

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

In RE Marriage of:

HAROLD STANLEY.
Petitioner

v.

Civil Case No.

MARCIA E. STANLEY,
Respondent

Assigned To:

and Third Party Defendants,

The HONORABLE JACK GRATE,
16th Judicial Circuit Court of Jackson County, Missouri,
in his official capacity and,

16th JUDICIAL CIRCUIT COURT OF JACKSON COUNTY, MISSOURI and,
The Honorable Jay A. Daugherty, Presiding Judge, in his Official Capacity and,

STEVE RENNE, Acting Director, Missouri Department of Social Services,
in his official capacity, and

MISSOURI DEPARTMENT OF SOCIAL SERVICES

REMOVAL COMPLAINT

"The judicial branch has only one duty --- to lay the article of the Constitution which is involved beside the statute which is challenged and to decide whether the latter squares with the former. . .the only power it (the Court) has. . .is the power of judgement." U.S. v. Butler, 297 US 1 (1936)

INTRODUCTORY STATEMENT

- 1) Now comes HAROLD STANLEY, pro se, who asserts, pursuant to 42 U.S.C. 1983, 28 U.S.C. 1441 (a)(b) and (c), 28 U.S.C.1331, 28 U.S.C. 1367, 28 U.S.C. 2201, and 28 U.S.C. 1446 that Missouri Statutes Chapter 452 Dissolution of Marriage maintenance provisions (§ 452.335 et al),

- a. impermissibly infringe the U.S. Constitution, Fourteenth Amendment Due Process Clause, Section 2, fundamental Federal Right to Privacy in the Privacy Protected Zone of “Personal Decisions Relating to Marriage,” i.e. dissolution of marriage;
 - b. impermissibly infringe the U. S. Constitution, Fourteenth Amendment, Section 2, fundamental U.S. Constitution Equal Protection Clause;
 - c. impermissibly infringe U.S. Constitution, Thirteenth Amendment as state imposed legal coercion to effect involuntary servitude;
 - d. enforced through legally insufficient and defective procedures by Defendants the HONORABLE JACK GRATE and the 16TH JUDICIAL CIRCUIT COURT OF JACKSON COUNTY MISSOURI, in their ministerial capacity, against HAROLD STANLEY deprived him of his civil rights in the area of federal Liberty Interest, U.S. Constitution 13th and 14th Amendment procedural due process and substantive due process Right to Privacy in countervention of 42 U.S.C. 1983.
 - e. MARCIA E. STANLEY, in concert and under color of law, with the third party defendants utilized the coercive process of law and the legal process related to RMSO §452.335 to deny HAROLD STANLEY of his federal Liberty Interest, 13th Amendment rights, 14th Amendment due process and substantive due process Right to Privacy and Right to property in violation of 42 U.S.C. 1983.
 - f. impermissibly infringe his Missouri Constitution Article I Section 2 rights to enjoy life and liberty, pursue happiness, and to enjoy the rewards of his industry.
2. HAROLD STANLEY seeks a declaratory judgment under 28 USC 2201 from this court on the above Federal question issues as well as a declaratory judgment, and monetary damages against MARCIA E. STANLEY and the Third Party Defendants under 42 USC 1983.

3. This action arises because the Plaintiff has suffered an injury in fact; i.e., his titled property and monies have been assigned to his former spouse by the State of Missouri, because of the challenged “Dissolution of Marriage” maintenance provisions RSMO § 452.335 inter alia.

Further, because of the challenged statutes, he has been improperly held in contempt, with threat of imprisonment, by the State of Missouri for failure to fully comply with the challenged statutes without the State assessing his ability to pay maintenance arrearages.

He has been deprived of his federal Liberty Interest, fundamental Right to Privacy, Property Rights, and Equal Protection Rights under the Fourteenth Amendment of the U.S. Constitution, his Thirteenth Amendment right to be free of involuntary servitude, and his Missouri Constitution rights to enjoy life and liberty, pursue happiness, and to enjoy the rewards of his industry.

4. The United States Supreme Court has long held that “personal decisions relating to marriage” are fundamental rights (Right to Privacy) protected by the U.S. Constitution, Fourteenth Amendment.
5. The decision of a Missourian to dissolve his marriage (Dissolution of Marriage) is a personal decision relating to marriage.
6. The Respondent to the state contempt proceedings, HAROLD STANLEY, asserts that by exercising his fundamental Right to Privacy to dissolve his marriage, i.e. a “personal decision relating to marriage” Missouri’s “Dissolution of Marriage” statute maintenance (alimony) provisions denies him his property rights and permanently enslaves him to labor for the benefit of his former spouse or be held in contempt and imprisoned contrary to the U.S. Constitution Fourteenth Amendment and Thirteenth Amendment, Missouri Constitution

Article I Section 23 (Right to Privacy), Article I Section 2 Equal Protection and Inalienable Basic Rights.

7. The State of Missouri is not permitted to intrude upon these fundamental Federal and State Constitutional Rights without proving a compelling state interest is applied in the least intrusive manner and that the interest is substantially furthered by the legislation, i.e. strict scrutiny analysis.
8. Missouri Statutes Chapter 452 (§452.335) mandate that the State has wide discretionary power through its judiciary, with only a judicial standard of equity, to forever strip HAROLD STANLEY of his property rights in his earnings and deny him his here enumerated Federal and State Constitutional Rights.
9. The State of Missouri does not mandate that all Missourians who exercise their fundamental Right to Privacy of a “personal decision relating to marriage’, i.e. to dissolve their marriage, be mandated forever to support their former spouses nor does it require married spouses to support their spouses to the “lifestyle of the marriage” as it mandates spouses dissolving their marriage..
10. A “personal decision relating to marriage”, i.e. to get married, stay married or to dissolve a marriage, is a recognized Federal and State Liberty Interest--a fundamental Right to Privacy.

STANDING, JURISDICTION and VENUE

11. The jurisdiction of this Court is invoked pursuant to federal question subject matter and the provisions of 28 U.S.C. 1331, 28 U.S.C. 1367, 28 U.S.C. 1441 (a) (b) (c), 28 U.S.C. 1446 , 28 U.S.C. 2201 and 42 U.S.C. 1983.

12. The jurisdiction of this Court is invoked pursuant to Article III Section 2 of the U.S. Constitution; an actual “case or controversy” exists because HAROLD STANLEY is currently subject to jurisdiction of the Third Party Defendants and the laws of the State of Missouri. The challenged statutes of the State of Missouri have been exercised by all of the Third Party Defendants by the voluntary action of MARCIA E. STANLEY against HAROLD STANLEY. HAROLD STANLEY has been injured, and continues to be injured, by the challenged statutes and all of the Parties.

HAROLD STANLEY alleges that such a personal stake in the outcome of the controversy assures that “concrete adverseness” which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions.
13. The jurisdiction of this Court is invoked where the federal subject matter is an independent federal question and where the independent question is not inextricably intertwined with any state court judgment.
14. The jurisdiction of this Court is invoked where a federal question exists and the relief requested is declaratory judgment relief, injunctive relief, and monetary damage pursuant to third party defendants under 42 USC 1983.
15. Separately, and in addition to, HAROLD STANLEY presents a general challenge to the constitutionality of Missouri Statutes Chapter 452 “Dissolution of Marriage” maintenance (alimony) provisions (§452.335 et al.).
16. HAROLD STANLEY is not requesting a divorce decree, alimony, child custody, or other family law decision from this Court.
17. HAROLD STANLEY is not requesting that a state court final judgment be reviewed, overturned, altered, modified, or entered by this Court.

18. HAROLD STANLEY is requesting declaratory judgment relief and injunctive relief challenging the constitutionality of a state statute as impermissibly infringing the US Constitution Thirteenth and Fourteenth Amendments, 42 USC 1983, and Missouri Constitution Article I Section 2.
19. There is no bar to declaratory relief and injunctive relief of independent federal questions and/or to a general constitutional challenge of state law.
20. The authority of this Court is further invoked pursuant to the Federal Declaratory Judgment Act and the provisions of 28 U.S.C. 2201.
21. The jurisdiction of this Court is invoked pursuant to the provisions of applicable sections of the U.S. Code that are not specifically asserted and/or are inadvertently omitted in this action that pertain to declaratory relief and the jurisdiction of this court.
22. The jurisdiction of this Court is invoked where the merits of the instant matter are capable of repetition but evade meritorious review.
23. Subject matter jurisdiction of this action is proper because an actual controversy exists among the parties, as well as adverse interests, as to which a declaratory judgment setting forth their rights and obligations under Federal law is necessary and will resolve the active issue, i.e. whether Missouri Chapter 452 “Dissolution of Marriage” maintenance (alimony) provisions (§452.335 et al) impermissibly infringe the U.S. Constitution 13th and 14th Amendment Section 1 Due Process Clause, Right to Privacy, in the Privacy Protected Zone of a “personal decision relating to marriage” as well as impermissibly infringing the Missouri Constitution, Article I Section 2.
24. Subject matter jurisdiction is proper under 42 U.S.C. 1983.

PARTIES

25. HAROLD STANLEY, is a Cass County, Missouri, Missouri resident. HAROLD STANLEY is subject to the challenged statute (Chapter 452) pursuant to a Final Judgment of Dissolution entered December 22, 2000 by the Defendant 16th JUDICIAL CIRCUIT COURT OF MISSOURI and is subject to the enforcement power authorised in Chapter 452 to the third party Defendants the 16th JUDICIAL CIRCUIT COURT OF MISSOURI, The HONORABLE JACK GRATE, in his official capacity, and the MISSOURI DEPARTMENT OF SOCIAL SERVICES.
26. MARCIA E. STANLEY, is the former Wife named in the Dissolution of Marriage Proceeding in the 16th Judicial Circuit Court of Jackson County Missouri.
27. Third Party Defendant The HONORABLE JACK GRATE, in his official capacity, is the state official designated to enforce § 452.355 provisions and as the state official acted, not as a neutral adjudicator but, as an enforcer of the challenged statute against HAROLD STANLEY for the 16th JUDICIAL CIRCUIT COURT OF JACKSON COUNTY MISSOURI.. Judge Grate enforced §452.335 against HAROLD STANLEY.
28. Third Party Defendant, the 16th JUDICIAL CIRCUIT COURT OF JACKSON COUNTY MISSOURI , a “political subdivision, ” and as such not subject to Eleventh Amendment immunity in federal court, is a proper defendant. The 16th JUDICIAL CIRCUIT COURT OF JACKSON COUNTY MISSOURI is the State agent designated to apply the “Dissolution of Marriage” Chapter 452 provisions against HAROLD STANLEY. It is also the state agent statutorily designated to enforce the Dissolution of Marriage statute alimony provisions against HAROLD STANLEY.

It is a suable entity for declaratory judgment and declaratory relief.

It has applied and enforced the challenged statutes against the Plaintiff.

29. Third party Defendant, The HONORABLE Jay Daugherty, in his official capacity, is the Presiding Judge with administrative function responsibility and authority for the 16th JUDICIAL CIRCUIT COURT of JACKSON COUNTY MISSOURI. He is its titular head.
30. Third Party Defendant , MISSOURI DEPARTMENT OF SOCIAL SERVICES, a “political subdivision” and as such not subject to Eleventh Amendment immunity in federal court, is a proper defendant. The MISSOURI DEPARTMENT OF SOCIAL SERVICES, through its subsidiary the Family Support Division, is the State agency designated to collect alimony provisions and to enforce § 452.335 et al., the challenged statutes.
31. Third Party Defendant, STEVE RENNE, in his official capacity, is the Acting Director of the Missouri Department of Social Services, the state agent directing the agency (Family Support Division) whose mission is, inter alia, the collection of maintenance (alimony) and the enforcement of § 452.335 provisions.
32. The Florida Attorney General cites, and HAROLD STANLEY relies upon him and the authority he offers as to the proper defendant for a constitutional challenge to a statute, Walker v. President of the Senate, 658 So. 2d 1200, 1200 (Fla. 5th DCA 1995) "it is the state official designated to enforce (it) who is the proper defendant, even when that party has made no attempt to enforce (it)."; American Civil Liberties Union v. The Missouri Bar, 999 F. 2d 1486, 1491 (11th Cir. 1993) “Under the Supreme Court precedent, when a plaintiff challenges the constitutionality of a rule of law, it is the state official designated to enforce that rule who is the proper defendant, even when that party has made no attempt to enforce

the rule. [Citing] Diamond v. Charles, 476 U.S.54, 64, 106 S. Ct. 1697, 1704, 90 I.Ed. 2d 48 (1986).”¹

33. NOTICE is given to the Attorney General of the State of Missouri because of the declaratory judgment claim challenging the constitutionality of Missouri Statutes Chapter 452 “Dissolution of Marriage” maintenance (alimony) provisions (§ 452.335 et al).

RELEVANT LAW

“Our law affords constitutional protection to ***personal decisions relating to marriage***, procreation, contraception, family relationships, child rearing, and education.Our precedents ‘have respected the private realm of family life which the state cannot enter.’ These matters, involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected by the Fourteenth Amendment. At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.” (Emphasis Supplied) Planned Parenthood v. Casey, 505 U.S. 833, 859 (1992),

Federal Right to Privacy

34. The Liberty Interest of the Federal Right to Privacy has currently moved to the forefront of fundamental constitutional rights rulings.
35. The Federal Right to Privacy (U.S. Constitution Fourteenth Amendment Due Process clause) has a long recognized Privacy Protected Zone of “Personal Decisions Relating to Marriage” Carey v. Population Serv. Int’l., 431 U.S. 678, 684-685 (1977), Loving v. Virginia, 388 U.S. 1, 12, 87 S.,Ct. 1817 (1967); Zablocki v. Redhail, 434 US 374 (1978)and; Planned Parenthood v.

¹Memorandum of Law of the Missouri Attorney General on behalf of John Bush Governor et al, Defendants in Jerry Bainbridge, et al v. John Bush, et al, Case No. 99-2681-CIV-T-25E U.S. District Court, Middle District, Tampa, Missouri, February 2000. Available at <http://www.wswa.org/public/state/pdfs/fl/StateMTD.PDF>.

Casey, 505 U.S. 833, 859 (1992), Roe v. Wade, 410 U.S. 113, (1973); Griswold v. Connecticut, 381 U.S. 479 (1965); and notably Littlejohn v. Rose, 768 F.2d 765 (6th Cir. 1985)

36. HAROLD STANLEY asserts that the challenged alimony provision (§ 452.335 et al.) and its enforcement provisions are part of the “Dissolution of Marriage” Statute. The Statutes are written intruding in the long recognised Privacy Protected Zone of a “personal decision relating to marriage,” i.e. a Missourian’s personal decision to dissolve his marriage.
37. The Right to Privacy attaches to the state statute “Dissolution of Marriage” because its title plainly relates to a Missourian’s “personal decision relating to marriage,” i.e. to dissolve his marriage.
38. Daily Missourians make the personal decision relating to their marriage to dissolve it.
39. Any State statute to which the Federal Right to Privacy attaches is presumed unconstitutional unless the State proves a compelling interest applied in the least intrusive manner, i.e. strict scrutiny. The challenged alimony provisions are thus presumed unconstitutional unless the State of Missouri proves its burden of the statute having a compelling state interest and that the statute is applied with the least intrusive manner and that the interest is substantially furthered by the legislation.

§452.335 Maintenance (Alimony) Provisions

40. The maintenance (alimony) provisions (§ 452.335) mandate that the state of Missouri invade a Missourian’s family, through the judiciary, to examine, evaluate, determine and conclude the terms and nature of the interpersonal relationship, spousal roles, spousal conduct, parental decision making, parenting conduct, parental spending, economic standard of living, occupations, education, savings, assets, charitable contributions and most importantly the intimate emotional, psychological and physical details of the parties and family during their

marriage granting the judiciary a broad range of discretion to apply a property stripping statute with a standard of equity, with a threat of contempt and imprisonment.

41. The State of Missouri has never exhorted or proved a compelling state interest, minimally applied for the maintenance (alimony) provisions.

42. § 452.335 annunciates over 2¹⁷ permutations then includes the phrase “ any other relevant factors” (§ 452.335 (10)) to do equity and justice between the parties from which the State of Missouri may choose as reasons to burden a Missourian with lifetime alimony.

43. Missouri’s Gender Bias Report acknowledged gender bias in the court system.

44. The fundamental Federal and Constitutional Rights at issues under §452.335 cannot be adjudicated by such a forum forever affecting the fundamental Rights of a Missourian.

Maintenance (Alimony)

45. There is no common law basis for alimony (maintenance). It is merely a statute and as such must comport with the Federal and State Constitutions.²

46. Coverture, the rationale for alimony and the doctrine of necessities, was extinguished in Missouri.

Federal Equal Protection

47. RMSO §425.335 constructed as noted above cannot facially nor as applied be implemented equally among all Missourians exercising their fundamental privacy protected right to dissolve their marriage.

² “At common law there was no right to alimony at all. Divorce was not a function of the judiciary... The so-called 'right' to alimony does not exist as an incident to divorce A vinculo unless it is granted by statute.” *Pacheco v. Pacheco*, 246 So.2d 778, 780 (Fla.1971).

48. Marriage has achieved the status of a suspect class. (Attached Appendix 1) Federal statutes routinely classify marital status along with suspect classes. See, e.g., 12 U.S.C. § 3106a (1)(b)(foreign banks must conduct operations in compliance with laws prohibiting discrimination on the basis of race, national origin, marital status); 5 U.S.C. § 7204(b) (“...[D]iscrimination because of race, color, creed, sex, or marital status is prohibited with respect to an individual or a position held by an individual”); 15 U.S.C. § 1691(a)(1)(unlawful for creditor to discriminate on the basis of sex, race, religion, national origin, or marital status); 20 U.S.C. § 1087tt(c)(unlawful to discriminate in loaning money on basis of sex, race, religion, national origin, or marital status); 20 U.S.C. § 1071(a)(2)(same, for credit or insurance).
49. The State of Missouri does not intrude in the Privacy Protected Zone of economic, private, intimate, and personal areas of Missourians who plan to marry or who are married as it does with Missourians dissolving their marriages.
50. The State of Missouri does not intrude and mandate that a Missourian in an intact marriage provide the same level of economic support—“lifestyle of the marriage”— that the State of Missouri mandates an unmarried former spouse provide after exercising his personal decision relating to marriage to dissolve his marriage.
51. The State of Missouri does not subject all Missourians who wish to dissolve their marriage to § 452.355. It only applies the statute for the benefit of those Missourians who plead for alimony when dissolving their marriage.
52. The State of Missouri, as relates to maintenance (alimony), treats differently Missourians starting a marriage versus those dissolving a marriage; treats differently, as relates to alimony, some Missourians dissolving their marriage compared with other Missourians

dissolving their marriage; treats differently, as relates to alimony, Missourians during a marriage compared with the same Missourians after they dissolve their marriage.

53. HAROLD STANLEY asserts the state has no compelling state interest nor even a rationally related interest for such variability in stripping property rights from Missourians and permanently enslaving only some of them to work for a former spouse.

54. The State of Missouri never has, and cannot articulate a compelling state interest applied in the least intrusive manner, and that the interest is substantially furthered by the legislation, to satisfy the strict scrutiny test to validate the alimony statute on equal protection grounds.

Thirteenth Amendment

55. Involuntary servitude is prohibited by the Thirteenth Amendment to the U.S. Constitution.

While the term is easily definable, the “exact range of conditions it prohibits” is not so evident. In a fairly recent case, United States v. Kozminski, 487 U.S. 931, 942 (1998) the Supreme Court defined the term as a compulsory condition “in which a person lacks liberty especially to determine one’s course of action or way of life.”

56. The Kozminski Court held that involuntary servitude “necessarily means a condition...in which the victim is forced to work for [another] by the use or threat of physical restraint or physical injury, or by the use or threat of coercion through law or the legal process.”

57. The use of law or the threat of legal coercion by a Missourian to induce involuntary servitude is thus a recognized violation of the Thirteenth Amendment. United States v. Kozminski, 487 U.S. 931, (1998).

58. “...the Amendment’s drafters thought that involuntary servitude generally includes situations in which the victim is compelled to work by law.” United States v. Kozminski, 487 U.S. 931, 931(1998).

59. "Dissolution of Marriage" § 452.335 maintenance (alimony) provisions, when entered against a Missourian compels him to work by law and with further coercion by law.

Missouri Equal Protection

60. Missouri Constitution Article I stipulates equal protection for all Missourians.

61. HAROLD STANLEY reasserts 47 to 54 above from the Federal Equal Protection Law.

Missouri rights to life and liberty, pursue happiness, and to be rewarded for industry

62. Missouri Constitution Article I section 2 rights includes rights that are inalienable, i.e. cannot be surrendered.

63. "Dissolution of Marriage" statutes alimony provisions, §452.335, infringe a Missourian's right to life and liberty, his pursuit of happiness, and his reward for his industry.

64. Because the "Dissolution of Marriage" alimony provisions take future property and liberty rights from Missourians they impermissibly infringe these fundamental rights. As such, strict scrutiny applies.

65. §452.335 denies Missourians the Liberty Interest in the property rights of their future earnings and thus denies them the inalienable right to be rewarded for their industry.

42 USC 1983

66. 42 USC 1983 provides a private right of action against parties acting "under color of any statute, ordinance, regulation, custom, or usage, of any State" to redress the deprivation of rights secured by the United States Constitution or federal law.

67. 42 USC 1983, despite 1996 Congressional changes to the statute, permits a judge to be sued without a defense of judicial immunity when the judge is not a neutral adjudicator, but has statutorily granted enforcement power and as such is an enforcer of the challenged statutes,

and the only relief requested is declaratory judgment. (Brandon E. Ex Rel. Listenbee v. Reynolds, 201 F. 3d 194 (3rd Cir. 2000).

68. HAROLD STANLEY has had difficulty obtaining counsel to remove his case and raise the federal questions entered here.

FACTS

69. HAROLD STANLEY is a 51 year old electrical engineer in good health.

70. MARCIA E. STANLEY is a 51 year old healthy woman with 2 years of undergraduate liberal arts education.

71. HAROLD STANLEY, and MARCIA E. STANLEY were married August 17, 1973, in Raytown, Missouri. They have been blessed with four children of the marriage, one of which died in infancy. The 3 surviving children are adults, professional, seeking advanced degrees, healthy, and economically independent. A Final Judgment of Dissolution of Marriage was entered in the 16th Judicial Circuit Court Jackson County Missouri.

72. Prior to issuing its December 22, 2000 Order the State of Missouri, through the Defendant 16th JUDICIAL CIRCUIT COURT of JACKSON COUNTY MISSOURI, repeatedly invaded and examined the intimate details of the Privacy Protected Zone of the marriage of HAROLD STANLEY while the divorce proceedings languished in the court system for over 4 years. Various versions of support orders drove HAROLD STANLEY to the verge of bankruptcy in 1998 and again in 2001.

73. After its invasion and examination of the intimate details of the Privacy Protected Zone of HAROLD STANLEY's marriage, the State of Missouri, through the Defendant the 16th JUDICIAL CIRCUIT COURT of JACKSON COUNTY MISSOURI reassigned the property rights between HAROLD STANLEY and MARCIA E. STANLEY.

74. The State of Missouri, through the Defendant the 16th JUDICIAL CIRCUIT COURT of JACKSON COUNTY MISSOURI redistributed the property of HAROLD STANLEY and MARCIA E. STANLEY pursuant to Missouri Chapter § 452.
75. MARCIA E. STANLEY has no impediments to economic independence. She is currently employed 1197 hours per year (an average of 24 hours per week) as a school service manager for the Lee's Summit School District, where she has been continuously employed since 1994. She held a second part-time job for a portion of the time since the parties separated in 1994, but left that second part-time job approximately 3 years ago.
76. MARCIA E. STANLEY did not fulfill her pre-nuptial agreement to complete her baccalaureate degree, dropping out of college a few weeks after the wedding and never returning to college.
77. The State of Missouri, through the Defendant the 16th JUDICIAL CIRCUIT COURT of JACKSON COUNTY MISSOURI, in its Final Judgment of Dissolution of Marriage mandated HAROLD STANLEY pay maintenance (alimony) forever until he or his former wife die or she remarries.
78. HAROLD STANLEY has continuously met his alimony obligation to the best of his physical, mental and emotional capacity, working full time up to 2500 hours per year throughout his adult life.
79. The State of Missouri, through the Defendant the 16th JUDICIAL CIRCUIT COURT of JACKSON COUNTY MISSOURI, entered an Order of Contempt against HAROLD STANLEY on July 1, 2004 (Appendix 2), following a May 14, 2004 hearing. An incomplete Order of Contempt was first entered on May 26, 2004 (Appendix 3), over 5 months prior to HAROLD STANLEY's presentation of evidence concerning his inability to pay. HAROLD

STANLEY's evidence concerning inability to pay was first entered on November 5, 2004, some 7 months after his Motion to Modify Maintenance was filed on April 7, 2004.

80. HAROLD STANLEY has not presented these federal claims to state court. He has not had these federal claims adjudicated there.

CAUSE OF ACTION

Count I

Federal Question

MISSOURI STATUTES CHAPTER 452 "DISSOLUTION OF MARRIAGE"
MAINTENANCE (ALIMONY) PROVISIONS IMPERMISSIBLY INFRINGE THE RIGHT
TO PRIVACY (U.S. CONSTITUTION FOURTEENTH AMENDMENT DUE PROCESS) IN
THE PRIVACY PROTECTED ZONE OF PERSONAL DECISIONS RELATING TO
MARRIAGE, i.e. DISSOLUTION OF MARRIAGE

81. HAROLD STANLEY incorporates 1 to 80 above.

82. HAROLD STANLEY asserts Missouri Statutes Chapter 452 "Dissolution of Marriage"

Alimony Provisions (RMSO § 452.335 et al) impermissibly infringe the Right to Privacy (U.S. Constitution Fourteenth Amendment Due Process) in the Privacy Protected Zone of Personal Decisions Relating to Marriage, i.e. the personal decision of Missourians to dissolve their marriage.

83. HAROLD STANLEY asserts that a fundamental Liberty Interest, the Right to Privacy, has been infringed and that the strict scrutiny standard applies. Further HAROLD STANLEY asserts that strict scrutiny applying, the statute is presumed unconstitutional unless the State of Missouri and the Defendants fulfill their burden under strict scrutiny.

84. HAROLD STANLEY asserts the State of Missouri nor any of the Defendants have ever exhorted or proven a compelling state interest that is applied in the least intrusive manner and

that the interest is substantially furthered by the legislation to validate the maintenance statute, § 452.335 et al.

85. HAROLD STANLEY asserts that the state interest is at its weakest in the facts asserted herein.

86. Therefore, this Court must adjudge the challenged statute, “Dissolution of Marriage” maintenance (alimony) provisions, § 452.355 et al., impermissibly infringe the Federal Right to Privacy and are null and void.

Count II

Federal Question

MISSOURI STATUTES CHAPTER 452 “DISSOLUTION OF MARRIAGE” ALIMONY
PROVISIONS IMPERMISSIBLY INFRINGE THE EQUAL PROTECTION CLAUSE (U.S.
CONSTITUTION FOURTEENTH AMENDMENT EQUAL PROTECTION)

87. HAROLD STANLEY incorporates 1 to 80 above.

88. HAROLD STANLEY asserts Missouri Statutes Chapter 61 “Dissolution of Marriage” Alimony Provisions impermissibly infringe the Equal Protection Clause, U.S. Constitution Fourteenth Amendment.

89. HAROLD STANLEY asserts that not all similarly situated married Missourians who decide to dissolve their marriage are burdened with maintenance (alimony) per § 452.355—only those of contested dissolutions whose spouses plead for alimony.

90. HAROLD STANLEY asserts that the criteria for burdening a spouse with permanent alimony annunciate over 2¹⁷ permutations then includes the phrase “any other relevant factor”. They are applied in a court of chancery with a standard of equity by a judiciary given wide discretion

such that similarly situated Missourians could not conceivably be equally treated under the maintenance (alimony) provision.

91. HAROLD STANLEY asserts no compelling state interest nor even a rationally related state interest exists for maintenance (alimony) which forever enslaves a Missourian former spouse and denies him his future property rights in the rewards of his industry.

92. HAROLD STANLEY asserts that the state interest is at its weakest in the facts asserted herein.

93. Therefore, this Court must adjudge the challenged statute, “Dissolution of Marriage” maintenance (alimony) provisions, § 452.335 et al., impermissibly infringe the U.S. Constitution Amendment XIV Section 1 Equal Protection clause and are null and void.

Count III

Federal Question

MISSOURI STATUTES CHAPTER 452 “DISSOLUTION OF MARRIAGE” ALIMONY PROVISIONS IMPERMISSIBLY INFRINGE THE U. S. CONSTITUTION THIRTEENTH AMENDMENT

94. HAROLD STANLEY incorporates 1 to 80 above.

95. The U.S Constitution, Thirteenth Amendment, ensures the right of citizens to be free of involuntary servitude.

96. Involuntary Servitude has been defined by the U.S. Supreme Court as “a condition of servitude in which the victim is forced to work for [another] ...by the use of threat of coercion through law or the legal process. U.S. v Kozminski.

97. Some Missourians dissolving their marriage, for their own benefit, choose to ask the State of Missouri to apply § 452.335 alimony provisions against their spouses.

98. The only method a Missourian has to compel a spouse to forever work for her benefit is to make the personal decision to dissolve her marriage and request the State of Missouri apply § 452.335 maintenance (alimony) provisions against him. There is no common law right to alimony.
99. The State of Missouri at the request of a Missourian can have the alimony provision § 452.335 applied against her spouse in a court of chancery, with a standard of equity, granted wide discretionary powers.
100. A Missourian can compel her spouse to involuntarily work for her forever through the law and legal process of utilizing the Dissolution of Marriage Statute and its maintenance (alimony) provision, § 452.335 against him with the threat of coercion through law and the legal process to wit, contempt proceedings and imprisonment.
101. A Missourian is placed by § 452.335 in a situation where he is compelled to work by law.
102. HAROLD STANLEY asserts the challenged statute alimony provisions create a situation of involuntary servitude that impermissibly infringes the U. S. Constitution Thirteenth Amendment right of a Missourian to be free from involuntary servitude.
103. Therefore, this Court must adjudge the challenged statute, “Dissolution of Marriage” maintenance (alimony) provisions, § 452,335 et al., impermissibly infringe the U.S. Constitution Thirteenth Amendment prohibiting involuntary servitude and are null and void.

Count IV

Federal Question

MISSOURI STATUTES CHAPTER 452 “DISSOLUTION OF MARRIAGE” ALIMONY PROVISIONS IMPERMISSIBLY INFRINGE THE U. S. CONSTITUTION FOURTEENTH

AMENDMENT RIGHT TO PRIVACY, FOURTEENTH AMENDMENT EQUAL
PROTECTION AND THIRTEENTH AMENDMENT AS A 42 USC 1983 CLAIM

104. HAROLD STANLEY incorporates 1 to 103 above.
105. RMSO Chapter 452 authorizes the defendants 16th JUDICIAL CIRCUIT COURT of JACKSON MISSOURI and the HONORABLE JACK GRATE to enforce §452.355.
106. Further provisions of Missouri Statutes Chapter 452 authorize the Department of Social Services to enforce § 452.335 provisions.
107. HAROLD STANLEY asserts judicial immunity does not apply to defendant the HONORABLE JACK GRATE because he did not act as a neutral adjudicator. When Judge Grate and the Defendant 16th JUDICIAL CIRCUIT COURT of JACKSON COUNTY MISSOURI apply and enforce §452.335 they examine the intimate details of the life of HAROLD STANLEY as well as other Missourians to whom §452.335 applied and place them in a public record. When they act in this role of enforcement they are performing a ministerial task and are not being a neutral adjudicator. When Judge Grate initiated and applied RMSO Chapter 452 enforcement provisions against HAROLD STANLEY, or any Missourian, he acted as an enforcer of the statute outside the scope of a neutral adjudicator. They act in a ministerial and enforcing capacity of the challenged statute and thus judicial immunity is not a valid defense.
108. HAROLD STANLEY asserts that the Defendants the HONORABLE JACK GRATE and the 16th JUDICIAL CIRCUIT COURT of JACKSON COUNTY MISSOURI enforced §452.335, under color of state law, against him and other Missourians in a manner inconsistent with then existing law (statutory and caselaw).

109. HAROLD STANLEY asserts that the Defendants the HONORABLE JACK GRATE and the 16th JUDICIAL CIRCUIT COURT of JACKSON COUNTY MISSOURI improper enforcing of §452.335 against him and other Missourians may be viewed as an action exceeding their jurisdiction, i.e. ultra vires conduct.
110. HAROLD STANLEY asserts that if this court finds the enforcing action of the Defendants the HONORABLE JACK GRATE and the 16th JUDICIAL CIRCUIT COURT of JACKSON COUNTY MISSOURI against HAROLD STANLEY and other Missourians to be an extra jurisdictional action necessitating this action be styled to include these Defendants in their personal capacity HAROLD STANLEY adjusts this pleading to include them in their respective personal capacities.
111. HAROLD STANLEY asserts that all third party Defendants and MARCIA E. STANLEY acted in concert, under color of state law to deprive him of his civil rights, i.e. Liberty Interest, Right to Privacy, and Equal Protection and to be free of involuntary servitude when it applied and enforced §452.335 against him.
112. No bar exists to HAROLD STANLEY's request for declaratory relief and injunctive relief of whether the applied and enforced statute, § 452.335 et al., impermissibly infringes his above stated U.S. Constitutional fundamental rights.
113. No bar exists to a monetary award of damages pursuant to 42 U.S.C. 1983.
114. Therefore this court should declare §452.335 unconstitutional, grant injunctive relief against all parties enforcing §452.335 against HAROLD STANLEY and order MARCIA E. STANLEY restore the monetary benefits she has received to her from HAROLD STANLEY as a consequence of her availing herself of §452.335 against him and apply suitable and

appropriate monetary damages against the third party Defendants the HONORABLE JACK GRATE and the 16th JUDICIAL CIRCUIT COURT of JACKSON COUNTY MISSOURI.

Count V

ALL DEFENDANTS ACTED IN CONCERT TO DENY HAROLD STANLEY HIS CIVIL
RIGHTS UNDER 42 U.S.C. 1983

115. HAROLD STANLEY incorporates 1 to 80 above.
116. HAROLD STANLEY asserts that MARCIA E. STANLEY availed herself of RMSO §452.335 to deprive HAROLD STANLEY of his Liberty Interest and 13th Amendment rights by requesting the application of §452.335 against him and by repeatedly requesting the Defendants THE HONORABLE JACK GRATE and the 16th JUDICIAL CIRCUIT COURT of JACKSON COUNTY MISSOURI to enforce §452.335 against him with the coercive threat of imprisonment for non compliance.
117. HAROLD STANLEY asserts that MARCIA E. STANLEY utilized the coercive effect of the law to have him work for her benefit.
118. HAROLD STANLEY asserts that these actions by MARCIA E. STANLEY denied his liberty especially to determine his course of action and way of life.
119. HAROLD STANLEY asserts the actions of MARCIA E. STANLEY requesting the third party Defendants, as well as their enforcing actions of §452.335 against him compels him to work by law by way of threat of the legal process and coercion by law.
120. HAROLD STANLEY asserts that MARCIA E. STANLEY availed herself of RMSO §452.335 et al. to deprive HAROLD STANLEY of his Liberty Interest and fundamental Right

to Privacy in the Privacy Protected Zone of “personal decision relating to marriage” to dissolve his marriage.

121. HAROLD STANLEY asserts that MARCIA E. STANLEY’s persistence acting in concert with the third party Defendants the HONORABLE JACK GRATE and the 16th JUDICIAL CIRCUIT COURT of JACKSON COUNTY MISSOURI to improperly enforce their Order predicated on §452.335 against him has deprived him of his 14th Amendment Property rights in his earnings.

122. These actions by MARCIA E. STANLEY have resulted in significant monetary losses to HAROLD STANLEY, loss of his savings and necessitated imminent personal bankruptcy.

123. Therefore this court should declare §452.335 unconstitutional, grant injunctive relief against all parties enforcing §452.335 against HAROLD STANLEY and order MARCIA E.

STANLEY restore the monetary benefits she has received to her from HAROLD STANLEY as a consequence of her availing herself of §452.335 against him and apply suitable and appropriate monetary damages against the third party Defendants the HONORABLE JACK GRATE and the 16th JUDICIAL CIRCUIT COURT of JACKSON COUNTY MISSOURI.

Count VI

State Claim

MISSOURI STATUTES CHAPTER 452 “DISSOLUTION OF MARRIAGE” ALIMONY PROVISIONS IMPERMISSIBLY INFRINGE THE MISSOURI CONSTITUTION ARTICLE I

SECTION 2 BASIC RIGHTS

124. HAROLD STANLEY incorporates 1 to 80 above.

125. HAROLD STANLEY asserts Missouri Statutes Chapter 452 “Dissolution of Marriage” maintenance (alimony) Provisions impermissibly infringe Missouri Constitution Article I Section 2 Basic Rights clause.
126. HAROLD STANLEY asserts that not all similarly situated married Missourians who decide to dissolve their marriage are burdened with alimony per RMSO §452.335.
127. HAROLD STANLEY asserts that the criteria for burdening a spouse with permanent alimony annunciate over 2¹⁷ permutations then includes the phrase “any other relevant factors.” They are applied in a court of chancery with a standard of equity by a judiciary given wide discretion such that similarly situated spouses are not equally enslaved with permanent alimony.
128. HAROLD STANLEY asserts the State of Missouri treats some Missourians differently that other Missourians who decided to dissolve their marriage.
129. The State of Missouri only exercises the § 452.335 provisions against a Missourian whose spouse pleads for alimony.
130. The State of Missouri will not exercise § 452.335 unless a spouse pleads for alimony.
131. HAROLD STANLEY asserts the state has no rationally related interest for such variability in stripping property rights from Missourians and permanently enslaving some of them to work for a former spouse.
132. HAROLD STANLEY asserts that if a compelling state interest or even a rationally related state interest existed then the State of Missouri should be examining all dissolution of marriage proceedings for the interest, not just those who plead for it.
133. HAROLD STANLEY asserts that the State of Missouri through § 452.335 treats some similarly situated Missourians whose marriages are dissolved differently as to the level of support obligation of a spouse than it does a married spouse.

134. The State does not measure the ability of married spouses to support each other nor establish any of the criteria for the level of support due a married spouse that it does apply to spouses who are dissolving their marriage.
135. HAROLD STANLEY asserts no compelling state interest nor even a rationally related state interest exists for maintenance (alimony) which forever enslaves some Missourian former spouses and denies them their future property rights in the rewards of their industry.
136. HAROLD STANLEY asserts that the state interest is at its weakest in the facts asserted herein.
137. Therefore, this Court must adjudge the challenged statute, “Dissolution of Marriage” maintenance (alimony) provisions, § 452.335 et al., impermissibly infringe the Missouri Constitution Article I Section 2 Equal protection clause and are null and void.

Count VIII

State Claim

MISSOURI STATUTES CHAPTER 452 “DISSOLUTION OF MARRIAGE” ALIMONY
PROVISIONS IMPERMISSIBLY INFRINGE THE MISSOURI CONSTITUTION ARTICLE I
SECTION 2 INALIENABLE BASIC RIGHTS CLAUSE

138. HAROLD STANLEY incorporates 1 to 80 above.
139. HAROLD STANLEY asserts Missourians’ Basic Rights enumerated in Article I Section 2 are inalienable.
140. As inalienable Missourians’ right to life and liberty, pursuit of happiness, and to enjoy the rewards of their industry cannot be impaired by the State and the challenged Statutes without

the State proving a compelling state interest applied in the least intrusive manner and that the legislation substantially furthers the interest.

141. Tens of Thousands of Missourians have had §452.335 provisions entered against them such that their Liberty Interest has been denied by contempt orders, their pursuit of happiness forever impaired by the prospects of future litigation over the statute and denied the rewards of their industry as some part of those rewards must now accrue to their former spouse-- forever.

142. Missourians' right to all of the rewards of their future industry are inalienable and any statute impacting it must be reviewed by strict scrutiny.

143. HAROLD STANLEY asserts that the state interest is at its weakest in the facts asserted herein.

144. Therefore, this Court must adjudge the challenged statute, "Dissolution of Marriage" maintenance (alimony) provisions, § 452.335 et al., impermissibly infringe the Missouri Constitution Article I Section 2 Inalienable Rights of life, liberty, pursuit of happiness and the enjoyment of the rewards of his industry.

PRAYER FOR RELIEF

“It is revolting to have no better reason for a rule of law than that so it was laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past.” O.W. Holmes. The Path of the Law. 10 Harvard Law Review 457 (1897)

Wherefore HAROLD STANLEY, prays that the Court take jurisdiction over this matter, enter such orders as are appropriate to expedite consideration of this motion, and:

145. Enter a declaratory judgment that Missouri Statutes Chapter 452 “Dissolution of

Marriage” maintenance (alimony) provisions (§452.335 et al.)

- a) impermissibly infringe the U.S. Constitution Fourteenth Amendment Due Process clause, Right to Privacy, and as such are null and void; and
- b) impermissibly infringe the U.S. Constitution Fourteenth Amendment Equal Protection clause and as such are null and void; and
- c) impermissibly infringe the U. S. Constitution Thirteenth Amendment prohibiting involuntary servitude; and
- d) impermissibly infringe the Missouri Constitution Article I Section 2 Equal Protection Clause and as such are null and void; and
- e) impermissibly infringe the Missouri Constitution Article I Section 2 Inalienable Basic Rights and as such are null and void; and
- f) grant injunctive relief against the 16th Judicial Circuit Court of Jackson County Missouri, and any other court in Missouri from enforcing any order predicated upon RMSO § 452.335 against HAROLD STANLEY until such time as this court rules on the constitutionality of the RMSO § 452.335; and

- g) declare MARCIA E. STANLEY and third party Defendants, under color of state law, deprived HAROLD STANLEY of his 13th Amendment, 14th Amendment procedural due process and substantive due process Right to Privacy and Right to Property; and
- h) award monetary damages from MARCIA E. STANLEY commensurate with the monetary benefits she has accrued from the property of HAROLD STANLEY under the challenged statute §452.335, and
- i) award monetary damages as it sees fit against third party Defendants the HONORABLE JACK GRATE and the 16th JUDICIAL CIRCUIT COURT of JACKSON COUNTY MISSOURI for violations of 42 U.S.C. 1983.

146. As HAROLD STANLEY, despite being *pro se*, has incurred costs and attorney fees to prosecute this action and defend his civil liberties, he requests an award for all costs and reasonable attorney fees incurred;

147. Provide any other relief appropriate.

Respectfully submitted,

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APPENDIX 1

NATIONAL CONSENSUS AGAINST DISCRIMINATION BASED ON MARITAL STATUS

By Harold Rosenberger

Today, in these United States of America, an overwhelming national consensus exists against discrimination based on marital status. Our nation law's now reflect society's consensus that discrimination based on marital status in both the public and private sectors is unacceptable. Based on this author's research, 48³ of 50 states have at least one statute – most states have multiple statutes – that prohibit discrimination based on marital status. State laws prohibit said discrimination in areas such as employment, banking and credit transactions, mortgage underwriting and real estate, motor vehicle insurance, juries and jurors, and access to public accommodations.

At the federal level, laws prohibit discrimination based on marital status in the areas of banking, credit transactions, education assistance, insurance and employment. The District of Columbia, Puerto Rico and the Virgin Islands also have legislation in this area.

Many states also have a Civil Rights or Human Rights commission or agency whose mission is to promote equality, to prevent discrimination based on race, religion, national origin, sex and marital status, and to handle complaints from citizens who have been subject to such discrimination.

As the United States Supreme Court has held in a number of cases, the existence of federal and state law is the ultimate evidence of national consensus. “The primary and most reliable evidence of national consensus - the pattern of federal and state laws...” Stanford v.

³ Alabama and Mississippi are the only two states that lack any statute that prohibits discrimination based on marital status.

Kentucky, 492 U.S. 361, 362 (1989); "[F]irst" among the "objective indicia that reflect the public attitude toward a given sanction" are statutes passed by society's elected representatives. McCleskey v. Kemp, 481 U.S. 279, 300 (1987), quoting Gregg v. Georgia, 428 U.S. 153, 171 (1976); "We have pinpointed that the "clearest and most reliable objective evidence of contemporary values is the legislation enacted by the country's legislatures.'" Atkins v. Virginia, 536 U.S. 304 (2002), citing Penry v. Lynaugh, 492 U.S. 302, 331 (1989).

**FEDERAL STATUTES THAT PROHIBIT DISCRIMINATION
BASED ON MARITAL STATUS**

- 5 U.S.C. § 2302. Prohibited personnel practices (employment)
- 5 U.S.C. § 7204(b) (“...[D]iscriminations because of race, color, creed, sex, or marital status is prohibited with respect to an individual or a position held by an individual.”)
- 12 U.S.C. § 3015. Eligibility of cooperatives
- 12 U.S.C. § 3106a(1) (b) (foreign banks must conduct operations in compliance with laws prohibiting discrimination on the basis of race, national origin, marital status)
- 15 U.S.C. § 1691(a)(1) (unlawful for creditor to discriminate on the basis of sex, race, religion, national origin, or marital status)
- 20 U.S.C. § 1087tt(c) (unlawful to discriminate in loaning money on basis of sex, race, religion, national origin, or marital status)
- 20 U.S.C. § 1071(a)(2) (same, for credit or insurance)
- 22 U.S.C § 3905. Personnel actions (foreign service)

**STATE STATUTES THAT PROHIBIT DISCRIMINATION
BASED ON MARITAL STATUS**

1) Alabama - No statutes found

2) Alaska Statutes (Lexis 2004)

§ 18.80.200. Purpose

§ 18.80.210. Civil Rights

§ 18.80.220. Unlawful employment practices; exception

§ 18.80.230. Unlawful practices in places of public accommodation

§ 18.80.240. Unlawful practices in the sale or rental of real property

§ 18.80.250. Unlawful financing practices

3) Arizona Revised Statutes (Lexis 2004)

§ 20-1548. Underwriting discrimination

§ 20-1632.01. Cancellation of nonrenewal for nonpayment of premium; grace period;
discrimination; definition

4) Arkansas Code of 1987 Annotated Official Edition 2004 (Lexis 2004)

§ 4-87-104. Discrimination based on sex or marital status unlawful

§ 23-66-206. Unfair methods of competition and unfair or deceptive acts or practices

5) California Codes Annotated (Lexis 2005)

§ 230. Types of sexual discrimination prohibited

§ 798.20. Discrimination prohibited

§ 12920. Public Policy

§ 12927. Definitions regarding housing accommodations

§ 12940. Unlawful employment practices

§ 12955. Unlawful practices (Housing)

6) Colorado Revised Statutes (Lexis 2004)

§ 5-3-210. Discrimination prohibited. (Consumer credit)

§ 24-34-506. Unfair housing practices prohibited

§ 24-34-601. Discrimination in places of public accommodation

§ 24-34-602. Penalty and civil liability

7) Connecticut Annotated Statutes (Lexis 2004)

§ 4a-60. Nondiscrimination and affirmative action provisions in contracts of the state and political subdivisions other than municipalities

- § 10-153. Discrimination on account of marital status
- § 16-245r. Discrimination by electric suppliers prohibited
- § 16-247r. Discrimination by telephone companies and certified telecommunications provided prohibited
- § 38a-358. Declination, cancellation of nonrenewal of private passenger nonfleet auto insurance policies prohibited for certain reasons
- § 46a-60. Discriminatory employment practices prohibited
- § 46a-64. Discriminatory public accommodation practices prohibited
- § 46a-64c. Discriminatory housing practices prohibited
- § 46a-66. Discriminatory credit practices prohibited
- § 46a-70. Guarantee of equal employment in state agencies
- § 46a-71. Guarantee practices by state agencies prohibited
- § 46a-72. Discrimination in job placement by state agencies prohibited
- § 46a-73. Discrimination in state licensing and charter procedures prohibited
- § 46a-75. Discrimination in educational and vocational programs prohibited
- § 46a-76. Discrimination in allocation of state benefits prohibited

8) Delaware Code Annotated (Lexis 2005)

- § 4501. Purpose and construction
- § 4601. Declaration of purpose and construction
- § 4603. Discrimination in sale or rental of housing and other prohibited practices
- § 4604. Discrimination in residential real estate-related transactions
- § 4605. Discrimination in provision of brokerage services
- § 4619. Prohibition of intimidation, violations and penalties
- § 4124. Discriminatory practices prohibited
- § 711. Unlawful employment practices; employer practices
- § 5116. Fair housing provisions
- § 3804. Qualifications of Board members

9) Florida Annotated Statutes (Lexis 2004)

- § 175-333. Discrimination in benefit formula prohibited; restrictions regarding designation of joint annuitants
- § 185-341. Discrimination in benefit formula prohibited; restrictions regarding designation of joint annuitants
- § 725-07. Discrimination on the basis of sex, marital status, or race forbidden

- § 760-01. Purposes; construction; title (Florida Civil Rights Act)
- § 760-05. Functions of the commission
- § 760-10. Unlawful employment practices
- § 760-60. Discriminatory practices of certain clubs prohibited; remedies
- § 1000.05. Discrimination against students and employees in the Florida K-20 public education system prohibited' equality of access required.

10) Georgia, Official Code of, Annotated (Lexis 2004)

- § 7-6-1. Discrimination in extending credit or making loans prohibited

11) Hawaii Revised Statutes Annotated (Lexis 2004)

- § 368-1. Purpose and intent
- § 378-2. Discriminatory practices made unlawful; offenses defined (employment)
- § 431:10C-207. Discriminatory practices prohibited (insurance)
- § 477E-3. Prohibited credit discrimination
- § 515-3. Discriminatory practices (real estate)
- § 515-5. Discriminatory practices financial (real estate)
- § 515-6. Restrictive covenants and conditions (real estate)
- § 515-6. Blockbusting (real estate)
- § 515-16. Other discriminatory practices

12) Idaho Code (Lexis 2004)

- § 33-4407. Eligible type of employment
- § 39-5211. Qualification of applicants

13) Illinois Compiled Statutes Annotated (Lexis 2004)

- § 105 ILCS 5/27A-4. General provisions (education)
- § 205 ILCS 635/3-8. Discrimination and Redlining Prohibited
- § 305 ILCS 5/11-1. No discrimination
- § 775 ILCS 5/1-102. Declaration of Policy (credit cards)
- § 815 ILCS 140/1a. [Prohibited practices]

14) Indiana Statutes Annotated (LEXIS 2004)

- § 20-6.1-6-11. Marital status - Discrimination prohibited (Employment of Teachers)
- § 24-9-3-9. Discrimination (Prohibited lending practices generally)

15) Iowa Statues Annotated (LEXIS 2003)

§ 15A.1 Economic development - public purpose - environmental protection and waste disposal requirements

§ 216.9 Unfair or discriminatory practices - education.

§ 280.3 Duties of board.

§ 537.3311 Discrimination prohibited. (MONEY AND CREDIT)

§ 729.4 Fair employment practices.

16) Kansas Statues Annotated (LEXIS 2003)

§ 40-3510. Discrimination in issuing or extending insurance prohibited

§ 40-5104. Prohibited acts. (Insurance)

17) Kentucky Revised Statues Annotated (LEXIS 2004)

§ 304.12-013. Prohibited unfair or deceptive practices in the writing of insurance

§ 304.20-340. Declination or termination prohibited

§ 171. State tax to be levied

18) Louisiana Revised Statues Annotated (LEXIS 2004)

§ 9:3583. Discrimination prohibited (credit)

§ 22:1214. Methods, acts, and practices which are defined herein as unfair or deceptive (insurance)

19) Maine Revised Statues Annotated (LEIS 2004)

§ 4552. Policy (Human Rights Act)

§ 4595. Right to freedom from discrimination solely on the basis of age, race, color, sex, marital status, ancestry, religion or national origin in any credit transaction

§ 4596. Unlawful credit extension discrimination

§ 4602. Unlawful educational discrimination

§ 7051. General provisions (State Civil Service System, discrimination prohibited)

§ 1202-A. Prohibition of discrimination (juries)

20) Maryland Annotated Code (LEXIS 2003)

§ 2-302. Discrimination, harassment prohibited (state employment policies)

- § 5. Prohibited; civil penalties (Public Accommodations)
- § 8. Discrimination by persons, businesses, etc., licensed or regulated by Department of Labor, Licensing, and Regulation; civil penalties
- § 8A. Leasing of property for commercial usage
- § 16. Unlawful employment practices
- § 19. Declaration of policy; administration of subtitle (Discrimination In Housing)
- § 37. Prohibition against injury, intimidation, etc., by force or threat of force, to prevent exercise of rights
- § 12-113. Discrimination prohibited (credit and loans)
- § 12-305. Discrimination prohibited (credit and loans)
- § 12-503. Establishment of account (Retail Credit Accounts)
- § 12-603. Discrimination prohibited (Retail Installment Sales)
- § 12-702. Findings and purpose. (Equal Credit Opportunity Act)
- § 12-704. Discrimination prohibited; compliance with or violation of federal Equal Credit Opportunity Act

21) Massachusetts Annotated Laws (LEXIS 2005)

- § 4. Discrimination Prohibited in Refusal to Enter into Arrangement; Selection of Providers; Terms and Conditions of Offer Subject to Disapproval of Commissioner.
- § 4C. Discrimination in Provision of Homeowners Insurance Based on Race, Color, etc. Prohibited
- § 22E. Refusal to Issue, Renew or Execute Motor Vehicle Liability Policy or Bond; Discrimination Based on Age, Sex, Race, Occupation, Marital Status, or Principal Place of Garaging of Vehicle.

22) Michigan Compiled Laws (LEXIS 2004)

- § 37.2102. Nondiscrimination, recognition and declaration as civil right.
- § 37.2202. Employers, prohibited conduct; construction; inapplicability to employment by parent, spouse, or child.
- § 37.2203. Employment agencies, prohibited conduct.
- § 37.2204. Labor organizations, prohibited conduct.
- § 37.2205. Apprenticeships and training programs; nondiscrimination.
- § 37.2207. Persons seeking employment; notices or advertisements.
- § 37.2209. Covenant in public contracts; breach, effect.
- § 37.2302. Prohibited conduct.
- § 37.2402. Educational institution, prohibited practices.
- § 37.2502. Persons engaging in real estate transactions, real estate brokers, or real estate salesmen; prohibited practices;

- § 37.2504. Financing; prohibited conduct; discrimination in obtaining loans to acquire or benefit, or secured by, residential real estate; inapplicability of certain provisions.
- § 37.2505. Limitations on use or occupancy; religious or charitable institution or organization or property; discriminatory provisions in instruments prohibited.
- § 125.1446. Discrimination. (Housing)
- § 324.79118. Discrimination prohibited. (Public Accommodations)
- § 333.21761. Certification of nondiscrimination; violation of rights; giving preference to members of religious or fraternal institution or organization

23) Minnesota Statutes Annotated (LEXIS 2004)

- § 41.60 Discrimination prohibited (FAMILY FARM SECURITY PROGRAM)
- § 43A.01 Policies (employee relations)
 - § 72A.20 Methods, acts, and practices which are defined as unfair or deceptive
 - § 273.112 Private outdoor recreational, open space and park land tax
 - § 363A.08 Unfair discriminatory practices relating to employment or unfair employment practice
 - § 363A.09 Unfair discriminatory practices relating to real property
 - § 363A.11 Public accommodations
 - § 363A.16 Credit; discrimination

24) Mississippi - No statutes found

25) Missouri Statutes Annotated (LEXIS 2004)

- § 108.470. Discrimination in granting of loans is unlawful
- § 199.043. Discrimination prohibited
- § 314.100. Denial of credit based on sex or marital status of applicant prohibited
- § 375.936. Unfair practices defined
- § 375.995. Sex or marital status discrimination as to benefits or coverage prohibited
- § 408.550. Discrimination prohibited - damages recoverable (loan)
- § 443.863. Unlawful discrimination for refusal to loan or vary terms of the loan
- § 630.200. Discrimination prohibited (access to mental health)

26) Montana Code Annotated (LEXIS 2004)

- § 20-25-707 Antidiscrimination.
- § 33-18-210 Unfair discrimination and rebates prohibited -- property, casualty, and surety insurances.
- § 49-1-102 Freedom from discrimination. (Basic personal rights)
- § 49-2-303 Discrimination in employment.

- § 49-2-304 Discrimination in public accommodations.
- § 49-2-305 Discrimination in housing - exemptions.
- § 49-2-306 Discrimination in financing and credit transactions.
- § 49-2-307 Discrimination in education.

§ 49-2-308 Discrimination by the state.

- § 49-2-309 Discrimination in insurance and retirement plans.
- § 49-3-202 Employment referrals and placement services.
- § 49-3-204 Licensing.

27) Nebraska Revised Statutes Annotated (LEXIS 2004)

- § 18-1724. Discrimination; employment, public accommodations, and housing; ordinance to prevent
- § 44-1525. Unfair trade practices; enumerated
- § 45-1056. Licensee; discrimination prohibited
- § 48-1104. Unlawful employment practice for an employer
- § 48-1115. Notice of employment; preference or discrimination; race, color, religion, sex, disability, marital status, national origin; unlawful
- § 51-211. Library board; general powers and duties; discrimination prohibited
- § 79-2,116. Legislative findings; discriminatory practices enumerated
- § 81-1355. Public policy; equal employment opportunity
- § 85-9,168. Legislative findings; discriminatory practices enumerated

28) Nevada Revised Statutes Annotated (LEXIS 2004)

- § 118.100. Prohibited acts and practices (housing)
- § 126.031. Relationship of parent and child not dependent on marriage
- § 217.420. Grants from account for aid for victims of domestic violence: Eligibility
- § 598B.020. Declaration of public policy (credit)
- § 686A.680. Consumer credit reports: Uses; limitations.

29) New Hampshire Revised Statutes Annotated (LEXIS 2004)

- § 151:21. Patients' Bill of Rights
- § 301-A:12. Membership Qualifications (Consumer's cooperative associations)
- § 354-A:1. Title and Purposes of Chapter (State Commission for Human Rights)
- § 354-A:6. Opportunity for Employment Without Discrimination a Civil Right
- § 354-A:7. Unlawful Discriminatory Practices (employment)
- § 354-A:8. Equal Housing Opportunity Without Discrimination a Civil Right
- § 354-A:10. Unlawful Discriminatory Practices (housing)
- § 354-A:16. Equal Access to Public Accommodations a Civil Right
- § 354-A:17. Unlawful Discriminatory Practices in Public Accommodations
- § 417:4. Unfair Methods, Acts, and Practices Defined

§ 420-C:5. Discrimination Prohibited (insurance)

30) New Jersey Annotated Statutes (LEXIS 2004)

- § 10:1-1. Right of citizens to hold office or employment; no discrimination because of sex or marital status
- § 10:1-10. Defense industries; discrimination in employment based on race, color, creed, national origin, ancestry, marital status or sex
- § 10:2-1. Antidiscrimination provisions
- § 10:5-3. Findings, declarations (Law against Discrimination)
- § 10:5-4. Obtaining employment, accommodations and privileges without discrimination; civil right
- § 10:5-6. Division on Civil Rights created; powers
- § 10:5-8. Attorney General's powers and duties
- § 10:5-9.1. Enforcement of laws against discrimination in public housing and real property
- § 10:5-12. Unlawful employment practices; discrimination
- § 10:5-12.5. Regulation of land use, housing, unlawful discrimination
- § 10:5-33. Contents of bid specs, contract provisions
- § 40A:9-1.10. Preemption of order of court or of state or federal agency to eliminate discrimination
- § 46:3-23. Discrimination prohibited in promise, covenant, restriction
- § 52:31-31. Discrimination in rental; prohibition

31) New Mexico Statutes Annotated (LEXIS 2005)

§ 59A-22A-6. Preferred provider participation requirements (insurance)

N.M. Code Judicial Conduct 21-300 (2004). A judge shall perform the duties of office impartially and diligently

32) New York Consolidated Laws (LEXIS 2004)

§ 100.2. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities

- § 290. Purposes of article (Human Rights Law)
- § 291. Equality of opportunity a civil right
- § 296. Unlawful discriminatory practices
- § 296-a. Unlawful discriminatory practices in relation to credit
- § 312. Equal employment opportunities for minority group members and women
- § 427. Equal employment opportunity program (transportation law)
- § 2607. Discrimination because of sex or marital status (insurance)

§ 2609. Discrimination in the issuance of performance or surety bonds
§ 2050-v. Affirmative action (Public authorities law)

33) North Carolina General Statutes (LEXIS 2004)

§ 53-180. Limitations and prohibitions on practices and agreements (Consumer finance)

34) **North Dakota Century Code (LEXIS 2005)**

§ 26.1-30.1-01.1. Unlawful grounds for declination (insurance)
§ 26.1-39-17. Prohibited reasons for declination or termination of property and casualty policies
§ 26.1-40-11. Terminations -- Declinations -- Prohibited reasons
§ 26.1-47-04. Preferred provider participation requirements
§ 34-11.1-04.1. Discrimination on basis of marital status in state employment prohibited -
- Exception

35) Ohio Revised Code Annotated (LEXIS 2005)

§ 176.04. Conditions for issuing general obligations or expending tax moneys
§ 3901.21. Unfair and deceptive acts defined
§ 3905.55. Agent fees charged to consumer (insurance)
§ 4112.021. Unlawful discriminatory practice of creditor

36) Oklahoma Statutes Annotated (LEXIS 2004)

§ 1-109. Discrimination in extension of credit on basis of sex or marital status prohibited
§ 506. Right to refuse accommodation--Financial guarantees--Limitation on number of occupants--Immunity
§ 953. Use of credit information--Prohibited acts
§ 1104.6. Choose Life Assistance Program--Revolving fund--Applications for funds--Restrictions on use of funds
§ 6633. Unfair or deceptive trade practices defined

37) Oregon Revised Statutes (LEXIS 2003)

§ 20.107. Attorney and expert witness fees and other costs on claim of unlawful discrimination; defense.
§ 179.750. Equal care and services for persons in state institutions
§ 182.100. Affirmative action policy; implementation on appointments

- § 240.306. Recruitment, selection and promotion of state employees; criteria; procedures; duties of department.
- § 243.305. Policy of affirmative action and fair and equal employment opportunities and advancement
- § 659.850. Discrimination in education prohibited; rules
- § 659A.003. Purpose of ORS chapter 659A
- § 659A.006. Declaration of policy against discrimination; opportunity to obtain employment without discrimination recognized as a civil right; exception of religious group.
- § 659A.012. State agencies to carry out policy against discrimination in employment; evaluation of supervisors; affirmative action reports.
- § 659A.030. Discrimination because of race, religion, color, sex, national origin, marital status or age prohibited.
- § 659A.403. Discrimination in place of public accommodation prohibited
- § 659A.406. Aiding or abetting certain discrimination prohibited
- § 659A.409. Notice that discrimination will be made in place of public accommodation prohibited; age exceptions.
- § 659A.421. Discrimination in selling, renting or leasing real property prohibited

38) Pennsylvania Statues Annotated (LEXIS 2004)

- § 991.2003. Discrimination prohibited
- § 1171.5. Unfair methods of competition and unfair or deceptive acts or practices defined

39) Rhode Island, General Laws (LEXIS 2004)

- § 27-29-4. Unfair methods of competition and unfair or deceptive acts or practices defined
- § 28-5-7. Unlawful employment practices
- § 34-37-1. Finding and declaration of policy
- § 34-37-2. Right to equal housing opportunities -- Civil rights
- § 34-37-3. Definitions
- § 34-37-4. Unlawful housing practices
- § 34-37-4.3. Discrimination in granting credit or loans prohibited
- § 34-37-5.2. Discrimination in brokerage services
- § 34-37-5.4. Discrimination in residential real estate related transactions
- § 34-37-9. Construction

40) South Carolina Code of Laws Annotated (LEXIS 2004)

- § 38-75-1210. Prohibited grounds for refusal to issue policy or determination of premiums; penalties

- § 38-75-1220. Prohibited grounds for refusal to renew policy; immunity from liability; review by director of cancellation or refusal; penalties.
- § 38-77-122. Insurers and agents prohibited from refusing to issue automobile insurance policies due to certain factors; prohibited factors for premium rates
- § 38-77-123. Insurers and agents prohibited from refusing to renew automobile insurance policies due to certain factors; cancellation restrictions; penalties for violations.

41) South Dakota Codified Laws Annotated (LEXIS 2003)

- § 43-29-8. It shall not be necessary to perform any of the following acts to correct the record with respect to the title to real estate...
- § 58-11-55. Except as provided in §§ 58-11-55.1 and 58-11-55.2, no insurer may refuse to issue or to renew a policy or certificate solely because of the age, residence, race, color, creed, national origin, ancestry, occupation, or marital status of the applicant or the insured.
- § 58-33-13.1. An insurance contract may not be denied to an insured or prospective insured on the basis of his or her sex or marital status

42) Tennessee Code Annotated (LEXIS 2004)

- § 47-18-802. Unlawful discrimination (consumer credit)
- § 68-34-104. Contraceptives -- Availability -- Information -- Religious belief

43) Texas Statutes and Code Annotated (LEXIS 2004)

- § 17.004. Customer Protection Standards
- § 39.101. Customer Safeguards
- § 64.004. Customer Protection Standards
- § 102.003. Rights of the Elderly
- § 153.003. No Discrimination Based on Sex or Marital Status (parent-child relationship)
- § 154.010. No Discrimination Based on Marital Status of Parents or Sex (child support)
- § 160.202. No Discrimination Based on Marital Status (parent-child relationship)
- § 341.401. Discrimination Prohibited (loans and credit)
- § 544.002. Unfair Discrimination (insurance)

44) Utah Code Annotated (LEXIS 2004)

- § 11-25-12. Equal opportunity requirements (residential rehabilitation act)
- § 13-7-1. Policy and purposes of act (public accommodations)
- § 29-2-103. Innkeeper's rights -- Liability -- Prohibition on discrimination

45) Vermont Statutes (LEXIS 2004)

- § 1204. Benefits, protections and responsibilities of parties to a civil union
- § 2362. Prohibition on discrimination based on sex, sexual orientation, marital status, race, color, religion, national origin, age or handicapping condition (motor vehicle financing)
- § 2410. Prohibition on discrimination based on sex, sexual orientation, marital status, race, color, religion, national origin, age or handicapping condition (real estate financing)
- § 2488. Prohibition on discrimination based on sex, sexual orientation, marital status, race, color, religion, national origin, age or handicapping condition (agricultural leases)
- § 4502. Public accommodations
- § 4724. Unfair methods of competition or unfair or deceptive acts or practices defined (insurance)
- § 10403. Prohibition on discrimination based on sex, marital status, race, color, religion, national origin, age, sexual orientation or handicapping condition (consumer credit)

46) Virginia Code (LEXIS 2004)

- § 2.2-3900. Short title; declaration of policy (human rights act)
- § 2.2-3901. Unlawful discriminatory practice defined
- § 15.2-853. Commission on human rights; human rights ordinance (housing)
- § 38.2-2115. Discrimination in issuance of fire insurance
- § 38.2-2213. Discrimination in issuance of motor vehicle insurance
- § 59.1-21.21:1. Prohibited discrimination; notification of action on credit application; statement of reasons for adverse action
- § 59.1-21.22. Requirement of signatures of both parties to a marriage not discriminatory in a secured transaction

47) Washington Revised Code (LEXIS 2004)

- § 26.26.106. No discrimination based on marital status (domestic relations)
- § 48.30.300. Unfair discrimination, generally -- Disability policies, specifically (insurance)
- § 49.60.010. Purpose of chapter (human rights)
- § 49.60.030. Freedom from discrimination -- Declaration of civil rights
- § 49.60.175. Unfair practices of financial institutions
- § 49.60.176. Unfair practices with respect to credit transactions
- § 49.60.178. Unfair practices with respect to insurance transactions
- § 49.60.180. Unfair practices of employers
- § 49.60.190. Unfair practices of labor unions

- § 49.60.200. Unfair practices of employment agencies
- § 49.60.222. Unfair practices with respect to real estate transactions, facilities, or services
- § 49.60.225. Relief for unfair practice in real estate transaction -- Damages -- Penalty
- § 49.74.005. Legislative findings -- Purpose

48) West Virginia Annotated (LEXIS 2004)

- § 30-1-6 Application for license or registration; examination fee; prohibiting discrimination
- § 33-6A-4a Alternative method for nonrenewal for automobile liability and physical damage insurance
- § 33-6B-3 Declinations; prohibited reasons (automobile insurance)
- § 33-17A-6 Discriminatory terminations and declinations prohibited (insurance)
- § 48-26-601 Funding application requirements (domestic relations)

49) Wisconsin Annotated Statutes (LEXIS 2004)

- § 15.04. Heads of departments and independent agencies; powers and duties.
- § 36.12. Student discrimination prohibited.
- § 38.23. Student discrimination prohibited.
- § 66.1011. Local equal opportunities (housing and transportation)
- § 106.50. Open housing.
- § 111.31. Declaration of policy. (employment relations)
- § 111.321. Prohibited bases of discrimination. (employment relations)
- § 111.322. Discriminatory actions prohibited. (employment relations)
- § 138.20. Discrimination in granting credit or loans prohibited.
- § 452.14. Investigation and discipline of licensees.

50) Wyoming Statutes Annotated (LEXIS 2004)

- § 14-2-502 No discrimination based on marital (parent-child relationship)

**DISTRICT OF COLUMBIA, PUERTO RICO, and VIRGIN ISLANDS STATUTES
THAT PROHIBIT
DISCRIMINATION BASED ON MARITAL STATUS**

District of Columbia Code Annotated (Lexis 2004)

- § 2-1401.01. Intent of Council
- § 2-1402.11. Prohibitions (employment)
- § 2-1402.21. Prohibitions (real estate)
- § 2-1402.31. Prohibitions (public accommodations)
- § 2-1402.41. Prohibitions (education)
- § 2-1402.71. Prohibitions (motor vehicle insurance)
- § 7-1231.04. Conditions of mental health service delivery
- § 11-1903. Prohibition of discrimination (juries and jurors)
- § 31-2231.11. Unfair discrimination (insurance)
- § 31-2231.13. Unfair discrimination and rebates prohibited; property, causal, and surety insurance.
- § 32-408. Discrimination prohibited (licensing and regulation)

Puerto Rico Laws Annotated (LEXIS 2002)

- § 146a. Discrimination because of age, race, color, sex, social or national origin, social condition, political affiliation, political or religious ideology--Publishing; advertising
- § 147. Discrimination because of age, race, color, sex, social or national origin, social condition, political affiliation, political or religious ideology--Discrimination by labor union
- § 147a. Discrimination because of age, race, color, sex, social or national origin, social condition, political affiliation, political or religious ideology--Apprenticeship, training or retraining

Virgin Islands Code Annotated (LEXIS 2004)

- § 64. Unlawful discriminatory practices (Civil Rights Commission)
- § 65. Unfair labor practices
- § 646. Master Service Provider Agreement (equal telecommunication services)

**AREAS OF LAW THROUGHOUT
THE UNITED STATES IN WHICH DISCRIMINATION IS PROHIBITED
BASED ON MARITAL STATUS**

1. Advertising
2. Banking
3. Domestic Relations
4. Education
5. Employment
6. Housing
7. Juries and Jurors
8. Mortgage Underwriting
9. Motor Vehicle Insurance
10. Pension Benefits
11. Private Clubs
12. Public Accommodations
13. Real Estate
14. State Contracts and Contractors
15. State Licensing Procedures
16. Trade Practices
17. Labor Unions

**STATE ORGANIZATIONS WHOSE MISSION INCLUDES, *inter alia*,
THE PREVENTION OF DISCRIMINATION
BASED ON MARITAL STATUS**

Arizona

Civil Rights Division of the Arizona Attorney General's Office
WEB site: http://www.ag.state.az.us/civil_rights/index.html

California

California Human Rights/Fair Housing Commission
WEB site: www.hrfh.org

Connecticut

Connecticut Commission on Human Rights & Opportunities
WEB site: <http://www.state.ct.us/chro/>

Colorado

Colorado Civil Rights Division
WEB site: <http://www.dora.state.co.us/civil-rights/>

Delaware

Office of Human Relations and State Human Relations Commission
WEB site: <http://www.state.de.us/sos/hr/default.shtml>

Florida

The Florida Commission on Human Relations
WEB site: <http://fchr.state.fl.us/>

Hawaii

Hawaii Civil Rights Commission
WEB site: <http://hawaii.gov/labor/hcrc/>

Illinois

Illinois Human Rights Commission
WEB site: <http://www.state.il.us/ihrc/>

Iowa

Iowa Civil Rights Commission
WEB site: <http://www.state.ia.us/government/crc/>

Maine

Maine Human Right Commission
WEB site: <http://www.state.me.us/mhrc/index.shtml>

Maryland

Maryland Commission on Human Relations
WEB site: <http://www.mchr.state.md.us/>

Michigan

The Michigan Civil Rights Commission & Department of Civil Rights
WEB site: <http://www.michigan.gov/mdcr>

Minnesota

Minnesota Department of Human Rights
WEB site: <http://www.humanrights.state.mn.us/>

Montana

Montana Human Rights Bureau
WEB site: <http://erd.dli.state.mt.us/humanright/hrhome.asp>

New Hampshire

New Hampshire Commission for Human Rights
WEB site: <http://www.nh.gov/hrc/>

New Jersey

New Jersey Office of the Attorney General, Division on Civil Rights

WEB site: <http://www.state.nj.us/lps/dcr/>

New York

The New York State Division of Human Rights

WEB Site: <http://www.nysdhr.com/>

North Dakota

North Dakota Department of Labor, Human Rights Division

WEB site: <http://www.state.nd.us/labor/services/human-rights/>

Ohio

Suspect Classes

1. Race: McLaughlin v. Florida, 379 U.S. 184, 191 -192 (1964); Loving v. Virginia, 388 U.S. 1, 9 (1967); Bolling v. Sharpe, 347 U.S. 497, 499 (1954).
2. National Origin/Ancestry: Oyama v. California, 332 U.S. 633, 644-646 (1948); Korematsu v. United States, 323 U.S. 214, 216 (1944); Hirabayashi v. United States, 320 U.S. 81, 100 (1943);
3. Religion: City of New Orleans v. Dukes, 427 U.S. 297, 303 (1976); Employment Div., Dep't of Human Resources of Oregon v. Smith, 494 U.S. 872 (1990); McDaniel v. Paty, 435 U.S. 618 (1978); Torcaso v. Watkins, 367 U.S. 488 (1961).
4. Alienage: Graham v. Richardson, 403 U.S. 365 (1971).

Quasi-Suspect Classes

1. Gender: Mississippi University for Women v. Hogan, 458 U.S. 718, 723-24 (1982)
2. Illegitimacy: Lalli v. Lalli, 439 U.S. 259, 265 (1978)

Almost Suspect

1. Mentally Disabled
2. Undocumented Children
3. Wealth
4. Marital Status

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of March, 2005, I caused a true and accurate copy of the foregoing to be served in the manner specified on the following.

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