 2024 Nathan Ochsner, Clerk 2] records reference[d]

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above, including the date(s) of such access or provision of such copy(ies) and the records accessed or copied” is DENIED as MOOT;

- 5) The Movants’ request that “[t]he IRS shall notify all recipients of any summonses that they should not provide any documents in response to any summons until further order of this Court” is DENIED as MOOT;
- 6) The Movants’ request that “[t]he IRS shall sequester all records received in response to any summons and such documents shall not be reviewed by anyone pending further order of this Court” is GRANTED;
- 7) *The Movants’ requests for damages and attorneys’ fees are taken under advisement and will be subject to the briefing pursuant to the schedule established by the Court; and*
- 8) The Movants’ requests for quashing the May and September 2023 summonses are DENIED as MOOT.

(*Id.*) (emphasis added). The Parties have briefed the two remaining issues, and the Movants have also moved for the Court to reconsider many of the rulings in its previous Order. (*See* Dkt. Nos. 32, 33). The briefing is extensive, and the Court will first

address the Movants' Motion for Reconsideration of the Order, (Dkt. No. 32), before turning to the other issues in this case.

I. MOTION TO RECONSIDER

Invoking Rule 60(b)(1), the Movants seek "reconsideration" of the Court's prior rulings. (Dkt. No. 32). The Movants do not precisely outline which of the eight (8) holdings the Movants take issue with, but the Court discerns two challenges: the Court's holdings with respect to issues 7 and 8.

With respect to issue 7, i.e., the Movants' request for damages and attorneys' fees, the Movant's essentially ask for reconsideration on the basis that they should recover damages and fees. (*See* Dkt. No. 33 at 5–9). The Court rejects this argument because the Court never made a ruling on this matter, so there is nothing to reconsider. (*See* Dkt. No. 25 at 2).

With respect to issue 8, the Movants ask the Court to reconsider its ruling denying as moot the Movants' request to quash the May and September 2023 summonses. (Dkt. No. 33 at 3–5). As an initial matter, the Movants previously conceded that their request to quash is moot.¹ But even setting this aside, the underlying rationale for mooting the request remains the same. The Court previously

¹ In the April 3, 2024 hearing, the Parties both agreed that because "[t]he summonses have been complied with," "there's nothing to quash anymore." (Dkt. No. 10 at 22). In fact, when the Court opined, "[T]here's nothing really to quash anymore[,] [t]hat's not before me[.]" counsel for the Movants responded, "Yeah. Yes." (*Id.*).

determined that there was nothing left to quash because the bank had already complied with the summonses. (Dkt. No. 10 at 22). The Court explained that this had turned the question to “whether or not we’re disgorging the Government of [the records produced],” which is an issue that still remains “before the Court[.]” (Dkt. No. 10 at 22–23). Now, the Movants ask the Court to reconsider its “denial” because it can still “effectuate a partial remedy” and “fashion meaningful relief” “by ordering the [IRS] to destroy or return all copies in its possession.” (Dkt. No. 33 at 4–5). That is the same remedy the Court left open should the Movants successfully show that the Government acted unlawfully in procuring the records at issue. In sum, the Movants misconstrue the Court’s prior ruling as a denial of relief. Just as was the case with issue 7, there is nothing to “reconsider” with respect to issue 8.

II. COMPLIANCE WITH SUMMONS REQUIREMENTS

The Right to Financial Privacy Act² (“RFPA”) grants government authorities the power to obtain financial records pursuant to an administrative subpoena or summons, provided:

- (1) there is reason to believe that the records sought are relevant to

² This statute is not to be confused with Title 26 of the United States Code, which deals with the IRS’s authority to issue summonses specifically in the context of tax investigations. *E.g.*, *Maxwell v. United States*, 876 F.Supp.2d 22, 26 (D.D.C. 2012).

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a legitimate law enforcement inquiry; (2) a copy of the subpoena or summons has been served upon the customer or mailed to his last known address on or before the date on which the subpoena or summons was served on the financial institution together with the following notice which shall state with reasonable specificity the nature of the law enforcement inquiry[,] . . . and (3) ten days have expired from the date of service of the notice or fourteen days have expired from the date of mailing the notice to the customer and within such time period the customer has not filed a sworn statement and motion to quash in an appropriate court, or the customer challenge provisions of section 3410 of this title have been complied with.

12 U.S.C. § 3405. The financial records must also be “reasonably described.” *Id.* § 3402. For customers seeking to oppose disclosure of financial records pursuant to the RFP, the challenge procedures of the statute “constitute the sole judicial remedy available[.]” *Id.* § 3410(e). The Movants raise various contentions as to why the summonses issued by the IRS were improper.

A. COMPLIANCE WITH THE BANK SECRECY ACT

Despite that the summonses here were issued “in accordance with” the RFPA, (*see* Dkt. No. 3-4 at 13, 28), and in fact the very title of the Movants’ motion to quash was “Motion for Order Pursuant to *Customer Challenge Provisions of the [RFPA]*,” (Dkt. No. 1 at 1) (emphasis added), the Movants argue that the Government failed to comply with certain provisions of a different statute: the Bank Secrecy Act. (Dkt. No. 31 at 10–11, 18–19). The Court agrees with the Government that the Movants’ briefing “repeatedly conflates the Right to Financial Privacy Act (RFPA) with the Bank Secrecy Act (BSA)[.]” (Dkt. No. 27 at 2). Courts have uniformly held that the Bank Secrecy Act does not include a private right of action. *E.g., Hunter v. Navy Fed. Credit Union*, No. 3:24-CV-00788, 2024 WL 3094610, at *5 (N.D. Tex. June 20, 2024) (collecting cases). Moreover, when dealing with IRS investigations for compliance with the Bank Secrecy Act, courts have identified the RFPA as the vehicle through which “a customer may file a motion to quash an administrative summons that has been served upon a financial institution to obtain records regarding that customer.” *Hernandez Tax, Inc. v. United States*, No. 2:13-MC-00020, 2014 WL 3747313, at *2 (D.N.M. June 25, 2014); *accord Martinez Colon v. Santander Nat’l Bank*, 4 F.Supp.2d 53, 59 (D.P.R. 1998) (“[T]he RFPA provides bank customers with the full extent of protection regarding a bank’s divulging of financial information[.]”). For both these reasons, the Court reviews the summonses for compliance with the

RFPA, not the BSA, and the Movants' invocation of the latter is unavailing.

**B. COMPLIANCE WITH THE RIGHT TO
FINANCIAL PRIVACY ACT**

With respect to RFPA requirements, the Movants challenge: (1) whether the IRS provided “reasonable notice” as to the nature of the law enforcement inquiry, (2) whether the Government “reasonably described” the records sought, and (3) whether the Government complied with the “last known address” component of the service requirement.³ (Dkt. No. 31).

**1. Whether the Summonses
Provided “Reasonable Notice”**

The Movants argue that the summonses failed to afford “reasonable notice of the nature of the inquiry.” (Dkt. No. 31 at 16). As support, they point to *Hunt v. S.E.C.*, 520 F.Supp. 580, 603 (N.D. Tex. 1981), which states that “[i]t is beyond question that

³ The RFPA states that challenges like this one may be brought by a “customer,” 12 U.S.C. § 3410(a), which is defined as “an individual or partnership of five or fewer individuals, [or their] authorized representative[.]” *id.* § 3401(4)–(5). Accordingly, corporate entities “do not have standing to challenge” a government summons under the RFPA. *Bryan v. S.E.C.*, No. 5:13-CV- 00499, 2013 WL 1786023, at *3 (W.D. La. Apr. 24, 2013). The Government does not make the argument that only Andrade himself, and not ABTC Corp., may bring a challenge under the RFPA. In any event, the Court need not consider this argument, because the Court finds that the Government prevails on other grounds.

a mere recitation of the government authority's statutory jurisdiction is inadequate to achieve compliance" with the "reasonable specificity" requirement of the RFPA. But the Government did much more than offer "a mere recitation" of its jurisdiction; it identified the requesting entity—here, the IRS—and provided the statutes under which it was conducting the investigation. (*See* Dkt. No. 3-4). This argument therefore fails.

**2. Whether the Records Are
“Reasonably Described”**

Next, the Movants appear to argue that the IRS failed “to include a detailed description of the books, papers, records, or other data required to be produced.” (Dkt. No. 31 at 12). This challenge ostensibly goes toward the “reasonably described” requirement in 12 U.S.C. § 3402. But the Movants do not even try to explain how the IRS failed to do so. *Hunt* is an example of the Government inadequately describing records because it submitted “a blanket request for ‘all records.’” 520 F.Supp. at 603. This case is not like *Hunt*. Here, the IRS delineated precisely what records it sought, and did so in detail. (*See* Dkt. No. 3-4). The Court thus finds that the description of the records easily satisfies this requirement.

**3. Whether the Government Served
the “Last Known Address”**

Finally, the Movants challenge whether the Government satisfied the RFPA's requirement that a

copy of the summonses be served to the customer's "last known address." (*E.g.*, Dkt. No. 31 at 20). The Movants argue that while the RFPA does not define "last known address," service here did not satisfy that term as it is defined in the Code of Federal Regulations. (*Id.*) (citing 26 C.F.R. § 301.6212-2). While Title 26 does provide a definition of "last known address," the same regulation also makes unmistakable that the definition only applies "whenever the term . . . is used in the Internal Revenue Code [(“IRC”)] or the regulations thereunder." 26 C.F.R. § 301.6212-2(c). That definition is therefore not controlling in this case where the investigation, while initiated by the IRS, deals with the Bank Secrecy Act. The Court must therefore ascertain the meaning of "last known address" in the context of the RFPA.

As an initial point, under the IRC, the term "last known address" has been prescribed to mean "the address that appears on the taxpayer's most recently filed and properly processed Federal tax return[.]" 26 C.F.R. § 301.6212-2(a). However, that definition makes little sense here. That definition applies to a statute focused on tax investigations, while in this case: (1) the investigation is based on compliance with the RFPA which, unlike the IRC, is not a tax-specific statute; (2) the investigation is unrelated to the target's tax liabilities, and (3) the investigator in fact cannot access the target's tax returns.⁴ The third point is particularly noteworthy,

⁴ In the April hearing, counsel for the Government informed the Court that an IRS agent cannot access tax return data in a BSA examination, (*see* Dkt. No. 10 at 20), and the Movants

as it would not make sense to construe the RFPA as imposing on the Government a requirement that it cannot lawfully meet.

The term “last known address,” as employed in the RFPA, thus comes before the Court without a controlling or even instructive definition. Accordingly, the Court must interpret the text of the RFPA the same way as any other statute: according to its plain language. *See, e.g., In re Vitro S.A.B. de C.V.*, 701 F.3d 1031, 1047 (5th Cir. 2012); *In re Miller*, 570 F.3d 633, 638 (5th Cir. 2009) (stating that courts should begin interpretation of every statute with “its plain language,” and “[i]f the statute is clear, the inquiry is at its end, and we enforce the statute on its terms.”). Looking then to that text, the words composing “last known address” are neither overly technical nor otherwise complicated. Because the term “last known address” should be interpreted to be the address “last known,” the corollary question is last known to whom. While the RFPA does not explicitly answer this question, the logical answer is that the statute looks to the address last known by the governmental authority that issued the summonses at issue—here, Agent James on behalf of the IRS. And in this case, the record is clear that Agent James learned of the 222 Suite address in 2021,⁵ and never received any indication that the address had changed. (*See* Dkt. No. 3 at 2–4); (Dkt. No. 10 at 20–21). For purposes of the BSA

apparently concede this fact, as they did not dispute it in the hearing nor in the briefing that they have since submitted.

⁵ It is undisputed that in 2021, the Government issued a summons to the 222 Suite and the summons successfully prompted a response. (Dkt. No. 3 at 2–3).

investigation at hand, the 222 Suite was quite literally the address “last known” to Agent James. Moreover, arguments that the Government had a duty to ascertain a better address are unavailing,⁶ as that asks the Court to read into the RFPA a heightened investigative component plainly absent from the text of the statute.

In sum, the IRS’s delivery of the summonses to the 222 Suite complied with the RFPA’s “last known address” requirement. Not only so, but Section 3410 of the RFPA “requires only that a government authority must be in ‘substantial compliance’ with the Act,” a standard pursuant to which “minor and technical violations of the Act are not a basis for denying access to a customer’s records.” *Hunt*, 520 F.Supp. at 603 (cleaned up). Here, even assuming that serving the 222 Suite was not in strict compliance with the RFPA, the record indicates that the Government made an earnest, calculated effort to effectuate service. (See Dkt. No. 3 at 2–4); (Dkt. No. 10 at 20–21). Moreover, even assuming a lack of strict compliance, there was minimal harm done as the Movants ultimately did learn about the summonses and filed the present Motion before the Government reviewed any of the financial records, and those records have since been sequestered. (Dkt. No. 10 at 17, 26). The Court therefore finds that Agent James, and by extension, the IRS, acted in substantial compliance with the Act. Disgorgement

⁶ The Movants seem to hint that the best—and therefore proper—address would have been the address of ABTC Corp.’s registered agent, filed with the State of Texas. (See Dkt. No. 31 at 38).

of the records is therefore improper, and the IRS may access those records for purposes of conducting its BSA investigation.

III. FEES AND COSTS

Having determined that the RFPA provides the framework that controls this action, and that the Government has at the very least substantially complied with the requirements, the Court rejects the Movants' requests for damages and attorneys' fees, both of which are contingent upon finding a violation of the statute. *See* 12 U.S.C. § 3417(a).

IV. COPIES OF THE RECORDS

In addition to arguing that the Government should not be permitted to access their financial records, the Movants also contend that they “have the right to copies of” all records obtained by the IRS. (*See* Dkt. No. 31 at 16–18). In so doing, they rely on two legal authorities: the Public Information Act (“PIA”)—a Texas statute—and the Freedom of Information Act (“FOIA”)—a federal statute. (*Id.*).

The Movants' invocation of the PIA is dead on arrival because it is a state law providing for access to state records, and “any violation of its terms would not constitute a violation of rights secured by the Constitution or laws of the United States.” *Gonzalez v. Northside Indep. Sch. Dist.*, No. 5:20-CV-00926, 2020 WL 5640459, at *5 (W.D. Tex. Sept. 22, 2020). The PIA is therefore inapplicable to the federal investigation here.

The FOIA argument fares no better. As a substantive matter, the financial records at issue would very likely be unobtainable through FOIA because they ostensibly fit into one of the statute's exceptions: "trade secrets and commercial or financial information obtained from a person and privileged or confidential[.]" 5 U.S.C. § 552(b)(4). But even if FOIA was an option, procedurally the way to invoke FOIA is to submit a request in accordance with the relevant agency's published rules. *Id.* § 552(a)(3)(A). In fact, submitting a proper FOIA request is a required step of the administrative remedies process before a litigant may bring the matter to federal court. *E.g., Voinche v. F.B.I.*, 999 F.2d 962, 963 (5th Cir. 1993) (per curiam) ("[FOIA] requires exhaustion of administrative remedies prior to seeking judicial review."). The Movants here do not claim to have submitted a FOIA request. Therefore, for multiple reasons, their reliance on FOIA is misplaced.

Ultimately, neither authority is pertinent to this case, and the Court agrees with the Government that no "state law, [FOIA], or any other law somehow provides Movants with the relief requested here." (Dkt. No. 27 at 6). The Court rejects all of the Movants' arguments with respect to their claim to copies of records produced in response to the summonses.

V. CONCLUSION

In light of the foregoing analysis, the Court finds that the IRS may review the records at issue in its possession but may only use the information

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contained therein for the limited purpose of its stated investigative scope: ascertaining the Movants' compliance with the Bank Secrecy Act. The Movants' request for a court order directing the IRS to destroy or return all copies of the records at issue in its possession is **DENIED**, and the Movants' request for copies of those records is **DENIED**. The Movants' request for damages and attorneys' fees is **DENIED**. The Clerk of Court is **DIRECTED** to close this miscellaneous case.

It is SO ORDERED.

Signed on August 7, 2024.

/s/ Drew B. Tipton
DREW B. TIPTON
UNITED STATES
DISTRICT JUDGE

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Appendix D

**41 States' Constitutional Open Court
Provisions**

Alabama Const. Art. I, § 13

That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person, or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial, or delay.

Arizona Const. Art. II, § 11

Justice in all cases shall be administered openly, and without unnecessary delay.

Arkansas Const. Art. 2, § 13

Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely, and without purchase; completely, and without denial; promptly and without delay; conformably to the laws.

Colorado Const. Art. II, § 6

Courts of justice shall be open to every person, and a speedy remedy afforded for every injury to person, property or character; and right and justice should be administered without sale, denial or delay.

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Connecticut Const. Art. I., § 10

All courts shall be open, and every person, for an injury done to him in his person, property or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

Delaware Const. Art. I, § 9

All courts shall be open; and every person for an injury done him or her in his or her reputation, person, movable or immovable possessions, shall have remedy by the due course of law, and justice administered according to the very right of the cause and the law of the land, without sale, denial, or unreasonable delay or expense. Suits may be brought against the State, according to such regulations as shall be made by law.

Florida Const. Art. I, § 9

No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself. No person shall be deprived of life, liberty, or property except by due process of law.

Ga. Const. Art. I, § I, Para. XII

No person shall be deprived of the right to prosecute or defend, either in person or by an attorney, that person's own cause in any of the courts of this state.

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Hawaii Const. Art. I, § 5

No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.

Idaho Const. Art. I, § 18

Courts of justice shall be open to every person, and a speedy remedy afforded for every injury of person, property or character, and right and justice shall be administered without sale, denial, delay, or prejudice.

Illinois Const., Art. I, § 1

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.

Illinois Const., Art. I, § 12

Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, freely, completely, and promptly.

Indiana. Const. Art. 1, § 12

All courts shall be open; and every person, for injury done to him in his person, property, or reputation,

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shall have remedy by due course of law. Justice shall be administered freely, and without purchase, completely, and without denial; speedily, and without delay.

Kansas Const. B. of R. § 18

All persons, for injuries suffered in person, reputation or property, shall have remedy by due course of law, and justice administered without delay.

Kentucky. Const. § 1

All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned:

First: The right of enjoying and defending their lives and liberties.

Second: The right of worshipping Almighty God according to the dictates of their consciences.

Third: The right of seeking and pursuing their safety and happiness.

Fourth: The right of freely communicating their thoughts and opinions.

Fifth: The right of acquiring and protecting property.

Sixth: The right of assembling together in a peaceable manner for their common good, and of applying to those invested with the power of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Seventh: The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.

Kentucky Const. § 14

All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

Louisiana. Const. Art. I, § 2

No person shall be deprived of life, liberty, or property, except by due process of law.

Louisiana Const. Art. I, § 19

No person shall be subjected to imprisonment or forfeiture of rights or property without the right of judicial review based upon a complete record of all evidence upon which the judgment is based. This right may be intelligently waived. The cost of transcribing the record shall be paid as provided by law.

Maine Const. Art. I, § 19

Every person, for an injury inflicted on the person or the person's reputation, property or immunities, shall have remedy by due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay.

Massachusetts Const. Pt. 1, art. XI

Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

Maryland Dec. of R. art. 19

That every man, for any injury done to him in his person or property, ought to have remedy by the course of the Law of the land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the land.

Michigan Const. Art. I, § 13

A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

Minnesota Const., Art. I, § 2

No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the state otherwise than as punishment for a crime of which the party has been convicted.

Minnesota Const., Art. I, § 8

Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive to his person, property or character, and to obtain justice freely and without purchase, completely and without denial, promptly and without delay, conformable to the laws.

Missouri Const. Art. I, § 14

That the courts of justice shall be open to every person, and certain remedy afforded for every injury to person, property or character, and that right and justice shall be administered without sale, denial or delay.

Montana Const., Art. II § 16

Courts of justice shall be open to every person, and speedy remedy afforded for every injury of person, property, or character. No person shall be deprived of this full legal redress for injury incurred in employment for which another person may be liable except as to fellow employees and his immediate employer who hired him if such immediate employer provides coverage under the Workmen's Compensation Laws of this state. Right and justice shall be administered without sale, denial, or delay.

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Nebraska Const. Art. I, § 3

No person shall be deprived of life, liberty, or property, without due process of law, nor be denied equal protection of the laws.

Nebraska Const. Art. I, § 13

All courts shall be open, and every person, for any injury done him or her in his or her lands, goods, person, or reputation, shall have a remedy by due course of law and justice administered without denial or delay, except that the Legislature may provide for the enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution which are entered into voluntarily and which are not revocable other than upon such grounds as exist at law or in equity for the revocation of any contract.

New Hampshire Const. Pt. FIRST, Art. 14

Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

New Mexico Const. Art. II, § 18

No person shall be deprived of life, liberty or property without due process of law; nor shall any person be denied equal protection of the laws.

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Equality of rights under law shall not be denied on account of the sex of any person. The effective date of this amendment shall be July 1, 1973. (As amended November 7, 1972).

New York CLS Const Art I, § 11

a. No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, ethnicity, national origin, age, disability, creed, religion, or sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy, be subjected to any discrimination in their civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state, pursuant to law.

b. Nothing in this section shall invalidate or prevent the adoption of any law, regulation, program, or practice that is designed to prevent or dismantle discrimination on the basis of a characteristic listed in this section, nor shall any characteristic listed in this section be interpreted to interfere with, limit, or deny the civil rights of any person based upon any other characteristic identified in this section.

North Carolina Const. Art. I, § 18

All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right

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and justice shall be administered without favor, denial, or delay.

North Dakota Const. Art. I, § 9

All courts shall be open, and every man for any injury done him in his lands, goods, person or reputation shall have remedy by due process of law, and right and justice administered without sale, denial or delay. Suits may be brought against the state in such manner, in such courts, and in such cases, as the legislative assembly may, by law, direct.

Ohio Const. Art. I, § 16

All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay.

Oklahoma Const. Art. 2, § 6

The courts of justice of the State shall be open to every person, and speedy and certain remedy afforded for every wrong and for every injury to person, property, or reputation; and right and justice shall be administered without sale, denial, delay, or prejudice.

Oregon Const. Art. I, § 10

No court shall be secret, but justice shall be administered, openly and without purchase,

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completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation.

Pennsylvania Const. Art. I, § 11

All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

Rhode Island Const. Art. I, § 5

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which may be received in one's person, property, or character. Every person ought to obtain right and justice freely, and without purchase, completely and without denial; promptly and without delay; conformably to the laws.

South Carolina Const. Art. I, § 9

All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained.

South Dakota Const. Article VI, § 2

No person shall be deprived of life, liberty or property without due process of law. The right of persons to work shall not be denied or abridged on

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account of membership or nonmembership in any labor union, or labor organization.

South Dakota Const. Article VI, § 20

All courts shall be open, and every man for an injury done him in his property, person or reputation, shall have remedy by due course of law, and right and justice, administered without denial or delay.

Tennessee Const. Art. I, § 8

That no man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers or the law of the land.

Tennessee Const. Art. I, § 17

That all courts shall be open; and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the State in such manner and in such courts as the Legislature may by law direct.

Texas Const. Art. I, § 13

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person

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for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law.

Texas Const. Art. I, § 19

No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

Utah Const. Art. I, § 11

All courts shall be open, and every person, for an injury done to the person in his or her person, property or reputation, shall have remedy by due course of law, which shall be administered without denial or unnecessary delay; and no person shall be barred from prosecuting or defending before any tribunal in this State, with or without counsel, any civil cause to which the person is a party.

Vermont Const. Ch. I, Art. 4

Every person within this state ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which one may receive in person, property or character; every person ought to obtain right and justice, freely, and without being obliged to purchase it; completely and without any denial; promptly and without delay; conformably to the laws.

Virginia Const. Art. I, § 11

That no person shall be deprived of his life, liberty, or property without due process of law

That in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred. The General Assembly may limit the number of jurors for civil cases in courts of record to not less than five.

Washington Const. Art. I, § 3

No person shall be deprived of life, liberty, or property, without due process of law.

Washington Const. Art. I, § 10

Justice in all cases shall be administered openly, and without unnecessary delay.

West Virginia Const. Art. III, § 10

No person shall be deprived of life, liberty, or property, without due process of law, and the judgment of his peers.

West Virginia Const. Art. III, § 17

The courts of this State shall be open, and every person, for an injury done to him, in his person, property or reputation, shall have remedy by due

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course of law; and justice shall be administered without sale, denial or delay.

Wisconsin Const. Art. I, § 9

Every person is entitled to a certain remedy in the laws for all injuries, or wrongs which he may receive in his person, property, or character; he ought to obtain justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

Wisconsin Const. Art. I, § 21

(1) Writs of error shall never be prohibited, and shall be issued by such courts as the legislature designates by law.

(2) In any court of this state, any suitor may prosecute or defend his suit either in his own proper person or by an attorney of the suitors choice.

Wyoming Const. Art. 1, § 6

No person shall be deprived of life, liberty or property without due process of law.

Wyoming Const. Art. 1, § 8

All courts shall be open and every person for an injury done to person, reputation or property shall have justice administered without sale, denial or delay. Suits may be brought against the state in such manner and in such courts as the legislature may by law direct.

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Appendix E

**34 State's Constitutional Inalienable Rights
Provisions**

Alabama Const. Art. I, § 1

That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.

Alaska Const. Art. I, § 1

This constitution is dedicated to the principles that all persons have a natural right to life, liberty, the pursuit of happiness, and the enjoyment of the rewards of their own industry; that all persons are equal and entitled to equal rights, opportunities, and protection under the law; and that all persons have corresponding obligations to the people and to the State.

Arkansas Const. Art. 2, § 2

All men are created equally free and independent, and have certain inherent and inalienable rights; amongst which are those of enjoying and defending life and liberty; of acquiring, possessing and protecting property, and reputation; and of pursuing their own happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

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California Const, Art. I § 1

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

Colorado Const. Art. II, § 3

All persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.

Florida Const. Art. I, § 2

All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

Hawaii Const. Art. I, § 2

All persons are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness, and the acquiring and possessing of

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property. These rights cannot endure unless the people recognize their corresponding obligations and responsibilities.

Idaho Const. Art. I, § 1

All men are by nature free and equal, and have certain inalienable rights, among which are enjoying and defending life and liberty; acquiring, possessing and protecting property; pursuing happiness and securing safety.

Illinois Const., Art. I, § 2

All men are by nature free and independent and have certain inherent and inalienable rights among which are life, liberty and the pursuit of happiness. To secure these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed.

Indiana Const. Art. 1, § 1

WE DECLARE, that all people are created equal; that they are endowed by their CREATOR with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the people; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these

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ends, the people have, at all times, an indefeasible right to alter and reform their government.

Iowa Const., Art. I § 1

All men and women are, by nature, free and equal, and have certain inalienable rights — among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

Kansas Const. B. of R. § 1

All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.

Kentucky Const. § 1

All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned:

First: The right of enjoying and defending their lives and liberties.

Second: The right of worshipping Almighty God according to the dictates of their consciences.

Third: The right of seeking and pursuing their safety and happiness.

Fourth: The right of freely communicating their thoughts and opinions.

Fifth: The right of acquiring and protecting property.

Sixth: The right of assembling together in a peaceable manner for their common good, and of applying to those invested with the power of

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government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Seventh: The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.

Maine Const. Art. I, § 1

All people are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

Massachusetts Const. Pt. 1, art. 1I

All people are born free and equal and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness. Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin.

Missouri Const. Art. I, § 2

That all constitutional government is intended to promote the general welfare of the people; that all persons have a natural right to life, liberty, the pursuit of happiness and the enjoyment of the gains

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of their own industry; that all persons are created equal and are entitled to equal rights and opportunity under the law; that to give security to these things is the principal office of government, and that when government does not confer this security, it fails in its chief design.

Montana Const., Art. II § 3

All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment and the rights of pursuing life's basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health and happiness in all lawful ways. In enjoying these rights, all persons recognize corresponding responsibilities.

Nebraska Const. Art. I, § 1

All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof. To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed.

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Nevada Const. Art. 1, § 1

All men are by Nature free and equal and have certain inalienable rights among which are those of enjoying and defending life and liberty; Acquiring, Possessing and Protecting property and pursuing and obtaining safety and happiness.

New Hampshire Const. Pt. FIRST, Art. 2

All men have certain natural, essential, and inherent rights—among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting, property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin.

New Jersey Const., Art. I, Para. 1

All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness.

New Mexico Const. Art. II, § 4

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All persons are born equally free, and have certain natural, inherent and inalienable rights, among which are the rights of enjoying and defending life and liberty, of acquiring, possessing and protecting property, and of seeking and obtaining safety and happiness.

North Carolina Const. Art. I, § 1

We hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

North Dakota Const. Art. I, § 1

All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property and reputation; pursuing and obtaining safety and happiness; and to keep and bear arms for the defense of their person, family, property, and the state, and for lawful hunting, recreational, and other lawful purposes, which shall not be infringed.

Ohio Const. Art. I, § 1

All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

Oklahoma Const. Art. 2, § 2

All persons have the inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of their own industry.

Oregon Const. Art. I, § 1

We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.

Pennsylvania Const. Art. I, § 1

All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

South Dakota Const. Article VI, § 1

All men are born equally free and independent, and have certain inherent rights, among which are those of enjoying and defending life and liberty, of acquiring and protecting property and the pursuit of happiness. To secure these rights governments are

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instituted among men, deriving their just powers from the consent of the governed.

Texas Const. Art. I, § 13

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law.

Texas Const. Art. I, § 19

No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

Vermont Const. Ch. I, Art. 1

That all persons are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; therefore slavery and indentured servitude in any form are prohibited.

Virginia Const. Art. I, § 1

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That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

West Virginia Const. Art. III, § 1

All men are, by nature, equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity, namely: the enjoyment of life and liberty, with the means of acquiring and possessing property, and of pursuing and obtaining happiness and safety.

Wisconsin Const. Art. I, § 1

All people are born equally free and independent, and have certain inherent rights; among these are life, liberty and the pursuit of happiness; to secure these rights, governments are instituted, deriving their just powers from the consent of the governed.

Wyoming Const. Art. 1, § 2

In their inherent right to life, liberty and the pursuit of happiness, all members of the human race are equal.