

# Residents file lawsuit against state

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ELKINS - Three area residents have filed a lawsuit against the state of West Virginia demanding a "constitutional government" be restored within the state.

Phillip Hudok, Gene Stalnaker and Thomas David House of Deegan filed the suit against Gov. Earl Ray Tomblin, Attorney General Patrick Morrissey, Clerk of the West Virginia House of Delegates Steve Harrison and an "unknown private for profit subcontractor providing government services and purporting to be lawful government in operation."

Hudok said the lawsuit stems from events that began nearly 20 years ago in which he voiced concerns regarding new facial imaging on government issued driver's licenses and identification cards.

"It started back in 1999 when a number of people, including myself, decided we couldn't submit to the biometric driver's license," Hudok said. "We negotiated with the governor and the DMV (Department of Motor Vehicles) from 1999 until 2008 and we drove without a driver's license because we didn't want our (faces mapped) and we felt that was an invasion of our right, our religious rights and everything.

"Governor Manchin accommodated us and we drove for a while with a non-biometric driver's license. He instructed the DMV to accommodate us so we probably had the only non-real ID government compliancy," Hudok continued. "Then that was rescinded by Tomblin's administration without even notifying us so we contacted Patrick Morrissey with a number of concerns."

Hudok cited that the three individuals were against being required to have to provide a "facial print" as it is against their religious beliefs.

"You go to the DMV, they have a sign up that your fingerprint is optional. What they don't tell you is that they are taking a fingerprint of your face. That's going into INTERPOL, an international criminal database," Hudok said. "Germany, Russia, China, they can identify you just as you walk down the street, not what you touch. You see how much more invasive the facial print is than the fingerprint? We believe it's very religiously significant too because you are surrendering your uniqueness to the state."

Hudok said they are not asking for money or any sort of punitive compensation, but merely the West Virginia Constitution to be followed, which they believe is not currently being upheld by lawmakers.

"I have never asked for any monetary punitive damages, we are asking them to turn back the clock and set things right, and if you can't do that at least give us what is a right of expatriation," Hudok said.

"What we are saying is you've broken your contract with us so we just can't contract with you and we have the right to expatriation which means as long as we don't hurt anybody, as long as we don't break any laws, just leave us alone," he added.

Hudok said the suit was filed with the state Supreme Court after they petitioned the legislature, Tomblin and Morrissey, with no response.

"What we have asked for is a Writ of Mandamus. A Writ of Mandamus can enable you to go directly to the state Supreme Court when the government or a public entity is violating your rights so we have taken this directly to the Supreme Court," Hudok said.

Hudok said their hope for the end result is to have a government that is run for the people of West Virginia and the United States and follows the "rule of law" of the West Virginia Constitution.

"What we want to see is constitutional government. We are not asking just for that (not to be required to provide facial prints on identification cards) but we are saying if you can't dissolve these corporations and take us back to the rule of law, that's very important . . . we are looking for expatriation," Hudok said.

Hudok said that numerous other individuals in other states, including California and Texas, are filing similar suits demanding government officials go back to a constitutional government.

Within the lawsuit, Hudok, Stalnaker and House have demanded a trial by jury regarding the matter.

More information can be found by visiting [hudok.info](http://hudok.info).

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