No. 24-539

In The Supreme Court of the United States

KALEY CHILES,

Petitioner,

v.

PATTY SALAZAR, in her official capacity as Executive Director of the Colorado Department of Regulatory Agencies, et al.,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Tenth Circuit

BRIEF OF THE LONANG INSTITUTE AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER

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INTEREST OF THE AMICUS CURIAE[1]

The LONANG Institute is a Michigan-based, nonprofit and nonpartisan research and educational institute. Application of the "Laws of Nature and Nature's God" to contemporary legal disputes is its specialty. The Declaration of Independence affirms that states are bound in their governance and operation by the "Laws of Nature and Nature's God." It was this law which entitled each colony to become a free and independent state as a matter of law. Having adopted this legal foundation, the civil governments subsequently established state by state and in 1787 of the United States, were legally bound to act consistent therewith.

As such, the Laws of Nature are enshrined into our civil laws. Among others, they animate the principles of equality, unalienable rights including freedom of the mind and conscience, free speech and expression, and limited government by consent of the people. The judicial branch of the United States in particular, is limited not only by Article III of the Constitution, but by the nature of judicial power expressed in the law of nature itself. In deciding cases or controversies pursuant to Article III, the court must always decide consistent with and not contrary to the nature of judicial power as articulated in the law of nature. To disregard the law of nature in rendering opinions is to disregard the legal

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[1] It is hereby certified that no counsel for a party authored this brief in whole or in part; and that no person other than *amicus curiae*, or their counsel made a monetary contribution to its preparation or submission.

foundations upon which the country and its governments are irrevocably established. See https://lonang.com/

Therefore, every civil government and branch thereof must adhere to the principles of the law of nature, defend unalienable rights on an equal basis, and exercise only that power textually given. Likewise, the law of nature affirms that the province of a judge is to declare the law, not to make it.

As a friend of the Court, the LONANG Institute offers insight into the legal implications of the law of nature and its integral guarantees of intellectual freedom based on the mind being created free by our Creator. This founding legal principle denies a civil government like Colorado jurisdiction to declare the expression of ideas and opinions to be illegal. It also bars Colorado from compelling a person to express ideas including the expression of silence, which he or she may abhor or wish to embrace. When applied to licensing of occupations, the State of Colorado must stand aside and let opinions and ideas have their day in the marketplace of ideas, keeping the state's thumb off the scale of truth.

SUMMARY OF ARGUMENT

When God created mankind, male and female,[2] He created them in such a way that they were free to think, speak, and act without any prior restraint employed by Him against them.[3]

So too, the conscience of every person, whether pure or defiled, debates ideas back and forth within each person's being. Human conscience is given external expression by speaking and writing. The internal locus of the debate and its external expression places both the conscience and its expression beyond the jurisdiction of civil government. This is the law of nature of conscience.

These internal characteristics are universal, operating in all humans over the globe at all times and in all ages. As such this human function is part of the law of nature. It is a law of nature because it is universal to human beings and coexistent with the

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[2] "God said, 'Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.' So God created man in his own image, in the image of God created he him; male and female created he them." Genesis 1:26-27 (ESV).

[3] "And the Lord God said, Behold, the man is become as one of us, to know good and evil: and now, lest he put forth his hand, and take also of the tree of life, and eat, and live for ever: Therefore the Lord God sent him forth from the garden of Eden, to till the ground from whence he was taken. So he drove out the man; and he placed at the east of the garden of Eden Cherubims, and a flaming sword which turned every way, to keep the way of the tree of life." Genesis 3:22-24. (ESV).

creation of mankind itself by the Creator. These internal characteristics whether written or spoken constitute intellectual freedom, freedom of the mind and conscience, and freedom of belief. These freedoms may not be abridged by prior restraint, civil coercion, or as is the case here, by civil prohibition.[4] The state licensing scheme cannot serve as a pretext to impose a ban on ideas in counselling, any more than in law, medicine, or accounting.[5]

The apostle asks: "For why is my liberty judged of another man's conscience?" I Corinthians 10:29 (KJV). Indeed, why is the liberty of a licensed person under Colorado law judged by the state legislature with its prohibition on conversion therapy? The law of nature answers that it does not fall within the jurisdiction of

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[4] Colo. Rev. Stat. § 12-245-224(t)(v) states that: "(1) A person licensed, registered, or certified under this article 245 violates this article 245 if the person . . . (t) Has engaged in any of the following activities and practices: . . . (V) Conversion therapy with a client who is under eighteen years of age." "Conversion therapy" means "any practice or treatment by a licensee, registrant, or certificate holder that attempts or purports to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attraction or feelings toward individuals of the same sex." Colo. Rev. Stat. § 12-245-202(3.5)(a).

[5] If Colorado can ban one idea in counseling, it can ban other ideas in any licensed profession. It could ban a doctor from advising his or her patient about experimental treatments. It could ban an attorney from advising his or her client about novel legal theories. It could ban an accountant from advising his or her client about tax minimization strategies. Each of these can be justified by the state if given enough time to create arguable pretexts.

any civil power to judge the liberty of conscience in communicating one's views, either to minors or adults regarding conversion therapy.

Yet not all written or spoken viewpoints are true. The first and foremost recorded declaration of fake news and misinformation was spoken by the devil though the serpent, his director of the disinformation governance board.[6] The serpent posted a false narrative about the path to true knowledge. It was believed by those present who were demonstrably harmed. The devil then spun a conspiracy theory about how to be like God knowing good and evil. His audience discussed it and then followed suit. The whole world fell into chaos, all because of one or two statements of misinformation.

But God did not respond like Colorado. He did not compel the devil to speak His truth. He did not prohibit the devil from speaking about that being's viewpoint, though judging it to be false. He did not compel the devil or his disinformation governance board's serpent director to recant spreading misinformation or confess a contrary belief. Though God had a compelling governmental interest as the

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[6] "Now the serpent was more crafty than any other beast of the field that the Lord God had made. He said to the woman, "Did God actually say, 'You[a] shall not eat of any tree in the garden'?" And the woman said to the serpent, "We may eat of the fruit of the trees in the garden, but God said, 'You shall not eat of the fruit of the tree that is in the midst of the garden, neither shall you touch it, lest you die.'" But the serpent said to the woman, "You will not surely die. For God knows that when you eat of it your eyes will be opened, and you will be like God, knowing good and evil." Genesis 3:1-5 (ESV).

Supreme Legislature in banning such speech as the harm to mankind was palpable, long lasting and contrary to human wellbeing, the Creator declined to take any action to stop or to restrain its propagation. God chose only to curse the serpent's body as was His right as its Creator. Yet, Colorado is not the Petitioner's creator.

No such diversity of thought or respect for human freedom as shown by God exists in the State of Colorado.[7] Colorado is no Garden of Eden.

In the instant case, the Petitioner's mind, thoughts, and conscience are expressed through counseling. Because this expression springs from the way a person is created by the Almighty, the entire realm of a counselor or therapist's human opinions, true or false, right or wrong, good or bad are beyond the jurisdiction of the Colorado legislature to compel or ban. The state lacks jurisdiction to declare the expression of Petitioner's opinions unlawful.

For Colorado to compel or punish Petitioner's speech transgresses the law of nature made applicable to Colorado as a condition of its Congressional admission into the Union.[8] It also offends the

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[7] The motto of Colorado is "*Nil sine numine*." This is Latin and means "Nothing without Providence." Perhaps "Providence means nothing" is more accurate today.

[8] The admission statutes of several states expressly provide that their respective state Constitutions shall be both republican in form and "not repugnant to the principles of the Declaration of Independence." These states include Nevada (1864), Nebraska (1867), Colorado (1876), Washington (1889), Montana (1889), Utah (1896), North and South Dakota (1899), Arizona, New

conditions of religious toleration imposed upon Colorado by its official admission into the Union by President Grant. [9] Colorado's free speech clause, which guarantees that "every person shall be free to speak" and provides more protection than the national constitution's First Amendment, is also offended by Colorado's Ban on conversion counselling. [10] So too, Colorado's ban offends the United States Constitution's First Amendment's freedom of speech

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Mexico (1912), Alaska (1958) and Hawaii (1959). See Edward Dumbald, The Declaration of Independence and What it Means Today (Norman: University of Oklahoma Press, 1950), p. 63.

[9] That by an ordinance, irrevocable, the "perfect toleration of religious sentiment shall be secured and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship." Ulysses S. Grant, *Proclamation 230—Admission of Colorado Into the Union,* Online by Gerhard Peters and John T. Woolley, The American Presidency Project
https://www.presidency.ucsb.edu/node/203513

[10] "No law shall be passed impairing the freedom of speech; every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact." Colo. Const. art. 2, § 10. "The object of article II, section 10 is to 'guard the press against the trammels of political power, and secure to the whole people a full and free discussion of public affairs.'" *People v. Ford*, 773 P.2d 1059, 1066 (Colo. 1989) (quoting *Cooper v. People*, 22 P. 790, 798 (Colo. 1889)). *Bock v. Westminster Mall Co.*, 819 P.2d 55, 59 (Colo. 1991) (noting "we have highlighted the second clause of Article II, Section 10 of our own constitution, which is an affirmative acknowledgement of the liberty of speech, and therefore of greater scope than that guaranteed by the First Amendment").

clause, and lastly of least importance, prior decisions of this Court. While the entire licensing structure is also unconstitutional, Amicus leaves those arguments to another day.[11]

ARGUMENT

I. COLORADO'S "SPEAK NOT" LICENSING STATUTE OFFENDS FREEDOM OF THE MIND.

A. Colorado's Ban Of Any Idea Violates The Laws of Nature.

> Whereas, Almighty God hath created the mind free; that all attempts to influence it by temporal punishment, or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the [Creator], who, being Lord both of body and mind, yet chose not to

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[11] See Herbert W. Titus, Medical Licensure: Rendering to Caesar What Is God's? Biblical Ethics in Medicine, Inc., Covenant Enterprises, 1992.
Medical licensure violates the Constitutional prohibition against titles of nobility, impairs a contractual obligation, and establishes a religion. Any licensing system means the state dictates the right and wrong way to practice medicine. It is not the state's business to determine the criteria by which the art of healing is to be practiced. https://bmei.org/medical-licensure-rendering-to-caesar-what-is-gods/

> propagate it by coercions on either, as was in his Almighty power to do.[12]

The golden thread which ties together all the freedoms guaranteed by the Colorado Constitution and the First Amendment to the Constitution (religion, speech, press, assembly and petition) is freedom of the mind. Occasionally these have been collectively referred to as "freedom of expression," but before there can be any expression of ideas there must be thoughts, which precede them and give them substance. This distinction is important, because thoughts and ideas are internal to the mind, which can be governed only by God, not other people, bureaucrats or Respondent.

Thus, Thomas Jefferson's starting assumption is that God made the human mind, and this is what makes it naturally and inherently free. Attempts to burden this natural freedom, according to Jefferson, are both hypocritical and beyond the proper scope of civil jurisdiction. Just because the Colorado legislature has legislative power, it does not give them any superior ability to tell right from wrong, or truth from lies, or decree that their opinions in such matters must be adhered to by others.

Banning Petitioner from speaking her mind, borne from within her conscience to include conversion therapy, exceeds Colorado's jurisdiction

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[12] Thomas Jefferson's *Bill for Establishing Religious Freedom* (June 18, 1779), now part of the Code of Virginia, §57-1. Amicus has paraphrased the text in part. https://lonang.com/library/reference/bill-for-religious-freedom-1779/

because such a ban intrudes upon the reserved jurisdiction of God over such expressions. Accountability for Petitioner's speech and counselling (which is merely the expression of her thoughts) runs to the one who gave her a mind, a mouth and insight to counsel, none of which came from the State of Colorado. Consequently, every licensee's mind, thoughts and advice are wholly exempt from the cognizance of civil society, most especially here the civil government of Colorado and its Respondent enforcers.

In the words of the "Nature's God:" "For who among men knows the thoughts of a man except the spirit of the man, which is in him?" 1 Corinthians 2:11a. Further, "I the Lord search the heart and test the mind, to give every man according to his ways, according to the fruit of his deeds." Jeremiah 17:10.

This testimony affirms the proposition that the Almighty alone has not only the power, but the authority, to know and judge the thoughts of any person, to the exclusion of all others. This exclusive jurisdiction of the Creator, or rather the complete lack of jurisdiction over the mind of any public official, is the basis of the inalienable right of freedom of the mind.

It is this freedom of the mind which, in turn, is the basis for both religious liberty and freedom of speech and press, as they are merely complementary aspects of the individual expression of personal conscience, beliefs and thought. As James Madison wrote with great insight, now lacking today:

> The [beliefs] then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable . . . also; because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage, and such only, as he believes to be acceptable to him. This duty is precedent both in order of time and degree of obligation, to the claims of Civil Society.[13]

Speech, like religion and moral beliefs are all equally inalienable rights of the individual, for which no person is accountable to another, especially the Colorado legislature or a public official. These rights are natural human rights and are superior to the claims of civil government.

In other words, Petitioner's rights of free speech and press are not subject to balancing against any of the licensing interests of state officials, whether compelling or otherwise. As Madison again reminds us, "If this freedom be abused, it is an offence against God, not against man: To God, therefore, not to men,

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[13] See generally James Madison, *Memorial and Remonstrance Against Religious Assessments* (1785), par. 1. Amicus has paraphrased the text in part. https://lonang.com/library/reference/remonstrance-religious-assessments-1785/

must an account of it be rendered."[14] John Locke also articulated the true and universal rule:

> The power of the magistrate and the estates of the people may be equally secure whether any man believe these things or no. . . . But the business of laws is not to provide for the truth of opinions, but for the safety and security of the commonwealth and of every particular man's goods and person. And so it ought to be. For the truth certainly would do well enough if she were once left to shift for herself. She seldom has received and, I fear, never will receive much assistance from the power of great men, to whom she is but rarely known and more rarely welcome."[15]

B. Colorado Controls How Licensees Think About Conversion Therapy And Commands Their Silence.

Respondents have separated gender ideas into two camps: conversion therapy versus gender transition. Conversion therapy is banned; gender transition is not. Colorado has banned "conversion therapy with a client who is under eighteen years of age." "Conversion therapy" means "any practice or treatment by a licensee, registrant, or certificate holder that attempts or purports to change an

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[14] *Remonstrance, supra* note 11 at par. 4.

[15] John Locke, First Letter Concerning Toleration (1689), Online Library of Liberty Project, Liberty Fund, 2010, p. 56. http://oll.libertyfund.org/title/2375

individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attraction or feelings toward individuals of the same sex." Colo. Rev. Stat. § 12-245-202(3.5)(a).

On the other hand, it has said that the opposite idea described as "gender transition" is approved for counseling. Gender transition includes all manner of counseling that affirms changing one's birth gender. Counseling a 12-year-old male to seek chemical and surgical castration or a female to choose lifetime barrenness is approved. Colo. Rev. Stat. § 12-245-202(3.5)(b). [16] Counseling a minor against such a choice is prohibited. One can easily conclude that Colorado's most well-adjusted minors are those who

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[16] Conversion therapy "does not include practices or treatments that provide: (I) Acceptance, support, and understanding for the facilitation of an individual's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as the counseling does not seek to change sexual orientation or gender identity; or (II) Assistance to a person undergoing gender transition." Colo. Rev. Stat. § 12-245-202(3.5)(b). Gender Transition is not statutorily defined, but Colorado HOUSE BILL 25-1254 identifies its meaning to include, altering appearance, affirming gender choice; prescribing medication for surgical castration or barrenness; encouraging surgical mutilation, castration, hysterectomy, oophorectomy, orchiectomy, and penectomy; performing a surgery that artificially constructs tissue with the appearance of genitalia that differs from the individual's sex; and removing any healthy or non-diseased body part or tissue, except for a male circumcision. https://leg.colorado.gov/bills/hb25-1254

have physically destroyed their ability to reproduce prior to reaching adulthood.

By silencing Petitioner's speech about conversion therapy, Respondents can assure themselves of short counseling sessions of prolonged silence. In other words, Respondents claim jurisdiction to restrict anyone who has a moral, religious or political objection to the state's specific point of view from running a business while voicing their professional opinion. Respondents have thus altered how licensed professionals think and speak. In so doing the state has usurped every licensee's conscience and crossed over into the zone of unconstitutional coercion.[17]

II. COLORADO LACKS JURISDICTION TO APPROVE OR CONDEMN THE EXPRESSION OF TRUE OR FALSE OPINIONS.

A. Colorado's Solitary Ban Of One Idea About Gender, Renders It A 'Ministry Of Truth' Crushing All Non-Conforming Viewpoints.

> [T]hat to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation

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[17] "While the law is free to promote all sorts of conduct in place of harmful behavior, it is not free to interfere with speech for no better reason than promoting an approved message or discouraging a disfavored one, however enlightened either purpose may strike the government." *Hurley v. Irish American Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U.S. 557, 579 (1995).

> of principles on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all ... liberty, because he, being of course judge of that tendency, will make his opinions the rules of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own.[18]

It is axiomatic that the Respondents' licensing board holds a position of power to judge the speech (and necessarily the opinions) of persons subject to it, and will only approve speech it agrees with, and prohibit speech it disagrees with.

Former President Joseph Biden's short-lived Disinformation Governance Board via the Department of Homeland Security is another example of this dangerous power to judge ideas. This "working group" looked for the best way to tackle "disinformation" that allegedly threatened national security. Critics have dubbed the Board the "Ministry of Truth," in a reference to the novel "1984" by George Orwell. The fictional "Ministry of Truth" was, of course, a *Ministry of Lies*. How could it be anything else considering its self-serving origin?

Whenever government gets in the truth business, whether the "Ministry of Truth," the Disinformation Governance Board, or though Patty Salazar in her official capacity as Executive Director of Colorado's Department of Regulatory Agencies, the result is the same. The government ends up asserting, in

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[18] *Religious Freedom*, s*upra* note 12.

Jefferson's own words, "a dangerous fallacy" that should never be legally sanctioned.

B. Colorado's Ban Of One Idea It Does Not Like Is Based On The Same False Legal Assumption As Articulated In The 1521 Edict Of Worms.

Petitioner and Martin Luther share a similar story. Luther was commanded by Emperor Charles V to likewise recant his opinions and confess the official line. Luther had criticized Pope Leo X's offer to sell indulgences. He was ordered at the Diet of Worms to recant his writings. Because he refused to do so, the Emperor declared him an outlaw and a heretic. The Emperor's Edict commanded all of "Luther's books and writings burned and destroyed in public." It also ordered all printed material be pre-approved by the city clerk and obtain the consent of theologians. It further stated that:

> to prevent poisonous false doctrines and bad examples from being spread all over Christendom, and so that the art of printing books might be used only toward good ends, we, . . . order and command you by this edict that henceforth, under penalty of confiscation of goods and property, no book dealer, printer, or anybody else mention the Holy Scriptures or their interpretation without having first received the consent of the clerk of the city and the advice and consent of the faculty of theology of the university, which will approve those books and writings with their seal.

Not being content with control of religious speech, the Edict went on to cover all printed material. It ordered that: "As for books that do not even mention faith or the Holy Scriptures, we also want this decree applied to them, except that our consent or that of our lieutenants will be sufficient. All this will apply for the first printing of the books hereabove mentioned."[19]

This Edict, when compared to Colorado's prohibition on conversion therapy for minors, reveals no material difference in arrogance, intolerance or lawlessness. Petitioner, like Luther before her, has been ordered to never mention any ideas about conversion. Though the Respondent Director has not yet burned Chiles' writings which she may wish to provide to her patients, Colorado has effectively made her erase those writings. Burning documents to silence theological ideas, versus erasing them to silence gender ideas--is there really a difference? Her new script is now multiple blank pages. Colorado's legislative "Bishops" have effectively denied her a livelihood, *ex cathedra*.

How is it that over 500 years of human history since 1521 has passed and Colorado is as foolish, faithless, heartless, and ruthless[20] as the Holy Roman Emperor Charles V? He condemned Luther as an outlaw at the Diet.

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[19] Edict of Worms, May 1521. https://famous-trials.com/luther/299-edict

[20] Romans 1:31.

C. Colorado Has Embraced The Same False Legal Assumptions As Articulated In Civil Laws Punishing Heresy And Blasphemy.

The famous English jurist Sir William Blackstone enumerated the following offenses against God and religion among the laws of England: apostasy, heresy, offenses against the established Church of England, blasphemy, profane and common swearing or cursing, witchcraft or sorcery, religious impostors, simony, and profaning the Lord's day.[21] Blackstone justified the offenses against God and religion on the basis that such offenses, "by openly transgressing the precepts of religion either natural or revealed . . . constitutes that guilt in the action, which human tribunals are to censure."[22]

Several of these common law offenses appeared in the early statutes of some of the original thirteen colonies. God was free to implement and enforce them in ancient Israel and Judah since He was the supreme King and sole Lawgiver in those nations. His right to rule and impose such punishments was established by His offer and the free consent of His People at Mount Sinai.[23] But God was not the King or

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[21] William Blackstone, 4 Commentaries on the Laws of England, 41-64 (1769). (Emphasis added). https://lonang.com/library/reference/blackstone-commentaries-law-england/

[22] 4 Commentaries at 43.

[23] "So Moses came and called the elders of the people and set before them all these words that the Lord had commanded him. All the people answered together and said, "All that the Lord has

sole legislature of the Massachusetts Colony by their consent, never having first offered to govern them as a civil body and they being legally disabled thereby to incorporate His punishments previously effective only in the land of Israel.

Yet, heresy and blasphemy were still declared capital offenses in the 1641 Massachusetts Body of Liberties.

> 1. If any man after legal conviction shall have or worship any other god, but the lord god, he shall be put to death. Duet. 13:6,10. Duet. 17:2, 6. Ex. 22:20.
> 2. If any man or woman be a witch, (that has or consults with a familiar spirit,) They shall be put to death. Ex. 22:18. Lev. 20:27. Duet. 18:10.
> 3. If any man shall Blaspheme the name of god, the father, Son or Holy ghost, with direct, express, presumptuous or high handed blasphemy, or shall curse god in the like manner, he shall be put to death. Lev. 24:15,16.[24]

Both the Edict and laws were justified on the basis that they would keep "false doctrines and bad examples from being spread all over." In the alternative, they protected the peace, tranquility and safety of the public, no more or less than Colorado now

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spoken we will do." And Moses reported the words of the people to the Lord." Exodus 19:7-8.

[24] Massachusetts Body of Liberties (1641) https://lonang.com/library/organic/1641-mbl/

claims to secure. If Respondents (like Emperor Charles V before them), can prohibit the speech of Petitioner because of its supposed "ill tendencies," then Colorado can justify the prohibition of any speech by any of its residents that public officials do not approve.

III. FREEDOM TO BOTH ASSENT AND DISSENT IS AN UNALIENABLE RIGHT.

A. Colorado's Statutory Opinions Are Neither Superior Nor Inferior To Petitioner, And Therefore Enjoy No Basis For Compulsion.

> [T]hat our civil rights have no dependence on our [moral] opinions any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being [able to engage in a lawful business], unless he profess or renounce this or that [moral] opinion, is depriving him injuriously of those privileges and advantages to which, in common with his fellow citizens, he has a natural right.[25]

Once again, Jefferson is on point. But what is he talking about? Petitioner's civil rights, in this case the right to freely engage in the business of counselling minors, ought not depend on her views of conversion therapy. In other words, Petitioner has a

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[25] *Religious Freedom, supra* note 12.

right to be free from coercion, either coercion which forces her counseling activities to conform to approved opinions, or coercion which forces her counseling activities to reflect an approved opinion. The first form of coercion, (forced approved speech), negates Petitioner's inherent right to dissent. The second form of coercion, (forced conduct reflecting approved opinions), imposes a form of involuntary servitude.

B. Colorado's Ban Establishes Involuntary Servitude.

The Court has previously defined involuntary servitude to mean "a condition of servitude in which the victim is forced to work for the defendant 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. This definition encompasses those cases in which the defendant holds the victim in servitude by placing the victim in fear of such physical restraint or injury or legal coercion."[26]

In the instant case, Respondents have asserted they have the authority to force Petitioner to stop speaking her message. If she refuses the state's code of silence, she will suffer legal injury—loss of licensure. Colorado is the Petitioner's Master. If commandeering the Petitioner's mouth is allowed, the Petitioner would not be working for herself when she counsels. She would be working for the State of

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[26] *United States v. Kozminski*, 487 U.S. 931, 952 (1988). The Court added, "our precedents clearly define a Thirteenth Amendment prohibition of involuntary servitude enforced by the use or threatened use of physical or legal coercion." *Id.* at 944.

Colorado, remaining mute at its behest and in furtherance of its stated goals and objectives. A wicked master might have used an iron muzzle to stop a slave's speech. Colorado uses its "speak not" state law to render the licensee equally aphasic. Though different means are employed, the same result applies. Is this not the essence of involuntary servitude as defined by the Court?

It is the nature of all human government that there are certain things it can never do, one of which is to implement its version of perfect justice. Not even the Almighty, who has the power to do so, compels people to do the right thing. Far be it from the State of Colorado to impose a form of justice that not even the Almighty has yet imposed, beginning with the first injustice by the devil spreading misinformation in the Garden. Yet, in so doing, Respondents assert a power that has not been given to mere mortals. They adopt a ban only as usurpers and tyrants.

IV. THE RIGHT TO EXPRESS VIEWPOINTS IS CONSTITUTIONALLY GUARANTEED.

Thomas Jefferson correctly observed:

> [T]hat it is time enough for the rightful purposes of civil government, for its officers to interfere, when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail, if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by

> human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.[27]

George Orwell also wrote: "If liberty means anything at all, it means the right to tell people what they do not want to hear."[28]

Curiously, Colorado prohibits speech by a licensee. In other words, the free speech rights of licensees are conditioned upon, and made subservient to, how other people perceive and receive such speech. It is not an exaggeration to characterize the law as providing more protection for the right to not be offended, than the right of free speech itself.

This sounds initially good until it is recalled that there is no right to not be offended. Freedom of speech is a right belonging to the speaker, not the hearer. There is no right to be shielded by the law from unpopular opinions which are also not profane, obscene, or an incitement to violence, but are merely politically unpopular. And in the instant case, we are not left to speculate what it is that Petitioner wishes to say.

There is nothing in the Petitioner's desired speech which approaches "inciting or producing imminent lawless action." Though others may take

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[27] *Religious Freedom, supra* note 12.

[28] George Orwell, "The Freedom of the Press," a proposed preface to Animal Farm. M. J. Cohen, The Penguin Thesaurus of Quotations, Penguin Books, Englewood Cliffs, N.J. (1998).

offense or feel angry, that belief does not create a danger warranting a state to punish or prevent statements counselling such belief. "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."[29]

CONCLUSION

Petitioner Chiles' license has been put into jeopardy. Colorado commanded her to recant her conscience and "speak not" regarding conversion therapy. She was told to confess Colorado's official opinion: say nothing and be silent.

Over 235 years ago, Thomas Jefferson restated the law of nature regarding freedom of the mind grounded in the creation of human beings by God. The danger of a civil official intruding his or her power into the field of conscience or opinion, and use of civil punishments (here loss of license and livelihood) to restrain their profession on supposition of their ill tendency was rejected.

Colorado has wrongfully assumed dominion over the thoughts and ideas of Colorado licensees. Colorado has given up on the idea that truth is great and will prevail, if left to herself. Errors only cease to be dangerous when truth is permitted freely to contradict them, not when the state compels or

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[29] *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943).

punishes the expression of belief or opinion it dislikes. John Locke also reminds us that: "the truth certainly would do well enough if she were once left to shift for herself."

This court holds itself out to the American people as the repository of American law. The "laws of nature and of nature's God" are that law's cornerstone. The court knows its own case law, but does it know the foundations of American law? Does it know that the expression of ideas should be left alone by Colorado?

In summary, Colorado's ban on licensee counseling conversion therapy abridges Petitioner's freedom of the mind; a freedom guaranteed to Petitioner individually by the law of nature, and the Colorado and federal Constitution; a law and constitutions binding upon Colorado as a condition of its admission to the union as a state; a state subject to the legal principles of the Declaration of Independence; a Declaration arising out of and articulating in part, the "Laws of Nature and of Nature's God" limiting civil government's jurisdiction and power.

Governmental mandates to "speak not" have no place in our Constitutional Republic.

Respectfully submitted,

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