

The Vehicle Dwellers' Legal Primer

by Greg and Ramona Mayon

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LESSON PLAN

1. Gvm't cannot create second-class citizens.
2. Gvm't cannot create status crimes.
3. Gvm't cannot put a curfew on human acts.
4. Gvm't cannot ticket, harass, arrest, or banish unless there is a legal zone to be sent to.
5. Gvm't cannot interfere with a liberty interest (i.e. "establish a home") w/o due process.
6. Gvm't cannot interfere with property rights w/o good cause + pre-seizure hearing.
7. Gvm't cannot stop the GRT from actively expressing their ethnicity (GRT is the acronym for Gypsy-Roma-Traveller).
8. Gvm't cannot exclude any ethnic group from a public roadway.
9. Gvm't cannot exclude any ethnic group from its General Land Use Plan, Public Benefits or the Free Market.
10. Gvm't cannot accept, encourage and/or ignore "Intimidation of Occupation".

LESSON #1

**Government cannot create
second-class citizens.**

PROTECTION: 14th Amendment

"...no one can fail to be impressed with the one pervading purpose found in them all ... the protection of the freeman and citizen from the oppressions of those who had formerly exercised unlimited dominion over him."

Slaughterhouse Case 83 U.S. 71 (1873)

"...in the Slaughterhouse Cases... Justice Bradley, in dissent, used even stronger language to make the same point: 'The States have not now, if they ever had, any power to restrict their citizenship to any classes or persons. A citizen of the United States has a perfect constitutional right to go to and reside in any state he chooses, and to claim citizenship therein, and an equality of rights with every other citizen; and the whole power of the nation is pledged to sustain him in that right. He is not bound to cringe to any superior, or to pray for any act of grace, as a means of enjoying all rights and privileges enjoyed by other citizens.' "

Saenz v. Roe 526 U.S. 489 (1999) 134 F.3d 1400

"But in our country, hostile and discriminatory legislation by the state against persons of any class, sect, creed, and nation, in whatever form it may be expressed is forbidden by the Fourteenth Amendment. ... the equality of protection has been assured to everyone whilst within the United States, from whatever country he may come, or whatever race or color he may be, implies not only that the courts of the country be open to him on the same terms as to all others for the security of his person or property, the prevention or redress of wrongs and the enforcement of contracts; but that no changes or burdens shall be laid upon him which are not equally borne by others. "

Ho Ah Kow v. Nunan 12 Fed Case 252 (1879)

"There cannot be, in this republic, any class of human beings, in practical subjection to another class."

Civil Rights Cases 109 U.S. 3 (1883)

"It would introduce a caste system utterly incompatible with the spirit of our government. It would permit those who were stigmatized by a State as indigents, paupers, or vagabonds to be relegated to an inferior class of citizenship."

Edwards v. California 314 U.S. 160 (1941)

"Invidious discrimination is the treatment of individuals in a manner that is malicious, hostile, or damaging."

Javorsky v. Western Athletic Clubs
242 Cal. App. 4th, 1386, 1404 (2015)

"Laws are invalidated by the Court as discriminatory because they are expressions of hostility or antagonism to certain groups of individuals ... This court has been consistently vigilant to protect racial groups from the effects of official prejudice, and we can be no less concerned because human beings currently in disfavor are identifiable by dress and attitudes rather than by color."

Parr v. Municipal Court 3 Cal. 3d 864-865, 871 (1971)

"In the view of the Constitution, in the eye of the law, there is in this country no superior, dominant ruling class of citizens ... 'There is no caste here. Our constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest person is the peer of the powerful.' "

Catherine H. Berber Memorial Homeless Shelter v. North Wilkesboro Civil Action 5:20-CV-00163-KDB-DCK (W.D.N.C. Dec. 20, 2021)

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LESSON #2

Government cannot create status crimes.

PROTECTION: 8th Amendment

In San Francisco – for example – still in effect is SFPD code section 97, which passed April 1971, in response to the hippie invasion, and made “sleeping, eating, or resting” in one’s vehicle (parked anywhere in a public place) 10 pm to 6 am. punishable by up to six months in county jail and/or fine up to \$1000. That makes San Francisco a “Sundown Town” for the ethnic gypsy Traveller as well as the other vehicle dwellers because one is being criminalized for what is a common act all humans do in order to stay alive. But more importantly, how under our Constitution, how can the acts of eating or sleeping ever be an actual crime?

“...places substantive limits on what the government may criminalize.”

Robinson v. California 370 U.S. 660 (1962)

“In *Powell v. Texas* 392 U.S. 514 (1968), however the Court elaborated on the principle first articulated in *Robinson*. ... The entire thrust of *Robinson*’s

interpretation of the Cruel and Unusual Punishments Clause is that criminal penalties may be inflicted only if the accused has committed some act, has engaged in some behavior which society has an interest in preventing, or perhaps in historical common law terms, has committed some *actus reus*. It thus does not deal with the question of whether certain conduct cannot constitutionally be punished because it is, in some sense, 'involuntary'... As *Jones* reasoned, 'whether sitting, lying, or sleeping are defined as acts or conditions, they are universal and unavoidable consequences of being human.' *Jones v. City of Los Angeles* 444 U.S. 592, 607 (1980). ... We are not alone in reaching this conclusion. As one court has observed, 'resisting the need to eat, sleep, or engage in other life-sustaining activities is impossible. Avoiding public places when engaging in this otherwise innocent conduct is also impossible ... as long as the homeless plaintiffs do not have a single place where they can lawfully be, the challenged ordinance, as applied to them, effectively punishes them for something for which they may not be convicted under the [E]ighth [A]mendment - sleeping, eating, and other innocent conduct.' *Pottinger v. City of Miami* 810 F.Supp. 1551, 1565 (S.D. Fla. 1992). ... We conclude that a municipality cannot criminalize such behavior ... when no sleeping space is practically available in any shelter."

Martin v. Boise 920 F.3d 584 (2019)

"It means only that the Equal Protection Clause requires the State to have a legitimate reason for withdrawing a right or benefit from one group but not others, whether or not it was required to confer that right or benefit in the first place."

U.S. Dept. of Agriculture v. Moreno

413 U.S. 528 (1974)

"There, the Supreme Court held a city ordinance prohibiting 'vagrancy' - which was applied to 'loitering', 'prowling', and 'nightwalking', among other conduct - was unconstitutionally vague. *Id.* at 158, 163 The Court viewed the ordinance in its historical context as the descendant of English feudal laws designed to prevent the physical movement and economic ascension of the lower class. *Id.* at 161-62. If a statute provides 'no standards governing the exercise of 'discretion' ... it becomes 'a conveneient tool for harsh and discriminatory enforcement by local prosecuting officials, against particular groups deemed to merit their displeasure.' *Id.* at 170 In America, such laws had been used to 'roundup ... so-called undesirables' and resulted in a regime in which the poor and the unpopular were permitted to stand on a public sidewalk ... only at the whim of any police officer.' *Id.* at 170 - 71. The Court concluded that 'the rule of law implies equality and justice in its application. Vagrancy laws ... teach that the scales of justice

are so tipped that even-handed administration of the law is not possible. The rule of law, evenly applied to minorities as well as majorities, to the poor as well as well as the rich, is the great mucilage that holds society together.' "

City of Chicago v. Morales 527 U.S. 41 (1999) citing *Papachristou v. City of Jacksonville* 405 U.S. 156 (1972)

"Persons 'wandering' or 'strolling' from place to place have been extolled by Walt Whitman and Vachel Lindsey ... these activities are historically part of the amenities of life as we have known them, They are not mentioned in the Constitution or the Bill of Rights. These unwritten amenities have been in part responsible for giving our people the feeling of independence and self-confidence, the feeling of creativity. These amenities have dignified the right of dissent and honored the right of non-conformists and the right to deny submissiveness. They have encouraged lives of high spirits rather than hushed, suffocating silence."

Papachristou v. United States 405 U.S. 156 (1972)

"A penal statute cannot require the public to speculate as to its meaning while risking life, liberty, and property in the process." *Desertrain*, 754 F.3d at 1155. The court in *Desertrain* struck down a similar ordinance banning vehicle habitation as vague, which stated: No person shall use a vehicle

parked or standing upon any City street, or upon any parking lot owned by the City of Los Angeles and under the control of the City of Los Angeles or under control of the Los Angeles County Department of Beaches and Harbors, as living quarters either overnight, day-by-day, or otherwise. ... the court found the L.A. ordinance was unconstitutionally vague because it both failed to provide notice and was arbitrarily enforced against the homeless. *Id.* at 1155–57. ... The Ninth Circuit held in *Desertrain* that the L.A. ordinance, in addition to failing to provide adequate notice, was also being arbitrarily and discriminatorily enforced against the homeless. Defendants assert Training Bulletin 14-01 offers specific enforcement guidance in determining whether a vehicle is being used as living quarters. (Doc. No. 31 at 14.) The Training Bulletin states: Mere sleeping in a vehicle does not constitute a violation. Factors tending to establish that the vehicle is used as either temporary or permanent living quarters include: time of the offense (early morning hours); moisture/condensed on vehicle/windshield; location of the offense) [sic] area of chronic lodging) [sic]; admission that slept overnight at location; presence of any other temporary structures (milk crates, boxes, tables, chairs, blankets, etc.); and/or, significant personal belongings nearby or in vehicle. (Doc. No. 26-2 at 132, Ex. R.) However, Plaintiffs argue the Bulletin provides little direction and only a vague list of criteria to look for in assessing a potential violation.

... Courts have found that although the City has a discernable interest in promoting cleanliness and public health, a homeless person's interest in their personal possessions, safety, and rights outweighs it. *Jeremiah v. Sutter County*, No. 2:18–cv–00522–TLN–KJN, 2018 WL 1367541, at *5 (E.D. Cal. Mar. 16, 2018) ('The County's interest in cleaning up the river bottoms is outweighed by Plaintiffs' interest in their personal property and their constitutional rights.');

Lavan v. City of Los Angeles, 797 F. Supp. 2d 1005, 1019 (C.D. Cal. 2011) ('The City's interest in clean streets is outweighed by Plaintiffs' interest in maintaining the few necessary personal belongings they might have.'). "

Bloom v. San Diego case 17-cv-2324-AJB-NLS (2018) citing *Desertrain v. City of Los Angeles*, 754 F.3d 1147, 1155 (9th Cir. 2014).

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LESSON #3

**Government cannot put a curfew
on human acts.**

**PROTECTIONS: 4th, 5th and 14th
Amendments**

"No right is held more sacred, or is more carefully guarded by common law, than the right of every individual to the possession and control of his own person."

Union Pacific Railway v. Botsford
141 U.S. 250 11 S.Ct 1000, 35 L.Ed 734(1891)

"Everyone has a fundamental right to the sole control of his or her own person."

In re. Guardianship of Browning
568 So.2d 4, 10 (Fla. 1990)

"Exercising control over one's body involves the kind of decision-making that is 'necessary for civilized life and ordered liberty.' "

Valley Hospital Ass'n v. Mat-su Coalition
948 P.2d 386. 401-02 (Alaska 1997)
citing *Baker v. City of Fairbanks*
471, P.2d (Alaska 1970)

"Each of us has a right to the inviolability and integrity of our persons, a freedom to choose or a right to the inviolability and integrity of our persons, a freedom to choose or a right to bodily self-determination, if you will."

In re. Brown 478 So. 2d 1033, 1039 (Miss. 1985)

"Autonomy and dominion over one's body goes to the very heart of what it means to be free."

Iowa Planned Parenthood v. Reynolds ex rel.
915 N.W. 2d. 237 (Iowa 1990)

"Law is invalid if it has potential for arbitrary and discriminatory enforcement."

Parker v. Levy 417 U.S. 733, 752 (1974)

"Interest in bodily integrity is a liberty interest."

Ingraham v. Wright 430 U.S. 651, 672 (1977)

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Lesson #4

Government cannot ticket, harass, arrest, or banish unless there is a legal zone to be sent to.

PROTECTION: 8th Amendment

"...as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter. ... We consider whether the Eighth Amendment's prohibition on cruel and unusual punishment bars a city from prosecuting people criminally from sleeping outside on public property when those people have no home or other shelter to go to. We conclude it does."

Martin v. Boise 920 F.3d 584 (2019)

"Rights guaranteed by the Constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the state."

Pierce v. Society of the Sisters of Jesus and Mary

258 U.S. 535 (1925)

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Lesson #5

Government cannot interfere with a liberty interest (i.e. “establish a home”) w/o due process because there is a right to privacy within one’s own home.

PROTECTIONS: 4th, 5th, 9th, and 14th Amendments

In 1628, Sir Edward Coke penned the famous phrase: “For a man’s home is his castle, *et domus sua cuique est tutissimum refugium* [and each man’s home is his safest refuge].” THE THIRD PART OF THE INSTITUTES OF THE LAW OF ENGLAND, ch. 73 at 161 Although Coke is a Briton, this quote has been adopted in American society and law - see *Georgia v. Randolph* 547 U.S. 103, 115 (2006): “We have, after all, lived our whole national history with the understanding of the ancient adage that a man’s house is his castle...”

~~ Fast forward 345 years ~~

“There is no fundamental right to housing.”

Lindsey v. Normet
405 U.S. 56, 74, 92 S.Ct. 862, 31 L.Ed 2d 36 (1972)

~~~ and yet ~~~

"Without doubt, [constitutionally-protected liberty] denotes not merely freedom from bodily restraint but also the right of the individual to acquire useful knowledge, to marry, **to establish a home** and bring up children, to worship God according to his conscience, and generally enjoy those privileges long recognized at common law as essential to the pursuit of happiness."

*Meyer v. Nebraska* 262 U.S. 390 (1923)

From 134 Cong. Rec. S10, 5558 (1988) Statement by Sen. Metzenbaum in the debate on the Fair Housing Amendments Act, one senator explained his support for the bill: "There is nothing more fundamental than the right to choose one's own home ... A home is where we seek our refuge from life's burdens, where we raise our children, greet our grandchildren, and welcome our neighbors. It is the symbolic center of our lives. America's promise of equality is a lie unless every American can seek a home without fear of encountering arbitrary discrimination. The dream of Fair Housing must be kept alive."

Statement by Sen. Metzenbaum (1988)

"The place of intrusion, the Wagner's private residence, is entitled to the strictest Fourth Amendment protection against unwarranted intrusions. An individual's privacy interests are nowhere more clearly defined or rigorously protected by the courts than in the home, the core of the Fourth Amendment."

*Wagner v. Bonner* 621 R.2d 675, 677 (5th Cir. 1980)

"The principles laid down in this opinion affect the very essence of constitutional liberty and security. They reach farther than the concrete form of the case then before the court, with its ambitious circumstances; they apply to all invasions on part of the government, and its employees, of the sanctity of a man's home and the privacies of life. It is not the breaking of the door and the rummaging of his drawers that constitutes the essence of the offense, but it is the invasion of his indefeasible right of personal security, personal liberty, and private property, where that right has never been forfeited by his conviction of some public offense."

*Boyd v. United States* 116 U.S. 616 (1886)

"...this liberty may not be interfered with, under the guise of protecting the public interest ... [prevents the state] from standardizing by forcing all to live in certain narrowly defined family patterns."

*Moore v. City of East Coventry* 431 U.S. 506 (1977)

"Laws that infringe on, or discriminate with respect to a fundamental right generally receive strict scrutiny, and laws that do not, receive rational basis review."

*Zablocki v. Redhail* 434 U.S. 374 (1978)

"If a suspect class is disadvantaged or a fundamental right is impinged on, the courts will employ strict scrutiny, and the statute will fail unless the government can demonstrate that the classification has been precisely tailored to serve a compelling government interest. Those challenging the law have the burden to establish that the law isn't rationally related to any legitimate government interest."

*Plyer v. Doe* 547 U.S. 202, 215-21 (1982)

"A suspect class is entitled to strict scrutiny if one is saddled with such disabilities, or subjected to such a history of purposeful unequal treatment or relegated to such a position of political powerlessness as to command extraordinary protection from the majoritarian political process."

*San Antonio School District v. Rodriguez*

411 U.S. 1, 28 (1973)

NOTE: Examples of laws surviving strict scrutiny:  
*Grutter v. Bollinger* (2003) and *Korematsu v. United States* (1944)

"What a person knowingly exposes to the public ... is not a subject of Fourth amendment protection ... [b]ut what he seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected."

*Katz v. United States* 389 U.S. 347 (1967)

"Thus, we think it much more likely that society would recognize an expectation of privacy for the camper in a tent on public land than for the squatter in a private residence."

*United States v. Sandoval* 200 F.3d 659

(9th Cir. 2000)

"The Constitution protected people from unwarranted government intrusions into a dwelling or other private places".

*Lawrence v. Texas* 539 U.S. 558 (2003)

"The Constitution does not explicitly mention any right of privacy. In a line of decisions, however, going back perhaps as far *Union Pacific Railroad Company v. Botsford* 141 U.S. 250, 251 (1891). The Court has recognized a right of personal privacy, or a guarantee of certain areas or zones of privacy, does exist under the Constitution. In varying contexts, the Court or individual justices have, indeed, found at least the roots of that right in the First Amendment *Stanley v. Georgia* 394 U.S. 557, 564 (1969); in the Fourth and Fifth Amendments *Terry v. Ohio* 392 U.S. 1, 8-9 (1968); *Katz v. United States* 389 U.S. 347, 350 (1967); *Boyd v. United States* 116 U.S. 616 (1886) see *Olmstead v. United States* 277 U.S. 438, 478 (1928) (Brandeis, J. dissenting); in the penumbras of the Bill of Rights; *Griswold v. Connecticut* 381 U.S. at 484-484; in the Ninth Amendment, *Id* at 486 (Goldberg, J. concurring); or in the concept of liberty guaranteed by the first section of the Fourteenth Amendment, see *Meyer v. Nebraska* 262 U.S. 390, 399 (1923). These decisions make it clear that only personal rights that can be deemed 'fundamental' or 'implicit in the concept of ordered liberty'. *Palko v. Connecticut* 302 U.S. 319, 325 (1937) are included in this guarantee of personal privacy."

*Roe v. Wade* 410 U.S. 113 (1973)

"The right to privacy has its foundation in the instincts of nature. It is recognized intuitively, consciousness being the witness that can be called to establish its existence. ... A right to privacy in matters purely private is therefore derived from natural law."

*Kunz v. Allen* 102 Kansas 883 (1918)

"[California Supreme Court] correctly characterizes this vehicle as a 'hybrid' which combines 'the mobility attribute of an automobile ... with most of the privacy characteristics of a house.' The hybrid nature of the motorhome puts it at the crossroads between the privacy interests that generally forbid warrantless invasions of the home *Payton v. New York* 445 U.S. 585-590 (1980) and the law enforcement interests that support the exception for warrantless searches of automobiles based on probable cause. *United States v. Ross* 456 U.S. 798, 806, 820 (1982) "

*California v. Carney* 471 U.S. 386 (1985)

NOTE: *Carney* had initial success before the California Supreme Court *People v. Carney* 34 Cal.3d. 812 P.2d 194 Cal.Rptr; but lost at the Federal Supreme Court for the purpose of a warrantless search, based on probable cause.

FOOTNOTE in opinion: "The California Supreme Court held that the expectations of privacy in a motor home are more like those in a dwelling than in an automobile because the primary function of motor homes is not to provide transportation but to 'provide the occupant with living quarters.' " *Id.* at 606, 668 P.2d at 812

From the dissent 471 U.S. 395 (*California v. Carney*) by Justice Stevens: "Premature resolution of the novel question presented has stunted the natural growth and refinement of alternative principles. Despite the age of the automobile exception and the countless cases in which it has been applied, we have no prior cases defining the contours of a reasonable search in the context of hybrids such as motor homes, house trailers, houseboats, or yachts. In this case, the Court can barely glimpse the diverse lifestyles associated with recreational vehicles and mobile living quarters. ... Some caution, however, is justified when every decision requires us to resolve a vexing 'conflict ... between the individual's constitutionally protected interest in privacy and the public interest in effective law enforcement.' *United States v. Ross*, 456 U.S. 804 Our prior cases teach us that inherent mobility is not a sufficient justification for the fashioning of an exception to the warrant requirement, especially in the face of heightened expectations of privacy in the location searched. Motor homes, by their common use and construction, afford their owners a substantial and

legitimate expectation of privacy when they dwell within. When a motor home is parked in a location that is removed from the public highway, I believe that society is prepared to recognize that the expectations of privacy within it are not unlike the expectations one has in a fixed dwelling. ... Unlike a brick bungalow or a frame Victorian, a motor home seldom serves as a permanent lifetime abode. The motor home in this case, however, was designed to accommodate a breadth of ordinary everyday living. Photographs in the record indicate that its height, length, and beam provided substantial living space inside: stuffed chairs surround a table; cupboards provide room for storage of personal effects; bunk beds provide sleeping space; and a refrigerator provides ample space for food and beverages. Moreover, curtains and large opaque walls inhibit viewing the activities inside from the exterior of the vehicle. The interior configuration of the motor home establishes that the vehicle's size, shape, and mode of construction should have indicated to the officers that it was a vehicle containing mobile living quarters. The State contends that officers in the field will have an impossible task determining whether or not other vehicles contain mobile living quarters. It is not necessary for the Court to resolve every unanswered question in this area in a single case, but common English usage suggests that we already distinguish between a 'motor home which is 'equipped as a self-contained traveling home,' a 'camper' which is only equipped for 'casual travel

and camping,' and an automobile which is 'designed for passenger transportation.' Surely the exteriors of these vehicles contain clues about their different functions which could alert officers in the field to the necessity of a warrant. ... In my opinion, searches of places that regularly accommodate a wide range of private human activity are fundamentally different from searches of automobiles which primarily serve a public transportation function. Although it may not be a castle, a motor home is usually the functional equivalent of a hotel room, a vacation and retirement home, or a hunting and fishing cabin. These places may be as spartan as a humble cottage when compared to the most majestic mansion, 456 U.S. at 456 U. S. 822; *ante* at 471 U. S. 393, but the highest and most legitimate expectations of privacy associated with these temporary abodes should command the respect of this Court. *Stoner v. California*, 376 U. S. 483, 376 U. S. 490 (1964); *Payton v. New York*, 445 U.S. at 445 U. S. 585; *United States v. Karo*, 468 U. S. 705, 468 U. S. 714-715 (1984). In my opinion, a warrantless search of living quarters in a motorhome is 'presumptively unreasonable absent exigent circumstances.'

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"A 'uniquely American contribution' to real property law, homestead exemptions are based on the notion that citizens should have a home where family is sheltered and living beyond the reach of certain classes of creditors ... states began enacting homestead laws in the 19th century to provide security in an increasingly volatile American economy. ... Today 48 states have homestead exemption laws. ... Long's truck therefore constitutes a homestead. ... automatic protections occur when 'real or personal property is occupied as a principal residence.' (Emphasis added.) ... Lawmakers further evidenced their intent to automatically protect personal property, such as Long's truck, in the 1993 amendment. 'Because some Washington citizens reside on their boats or in their cars or vans, it has been recommended that the homestead exemption's scope be expanded to include any personal or real property that the owner uses as a residence.' FINAL B. REP. ON SUBSTITUTE S.B. 5068, 53d Leg. Reg. Sess. (Wash. 1993) (emphasis added). Admittedly, expanding the definition of homestead does not directly answer the question of whether a declaration is required for a nontraditional residence. Long's truck qualifies as a homestead because it was occupied personal property. RCW 6.13.040(1). The homestead act does not require him to file a declaration in addition to occupying the vehicle as his primary residence. ... the impoundment and associated costs deprived Long of his means of living and violated the excessive

finer clause. For these reasons, the impoundment and associated costs deprived Long of his means of living and violated the excessive fines clause. ... The excessive fines clause prohibits the extraction of payment as a punishment for some offenses that would deprive a person of his or her livelihood. See *Bajakajian*, 524 U.S. at 335; *Timbs*, 139 S. Ct. at 688. GONZÁLEZ, C.J. (concurring) – I largely concur with the well-reasoned majority. I particularly agree that Steven Long's truck automatically qualified as his homestead because he obviously lived in it. In my view, though, the homestead act, ch. 6.13 RCW, also protected Long's home both from being towed and from being subject to forced sale, regardless of whether the sale was ultimately avoided. By operation of law, as soon as the truck was towed, a lien was placed on it. RCW 46.55.140(1). This lien effectively attached the home as security for the impound debts. This violates the homestead act and never should have happened. If a home is automatically protected as a principal residence under former RCW 6.13.010 (1999), it cannot be simply towed by an agent of the state and attached as security for the cost of that tow. The city contends that the homestead act does not apply because a forced sale was merely contemplated and because Long impliedly consented to having his home impounded by failing to move it. See City of Seattle's Suppl. Br. at 9-10. the registered owner's physical address, at which the homeless individual likely does not reside. *Id.* at 15-16 (citing RCW 46.55.110(a)). This provides

additional support for an automatic homestead protection that prevents towing in the first instance, as it 'may be the only meaningful protection' prior to impound and auction. *Id.* at 16. *City of Seattle v. Long*, No. 98824-2 (González, C.J., concurring) 3 But Long could not move his truck because he could not afford a new part. That is not consent. Long did not violate the parking ordinance willingly; he simply had no other option. Nor did Long willingly enter into an arrangement that provided him a benefit with some possible risk. See *Felton v. Citizens Fed. Sav. & Loan Ass'n of Seattle*, 101 Wn.2d 416, 421, 679 P.2d 928 (1984). Simply put, the homestead act was intended to provide shelter for families. *Macumber v. Shafer*, 96 Wn.2d 568, 570, 637 P.2d 645 (1981) (citing *Clark v. Davis*, 37 Wn.2d 850, 226 P.2d 904 (1951)). The act bars the city from towing a vehicle that is occupied as a primary residence and from forcing an individual to agree to a payment plan to prevent that vehicle from being sold at a public auction. With these observations, I respectfully concur."

City of Seattle v. Long Washington No. 98824-2

From the HARVARD LAW REVIEW Dec 15, 1890
Vol IV No. 5 The Right to Privacy written by
Samual Warren and Louis Brandeis (widely
regarded as the first publication in the U.S. to
advocate a right to privacy), articulating that right

primarily as ***the right to be let alone***: "That the individual shall have full protection in person and in property is a principle as old as the common law...in very early times, the law gave a remedy only for physical interference with life and property, for trespasses *vi et armis* ... liberty meant freedom from restraint ... now the right to life has come to mean the right to enjoy life; the right to be let alone; the right to liberty secures the exercise of extensive civil privileges, and the term 'property' has grown to comprise every form of possession, intangible as well as tangible. Solitude and privacy have become more essential to the individual ... through invasions upon his privacy, subjected him to mental pain and distress, far greater than could be inflicted with mere bodily injury. The more general right of the individual to be let alone. It is like the right not to be assaulted or beaten, the right to not be imprisoned, the right to not be maliciously prosecuted, the right to not be defamed. In each of these rights ... there inheres the quality of being owned or possessed there may be some propriety in speaking of those rights as property ... it is the unwarranted invasion of the individual privacy which is reprehended, and to be, so far as possible, prevented."

DEFINITIONS that refer the RV as a *possible* residence or home:

HUD has made it clear that "mobile home parks, trailer courts, condominiums, cooperatives, and time-sharing properties are also dwellings under the statutory meaning." *Implementation of the Fair Housing Amendments Act of 1988* 54 Fed. Reg. 3232, 3238 (Jan 23, 1989)

49 C.F.R Part 24 § 24.2 (17): Mobilehome. The term mobilehome includes manufactured homes and recreational vehicles used as residences

Thus, under the U.R.A (Uniform Relocation Act) RVs can be acceptable as comparable replacement dwellings for persons displaced from mobile homes. A recreational vehicle that is capable of providing living accommodations may be considered a replacement dwelling is the following criteria are met: the recreational vehicle is purchased and occupied as the "primary" place of residence; it is located on purchased or leased site and connected to or have available all necessary utilities for functions as a housing unit ... and the dwelling, as sited, meets all local, state, and federal requirements for a decent, safe, and sanitary dwelling.

§ 50044 California Code of Regulations Title 22 Social Security Division 3 Health Care Services
DEFINITIONS: 613-1F The CDHS has defined a

“home” as real or personal property, fixed or mobile, located on land or water, in which a person or family lives.

United States v. Hughes Mem'l Home F.Supp. 544, 549 (W.D. Va 1975) using language from the Webster's Dictionary, the court defined a residence as “a temporary or permanent dwelling place, abode, or habitation to which one intends to return as distinguished from the place of temporary sojourn or transient visit.” To decide between the two, the courts have generally looked to two factors in making their decisions; 1) occupant's intended length of stay; and 2) whether occupants view the dwelling as a place they will return.

“The central inquiry [arising from this test] is whether [occupants] intend to remain ... for any significant period of time and whether they view [the accommodations] as a place to return to.”

United States v. Columbus Country Club 915 F.2d 877, 881 (3d Cir. 1990)

Other courts have found it relevant whether occupants have no other place to 'return or reside. *Woods v. Foster* 884 F. Supp. 1169 D. Ill (1995)

“The 'place to return to' requirement really was the requirement that occupants view their accommodations as homes. ... 1) repeatedly returns to the same unit; 2) feeling 'at home';

3) eating meals in the facility accommodations; 4) receiving mail; 5) hanging pictures on the wall; and 6) having visitors."

Lakeside Resort Enters. LP v. Bd. of Supervisors 455 F.3d 154, 159-60 (3d Cir. 2006)

Courts have excluded hotels - see *Patel v. Holley House Motels* 483 F.Supp 374, 381 (S.D. Ala. 1979); hospitals - see *United States v. City of Boca Raton* No. 06-80879-CIV 2008 WL 686689 (2008), and prisons - see *Garcia v. Condarco* 114 F.Supp.2d 1158, 1163 (D.N.M. 2000).

What are dwellings under the Fair Housing Act are nursing homes - see *Hovsons v. Township of Brick* 89 F3d 1096 (3d. Cir 1996); children's group homes - see *United States v. Hughes Mem'l Home* 396 F.Supp 544, 549; drug rehab centers - see *Lakeside Resort Enters LP v. Bd. of Supervisors* 455 F.3d 154 (3d. Cir. 2006); structures used to house migrant workers for 4 to 5 months a year - see *Hernandez v. Ever Fresh Co.* 923 F.Supp. 1305, 1307-09 (D.Or 1996) and *Villegas v. Sandy Farms Inc.* 929 F.Supp. 1324, 1327-28 (D. Or 1996); and homeless shelters - see *Turning Point Inc. v. City of Caldwell* 74 F.3d. 941, 944 (9th Cir. 1996)

Accommodations in an institution are restricted:

- >>> no right to exclude others
- >>> limited privacy, inc. doors must be kept open
- >>> communal sleeping rooms
- >>> shared toilets
- >>> can only be a "dwelling" at certain hours
- >>> rules must be adhered to
- >>> and has random inspections

While a dwelling generally:

- >>> has no "services"
- >>> provides privacy
- >>> can cook
- >>> can store belongings
- >>> can have visitors, children, or pets
- >>> and has the right to exclude

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LESSON #6

**Government cannot interfere
with property rights
w/o good cause + pre-seizure hearing.**

PROTECTION: 4th + 8th + 14th Amendments

Fourth Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

In 2019, the California legislature passed into law:

Cal. Veh. Code § 22650 (b)

Any removal of a vehicle is a seizure under the Fourth Amendment of the Constitution of the United States and Section 13 of Article 1 of the California Constitution and shall be reasonable and subject to the limits set forth in the Fourth Amendment jurisprudence without a warrant.

"...see *United States v. Cervantes* 703 F.3d 1135, 1143 (9th Cir. 2012) (**discussing the caretaking exception**). But this exception is available only to 'impound vehicles that jeopardize public safety and efficient movement of vehicular traffic' ... A seizure is justified under the Fourth Amendment only to the extent that the government's justification holds force."

Brewster v Beck 859 F.3d 1194 (2017)

"Warrantless seizures are 'per se unreasonable'. ... The burden is on the government to persuade the district court that a seizure comes under one of a few specifically established exceptions to the warrant requirement."

United States v. Hawkins
249 F.3d 867, 872 (9th Cir. 2001)

"The security of one's privacy against arbitrary intrusion by the police - which is at core of the Fourth amendment - is basic to a free society."

Coolidge v. New Hampshire 403 U.S. 443, (1971)

"Search and seizures inside the home without a warrant are presumptively unreasonable."

Payton v. New York 445 U.S. 573 (1980)

"...acquire and enjoy property."

Barbier v. Connolly 113 U.S. 27 (1885)

"It cannot be doubted that among the civil rights intended to be protected from discriminatory state actions by the 14th amendment are the rights to acquire, enjoy, own, and dispose of property. Equality in the enjoyment of property rights was regarded by the framers of that amendment as the essential precondition to the realization of the other basic civil rights and liberties which the amendment was intended to guarantee."

Buchanan v. Warley 245 U.S. 60 (1917)

"The uninterrupted use of one's vehicle is a significant and substantial private interest. As we noted ...[a] person's ability to make a living and his access to both the necessities and amenities of life may depend upon the availability of an automobile when needed. ... seizure of property without prior hearing has been sustained only where the owner is afforded prompt post-seizure hearing at which the person seizing the property must make at least a showing of probable cause."

Stypmann v. City of San Francisco

557 F.2d 1338, 1343 (9th Cir. 1977)

"Following the Civil War, southern states enacted black codes to subjugate newly freed slaves and maintain the prewar racial hierarchy. Among these laws' provisions were draconian fines for violating broad proscriptions on 'vagrancy' and other dubious offenses."

Timbs v. Indiana 586 U.S. ____ (2019)

"Imposing these assessments upon indigent defendants without a determination that they have the present ability to pay violates due process under both the U.S. Constitution and the California Constitution."

In re. Humphrey 19 Cal.App 5th 1006 (2018)

"It is not clear ... that Defendant can justify the seizure and retention of a vehicle if its owner cannot afford the parking tickets levied upon the vehicle solely on the basis offered here, that the seizure is reasonable in an effort to secure repayment of a debt owed."

Bearden v. Georgia 461 U.S. 669, 667 (1983)

"We hold that the Excessive Fines Clause applies to municipal fines. ... The Supreme Court has held that a fine is unconstitutional if its amount 'is grossly disproportional to the gravity of the defendant's offense.' "

Pimentel v. City of Los Angeles
966 F.3d. 934 (9th Cir, 2020)
citing *United States v. Bajakajian*
524 U.S. 321 (1998)

"Homeless persons' unabandoned possessions are 'property' within the meaning of the 14th amendment."

Lavan v. City of Los Angeles 693 F.3d 1022 (2012)

"[T]he practice of announce, strike, seize, and destroy (the property of the homeless) immediately is against the law ... violates the constitutional right to be free from unreasonable search and seizure."

Kincaid v. City of Fresno 244 F.R.D. 597

(E.D. Cal.)(2007)

These vehicles are our homes, but here in the City of San Francisco already knows that because SFMTA discussed just exactly that in a 12.11.18 meeting's PDF found online, see item #13 in a footnote on page 11:

"Despite the temporary nature of the tent or vehicle, it can be a home, so privacy rights should not be undermined and the government may not impound a vehicle. *Smith v. Reiskin* Oct 10, 2018 preliminary injunction stating there is no justification for the seizure and retention of a vehicle if its owner cannot afford to pay the parking tickets." i.e. *Smith v. Reiskin* 4:18-cv-01239

~~~

"Property in a thing consists not merely in its ownership and possession, but in the unrestricted right of use, enjoyment, and disposal. Anything which destroys any of the elements of property, to that extent, destroys the property itself. The substantial value of property lies in its use. If the right of use is denied, the value of the property is annihilated and ownership reduced to a barren right." *Ackerman v. Port of Seattle* 55 Wn 2d 400, 409, 348 P.2d 664 (1960) (quoting from *Spann v. City of Dallas* 111 Tex. S.W. 513 19 A.L.R. (1921)

"[T]he enjoyment of implied constitutional rights cannot be limited."

*Kerry v. Din* 135 S.Ct. 2128, (2015)



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## **LESSON #7**

**Government cannot stop the GRT from actively expressing their ethnicity.**

### **PROTECTION: 1st, 5th + 14th Amendments**

"The right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation; and for that purpose, to enter into all contracts which may be proper, necessary, and essential to his carrying out to a successful conclusion the purposes above mentioned."

*Allgeyer v. Louisiana* 165 U.S. 578 (1897)

"The Constitution promises liberty to all within its reach, a liberty that includes certain specific rights that allow persons, within a lawful realm, to define and express their identity. ... In addition, these liberties extend to certain personal choices central to individual dignity and autonomy, including intimate choices that define personal identity and beliefs."

*Obergefell v. Hodges* 570 U.S. 644 (2015)

"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."

*Planned Parenthood of Southwestern Pennsylvania v. Casey* 505 U.S. 833, 851 (1992)

"The free citizen's first and greatest right, which underlies all others - the right to the inviolability of his person, in other words, his right to be himself - is the subject of universal acquiescence."

*Pratt v. Davis* 224 Ill. 300 (1906)

"The greatest joy that can be experienced by mortal man is to feel himself master of his fate ... none imparts more innate satisfaction and soulful contentment ... than the right to be left alone."

*Commonwealth v. Murray* 423 Pa. 37 A.2d. (1966)

"In a long line of cases, this Court has offered First Amendment protection to expressive conduct that qualifies as symbolic speech."

*Clark v. Comm'y for Creative Non-Violence* 468 U.S. 288, 304 (1984)

"A law is content neutral if it is 'justified without reference to the content of the regulated speech.' A law is content based if it is 'adopted ... because of a disagreement with the message that the speech conveys.' ... Restrictions on speech in a traditional public forum are valid time, place, or manner restrictions only if they: (1) are 'justified without reference to the regulated speech'; (2) are 'narrowly tailored to serve a significant governmental interest' with burdening 'substantially more speech than is necessary' and (3) 'allows for an ample alternative channel for communication.' ... The narrow tailoring requirement is designed in part to prevent the government from suppressing speech 'for mere convenience' because when certain speech is associated with particular problems, silencing the speech is sometimes the path of least resistance.' "

*McCullen v. Coakley* 134 S.Ct 2518, 2530 (2014) citing *Ward v. Rock Against Racism* 491 U.S. 781, 791 (1980)

"Especially in the traditional public forum, a limited public forum ... the government has 'very limited' ability to restrict speech and it typically has 'no power' to restrict speech there 'because of its message, its ideas, its subject matter, or its content.' "

*McCullen v. Coakley* 134 S.Ct. 2518, 2529-30 (2014) citing *United States v. Grace* 461 U.S. 171, 177 (1983)

"Selectivity of this sort creates the possibility that the City is seeking to handicap the expression of particular ideas."

*R.A.V. v. City of St. Paul* 505 U.S. 377 (1992)

"...intends to discourage one viewpoint and advance another."

*Perry Educ. Ass'n v. Perry Local Educators Ass'n* 460 U.S. 37, 49 (1983)

"The government violates the First Amendment when it denies access to a speaker solely to suppress the point of view he espouses on an otherwise includible subject ... it cannot single out

and exclude particular speech within that otherwise permitted class on the basis of the 'specific notoriety, ideology, or the opinion or perspective of the speaker."

*Cornelius v. NAACP Legal Def. & Educ. Fund Inc.* 473 U.S. 788, 806 (1985)

"The guarantee of equal protection coexists, of course, with the reality that most legislation must classify for some purpose or another."

*Perry v. Schwarzenegger* 704 F. Supp.2d. 921, 995 (N.D. Cal. 2010)

"A minority plaintiff can rely on the equal protection clause when denied equal treatment or equal status because of his historically disadvantaged position in society and denial of treatment occurs with similarly situated individuals are treated differently without substantial reason."

*Skinner v. Oklahoma* 316 U.S. 535, 541 (1941)

"The requirement for equal protection of law applies to the federal government through the Due Process Clause and the 5th amendment."

*Bolling v. Sharpe* 347 U.S. 497, 500 (1954)

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## **LESSON #8**

**Government cannot exclude  
any ethnic group from a public roadway.**

### **PROTECTION: 14th Amendment**

"Enforcement practices that deprive individuals of a basic necessity of life may be found to burden the right to travel unconstitutionally."

*Memorial Hospital v. Maricopa County*  
415 U.S. 250 (1974)

"The right to travel has found its strongest expression in the context of attempts by states to discourage the 'migration of indigents.' "

*Joyce v. City and County of San Francisco*  
846 F.Supp. 843, 860 (N.D. Ca. 1994)

"It is a privilege of citizenship of the United States, protected from state abridgement, to enter any state of the union either for temporary sojourn of, [or] for the establishment of permanent residence therein and if resultant citizenship means less than this, it means nothing."

*Edwards v. California* 314 U.S. 160, 183 (1941)

"We do not doubt that the one-year waiting period device is well-suited to discourage the influx of poor families in need of assistance ... but the purpose of inhibiting migration by needy persons into the state is constitutionally impermissible. ... Thus, the purpose of deterring the migration of indigents cannot serve as a justification for the classification created by the one-year waiting period ... If a law has 'no other purpose ... than to chill the assertion of constitutional rights by penalizing those who exercise them, then [it] is patently unconstitutional."

*United States v. Jackson* 390 U.S. 570, 581 (1968)

"Once the right to travel is curtailed, all other rights suffer, just as when curfew or home detention is placed on a person."

*Aptheker v. Secretary of State* 378 U.S. 500 (1964)

"The word 'travel' is not found in the text of the Constitution. Yet the 'constitutional right to travel from one state to another' is firmly embedded in our jurisprudence. *United States v. Guest* 383 U.S. 745, 757 (1966) Indeed, as Justice Stewart reminded us in *Shapiro v. Thompson* 394 U.S. 618 (1969) the right is so important that it is 'assertable against private interference as well as governmental action ... a virtually unconditional personal right, guaranteed by the Constitution to us

all.' *Id.* at 643 (concurring opinion). In *Shapiro* ... [W]ithout pausing to identify the specific source of the right, we began by noting that the Court had long recognized that the nature of our Federal Union and our constitutional concepts of personal liberty unite to require that all citizens be free to travel throughout the length and breadth of our land uninhibited by statutes, rules or regulations which unreasonably restrict movement. (*Id.* at 629) We squarely held that it was 'constitutionally impermissible' for a state to enact durational residency requirements for the purpose of inhibiting the migration by needy persons into the State. We further held that a classification that had the effect of imposing a penalty on the exercise of the right to travel violated the Equal Protection Clause unless shown to be necessary to promote a compelling governmental interest. The 'right to travel' ... embraces at least three different components. It protects the right of a citizen of one state to enter and to leave another state, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second state, and for those travelers who elect to become permanent residents, the right to be treated like other citizens of that state. It was the right to go from one place to another, including the right to cross state borders while en route, that was vindicated in *Edwards v California* 314 U.S. 160 (1941) which invalidated a state law that impeded the free interstate passage of the indigent. We affirmed that right in *United States v Guest* 383 U.S. 745 (1966) which afforded

protection to the 'right to travel freely to and from the State of Georgia and to use highway facilities and other instrumentalities of interstate commerce within the State of Georgia.' ... The right of 'free ingress and regress to and from' neighboring states, which was expressly mentioned in the text of the Articles of Confederation. Without some provision ... removing from citizens of each state the disabilities of alienage in the other states, and giving them equality of privilege with citizens of those states, the Republic would have constituted little more than a league of states; it would not have constituted the Union which now exists. Those protections are not 'absolute' but the Clause 'does bar discrimination against citizens of other states where there is no substantial reason for the discrimination beyond the mere fact that they are citizens of other states.' *Id.* at 396 ... our cases have not identified any acceptable reason for qualifying the protection afforded by the Clause for 'the citizen of State A who ventures into State B' to settle there and **establish a home.**' *Zobel* 457 U.S. at 74 ... What is at issue in this case, then, is this third aspect of the right to travel - the right of the newly arrived citizen to the same privileges and immunities enjoyed by other citizens of the same state. That right is protected not only by the new arrival's status as a state citizen but also by her status as a citizen of the United States. That additional source of protection is plainly identified in the opening words of the Fourteenth Amendment: 'All persons born or naturalized in the United States

and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States.' ... in the Slaughter-House cases ... Justice Bradley, in dissent, used even stronger language to make the same point 'The States have not now, if they ever had, any power to restrict their citizenship to any classes or persons. A citizen of the United States has a perfect constitutional right to go and reside in any state he chooses, and to claim citizenship therein, and an equality of rights with every other citizen; and the whole power of the nation is pledged to sustain him in that right. **He is not bound to cringe to any superior, or to pray for any act of grace, as a means of enjoying all rights and privileges enjoyed by other citizens.'** *Id.* at 112-113 Because this case involves discrimination against citizens who have completed their interstate travel, the State's argument that its welfare scheme affects the right to travel 'only incidentally' is beside the point. ... But since the right to travel embraces the citizen's right to be treated equally in her new state of residence, the discriminatory classification is itself a penalty. To justify [statute] 11150.03 ... rests on the fact that the Citizenship Clause of the Fourteenth Amendment expressly equates citizenship with residence: 'That Clause does not provide for, and does not allow for, degrees of citizenship based on length of residence.' *Zorbel* 457 U.S. at 69 ...

Neither the duration, nor the identity of their prior states of residency, has any relevance to their need for benefits. Nor do those factors bear any relationship to the State's interest in making an equitable allocation of the funds to be distributed among its needy citizens. As in *Shapiro*, we reject any contributory rationale for the denial of benefits to new residents. 'Indeed it would permit the State to apportion all benefits and services according to the past tax contributions of its citizens.' *Shapiro* 394 at 632-633 In short, the State's legitimate interest in saving money provides no justification for its decision to discriminate among equally eligible citizens. ... .. Thus, the purpose of deterring the migration of indigents cannot serve as justification created by the one-year waiting period ... if a law 'has no other purpose ... than to chill the assertion of constitutional rights by penalizing those who choose to exercise them, then it [is] patently unconstitutional.' *United States v Jackson* 390 U.S. 570, 581 (1968) ... .. The Fourteenth Amendment's Citizenship Clause expressly equates citizenship with residence, *Zorbel* 457 U.S. 69, and does not tolerate a hierarchy of subclass of similarly-situated citizens based on the location of their prior residences."

*Saenz v. Roe* 526 U.S. 489

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## **LESSON #9**

**Government cannot exclude  
any ethnic group from its General Land Use  
Plan, Public Benefits or the Free Market.**

### **PROTECTION: 14th Amendment**

**HUD Regulation 24 CFR § 5.105 (a)(2)**  
**NON-DISCRIMINATION** No protected class (i.e.  
race, color, religion, national origin, sex, age, familial  
status, and disability) can be used as the sole basis  
for decisions on housing.

**42 U.S.C. § 3604(a)** to refuse to sell or rent after  
the making of a bone fide offer, or to refuse to  
negociate for the sale or rental of, or otherwise  
make unavailable or deny, a dwelling to any person  
because of race, color, religion, sex, familial status,  
or national origin.

“As noted by Seventh Circuit Court of Appeals:  
'availability of housing is at the heart of § 3604(a).”

*Bloch v. Frischholz* 587 F3d. 771, 776  
(7th Cir. 2009)

"Section 3604(a) is designed to ensure that no one is denied the right to live where they choose for discriminatory reasons. Courts have construed the phrase 'otherwise make unavailable or deny' in subsection (a) to encompass mortgage 'redlining', insurance 'redlining', racial steering, exclusionary zoning decisions, and other actions by individuals or governmental units which directly affect the availability of housing to minorities."

*Southend Neighborhood Improvement Ass'n v. County of St. Clair* 743 F3d. (7th Cir. 1984)

"42 U.S.C. 3604(b) prohibits the following conduct: to discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin. 'Privilege of sale' is defined as 'the right to inhabit' "

*Halprin v. Prairie Single Family Homes of Deerborn Park Ass'n* 388 F.3d 327, 329 (7th Cir. 2004)

**California Government Code § 11135** (a) No person shall, in the State of California, on the basis of ... ethnic group identification ... be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under any

program or activity that is conducted, operated, or administrated by the state, or by any state agency ... (d) include a perception that a person has any characteristics or that a person is associated with a person who had, or is perceived to have, any of those characteristics.

**Rumsford Act** is California's homegrown Fair Housing law which states: "The practice of discrimination because of race, color, religion, national origin, or ancestry in housing accommodation is declared to be against public policy."

The **Unruh Act Civil Code** states that all persons within the jurisdiction of this state are free and equal and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever. ... (c)(6) ...ancestry includes a perception that the person has any particular characteristic or ... that the person is associated with a person who has, or is perceived to have, any particular characteristic or characteristics with the listed categories.

## **California Constitution's Declaration of Rights**

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



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## **LESSON #10**

**Government cannot accept, encourage  
and/or ignore “Intimidation of Occupation”**

### **PROTECTION: 14th Amendment**

**California Government Code § 11135** (a) No person shall, in the State of California, on the basis of ... ethnic group identification ... be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under any program or activity that is conducted, operated, or administrated by the state, or by any state agency ... (d) the protected bases used in this section include a perception that a person has any characteristics or that a person is associated with a person who had, or is perceived to have, any of those characteristics.

“It is difficult to imagine a privilege that flows more naturally from the purchase or rental of a dwelling than ... residing therein; therefore the Fair Housing Act should be (and has been) read to permit the enjoyment of this privilege without discriminatory harassment.”

*Honce v. Vigil* 1F.3d 1085, 1088-90 (10th Cir. 1993)

"Under the Substantive Due Process Clause of the Fourteenth Amendment, the state deprives a person of a substantive due process right if it affirmatively places a person in a position of danger."

*Wood v. Ostrander* 875 F.2d 578 (9th Cir. 1989)

"Deliberate indifference is a stringent standard of fault, requiring proof that a municipal actor disregarded a known or obvious consequence."

*Board of County Com'rs of Bryan County, Okla. v. Brown* 520 U.S. 397 (1997)

"...left a person in a situation that was more dangerous than the one they found him."

*Kennedy v. City of Ridgefield* 439 F.3d 1062 (9th Cir. 2006)

#### INTIMIDATION OF OCCUPATION:

**42 U.S.C. § 3617** It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person, in the exercise or enjoyment by this part.

## **HUD Regulation 24 C.F.R. § 100.7**

### **(a) DIRECT LIABILITY**

(1) A person is directly liable for:

(i) The person's own conduct that results in a discriminatory housing practice.

(ii) Failing to take prompt action to correct and end a discriminatory housing practice by that person's employee or agent, where the person knew or should have known of the discriminatory conduct.

(iii) Failing to take prompt action to correct and end a discriminatory housing practice by a third-party, where the person knew or should have known of the discriminatory housing practice by a third-party and had the power to correct it. The power to take prompt action to correct and end a discriminatory housing practice by a third-party depends upon the extent of the person's control or any other legal responsibility the person may have with respect to the conduct of such third-party.

2) For purposes of determining liability under paragraphs (a)(1)(ii) of this section, prompt action to correct and end the discriminatory housing practice may not include any action that penalizes or harms the aggrieved person.

(b) **VICARIOUS LIABILITY** A person is vicariously liable for a discriminatory housing practice by the person's agent or employee, regardless of whether the person knew or should have known of the conduct that resulted in a discriminatory housing practice, consistent with agency law.

### **Title 18, U.S.C., Section 241 - Conspiracy Against Rights**

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same).

It further makes it unlawful for two or more persons to go in disguise on the highway or on the premises of another with the intent to prevent or hinder his/her free exercise or enjoyment of any rights so secured.

Punishment varies from a fine or imprisonment of up to ten years, or both; and if death results, or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title or imprisoned for any term of years, or for life, or may be sentenced to death.

#### **Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law**

This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S.

This law further prohibits a person acting under color of law, statute, ordinance, regulation or custom to willfully subject or cause to be subjected any person to different punishments, pains, or penalties, than those prescribed for punishment of citizens on account of such person being an alien or by reason of his/her color or race.

Acts under "color of any law" include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order for unlawful

acts of any official to be done under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties. This definition includes, in addition to law enforcement officials, individuals such as Mayors, Council persons, Judges, Nursing Home Proprietors, Security Guards, etc., persons who are bound by laws, statutes ordinances, or customs.

Punishment varies from a fine or imprisonment of up to one year, or both, and if bodily injury results or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined or imprisoned up to ten years or both, and if death results, or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

#### **Title 18, U.S.C., Section 245 - Federally Protected Activities**

1) This statute prohibits willful injury, intimidation, or interference, or attempt to do so, by force or threat of force of any person or class of persons because of their activity as:

- a. A voter, or person qualifying to vote...;
- b. a participant in any benefit, service, privilege, program, facility, or activity provided or administered by the United States;
- c. an applicant for federal employment or an employee by the federal government;
- d. a juror or prospective juror in federal court; and
- e. **a participant in any program or activity receiving Federal financial assistance.**

2) Prohibits willful injury, intimidation, or interference or attempt to do so, by force or threat of force of any person because of race, color, religion, or national origin and because of his/her activity as:

- a. A student or applicant for admission to any public school or public college;
- b. **a participant in any benefit, service, privilege, program, facility, or activity provided or administered by a state or local government;**
- c. an applicant for private or state employment, private or state employee; a member or applicant for membership in any labor organization or hiring hall; or an applicant for employment through any employment agency, labor organization or hiring hall;
- d. a juror or prospective juror in state court;

- e. a traveler or user of any facility of interstate commerce or common carrier; or
- f. a patron of any **public accommodation**, including hotels, motels, restaurants, lunchrooms, bars, gas stations, theaters...or any other establishment which serves the public and which is principally engaged in selling food or beverages for consumption on the premises.

3) Prohibits interference by force or threat of force against any person because he/she is or has been, or in order to intimidate such person or any other person or class of persons from participating or affording others the opportunity or protection to so participate, or lawfully aiding or encouraging other persons to participate in any of the benefits or activities listed in items (1) and (2), above without discrimination as to race, color, religion, or national origin.

Punishment varies from a fine or imprisonment of up to one year, or both, and if bodily injury results or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire shall be fined or imprisoned up to ten years or both, and if death results or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be subject to imprisonment for any term of years or for life or may be sentenced to death.

"The Fair Housing Act (FHA) was, in part, a response to widespread racial segregation ... as such, there is no reason to conclude that the scope of the FHA should be limited to those who pay for their own housing, rather than extended to all the victims of the types of discrimination prohibited by the Act."

*Woods v. Foster* 884 F.Supp 1169 (N.D. Ill. 1995)

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## BONUS LESSON

### Anti-Gypsy Laws & Acts Since 1363

>>>> CURRENT LAW <<<<

**18 U.S.C. § 1091 (a)(4)** which calls genocide to (also) be when members of a said *racial* group are subjected to "conditions of life that are intended to cause the physical destruction of the group in whole or in part". **No statute of limitations.**

*NOTE: when you see homeless people in tents and tarps and cardboard, or those shabby RVs parked in a long row on an industrial road, what you are actually seeing is America's genocidal policy towards their GRT (i.e. Gypsy-Roma-Traveller) and its other assorted ethnic nomads, including Native Americans. Certainly there are "homeless" people mixed in, but primarily what you are looking at are gypsies. As you read the following pages of bullet points of GRT history, please realize not much has changed towards our racial group, including to kill us. Because when you seize our vehicle homes and leave us "homeless", that is attempted murder. This is why the collective reluctance of municipalities to keep count of their "homeless" deaths. It can't be genocide if you don't see it (or count it) is a pretty typical response by perpetrators of it.*

"The reservation was a part of a much larger tract which the Indians had the right to occupy and use, and which was adequate for the habits and wants of a nomadic and uncivilized people. It was the policy of the government, it was the desire of the Indians, to change those habits and to become a pastoral and civilized people."

*Winters v. United States* 207 U.S. 564 (1908)

*What follows is a timeline of the assorted acts, laws and other mostly "legal" means of excluding the GRT (gypsy-Roma-Traveller) and other nomadic groups from larger society.*

*This lesson intends to show that San Francisco (where I now live) is merely one more municipality in a long series with a "custom, pattern and practice" of degenerating those who can't help (due to their unfortunate DNA) but to be vehicle-dwellers, that is: gypsies, forever hoping to wander away.*

*While this lesson's focus is on the spread of violent anti-GRT laws in Europe over a span of more than six centuries, it is to be noted that America too has an uneasy history with the nomad. History books give an indication of how the Native American suffered for his nomadic ways, but xenophobia of those passing through, in general, was more widespread than that.*

*In 1777, the sixth sentence of the Articles of Confederation firmly negates the rights of the free-range citizen in society: "the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States."*

*By 1868, the Constitution's Amendment XIV, Section 1, Clause 2, states: "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States."*

*As one wades through page after page of dry testimony, in the minutes of meetings left from the community leaders at the time, it's clear that they didn't have the slightest intention of heeding the Constitutional decree to include the vagabond into society. By the end of the 19th century, all but four states had passed "Tramp Acts" that banned traveling by those without a visible means of support, handing down sentences anywhere from a few days to a year of hard labor for "wandering".*

*However, when considering the past, include the fact that there was a surge in "auto-camping" with the invention of the automobile. This led to thousands of people setting out in groups to tour the country via the roadways and would simply pull over in a scenic spot and set up camp. One can just imagine how terrible it looked to have these early enthusiasts plop down anywhere they felt like.*

*The beauty of the idyllic pastoral scene was being destroyed. Property rights were being desecrated. Alarms were sounded. Private campgrounds with amenities sprang up and the "Tramp Acts" gave newly-formed police corps just the tool they needed to sort out the poor, possibly dangerous, vagabond from the happy and more affluent "auto-campers". Eventually RV parks would allow the rich to enjoy themselves in their vacation home-on-wheels while the poor still have to live illegally by the roadside, clinging to their only homestead-on-wheels.*

Born Under the Constitution: Why Recent Attacks on Birthright Citizenship are Unfounded by Elizabeth Wydra (March 2011 Issue brief from American Constitutional Society): "...the floor debates of 1866. Members of Congress specifically debated the impact automatic citizenship would have on various immigrant groups that had recently migrated to the United States in significant numbers, notably the Chinese population in California and the West, and the Gypsy or Roma communities in eastern states such as Pennsylvania. Much of the nineteenth century hostility toward Chinese and Gypsy immigrants is similar to the resentment and distrust leveled at immigrants today from Latin American countries."

FOOTNOTE: See generally Walter Otto Weyrauch & Maureen Bell, "Autonomous Lawmaking: The Case of the "Gypsies," 103 YALE L.J. 323, 342

n.60 (1993) (noting that the United States adopted immigration policies in the 1880s to restrict the entrance of Gypsies). For example, early in the debates, an opponent to birthright citizenship—Senator Edgar Cowan, often cited by modern opponents of birthright citizenship—objected to the citizenship provision by asking whether “it will not have the effect of naturalizing the children of the Chinese and Gypsies born in this country.” Senator Trumbull stated that it would, “undoubtedly.” As Trumbull stated clearly in the face of Cowan’s xenophobic remarks, “the child of an Asiatic is just as much a citizen as the child of a European.” Echoing Trumbull’s definitive statement, Senator Morrill asked the Congress, “As a matter of law, does anybody deny here or anywhere that the native born is a citizen, and a citizen by birth alone?” Morrill cited “the grand principle both of nature and nations, both of law and politics, that the native born is a citizen, and a citizen by virtue of his birth alone.” To erase any doubt, he went on to state that “birth by its inherent energy and force gives citizenship.” President Johnson clearly shared this view of what Congress was attempting to achieve in the citizenship language of the Civil Rights Act—which was why he vetoed it. In his message informing Congress of his veto of the original civil rights bill, Johnson noted that the provision of the bill that “all persons born in the United States, and not subject to any foreign power ... are declared to be citizens of the United States ... comprehends the Chinese of the Pacific States ... [and] the

people called Gypsies, as well as the entire race designated as blacks, people of color, negroes, mulattoes, and persons of African blood." President Johnson understood the bill to provide that "[e]very individual of those races, born in the United States, is by the bill made a citizen of the United States." [https://www.acslaw.org/sites/default/files/Wydra\\_Born\\_Under\\_Constitution\\_0.pdf](https://www.acslaw.org/sites/default/files/Wydra_Born_Under_Constitution_0.pdf)

1953. State of Delaware includes the definition of 'tramp', to describe the idle wanderer and adds to the list of vagrants "all persons roaming about the country known as gypsies." (Del. Code Ann. Tit 11 881 (1953))

1998. New Jersey Governor Christine Todd Whitman signed into law Assembly Bill 2654, repealing that state's anti-Roma law adopted in 1917. Specifically it removed references to ethnic groups: "k. [Roving bands of nomads, commonly called gypsies] (Deleted 7 by amendment, P.L., c.) (now pending before the Legislature as 8 this bill); and 9 l. (Deleted by amendment, P.L.1984, c.205)"

**The lesson now turns to Europe.**  
*(punishments for being nomadic in bold)*

1383. Vagabonds Act of 1383 was an Act of Parliament in England. It empowered Justices of the Peace or county sheriffs to bind over vagabonds for good behavior, or to **commit them to the assizes** if sureties could not be given.

1388. Statute of Cambridge was passed in England and it strengthened the powers of the Justices of the Peace to impose and administer the law. It distinguished between the "sturdy beggars" capable of work and the "impotent beggars" those incapacitated by age or infirmity. It forbade servants to move without legal authorization out of their "hundred" (*this was the administrative area of the time and may have consisted of several Manors and related Manorial lands*). This meant that roaming around the countryside in search of work was no longer allowed and allocated responsibility to the leaders of a particular "hundred". It introduced a formal geographic basis for accountability for the poor which would be delegated down in time to the Parish. Each "hundred" was made responsible for housing and keeping its own paupers, but made no special provision for maintaining the sick poor.

1416. Roma are **expelled** from the Meissen region of Germany.

1427. Hundreds of Roma arrive at the gates of Paris, France. The city sends them on to the town of Pontoise in less than a month.

1449. The Roma are **driven out** of the city of Frankfurt-am-Main, Germany.

1471. The first anti-Gypsy laws are passed in Lucerne, Switzerland.

1471. 17,000 Roma are transported into Moldavia for **slave labour**.

1482. The first anti-Gypsy laws are passed in the state of Brandenburg (now Germany).

1492. The first anti-Gypsy laws are passed in Spain.

1493. Roma are **expelled** from Milan, Italy.

1496-1498. The Reichstag (parliament) in Landau and Freiburg (now Germany) declares Roma traitors to the Christian countries, spies in the pay of the Turks, and carriers of the plague.

1494. Vagabonds and Beggars Act passed in England: "Vagabonds, idle and suspected persons shall be **set in the stocks for three days and three nights and have none other sustenance but bread and water and then shall be put out of Town**. Every beggar suitable to work shall resort to the Hundred where he last dwelled, is best known, or was born and there remain upon the pain aforesaid."

1499. Medina del Campo in Spain orders Gitanos to find a trade and master, cease traveling with other Gitanos, all within sixty days. **Punishment for failure to obey is 100 lashes and banishment. Repeat offenses are punished by amputation of ears, sixty days in chains, and banishment. Third-time offenders become the slaves of those who capture them.**

1500. At the request of Maximilian I, the Augsburg Reichstag (now Germany) declares Roma traitors to the Christian countries, and accuses them of witchcraft, kidnapping of children, and banditry.

1504. Roma are **prohibited** by Louis XII from living in France.

1510. Roma are prohibited by the Grand Council of France from residence. The punishment is **banishment**. A second offense results in **hanging**.

1512. Roma are first recorded in Sweden. A company of about 30 families, led by a "Count Anthonius" arrives in Stockholm, claiming that they came from "Little Egypt". They are welcomed by the city and given lodging and money for their stay. A few years later King Gustav Vasa suspects that the Roma are spies and orders that they be **driven out from the country**.

1512. Roma are **expelled** from Catalonia.

1523. Prague officially allows nomads to remain. The welcome does not last long.

1525. Charles V issues an edict in Holland ordering all those that call themselves Egyptians to **leave the country within two days**.

1526. The first anti-Gypsy laws are passed in Holland and Portugal.

1530. The Vagabond Act of 1530 was passed in England "an Act how aged, poor and impotent Persons, compelled to live by Alms, shall be ordered; and how Vagabonds and Beggars shall be punished." Under this act, vagabonds were subject to the harsher punishment of **whipping**, rather than the stocks. However, it also created provisions for those who were unable to work due to sickness, age, or disability. These "impotent" beggars could become licensed to beg by their local Justices of the Peace. This statute is recognized as the first English poor law to be at least partially aimed at providing relief, rather than punishing vagrancy, because it made the Justices of the Peace responsible for the licensed poor within their district.

1530. The first law actually **expelling** Gypsies from England introduced. The Egyptians Act of 1530 was an Act passed by the Parliament of England in 1531 to expel the "outlandish people calling themselves Egyptians", meaning Gypsies. It was the start of confining them to their place of origin whether birth

or place of dwelling. This required compliance for a period of three years. The statute **forbade any more Gypsies from entering the realm and gave those already in England sixteen days' notice to depart from the realm.** Goods which Gypsies had stolen were to be restored to their owners and property confiscated from Gypsies was to be divided between the Sovereign and the Justice of the Peace or another arresting officer. Henry VIII also forbids the transportation of Gypsies into England. The fine is forty pounds for ship's owner or captain. **The Gypsy passengers are punished by hanging.** It was repealed in 1840.

1530. Diet of Augsburg declared that **"whosoever kills a Gypsy, will be guilty of no murder."**

1531. The Augsburg Reichstag **forbids the issuing of passports** to Roma. However, in 1556, the government stepped in to "forbid the drowning of Romani women and children".

1536. The first anti-Gypsy laws are passed in Denmark.

1538. Deportation of Roma in Portugal to colonies begins.

1539. Roma are prohibited by Frances I from residence in France. A second offense results in **corporal punishment.**

1540. Gypsies are allowed to live under their own laws in Scotland. This lasts less than a year.

1541. Roma are blamed for the outbreak of fires in Prague. This sets the stage for future anti-Gypsy legislation.

1541. The first anti-Gypsy laws are passed in Scotland.

1547. Vagrancy Act in England requiring that any able-bodied person who was out of work for more than three days should be **branded with a V and sold into slavery for two years**. Other offenses would lead to a life of slavery. Many local authorities refused to enact this legislation.

1549. The first anti-Gypsy laws are passed in Bohemia.

1554. In the reign of Philip and Mary of England, an Act is passed which ordered the gypsies to leave the country within a month. It was decreed that the **death penalty** shall be imposed for being a Gypsy, or anyone who "shall become of the fellowship or company of the 'Egyptians' ".

1557. The first anti-Gypsy laws are passed in Lithuania.

1557. In the reign of Sigismund Augustus, the first law ordering Roma to be **expelled** is passed by the Warsaw, Poland Sejm (parliament).

1560. The Archbishop of the Swedish Lutheran Church **forbids priests to have any dealings with Roma. Their children are not to be christened and dead not to be buried.**

1560. Spanish legislation forbids Gitanos of traveling in groups of more than two. **Gitano “dress and clothing” is banned.** Punishment for traveling in groups of more than two is **up to eighteen years in the galleys.** This legislation is later altered to change the punishment to **death for all nomads**, and the galleys reserved for settled Gitanos.

1561. Roma are prohibited by Charles IX of France from residence. The punishment is **banishment.** A second offense results in **the galleys and corporal punishment.** Men, women and children have their **heads shaved.**

1562. An Act is passed in England “for further punishment of Vagabonds, calling themselves ‘Egyptians.’ Any Gypsy born in England and Wales is not compelled to leave the country if they quit their idle and ungodly life and company. All others should suffer **death and loss of lands and goods.**”

1563. The Council of Trent in Rome affirms that **Roma cannot be priests.**

1568. Pope Pius V orders the **expulsion** of all Roma from the domain of the Roman Catholic Church.

1573. Gypsies in Scotland are **ordered to leave the country or settle down.**

1578. At the General Warsaw Seym, King Stephen Báthory pronounces an edict threatening **sanctions against anyone who harbors Roma on their lands. They are punished as accomplices of outlaws.**

1579. Augustus, elector of Saxony, orders confiscation of Romani passports and **banishes** them from Saxony.

1586. Nomadic Roma are ordered **expelled** from Belarus.

1589. In Denmark, the **death penalty** is ordered for any Roma not leaving the country.

1596. 106 men and women are condemned to death at York just for being Gypsies, but **only nine are executed.** The others prove they were born in England.

1597. The Vagabonds Act of 1597 in England introduced **penal transportation** as a punishment for the first time. During the reign of Henry VIII, **it has been estimated that 72,000 people were executed.** With the establishment of settlements in North America, an alternative practice (seemingly borrowed from Spain) began of **a reprieve of the death sentence should the condemned person consent to be transported to an American colony, and be entered into bond service.**

Early 17th century. Spanish legislation **forbids Gitanos from dealing in horses. The local populace is given permission to form armed groups to pursue Gitanos.**

1606. Roma are prohibited by Henry IV of France from any gathering of more than three or four. **Roma are punished as “vagabonds and evil-doers.”**

1609. The Scottish parliament passed the “Act against the Egyptians”; that made it lawful to **condemn, detain and execute Gypsies on proof solely if they are known or reputed to be Romanies in regards to their ethnic origins.**

1619. Philip III declares all Gitanos are to be **banished** from the kingdom of Spain within six months, or to settle in a locality with over 1,000 inhabitants. The dress, name and language of the Gitanos is banned.

1637. The first anti-Gypsy law in Sweden is enacted. All Roma should be **expelled** from the country within one year. If any Roma are found in Sweden after that date the men will be **hanged** and the women and children will be **driven out from the country**.

1646. An ordinance passed in Berne gives anyone the right "personally to **kill or liquidate** by bastinado or firearms" Roma or Heiden (heathen) malefactors.

1647. Roma are punished by Louis XIV for being "Bohemians." Punishment is **the galleys**.

1650s. **Last known execution for being gypsy**, in Suffolk, England. Others are **banished to America**.

1660. Roma are prohibited from residence in France by Louis XIV. Punishment is **banishment**. A second offense results in **the galleys or corporal punishment**.

1661. Johann George II, of Saxony, imposes the **death** penalty to any Roma caught in his territory.

1666. Punished by Louis XIV of France for being "Bohemians." Men are sent to **the galleys**. Women and girls are **flogged, branded and banished**.

1682. Louis XIV reiterates his previous policy: punishment for being "Bohemian." Men are sentenced to **the galleys for life on the first offense. Women's heads are shaved and children are sent to the poor house. For a second offense, women are branded and banished.**

1685. Portugal **deports** Roma to Brazil, and makes it a crime to speak Romani.

1686. Frederick William, elector of Brandenburg, decrees that Roma are **not to be allowed trade or shelter.**

1686. There is a sudden and radical change in the attitude of the Swedish Lutheran Church. Roma are now accepted and their children may be christened.

1700-16 and 1720-22. In Lorraine, Roma are punished for begging and vagabondage in general. Punishment is **banishment**. A second offense results in **iron collars, branding and banishment.**

1710. In Prague, Joseph I issues an edict that all adult Roma men will be **hanged without trial** and that boys and women be **mutilated**. In Bohemia, the left ear is to be cut off. In Moravia the right ear is to be cut off. These mutilations enabled authorities to identify the individuals as Romani on their second arrest. The edict encouraged local officials to **hunt down** Romani in their areas by levying a

fine of 100 Reichsthaler for those failing to do so. Anyone who helped Romani was to be punished by doing a half-year's forced labor. The result was "**mass killings**" of Romani. In 1721, Charles VI amended the decree to include the **execution** of adult female Romani, while children were "to be put in hospitals for education."

1710. Prince Adolf Frederick of Mecklenburg-Strelitz issues orders that all Roma can be **flogged, branded, expelled, or executed** if they return. **Children under ten are to be removed** and raised by Christian families.

1711. Elector Frederick Augustus I of Saxony authorizes **shooting** of Roma if they resist arrest.

1714. British merchants and planters apply to the Privy Council to ship Gypsies to the Caribbean, avowedly to be used as **slaves**.

1714. In Mainz, all Roma are to be **executed without trial** on the grounds that their way of life is outlawed.

1715. Ten Gypsies in Scotland are recorded **deported** to Virginia in the Americas.

1717. Forty-one localities are set out in Spain as places of residence for Gitanos.

1719. In France, sentencing for being Roma is altered from the galleys to **deportation** to French colonies.

1721. Emperor Karl VI of the Austro-Hungarian Empire orders the **extermination** of Roma throughout his domain.

1723. Roma are prohibited from residence in Lorraine, gathering in the woods or main roads. Punishment is **banishment**. **Communities are encouraged “to gather, march in formation and open fire on them.”**

1724. All vagabonds and vagrants are prohibited by Louis XV of France from residence and nomadism and gathering of more than four adults in a house. Adult men are sentenced to **the galleys** for five years. All others are **flogged and sent to the poor house**.

1725. Frederick William I condemns any Roma over eighteen caught in his territory, man or woman, to be **hanged without trial**.

1726. Gitanos in Spain are forbidden to appeal against the sentences of the Courts. Charles VI passes a law that any Roma found in the country are to be **killed instantly**. Romani women and children are to have their **ears cut off and whipped all the way to the border**.

1727. Berne decree no.13 reiterates that Roma are forbidden to stay. "Gypsy men and women of more than fifteen years of age shall have one **ear cut** off the first time they are caught ... but if they are caught a second time they shall be sentenced to **death**."

1728. The town council of Aachen passes an ordinance condemning Roma to **death**. "Captured Gypsies, whether they resist or not, **shall be put to death immediately**. However, those seized who do not resort to counter-attack shall be granted no more than a half an hour to kneel, if they so wish, beg God almighty to forgive them their sins and to prepare themselves for **death**."

1733. Empress Anna Ioannovna of Russia decrees Roma are **forbidden to travel and must settle down as serfs of the land**.

1734. Frederick William I decrees that any Roma caught in his territory, man or woman, will be **hanged without trial**. A reward is offered.

1740. Charles VI issues an edict that anyone caught **aiding Roma will be punished**.

1745. Gitanos in Spain must settle in assigned places within two weeks. The punishment for failure is **execution**. "It is legal to fire upon them to take their life." The Churches no longer provide asylum. Armed troops are ordered to comb the countryside.

1748. All Swedish laws concerning Gypsies are integrated into one law, intending to prevent further immigration and to **force Roma to settle**.

1749. The year of the “**Great Gypsy Round-up**” in Spain. All Gypsies in Spain (est. 12,000) would be rounded up in a single night, their possessions confiscated, and **forced into slavery**. Gypsy women were sent to work as spinners, boys in factories, men in mines and shipyards. Escapees are **hanged**. Fourteen years later, they were freed by King Charles III.

1759. Roma are **banned** from Saint Petersburg, Russia.

1761. Maria Theresa, Empress of Hungary, passes first laws in Europe trying to **settle and reform, or assimilate**, Roma, calling them the “New Hungarians.”

1764. **All vagabonds and vagrants are denied residence** in France with renewed legislation. Adult men are sentenced to **the galleys** for three years. All others are confined to **the poor house** for three years, and are then given a choice of domicile and a trade. Repeated offenses by men result in the galleys for nine years, and in several repeat offenses, in perpetuity.

1774. Maria Theresa issued an edict **forbidding marriages between Romani**. When a Romani

woman married a non-Romani, she had to produce proof of "industrious household service and familiarity with Catholic tenets", a male Rom "had to prove ability to support a wife and children", and **"Gypsy children over the age of five were to be taken away and brought up in non-Romani families."** They are transported to distant villages and assigned to peasants to bring them up for a stipend of 12-18 florins a year. Most of the children run away to rejoin their families, who take refuge in the mountains or disappear in the plains.

1776. Constantin, Prince of Moldavia, **prohibits marriages to Roma.**

1780. English anti-Gypsy laws are gradually repealed, though not totally, from this date on.

1782. Joseph II of Hungary, son of Empress Maria Theresa, issues a 59-point edict reiterating his policy: schooling for children and compulsory attendance at religious services; **Romani language, clothing and music are forbidden.**

1783. Spanish legislation reiterates previous orders. **Gitano dress, way of life, language is forbidden, and settlement is compulsory within ninety days.** The name Gitano is forbidden and is to be removed from all official documents. Restrictions on trade and place of residence of Gitanos is lifted. Punishment for failure to observe restrictions is **branding.** Repeat offenders are sentenced to

**"death, with no appeal."** This bill **banned them from working in many of their popular livelihoods**, such as shearing, trading in markets or fairs, and innkeeping. **Those who continued to live as nomads were to have their children taken from them and placed in orphanages.**

Early 1800s. **"Gypsy hunts"** (Heidenjachten) are a common and popular sport in Germany.

1802. The prefect of the department of Basses Pyrenees in France issues an order "to **purge** the country of Gypsies."

1803. Napoleon Bonaparte **prohibits residence** of Roma in France. Children, women and the aged are sentenced to **the poor house**. Young men are given their choice of joining the navy or army. **Adult men are sent in chains to forced labor in Louisiana.**

1816. John Hoyland, a Quaker, writes the first serious book calling for better treatment for Gypsies in England. Several charitable projects follow.

1822. In the United Kingdom, the Turnpike Act is introduced. **Gypsies found camping on the roadside are fined.**

1824. Vagrancy Act of 1824 that makes it an offense to sleep rough or beg. Anyone in England

and Wales found to be homeless or to be trying to cadge subsistence money can be **arrested**.

1830. Authorities in Nordhausen, Germany **remove Roma children** for fostering with non-Roma.

1844. The Moldavian Church liberates its Romani slaves.

1847. The Wallachian Church liberates its Romani slaves.

1856. The Slobuzenja: the abolition of slavery in Romania; large-scale emigrations of Roma to western Europe and America begin.

1864. Complete legal freedom for Roma in the united Balkan states is granted by Prince Ioan Alexandru Couza.

1868. In Holland, Richard Liebich's work on Roma introduces the phrase "**lives unworthy of life**" with specific reference to them, and later used as a racial category against Roma in Nazi Germany.

1870. Imperial Chancellor Otto von Bismarck circulates a letter dated November 18th demanding the "**complete prohibition** of foreign Gypsies crossing the German border," and that "they will be transported by the closest route to their country of origin." He also states that Roma in Germany be asked to show documentary proof of citizenship,

and that if this is not forthcoming, they will be **denied traveling passes**.

1874. Muslim Roma are given equal rights with other Muslims in the Ottoman Empire.

1876. Cesare Lombroso publishes his influential work: *L'uomo Delinquente*, which contains a lengthy chapter on the genetically criminal character of the Roma. This is translated into many languages, including German and English, and has a profound effect upon western legal attitudes.

1876. A decree is issued in Bavaria which calls for the strictest examination of documentation held by Roma, both at the borders and inland, and the **confiscation of their work permits** wherever the slightest reason warrants. Their **horses are also to be examined and confiscated** if deemed unhealthy. The movements of those Gypsies who are allowed to remain are still to be carefully monitored.

1879. **Nomadism is banned** in Serbia.

1880. Argentina **forbids Roma entry** into the country.

1885-95. Unsuccessful attempts in England to introduce the Moveable Dwellings Bills in Parliament to regulate Gypsy life.

1885. Roma are **excluded** by United States immigration policy; many are returned to Europe.

1886. Chancellor von Bismarck issues a directive to the governments of all regions of Germany alerting them to "complaints about the mischief caused by bands of Gypsies traveling in the Reich, and their increasing molestation of the population."

1886. **Nomadism is banned** in Bulgaria.

1889. The Showmen's Guild formed to oppose the Moveable Dwellings Bills. Showmen begin to become a distinct group from other Travellers or Gypsies.

1890. The Swabian (southwestern Germany) parliament organizes a conference on the "Gypsy Scum" (Das Zigeunergeschmeiß), and suggests means by which the presence of Roma could be signaled from village to village by ringing church bells. The military is empowered to apprehend and **move Roma on**.

1899. An Information Agency, the Central Office for Fighting the Gypsy Nuisance (Nachrichtendienst in Bezug auf die Zigeuner), is established in Munich under the direction of Alfred Dillmann to **collate reports on Roma movement** throughout German lands, and a **register of all Gypsies** over the age of six is begun. This includes obtaining photographs, fingerprints and other genealogical

data, and particularly information relating to "criminality." This leads to two initiatives: Dillmann's Zigeuner-Buch (1905), and the December 1911 conference. This agency does not officially close down until 1970.

1904. The Prussian Landtag unanimously adopts a proposition to **regulate Gypsy movement** and means of livelihood.

1905. Alfred Dillmann's Zigeuner-Buch appears in Germany. This consists of three parts; an introduction which presents the arguments for controlling Roma, a register, 310 pages long, of over 5,000 Roma, including name, date and place of birth, genealogy and kinship, criminal record and so on, and lastly a collection of photographs of Roma and Sinti from various police files. The introduction maintains that the German people are "suffering" from a "plague" of Roma, that they are "a pest against which society must unflinchingly defend itself," and that they "**must be controlled by the police most severely,**" being "**ruthlessly punished**" when necessary. The notion of the particular dangers of mixed Romani and white individuals, whom Dillmann considers to constitute almost the entire Roma population, resurfaces in the Nuremberg Laws in 1935.

1905. Voting rights are demanded for Roma at a conference in Sofia, Bulgaria.

1906. On February 17th, the Prussian Minister of the Interior issues a directive entitled Die Bekämpfung des Zigeunerunwesens ("**Combating the Gypsy Nuisance**") which lists bilateral agreements guaranteeing the **expulsion** of Roma from those countries, with the Austro-Hungarian Empire, Belgium, Denmark, France, Italy, Luxembourg, the Netherlands, Russia and Switzerland. **Police are authorized to prosecute Roma for breaking the law, which offenses include "lighting fires in the woods, illegal fishing, illegal camping" and so on.** Temporary school attendance is forbidden for children whose families are traveling through an area. Prussia introduces "Gypsy licenses," required by all those wanting to stay there. These are given out only if the applicant has a fixed domicile, no serious criminal convictions, educational provision for their children, and proper tax accounts. Those qualifying are nevertheless not allowed to settle locally.

1907. Many Roma in Germany leave for other countries in Western Europe.

1909. Switzerland asks Germany, Italy, France and Austria to **exchange information on the movements of Roma across their shared borders**, and while this is unsuccessful, the Swiss Department of Justice begins a national register of Roma, based upon the Munich model.

1909. Recommendations coming from a "Gypsy Policy Conference" in Hungary include the **confiscation of their animals and carts, and branding** for purposes of identification.

1912. The French government introduces the *carnet anthropométrique*, a **document** containing personal data, including photographs and fingerprints which **all Roma are required to carry**. This remains in effect until 1970.

1914. A new law **prohibits all further immigration** of Roma into Sweden. The law is very efficient and Roma in Sweden are isolated from their relatives in other European countries. The law remains in effect until 1954. Norway and Denmark have similar laws during the same period.

1918. In Holland, the Caravan and House Boat Law introduces **controls over the movements of nomads**.

1919. Article 108 of the National Constitution of the Weimar Republic guarantees Roma and Sinti full and equal citizenship rights, but these are not heeded.

1920. On July 27th, the Minister of Public Welfare in Düsseldorf **forbids Roma and Sinti from entering any public washing or recreational facilities** (swimming pools, public baths, spas, parks). In Germany, psychiatrist Karl Binding and magistrate

Alfred Hoche argue for the killing of those who are "Ballastexistenzen," i.e. whose lives are seen merely as ballast, or dead weight, within humanity; this includes Roma. The concept of Lebensunwertesleben, or "**lives unworthy (or undeserving) of life**," later on becomes central to Nazi race policy in 1933, when a law incorporating this same phrase is issued by Hitler on July 14th that year.

1922. In Baden, requirements are introduced that all Roma and Sinti be **photographed and fingerprinted, and have documents completed on them**.

1925. The Soviet Romani Writers' Association in the Soviet Union is founded, then **suppressed**.

1925. A conference is held on the Gypsy question, at which Bavaria proposes a law to **compulsorily settle** Roma and Sinti, and to incarcerate those not regularly employed (referred to as arbeitsscheu or "work shy") to **work camps** for up to two years, for reasons of "public security." This applies equally to settled and non-settled Roma.

1926. The Swiss Pro Juventute Foundation begins, "in keeping with the theories of eugenics and progress," to **take children away** from Roma without their consent, to change their names, and to put them into foster homes. This program continues until 1973, and is not brought to light until the 1980s.

Switzerland has apologized to the Roma, but adamantly refuses to allow them access to the records which will help them locate the children taken from them.

1926. On July 16th, The Bavarian "Law for Combating Gypsies, Vagabonds and Idlers" proposed at the 1925 conference is passed. It is justified in the legislative assembly thus: "[Gypsies] are by nature opposed to all work, and find it especially difficult to tolerate any restriction of their nomadic life; nothing, therefore, hits them harder than loss of liberty, coupled with **forced labor.**" The law requires the **registration** of all Roma and Sinti, settled or not, with the police, registry office and unemployment agency in each district. Bavarian State Counselor Hermann Reich praises "the enactment of the Gypsy law ... This law gives the police the legal hold it needs for thorough-going action against this constant danger to the security of the nation."

1927. Steve Kaslov founds the Roma Red Dress Association in the United States; Kaslov meets with President Franklin Roosevelt for support of Romani rights.

1927. In Czechoslovakia, law no.117 prohibits Romani nomadism and **bars nomads from "leading the life of Gypsies."** Roma identity cards are introduced for. Children under fourteen may be

**taken** from their families and placed in children's homes or with respectable families.

1927. On November 3rd, a Prussian ministerial decree is issued requiring all Roma to be **registered** through documentation "in the same manner as individuals being sought by means of wanted posters, witnesses, photographs and fingerprints." Infants are to be fingerprinted, and those over the age of six to carry identity cards bearing their photograph as well. Between November 23rd and 26th, **armed raids** are carried out by the police on Roma communities throughout Prussia to enforce the decree of November 3rd. Eight thousand are processed as a result.

1927. Bavaria institutes a law **forbidding Roma and Sinti to travel in family groups**, or to own firearms. Those over sixteen are liable for imprisonment in **work camps**, while those without proof of Bavarian birth are expelled from Bavaria.

1928. Again in Bavaria, an ordinance is approved placing Sinti and Roma under **permanent police surveillance**. In May, the same law is reissued and reaffirmed, in direct violation of the provisions of the Weimar Constitution.

1929. On April 3rd, resulting from the law of 1926, the jurisdiction of the Munich office is extended to include the whole of Germany; German Criminal Police Commission renames it "The Central Office

for the Fight Against the Gypsies in Germany". On April 16th and 17th, police departments everywhere are told to send **fingerprints and data on Roma to this office and to the International Criminology Bureau (Interpol)** headquarters in Vienna. Working together, they enforce restrictions on travel for Roma without documents, impose up to 2 years' detention in "**rehabilitation camps**" on Roma sixteen years and older.

1930. The Norwegian journalist Scharfenberg recommends that all Roma be **sterilized**.

1933-45. O Porraimos, **the Great Devouring**. Up to 1,500,000 Sinti and Roma are **killed** in Europe by the Nazi regime and its puppet states. Determining the percentage or number of Roma who died in the Holocaust is not easy. Much of the Nazi documentation still remains to be analyzed, and many murders were not recorded, since they took place in the fields and forests where Roma were apprehended.

1933. Ten days before Hitler is elected Chancellor of The Third Reich on January 30, officials in Burgenland call for the withdrawal of all civil rights for Roma, and the introduction of **clubbing as a punishment**. On May 26th, The Law to Legalize Eugenic Sterilization is introduced by the National Socialists (Nazi Party) in Germany. On July 14th, Hitler's cabinet passes the law against "**lives not deserving of life**" (Lebensunwertesleben), called

The Law for the Prevention of Hereditarily Diseased Offspring. It orders **sterilization** for certain categories of people, "specifically Gypsies and most of the Germans of black color" (called the "Rhineland Bastards," i.e. those resulting from unions between German women and the Senegalese and other African troops brought in from the French colonies to patrol the Ruhr Valley during the First World War, as well as residents in Europe from Germany's ex-colonies in Africa). It also affects Jews, the disabled, and others seen as "asocial" (social misfits). The Law for the Revocation of German Citizenship is implemented against Roma without proof of German birth, as well as "Eastern Jews" (nearly 20 percent of all Jews in Germany in 1933). The Sinto boxer, Johann Trollman, is stripped of his title as light-heavyweight champion of Germany for "racial reasons."

1933. The Oberwarth District Prefect in Germany submits a petition demanding that the League of Nations investigate the possibility of establishing a colony for the resettlement of European Gypsies in the Polynesian Islands. In the week of September 18th – 25th, the Reichsminister for the Interior and Propaganda of Germany calls for the apprehension and arrest of Roma and Sinti, according to the "Law Against Habitual Criminals." Many Roma are sent to **concentration camps** as a result, and made to do penal labor.

1934. Sweden passes a law on **sterilization**, which becomes harsher in 1941. Anyone, including Roma, seen as leading "a socially undesirable life" are to be sterilized. Although the law does not explicitly say so, it suggests that Gypsies and "Tattare" (Norwegian "Wanderer") are not socially desirable and thus must be sterilized to keep the Swedish race clean. From January onwards, Roma in Germany are selected for transfer to camps for processing, which includes sterilization by injection or castration. Over the next three years, these camps will be established at **Dachau, Dieselstrasse, Sachsenhausen, Marzahn and Vennhausen**. On March 23rd, The Law for the Revocation of German Citizenship is reinstituted, and again directed at Roma, Eastern Jews, stateless persons and other "undesirable foreigners." In July, two laws issued in Nuremberg forbid Germans from marrying "Jews, Negroes and Gypsies." On September 8th, the Düsseldorf District Administrative Court in Germany prohibits Roma from obtaining licenses allowing them to engage in itinerant trade.

1935. In May, some five hundred Roma and Sinti are **arrested because they are Gypsies**, and incarcerated in a camp on Venloerstrasse in Cologne, Germany. This detention center is surrounded by barbed wire and patrolled by armed police. On September 15th, Roma and Sinti become subject to the restrictions of the National Citizenship Law (the Reichsbürgergesetz) and the

Nuremberg Law for the Protection of German Blood and German Honour, which forbids intermarriage or sexual relationships between Aryan and non-Aryan peoples. It states: "A marriage cannot be concluded when the expected result will put the purity of German blood of future generations in danger." A policy statement issued by the Nazi Party reads "In Europe generally, only Jews and Gypsies come under consideration as members of an alien people." Gypsies, Jews and Blacks are considered "racially distinctive" minorities with "alien blood." On September 17th, the National Citizenship Law **relegates Jews and Roma to the status of second class citizens, and deprives them of their civil rights.**

1936. On March 4th, a memorandum to the State Secretary of the Interior, Hans Pfundtner, addresses the creation of a national Gypsy law (Reich Zigeunergesetz), the purpose of which is to deal with the **complete registration** of the Romani population, their sterilization, the restriction on their movement and means of livelihood, and the expulsion of all foreign-born and stateless Roma. On March 7th, Gypsies and Jews both have their voting rights taken from them. On March 20th, "action against the Gypsies" is instituted in Frankfurt am Main, when the City Council votes to put all Roma into an **internment camp**. The camp, on Dieselstrasse, is selected on September 22nd this year, and arrests and internment begin a year later. In June, the main Nazi institution to deal with

Roma, the Racial Hygiene and Criminal Biology and Research Unit (which is Department 13 of the National Ministry of Health) is established under the directorship of Dr. Robert Ritter at Berlin-Dahlem. The National Interior Ministry supervises this entire project, partially funded by the Deutsche Forschungsgemeinschaft (the German Research Foundation). Its expressed purpose is to determine whether the Romani people and the Afro-Europeans are Aryans or sub-humans (Untermenschen). On June 5th, a circular issued by the National and the Prussian Ministries of the Interior instructs police to renew their efforts to **"fight against the Gypsy plague."** Information about Roma should no longer be sent to Vienna, but to the Munich Centre for the Fight Against the Gypsy Nuisance. On June 6th, the same ministries release a second circular, signed by Himmler which states that "Gypsies live by theft, lying and begging, and are a plague ... It will be difficult for Gypsies to get used to an orderly, civilized way of life." Also on this day, a decree issued by the National and Prussian Ministry of the Interior brings into existence the Central Office to Combat the Gypsy Menace. This office in Munich becomes the headquarters of a national data bank on Gypsies, and represents all German police agencies together with the Interpol International Center in Vienna. In June and July, several hundred Roma and Sinti are transported to Dachau by order of the Minister of the Interior as "dependents of the Munich Center for the Fight Against the Gypsy Nuisance." Attempts to

escape are punishable by **death**. In Bavaria, a deportation decree sends 400 Roma and Sinti to Dachau for **forced labor**.

1936. Interpol in Vienna establishes the Center for Combating the Gypsy Menace, which has grown out of the earlier Bureau of Gypsy Affairs.

1937. On August 18th, Roma and Sinti in Frankfurt are arrested and **incarcerated** in the Dieselstrasse camp.

1938. On June 12-18, Zigeuner Aufräumungswoche, "Gypsy Clean-up Week," is in effect, and hundreds of Roma and Sinti throughout Germany and Austria are **rounded up, beaten and imprisoned**. This is the third such public action by the German state. Like Kristallnacht ("Crystal Night," or the "Night of Broken Glass" on November 9th this same year) for the Jews, it is a public sanctioning and approval of the official attitude towards members of an "inferior race."

1938. The USSR **bans** the Romani language and culture.

1939-45. Second World War. Nazis draw up lists of English Gypsies for internment. The British government creates caravan sites for families of Gypsies in the army or doing farm labor. These sites are closed after the war.

1940. The French government opens internment camps for nomads.

1940. At Buchenwald, 250 Romani children are used as **guinea-pigs to test the Zyklon-B gas crystals**.

1940. In Poland, a Gypsy camp is set up in the Jewish ghetto of Lodz for 5,000 inmates. In Croatia, the Jasenovac concentration camp opened. In Serbia, German Military Command orders that all Gypsies will be treated as Jews. In Nov. it further orders the **immediate arrest** of all Gypsies and Jews. All Sinti Gypsy families living in the Volga Republic are **deported** to Kazakhstan. In September, an SS Task Force carries out mass executions of Roma and Jews in the Babi Yar valley of the Ukraine. In Yugoslavia in October, the German army **executes** 2100 Jewish and Gypsy hostages as reprisal for soldiers killed by partisans.

1942. Heinrich Himmler issues the order to deport the Gypsies in Greater Germany to the concentration camp of Auschwitz-Birkenau. In Poland, all Gypsies from the Lodz ghetto are **transported and gassed** at Chelmno.

1942. Nazi leader Himmler orders all Gypsy camps closed, resulting in the **liquidation** of the Romani prisoners.

1944. Zigeuner Nacht, literally, Gypsy Night. On August 2, four thousand Roma are **gassed** and cremated in a single action at Auschwitz-Birkenau.

1950s. In Germany, the Verband Deutscher Sinti (Association of German Sinti) and the Zentralrat Deutscher Sinti und Roma (Central Council of German Sinti and Roma) are founded to further reparation claims from World War II, and later to pursue equal civil and social rights.

1950-1967. In the Cologne region of Germany, **identity papers given to survivors of the Nazi concentration camps are withdrawn** from Sinti and Roma on the grounds that they could provide no written proof of their German nationality.

1954. Police authorities in Bavaria set up a special office, in conjunction with Interpol, for **registering** Sinti and Roma.

1958. In Czechoslovakia, law no.74 bans nomadism. To enforce this policy, **police kill all caravan horses and remove the wheels from their wagons**. To remain a nomad is punishable by **prison** terms of six months to three years.

1958. Bulgaria attempts an **assimilation** campaign by issuing a decree that **prohibits Roma from traveling**. Local councils are enjoined to channel them into factories and cooperative farms. This campaign will last for thirty years.

1960. The Caravan Sites (Control of Development) Act in England **stops new private sites being built** until 1972. **Eviction and harassment** of Gypsies starts to reach a crisis.

1964. Poland approves settlement laws aimed at **forcing Roma to become sedentary**. They were forbidden to travel in caravans. Those who fail to observe these laws are **expelled** from the country and stripped of their citizenship.

1964. In Slovakia, Roma are to be **cleared and dispersed** to Czech areas with fewer Roma. Roma deported under this plan either return to where they came from or are followed by their extended families, creating new concentrations of Roma, creating new government problems.

1968. The Caravan Sites Act insists that from 1970, local authorities should provide caravan sites for Gypsies in England. This Act is never fully enforced, and is later abolished.

1968. Czechoslovakia abandons plans after years of failure to disperse Roma throughout Czech lands.

1972. In Czechoslovakia, a **sterilization** program for Roma begins.

1973. The government **bans** Romani associations in Czechoslovakia on the grounds that Roma are

not a recognized national minority and that they “failed to fulfill their integrative function.”

1976. The Czechoslovakian newspaper Vychodoslovenske Noviny publishes the official text of government plans for compulsory **sterilization** of Roma as an act of “socialistic humanity.”

1976. Sweden passes a parliamentary decision giving the State Immigration Authority responsibility for programs aimed at **rehabilitating Roma socially** and medically, and for providing housing for Roma in Sweden who had earlier been living under harsh conditions.

1979. The United States Holocaust Memorial Museum is founded by President Carter. There is **no Romani representation** on the 65-member Holocaust Memorial Council.

1982. In France, the newly elected Mitterand government promises to help nomads.

1989. Beginning of Third European Diaspora of Roma, according to scholars. Racially-motivated **violence** against Roma increases.

1993. In Austria, indigenous Roma are recognized as an ethnic group.

1993. Hădăreni riots, in which a mob of Romanians and Hungarians, in response to the killing of a

Romanian by a Gypsy, burnt down 13 houses belonging to the Gypsies, lynched three Gypsies, and forced 130 people to flee the village.

1994. The Criminal Justice and Public Order Act abolishes the Caravan Sites Act leaving about 5,000 families with no legal home.

1994. A proposal to teach Israeli high school students about the murder of Roma by the Nazis draws loud protests, especially from Yad Vashem, Israel's national Holocaust memorial. Critics say the curriculum, titled "Sensitivity to Suffering in the World," would blur the uniqueness of the Holocaust.

1996. Five thousand Roma are **evicted** from the Selamsiz quarter of Istanbul, Turkey.

1999–2006 period the European Roma Rights Center documented numerous crimes perpetrated by Kosovo's ethnic Albanians with the purpose to purge the region of its Romani population along with other non-Albanian ethnic communities. These crimes included murder, abduction and illegal detention, torture, rape, arson, confiscation of houses and other property, and forced labour. Whole Romani settlements were burned to the ground by Albanians. At UN internally displaced persons' camps in Kosovo for Romanis, the refugees were exposed to lead poisoning.

2005. Germany deported some 50,000 people, mainly Romas, to Kosovo. These were asylum seekers who fled the country during the Kosovo War. The people were **deported** after living more than 10 years in Germany. The deportations were highly controversial: many were children, who obtained education in Germany, spoke German as their primary language and considered themselves to be Germans.

2008. Following the brutal rape and subsequent murder of a woman in Rome at the hands of a young man from a local Romani encampment, the Italian government started a crackdown on illegal Roma and Sinti campsites in the country. In May 2008, Romani camps in Naples were attacked and set on fire by local residents. In July 2008, a high Court in Italy overthrew the conviction of defendants who had publicly demanded the expulsion of Romanis from Verona (*in 2001*) and reportedly ruled that "it is acceptable to discriminate against Roma on the grounds that they are thieves." The decision came during a "nationwide clampdown" on Romanis by Italian prime minister Silvio Berlusconi. In response to the **fingerprinting** plan, three United Nations experts testified that "by exclusively targeting the Roma minority, this proposal can be unambiguously classified as discriminatory. "The European Parliament denounced the plan as "a clear act of racial discrimination". The Roma were fingerprinted, even the children.

2010. French authorities **demolished at least 51 illegal Roma camps** and began the process of repatriating their residents to their countries of origin. The French government has been accused of perpetrating these actions to pursue its political agenda.

2011. Report issued by Amnesty International, "...**systematic discrimination** is taking place against up to 10 million Roma across Europe. The organization has documented the failures of governments across the continent to live up to their obligations".

2012. Report issued by Amnesty International stated that Gypsy Traveller groups in Scotland routinely suffer widespread discrimination in society, as well as a disproportionate level of scrutiny in the media. Over a four-month period as a sample 48 per cent of articles showed Gypsy Travellers in a negative light, while 25–28 percent of articles were favorable, or of a neutral viewpoint.

2022. Currently being debated in the U.K. is the "Police and Crime Bill" that would enlarge *stop and search* abilities of the police, as well as change trespass from civil to criminal, as being anywhere in public, and allowing gypsy Traveller homes to be seized. It will be the ultimate blow to the British GRT.

"Those who can't remember the past are condemned to repeat it."

George Santayana in The Life of Reason (1906)

From the 2020 powerful order by Judge Carter in infamous and impossible-to-ignore *Skid Row* case (ultimately overturned) *L.A. Alliance for Human Rights v. City of Los Angeles* Case No. CV 20-02291-DOC-KES: "... 'the unfinished work' of which President Lincoln spoke remains woefully unfinished." (pg 2) ... What if there was a conscious effort, a deliberate intent, a cowardice of inaction? Through redlining, containment, eminent domain, exclusionary zoning, and gentrification - designed to segregate and disenfranchise communities of color - the City and County of Los Angeles created a legacy of entrenched social racism. (pg 2-3) ... This Court cannot idly bear witness to preventable deaths." (pg 66).

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