

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOSEPH KIRCHNER,

Plaintiff,

v.

MIKE JOHNSON, in his individual and official
capacity as Speaker of the United States House of
Representatives;
DONALD J. TRUMP, in his individual capacity as
former and current President of the United States;
PAM BONDI, in her individual and official
capacity as Attorney General of the United States;
BRENDAN CARR, in his individual and official
capacity as Chairman of the Federal
Communications Commission;
THE UNITED STATES HOUSE OF
REPRESENTATIVES;
ANTHROPIC PBC;
OPENAI, INC.;
APPLE INC.;
COMCAST CABLE COMMUNICATIONS, LLC;
METR (MODEL EVALUATION & THREAT
RESEARCH);
and DOES 1-20, unknown co-conspirators,
Defendants.

Case No. 1:25-cv-02735-ACR

**EXHIBIT K: SCOTUS
AMICUS CURIAE FILING
PACKAGE TRUMP V
BARBARA**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

JOSEPH KIRCHNER,
Plaintiff,

v.
KEITH ELLISON, in his official
capacity as Attorney General of the
State of Minnesota, and in his
individual capacity,
Defendants.

**Case No. 0:26-cv-00726-PJS-ECW
EXHIBIT K: SCOTUS AMICUS
FILING PACKAGE**

EXHIBIT CONTENTS

This exhibit contains Plaintiff's Motion for Leave to File Amicus Curiae Brief, supporting documents, notices of service from opposing counsel, and proof of physical filing and mailing of booklet copies to the Supreme Court of the United States.

Sub-Exhibit	Document	Pages
K-1	Proposed Amicus Curiae Brief	6-22
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K-1: Proposed Amicus Curiae Brief

The substantive amicus brief raising the *a fortiori* corporate personhood argument: any narrow construction of "persons" under the Fourteenth Amendment excluding human children born in the United States necessarily destroys corporate personhood, which depends on the same constitutional text. No party or amicus in *Trump v. Barbara* addressed this argument. 2,275 words.

K-2: Memorandum in Support of Motion for Leave

Comprehensive legal argument supporting Plaintiff's motion for leave to file, including the statutory challenge to Supreme Court Rule 37.1 under 28 U.S.C. §§ 1654 and 2071. ~1,800 words.

K-3: Motion for Leave to File Amicus Curiae Brief

Motion challenging Supreme Court Rule 37.1 as inconsistent with 28 U.S.C. § 1654 (right to appear pro se in "all courts of the United States") and 28 U.S.C. § 2071 (Supreme Court rules must be "consistent with Acts of Congress").

K-4: Template Motion for Attorney Sponsorship

Template motion prepared for any Supreme Court Bar member willing to sponsor Plaintiff's amicus brief. Provided to over 125 attorneys and law professors contacted by Plaintiff — none engaged with the substance of the argument. Plaintiff chooses not to identify the individuals contacted during outreach and holds each in high regard.

K-5: ACLU Notice of Service — Booklet Copies

Notice from Respondents' counsel (ACLU) regarding service of booklet copies of amicus briefs filed in support of Respondents. The ACLU — counsel for the very parties whose clients' birthright citizenship rights Plaintiff's brief defended — responded "We take no position" when asked to support the *a fortiori* argument.

K-6: Solicitor General Notice of Service — Booklet Copies

Notice from the Solicitor General's office regarding service of booklet copies of amicus briefs filed in support of Petitioners.

K-7: Photographs — Physical Filing Package and USPS Mailing Receipts

Page 50: Physical booklet-format amicus briefs printed by Minuteman Press for filing with the Supreme Court, together with the cover letter and certificate of compliance.

Demonstrates compliance with Supreme Court Rule 33.1(g) booklet format requirements despite pro se status.

Page 51: USPS Express Mail receipts dated March 22, 2026, proving mailing of required booklet copies: 40 copies to the Supreme Court, 3 copies to ACLU counsel for Respondents (New York, NY), and 3 copies to the Solicitor General for Petitioners (Washington, DC). Includes post office transaction receipt.

RELEVANCE TO KIRCHNER V. ELLISON

This filing documents Plaintiff's attempt to participate in constitutional proceedings defining "persons" under the Fourteenth Amendment. The systematic barriers

encountered are detailed in the Notice of Related Supreme Court Proceedings filed concurrently with the Amended Complaint.

The SCOTUS filing demonstrates:

1. Rule 37.1 Barrier: Supreme Court Rule 37.1 excludes pro se natural persons from filing amicus briefs, requiring attorney sponsorship — while corporations file amicus briefs routinely through paid counsel

2. Statutory Challenge: 28 U.S.C. § 1654 grants pro se access to "all courts of the United States"; 28 U.S.C. § 2071 requires Supreme Court rules to be "consistent with Acts of Congress"

3. 125+ Attorney Contacts: Plaintiff contacted over 125 attorneys and law professors seeking Supreme Court Bar sponsorship — none engaged with the substance of the argument. Plaintiff chooses not to identify those contacted and holds each in high regard.

4. ACLU Response: Respondents' own counsel (ACLU) responded "We take no position" when asked to support an argument defending their clients' birthright citizenship rights

5. A Fortiori Argument: The amicus brief raises an argument no party or amicus has addressed — that any narrow construction of "persons" excluding human children necessarily destroys corporate personhood

6. Physical Compliance: Despite pro se status and Rule 37.1 exclusion, Plaintiff complied with all Supreme Court filing requirements including booklet format printing and certified mail service of copies to all parties

CERTIFICATE

I certify that the documents referenced in this exhibit are true and correct copies of the filings submitted to the Supreme Court of the United States via USPS First Class Mail on March 19, 2026, and that booklet copies (40 to the Court, 3 to each party) were shipped via USPS Express Mail on March 22, 2026.

Dated: March 27, 2026

Joseph Kirchner
Plaintiff, Pro Se

No. No. 25-364

No. No. 25-365

IN THE
Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES,
ET AL.
Petitioners,

v.

STATE OF WASHINGTON, ET AL.; JASON BARBARA, ET AL.
Respondents.

On Writ of Certiorari to the
United States Court of Appeals

**BRIEF OF JOSEPH D. KIRCHNER AS AMICUS CURIAE
SUPPORTING NEITHER PARTY**

JOSEPH D. KIRCHNER
Counsel of Record

4440 Parklawn Avenue, #203
Edina, MN 55435
(612) 552-2122
legal@lawsofexistence.com

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TABLE OF AUTHORITIES

CASES

Brown v. Board of Education, 347 U.S. 483 (1954)
Burwell v. Hobby Lobby Stores, Inc., 573 U.S. 682 (2014)
Citizens United v. FEC, 558 U.S. 310 (2010)
Loving v. Virginia, 388 U.S. 1 (1967)
Minneapolis & St. Louis Railway Co. v. Beckwith, 129 U.S. 26 (1889)
Obergefell v. Hodges, 576 U.S. 644 (2015)
Pembina Consolidated Silver Mining Co. v. Pennsylvania, 125 U.S. 181 (1888)
Santa Clara County v. Southern Pacific Railroad Co., 118 U.S. 394 (1886)
United States v. Detroit Lumber Co., 200 U.S. 321 (1906)
Wheeling Steel Corp. v. Glander, 337 U.S. 562 (1949)

CONSTITUTIONAL PROVISIONS

U.S. Const. amend. XIV, § 1

OTHER AUTHORITIES

C. Peter Magrath, *Morrison R. Waite: The Triumph of Character* (1963)
Letter from Chief Justice Waite to J.C. Bancroft Davis (May 1886)
Letter from J.C. Bancroft Davis to Chief Justice Waite (May 26, 1886)

INTEREST OF AMICUS CURIAE

Joseph D. Kirchner is a pro se plaintiff in two pending federal actions: *Kirchner v. Johnson*, No. 1:25-cv-02735-ACR (D.D.C.), and *Kirchner v. Ellison*, No. 0:26-cv-00726-JWB-ECW (D. Minn.). The D.C. action involves claims against corporate defendants—Anthropic, PBC; OpenAI, Inc.; Apple Inc.; and Comcast Corporation—whose constitutional defenses depend entirely on corporate personhood under the Fourteenth Amendment.

Amicus has a direct interest in this Court's interpretation of "persons" in the Fourteenth Amendment because any construction adopted here will govern the constitutional status of the corporate defendants in his D.C. litigation.

Amicus brings to this Court's attention a consequence of any narrow construction of "persons" that no party has raised: **If "persons" can be construed to exclude human children born in the United States, then "persons" certainly cannot include artificial legal entities such as corporations.** The logical necessity of this consequence demands this Court's consideration before ruling.

No counsel for any party authored this brief in whole or in part. No person or entity other than amicus made a monetary contribution to the preparation or submission of this brief.

SUMMARY OF ARGUMENT

This Court is poised to rule on whether "all persons born... in the United States, and subject to the jurisdiction thereof" includes children of undocumented immigrants and temporary visitors. The Petitioners argue that "persons" can be narrowly construed based on original intent and primary purpose to exclude certain categories of human beings.

The definition of "persons" under the Fourteenth Amendment has been broadened exactly once in American jurisprudence—to include corporations in *Santa Clara County v. Southern Pacific Railroad Co.*, 118 U.S. 394 (1886). That broadening was never argued, never briefed,

never decided. It rests entirely on a court reporter's head-note. Now, for the first time, the definition is under attack—not to exclude artificial entities, but to exclude human children born on United States soil. The Administration seeks to *narrow* the term that was *broadened* for corporations.

This brief raises a consequence no party has addressed: Any narrow construction of "persons" that excludes human children necessarily excludes corporations.

This is not a tangential issue—it is the same constitutional question. Both birthright citizenship and corporate personhood derive from the same source: the meaning of "persons" in the Fourteenth Amendment. The Citizenship Clause grants rights to "all persons born...in the United States." The Due Process and Equal Protection Clauses protect "any person" from state deprivation. Corporate constitutional rights—*Citizens United*, *Hobby Lobby*, and 140 years of doctrine—rest entirely on corporations qualifying as "persons" under this same Amendment. This Court cannot define "persons" for one clause without defining it for all. The question before the Court is singular: **What does "persons" mean in the Fourteenth Amendment?** That answer governs both cases.

Corporate personhood—the doctrine that corporations are "persons" entitled to constitutional protections under the Fourteenth Amendment—rests entirely on the inclusion of corporations within the meaning of "persons." If this Court holds that "persons" can be narrowly construed to exclude actual human beings born on United States soil, then a fortiori, "persons" cannot be construed to include artificial legal entities that:

- Are not born (they are created by state filing)
- Have no physical existence (they are paper legal fictions)
- Are never mentioned in the Constitution
- Were not contemplated by the Framers of the Fourteenth Amendment
- Possess no inherent rights (they exist only by state permission)

- Have no moral agency, consciousness, or capacity for citizenship

Moreover, this Court has never actually held that corporations are "persons" under the Fourteenth Amendment. The doctrine traces entirely to a headnote—not a holding—in *Santa Clara County v. Southern Pacific Railroad Co.*, 118 U.S. 394 (1886), written by court reporter J.C. Bancroft Davis, a former railroad executive. Chief Justice Waite explicitly stated that the Court "avoided meeting the constitutional question" of corporate personhood. The headnote was fraudulently converted into precedent by subsequent citations.

Before ruling on whether human children are "persons," this Court must confront: **Can a narrow construction exclude humans while preserving constitutional rights for paper corporations?**

The logical answer is no. This Court should not adopt any construction of "persons" without fully considering this consequence.

ARGUMENT

I. THE NECESSARY CONSEQUENCE OF ANY NARROW CONSTRUCTION

The Petitioners ask this Court to hold that "all persons born... in the United States" does not mean all persons. They argue that the phrase can be narrowly construed to exclude children of undocumented immigrants and temporary visitors based on:

1. Original intent (protecting freed slaves)
2. Primary purpose (citizenship for former slaves, not immigrants)
3. "Subject to the jurisdiction thereof" (requiring political allegiance)

If this Court accepts any of these narrowing constructions, it necessarily establishes that "persons" in the Fourteenth Amendment is subject to limitation based on intent, purpose, and textual interpretation.

This principle, once established, cannot be confined to the Citizenship Clause.

The Fourteenth Amendment's other clauses use the same word:

"No State shall... deprive any **person** of life, liberty, or property, without due process of law; nor deny to any **person** within its jurisdiction the equal protection of the laws."

U.S. Const. amend. XIV, § 1.

Corporate constitutional rights—speech, due process, equal protection—rest entirely on the inclusion of corporations within "person" in these clauses. If "persons" can exclude human children, the same analytical framework necessarily applies to corporations.

II. CORPORATE PERSONHOOD WAS NEVER DECIDED BY THIS COURT

Amicus respectfully brings to this Court's attention a fact that legal scholarship has documented but that has never been raised in litigation seeking to overturn the doctrine: **This Court has never issued a holding that corporations are "persons" under the Fourteenth Amendment.**

The doctrine traces entirely to *Santa Clara County v. Southern Pacific Railroad Co.*, 118 U.S. 394 (1886). In that case:

1. The Court ruled for the railroad on taxation grounds
2. The majority opinion, written by Justice Harlan, **did not address** whether corporations are "persons" under the Fourteenth Amendment
3. The only reference to corporate personhood appears in a **headnote** written by court reporter J.C. Bancroft Davis

This Court has repeatedly held that headnotes are not part of the Court's decision:

"[T]he headnote is not the work of the court, nor does it state its decision... it is simply the work of the reporter."

United States v. Detroit Lumber Co., 200 U.S. 321, 337 (1906).

The corporate personhood "precedent" is not precedent at all. It is a headnote fraudulently cited as if it were a holding.

III. THE SANTA CLARA HEADNOTE FRAUD

The circumstances of the Santa Clara headnote demand this Court's attention.

A. The Reporter Was a Former Railroad Executive

J.C. Bancroft Davis, who wrote the headnote, was a former president of the Newburgh and New York Railway Company. He had direct financial interests in the railroad industry that would benefit from corporate constitutional rights.

B. The Chief Justice Confirmed No Ruling Was Made

Prior to publication, Davis wrote to Chief Justice Morrison Waite asking about the headnote. Waite responded:

"I think your mem. in the California Railroad Tax cases expresses with sufficient accuracy what was said before the argument began. I leave it with you to determine whether anything need be said about it in the report inasmuch as we avoided meeting the constitutional question in the decision."

Letter from Chief Justice Waite to J.C. Bancroft Davis (May 1886) (emphasis added).

The Chief Justice explicitly stated that the Court "avoided meeting the constitutional question." There was no ruling on corporate personhood. Yet Davis included the headnote, and subsequent courts cited it as if it were a holding.

C. The Headnote Was Laundered Into Precedent

In *Minneapolis & St. Louis Railway Co. v. Beckwith*, 129 U.S. 26 (1889), Justice Stephen Field cited Santa Clara as precedent for corporate personhood—three years after the Chief Justice had confirmed no such ruling was made.

In *Pembina Consolidated Silver Mining Co. v. Pennsylvania*, 125 U.S. 181, 189 (1888), this Court stated: "Under the designation of 'person' there is no doubt that a private corporation is included." The "no doubt" referred to the Santa Clara headnote, not any actual holding.

D. Justices Have Acknowledged the Problem

In *Wheeling Steel Corp. v. Glander*, 337 U.S. 562 (1949), Justices Douglas and Black dissented:

"[In Santa Clara] [t]here was no history, logic, or reason given to support that view."

337 U.S. at 576 (Douglas, J., dissenting).

Corporate personhood has never been subjected to the constitutional analysis it requires. It has simply been assumed based on a fraudulent headnote.

IV. THE A FORTIORI LOGICAL NECESSITY

A fortiori (Latin: "from the stronger"): If the stronger case fails, the weaker case cannot succeed.

If this Court holds that **actual human children** born on United States soil are not "persons" under the Fourteenth Amendment, then **artificial legal entities** certainly cannot be "persons."

On every attribute of personhood, corporations are weaker candidates than human children.

Human children are living, breathing beings with physical existence; corporations are paper legal fictions. Human children are actually *born*—the very language of the Citizenship Clause—while corporations are merely created by state filing. The word "born" appears in the Constitution; corporations are never mentioned. The Framers of the Fourteenth Amendment intended to protect freed slaves, actual human beings; there is no evidence of any in-

tent to protect corporations. Human children possess inherent human dignity and natural rights; corporations have no natural rights and exist only by state permission. Human children develop moral agency over their lifetimes; corporations possess no moral agency whatsoever. Human children have consciousness; corporations have none. And most tellingly, human children have the capacity for citizenship—the very question at issue in these cases—while corporations can never become citizens.

If human children can be excluded from "persons," corporations must be excluded *a fortiori*.

Moreover, the Administration's jurisdictional theory creates an additional impossibility for corporations. The Administration argues that "subject to the jurisdiction thereof" requires a nexus—birth, allegiance, domicile—to qualify as a "person" entitled to constitutional protection. But corporations have no birthplace, no allegiance, and only a fictional domicile in their state of incorporation. A Delaware corporation operating in Texas was not "born" in Texas, owes no allegiance to Texas, and has no domicile there. Under the Administration's theory, would such a corporation have Fourteenth Amendment protections in Texas? The Administration's narrow construction would require corporations to establish jurisdictional nexus in every state where they seek constitutional protection—upending 140 years of corporate law and creating jurisdictional chaos.

V. THIS COURT CANNOT RULE WITHOUT ADDRESSING THIS CONSEQUENCE

The Petitioners ask this Court to establish that "persons" is subject to narrow construction. This Court cannot grant that request without considering the necessary consequence for corporate personhood.

A. The Stakes

Corporate constitutional rights affect every aspect of American law:

- **Citizens United:** Corporate political spending as protected speech

- **Hobby Lobby:** Corporate religious exercise
- **Due process:** Corporate procedural protections
- **Equal protection:** Corporate non-discrimination rights
- **Fourth Amendment:** Corporate privacy rights (in some contexts)

But the danger extends beyond corporate personhood. The Administration's methodology—that constitutional provisions extend only to circumstances analogous to their "primary purpose"—is a universal solvent that dissolves any constitutional protection. If adopted, the same reasoning threatens every major civil rights precedent of the past seventy years:

- **Brown v. Board of Education:** The framers of the Fourteenth Amendment did not primarily intend to integrate schools—therefore segregation could be restored.
- **Loving v. Virginia:** The framers did not primarily intend to permit interracial marriage—therefore anti-miscegenation laws could return.
- **Obergefell v. Hodges:** The framers never contemplated same-sex marriage—therefore marriage equality could be reversed.

Each of these landmark decisions required rejecting the "primary purpose" limitation. Each recognized that constitutional text establishes universal principles, not narrow solutions to 1868 problems. If this Court accepts the Administration's methodology to exclude children from "persons," it provides the analytical framework to reverse any constitutional protection whose application exceeds the framers' specific contemplation.

A ruling that "persons" can exclude human children necessarily provides the analytical framework to exclude corporations—and to reverse civil rights precedents. Litigants will immediately challenge both using this Court's reasoning.

B. The Logical Impossibility

This Court cannot coherently hold:

1. "Persons" is narrow enough to exclude human children born in the United States
2. "Persons" is broad enough to include paper corporations

These positions are logically incompatible. If the word is subject to narrowing construction based on original intent—and the original intent was to protect freed slaves, not corporations—then corporations are excluded by the same analysis that excludes immigrant children.

C. The Path Forward

Amicus does not ask this Court to rule on corporate personhood in this case. Amicus asks only that this Court:

1. **Recognize** the necessary consequence of any narrow construction
2. **Consider** whether it intends to establish a framework that destroys corporate personhood
3. **Decline** to adopt reasoning that creates logical incoherence
4. **Affirm** birthright citizenship to avoid the consequence entirely

Alternatively, if this Court believes corporate personhood should be reconsidered, this case provides the vehicle—but only if the Court explicitly addresses the issue rather than inadvertently deciding it through inattention to consequences.

CONCLUSION

For 140 years, corporate personhood has rested on a fraudulent headnote written by a conflicted court reporter in a case where the Chief Justice confirmed the Court "avoided meeting the constitutional question."

Now, for the first time, this Court is asked to construe "persons" narrowly enough to exclude human children born in the United States.

The logical consequence is inescapable: If human children can be excluded from "persons," corporations certainly cannot be included.

Before this Court rules, it must consider: Does it intend to establish a framework that destroys corporate constitutional rights? Or does it intend to create logical incoherence—narrow construction for vulnerable humans, broad construction for powerful corporations?

Neither option is acceptable. This Court should affirm that "all persons born... in the United States, and subject to the jurisdiction thereof, are citizens"—because that is what the Constitution says, what 128 years of precedent confirms, and what logical consistency requires.

The alternative is not merely wrong on birthright citizenship. It is the unraveling of corporate personhood—a consequence this Court must confront before ruling.

Respectfully submitted,

Joseph D. Kirchner
Amicus Curiae
4440 Parklawn Avenue, #203
Edina, MN 55435
(612) 552-2122
legal@lawsofexistence.com
Dated: March 18, 2026

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the word limits of Supreme Court Rule 33.1(g). This brief contains 2,343 words, excluding the parts of the brief exempted by Rule 33.1(d).

CERTIFICATE OF SERVICE

I certify that on this date, copies of this Brief were served by first-class mail and electronic transmission upon:

Counsel for Petitioners:

Solicitor General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
SupremeCtBriefs@usdoj.gov

Counsel for Respondents:

Cody Wofsy
ACLU Foundation
125 Broad Street
New York, NY 10004
cwofsy@aclu.org

Dated: March 18, 2026

Joseph D. Kirchner, Amicus Curiae

APPENDIX

A. CORRESPONDENCE BETWEEN J.C. BANCROFT DAVIS AND CHIEF JUSTICE WAITE (MAY 1886)

The following correspondence is reproduced from C. Peter Magrath, *Morrison R. Waite: The Triumph of Character* 390 n.9 (1963), citing the original letters held in the Morrison R. Waite Papers, Library of Congress.

Letter from J.C. Bancroft Davis to Chief Justice Morrison R. Waite (May 26, 1886)

Dear Chief Justice: I have a memorandum in the California Cases—*Santa Clara County v. Southern Pac Rd Co &c &c*—as follows: "In opening the Court stated that it did not wish to hear argument on the question whether the Fourteenth Amendt applies to such Corporations as are parties in these suits. All the Judges were of opinion that it does." Please let me know whether I correctly caught your words and oblige.

Reply from Chief Justice Morrison R. Waite to J.C. Bancroft Davis (May 1886)

I think your mem. in the California Rd. Tax cases expresses with sufficient accuracy what was said before the argument began. I leave it with you to determine whether anything need be said about it in the report inasmuch as **we avoided meeting the constitutional question in the decision.**

Significance: Chief Justice Waite's reply confirms two critical facts: (1) the Court made no holding on corporate personhood—it "avoided meeting the constitutional question"; and (2) the decision to include any statement in the report was left to Davis, the court reporter, not determined by the Court. The resulting headnote—which declared corporations to be "persons" under the Fourteenth Amendment—was thus never a holding of this Court, yet it became the foundation for 140 years of corporate constitutional rights doctrine.

B. TIMELINE OF CORPORATE PERSONHOOD "PRECEDENT"

In 1886, this Court decided *Santa Clara County v. Southern Pacific Railroad Co.*, but issued no holding on corporate personhood—the doctrine appears only in a headnote written by the court reporter. That same year, Chief Justice Waite wrote to reporter Davis confirming that the Court "avoided meeting the constitutional question."

Two years later, in 1888, *Pembina Consolidated Silver Mining Co. v. Pennsylvania* cited *Santa Clara* as if it were precedent—the first citation of the headnote as a holding. In 1889, Justice Field in *Minneapolis & St. Louis Railway Co. v. Beckwith* further laundered the headnote into apparent precedent.

In 1906, this Court in *United States v. Detroit Lumber Co.* confirmed that headnotes are not part of the Court's decision and do not state its holding. Yet the *Santa Clara* headnote continued to be cited.

In 1949, Justices Douglas and Black dissented in *Wheeling Steel Corp. v. Glander*, noting that *Santa Clara* provided "no history, logic, or reason" for corporate personhood.

In 2010, *Citizens United v. FEC* extended corporate speech rights—built entirely on the foundation of the *Santa Clara* headnote.

Now, in 2026, the birthright citizenship cases present the first opportunity to address this 140-year-old fraud.

C. PENDING LITIGATION AFFECTED

Amicus is a plaintiff in two pending federal actions:

In *Kirchner v. Johnson*, No. 1:25-cv-02735-ACR (D.D.C.), amicus has asserted claims against corporate defendants Anthropic, PBC; OpenAI, Inc.; Apple Inc.; and Comcast Corporation, whose constitutional defenses depend on corporate personhood. Any ruling by this Court on the meaning of "persons" in the Fourteenth Amendment will directly govern the constitutional status of these corporate defendants.

In *Kirchner v. Ellison*, No. 0:26-cv-00726-JWB-ECW (D. Minn.), amicus challenges Minnesota's police accountability framework and raises the birthright citizenship litigation as evidence of coordinated constitutional subversion across the three branches of government—the same coordination pattern documented in this brief.

Nos. 25-364, 25-365

IN THE
Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.,
Petitioners,

v.

STATE OF WASHINGTON, ET AL.; JASON BARBARA, ET AL.,
Respondents.

On Writ of Certiorari to the
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MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE AMICUS
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Joseph D. Kirchner

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4440 Parklawn Avenue, #203

Edina, MN 55435

(612) 552-2122

legal@lawsofexistence.com

TABLE OF AUTHORITIES

CASES

California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508 (1972)

Citizens United v. FEC, 558 U.S. 310 (2010)

Santa Clara County v. Southern Pacific Railroad Co., 118 U.S. 394 (1886)

CONSTITUTIONAL PROVISIONS

U.S. Const. amend. I

U.S. Const. amend. IX

U.S. Const. amend. XIV, § 1

U.S. Const. art. III

STATUTES

28 U.S.C. § 1654

28 U.S.C. § 2071

28 U.S.C. § 2072

OTHER AUTHORITIES

68 Cong. Rec. 2914 (1925) (statement of Sen. Heflin)

Sup. Ct. R. 37.1

INTRODUCTION

1. This Memorandum supports Movant's Motion for Leave to File Amicus Curiae Brief by Pro Se Natural Person. The Motion asserts that Movant has statutory authority under 28 U.S.C. § 1654 to file this brief, and that Supreme Court Rule 37.1—which permits amicus briefs to be filed "only by an attorney admitted to practice before this Court"—is inconsistent with that statute in violation of 28 U.S.C. § 2071.

2. This Memorandum develops the statutory and constitutional arguments summarized in the Motion.

I. THE STATUTORY AUTHORITY

A. 28 U.S.C. § 1654 Grants Pro Se Access to "All Courts of the United States"

3. Congress has provided by statute:

"In **all courts of the United States** the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein." 28 U.S.C. § 1654.

4. This statute traces to the Judiciary Act of 1789, which provided that "in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of counsel." The right of self-representation in federal courts predates the Constitution itself, with roots in the Magna Carta.

5. The statute applies to "**all courts of the United States**"—language that includes this Court. It does not say "all courts except the Supreme Court." It does not say "all courts, but only for parties, not amici." It says **all courts**.

B. 28 U.S.C. § 2071 Requires Supreme Court Rules to Be Consistent with Statute

6. Congress has further provided:

"The Supreme Court and all courts established by Act of Congress may from time to time prescribe rules for the conduct of their business. **Such rules shall be consistent with Acts of Congress.**" 28 U.S.C. § 2071(a) (emphasis added).

7. This provision differs critically from 28 U.S.C. § 2072, which governs rules for district courts and courts of appeals and permits those rules to supersede conflicting statutes. Section 2071, governing this Court, contains no such permission. Supreme Court rules **must be consistent with Acts of Congress**.

8. Rule 37.1 provides that amicus briefs "may be filed only by an attorney admitted to practice before this Court." This rule is **inconsistent** with 28 U.S.C. § 1654, which grants all persons the right to "plead and conduct their own cases personally" in "all courts of the United States."

C. The Rule Cannot Override the Statute

9. Professor Will Baude of the University of Chicago Law School has observed that Supreme Court rules requiring attorney participation may not be legally valid

because they conflict with the statutory right to proceed pro se. This question has never been definitively resolved.

10. Movant does not ask this Court to declare Rule 37.1 invalid in all applications. Movant asserts that, as applied to exclude a natural person from filing an amicus brief in a case defining "personhood" under the Fourteenth Amendment, the rule exceeds this Court's authority under § 2071 because it is inconsistent with § 1654.

11. This Court has inherent authority to interpret its own rules consistently with governing statutes. If § 1654 grants Movant the right to proceed personally in "all courts of the United States," then Rule 37.1 must be construed—or waived—to permit that right in this case.

II. THE CONSTITUTIONAL CHALLENGE

A. Rule 37.1 Creates an Absolute Barrier for Non-Attorney Citizens

12. Supreme Court Rule 37.1 provides: "An amicus curiae brief... may be filed only by an attorney admitted to practice before this Court."

13. This rule creates an absolute barrier. A citizen who is not an attorney cannot file an amicus brief regardless of the merit of the argument, the importance of the case, or the citizen's direct interest in the outcome.

14. Unlike parties to litigation—who may proceed pro se under this Court's established practice—amici have no such right. The citizen who wishes only to

inform the Court of a relevant argument is barred more absolutely than the citizen defending their liberty.

B. The Barrier Cannot Be Overcome Through Professional Engagement

15. Movant has contacted over 125 attorneys and law professors seeking a Supreme Court Bar member willing to file this brief. The outreach included:

- 26 Harvard Law School professors, individually selected and contacted with personalized letters citing each professor's specific expertise
- 25+ identified Supreme Court Bar members
- Civil rights organizations including the ACLU (Respondents' own counsel)
- Multiple law firms advertising Supreme Court practice

16. Not one respondent engaged with the substance of the argument.

Responses fell into categorical patterns:

- "The deadline has passed." (The motion for leave addresses timing.)
- "This is not something I can help with." (No explanation provided.)
- "I'd never file a brief that I didn't write." (Professional norm, not merit evaluation.)
- Silence.

17. The ACLU—counsel for Respondents, the very children whose personhood is at stake—responded: "We take no position."

18. The ACLU's response illustrates a structural conflict beyond professional norms. The a fortiori argument Movant seeks to present—that narrowing "persons" to exclude human children necessarily forecloses corporate personhood—would, if successful, undermine the constitutional protections from which the ACLU itself derives First and Fourteenth Amendment rights. Organizations with Supreme Court Bar access have institutional interests potentially adverse to arguments threatening corporate personhood doctrine, even when representing clients who would benefit from such arguments. This structural conflict ensures certain

arguments can only reach the Court through pro se filing—precisely what Rule 37.1 prohibits.

19. Payment does not solve this barrier. A citizen willing to pay for filing assistance will still be refused if no attorney is willing to associate their professional reputation with the argument. The gatekeeping is not economic; it is reputational.

20. The result: A meritorious argument that no party has raised, that directly addresses the constitutional question before this Court, cannot reach the Court because no credentialed professional will adopt it as their own.

C. First Amendment: The Right to Petition

21. The First Amendment provides: "Congress shall make no law... abridging... the right of the people... to petition the Government for a redress of grievances."

22. The right to petition includes access to courts. *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 510 (1972) ("The right of access to the courts is indeed but one aspect of the right of petition.").

23. Rule 37.1 does not merely regulate the manner of petitioning—it excludes an entire class of persons from petitioning altogether. A natural person without attorney sponsorship cannot address this Court as amicus regardless of what they have to say.

24. This is not content-neutral regulation. The rule excludes based on speaker identity: attorneys may speak; non-attorneys may not. This Court has

repeatedly held that speaker-based restrictions warrant heightened scrutiny. *Citizens United v. FEC*, 558 U.S. 310, 340-41 (2010).

D. Ninth Amendment: Unenumerated Rights

25. The Ninth Amendment provides: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

26. The right of citizens to access constitutional forums—to participate in proceedings that will define their own legal status—is among the rights retained by the people. The Founders did not enumerate this right because they could not have imagined a court that would exclude citizens from its proceedings while welcoming corporations.

27. Rule 37.1 disparages this right by treating it as nonexistent for non-attorneys.

E. Fourteenth Amendment: Equal Protection

28. The Fourteenth Amendment provides: "No State shall... deny to any person within its jurisdiction the equal protection of the laws."

29. While this Court is not a State actor, its rules establish the framework within which constitutional rights are adjudicated. A rule that grants access to corporations (through their attorneys) while denying access to natural persons (who lack attorneys) creates the precise inequality the Fourteenth Amendment forbids.

30. Consider the structure:

- A corporation wishing to file an amicus brief retains counsel. Counsel files the brief. The corporation's voice is heard.
- A natural person wishing to file an amicus brief seeks counsel. Counsel declines. The person's voice is excluded.

31. The asymmetry is complete. Corporations have access; natural persons do not. In a case defining "persons" under the Fourteenth Amendment, this asymmetry is not merely procedural—it is substantively relevant to the question presented.

F. Article III: Inherent Judicial Discretion

32. Article III vests "[t]he judicial Power of the United States" in this Court. That power includes inherent authority to manage proceedings, receive information relevant to decisions, and ensure that constitutional questions are fully informed.

33. This Court has repeatedly exercised discretion to hear arguments not raised by parties. The Court may request briefing on issues *sua sponte*. The Court may appoint amici to argue positions no party advocates. The Court's rules are instruments of justice, not barriers to it.

34. Movant does not ask this Court to strike Rule 37.1 or declare it unconstitutional in all applications. Movant asks only that this Court exercise its inherent Article III discretion to receive a brief in a case where:

- The argument has not been raised by any party or existing amicus
- The argument directly addresses the constitutional question presented
- The citizen has exhausted reasonable efforts to secure Bar counsel
- The structural exclusion demonstrates the very inequality the brief addresses

III. THE IRONY THAT DEMANDS EXCEPTION

35. This Court will define who qualifies as a "person" under the Fourteenth Amendment. That definition will bind every American. It will determine whether human children born on United States soil possess constitutional personhood.

36. Rule 37.1 ensures that only credentialed professionals—not the natural persons whose status is at stake—may address the Court on this question.

37. The definition of "persons" under the Fourteenth Amendment has been substantively interpreted exactly twice:

- Once to *include* corporations (*Santa Clara County v. Southern Pacific Railroad*, 1886)
- Now, potentially, to *exclude* human children (*Trump v. Barbara*, 2026)

38. Movant's brief raises the a fortiori argument connecting these two interpretations: If "persons" can be narrowed to exclude human children, it cannot remain broad enough to include corporations. This argument has never been raised in 140 years of corporate personhood doctrine. No party in this case has raised it. No amicus has raised it.

39. The argument cannot reach the Court because:

- Movant is not a Supreme Court Bar member
- No Bar member will file the brief
- Rule 37.1 provides no exception for pro se natural persons
- The rule excludes "persons" from participating in a case defining "personhood"

40. This is not merely ironic. This is constitutionally significant. A rule that excludes natural persons from a proceeding defining natural personhood is a rule that demands exception.

IV. HEFLIN'S PROPHECY FULFILLED

41. Senator J. Thomas Heflin warned in 1925—during debate over the Judges' Bill that granted this Court discretionary certiorari jurisdiction—that this Court would become "as inaccessible to the ordinary citizen as the Court of Star Chamber was to the English subject." 68 Cong. Rec. 2914 (1925) (statement of Sen. Heflin).

42. This Motion provides empirical evidence that his prophecy has been fulfilled—and identifies the statutory remedy Congress already enacted.

43. The citizen cannot reach the Court. Not because the argument lacks merit—no one has evaluated its merit. Not because the deadline passed—the motion for leave addresses timing. Not because the parties object—the ACLU takes "no position." But because Rule 37.1 purports to override § 1654, and no credentialed professional will adopt the citizen's argument as their own.

44. In a case about who qualifies as a "person," the Court has the opportunity to honor the statute Congress enacted—to recognize that natural persons retain the right to address "all courts of the United States," including this one.

CONCLUSION

45. Movant respectfully requests that the Court grant the Motion for Leave and accept the attached amicus brief for filing.

Respectfully submitted,

Joseph D. Kirchner
Amicus Curiae
4440 Parklawn Avenue, #203
Edina, MN 55435
(612) 552-2122
legal@lawsofexistence.com
Dated: March 19, 2026

CERTIFICATE OF COMPLIANCE

I certify that this memorandum complies with the word limits of Supreme Court Rule 33.1(g). This memorandum contains 1,947 words, excluding the parts exempted by Rule 33.1(d).

CERTIFICATE OF SERVICE

I certify that on this date, copies of this Memorandum in Support were served by first-class mail and electronic transmission upon:

Counsel for Petitioners:
Solicitor General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
SupremeCtBriefs@usdoj.gov

Counsel for Respondents:
Cody Wofsy
ACLU Foundation
125 Broad Street
New York, NY 10004
cwofsy@aclu.org

Dated: March 19, 2026

Joseph D. Kirchner, Amicus Curiae

Nos. 25-364, 25-365

IN THE
Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.,
Petitioners,

v.

STATE OF WASHINGTON, ET AL.; JASON BARBARA, ET AL.,
Respondents.

On Writ of Certiorari to the
United States Court of Appeals

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF BY PRO SE NATURAL
PERSON

Joseph D. Kirchner

Amicus Curiae

4440 Parklawn Avenue, #203

Edina, MN 55435

(612) 552-2122

legal@lawsofexistence.com

INTEREST OF MOVANT

1. Joseph Kirchner is a natural person and citizen of the United States. He is not a member of the Supreme Court Bar. He seeks leave to file an amicus brief raising an argument no party or existing amicus has presented: the a fortiori relationship between corporate personhood and birthright citizenship under the Fourteenth Amendment.

2. This Motion asserts that Movant has **statutory authority** to file this brief under 28 U.S.C. § 1654, and that Rule 37.1 is inconsistent with that statute in violation of 28 U.S.C. § 2071. The full argument is set forth in the attached Memorandum in Support.

STATUTORY AUTHORITY

3. Congress has provided: "In **all courts of the United States** the parties may plead and conduct their own cases personally or by counsel." 28 U.S.C. § 1654.

4. Congress has further provided that Supreme Court rules "**shall be consistent with Acts of Congress.**" 28 U.S.C. § 2071(a).

5. Rule 37.1 provides that amicus briefs "may be filed only by an attorney admitted to practice before this Court." This rule is **inconsistent** with § 1654, which grants all persons the right to proceed personally in "all courts of the United States."

6. Supreme Court rules are governed by § 2071, which—unlike § 2072 for lower courts—contains no permission to supersede conflicting statutes. The statute must prevail over the rule.

CONSTITUTIONAL GROUNDS

7. This Motion also raises constitutional challenges to Rule 37.1 as applied:

- **First Amendment:** The right to petition includes access to courts. *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 510 (1972). Rule 37.1 excludes an entire class of persons from petitioning.
- **Ninth Amendment:** The right of citizens to access constitutional forums is among the unenumerated rights retained by the people.
- **Fourteenth Amendment:** A rule granting access to corporations (through attorneys) while denying access to natural persons (without attorneys) creates structural inequality.
- **Article III:** This Court has inherent authority to receive information relevant to constitutional questions.

8. These arguments are developed fully in the attached Memorandum in Support.

THE BARRIER CANNOT BE OVERCOME

9. Movant has contacted over 125 attorneys and law professors seeking a Supreme Court Bar member willing to file this brief, including 26 Harvard Law professors with personalized letters and Respondents' own counsel (ACLU).

10. Not one engaged with the substance of the argument. The ACLU responded: "We take no position."

11. The ACLU's response illustrates a structural conflict: the a fortiori argument—that narrowing "persons" to exclude human children necessarily

forecloses corporate personhood—would undermine constitutional protections from which the ACLU itself derives rights. Organizations with Bar access have institutional interests adverse to arguments threatening corporate personhood, even when representing clients who would benefit.

12. Payment does not solve this barrier. Attorneys decline to file briefs they did not write, regardless of compensation. The gatekeeping is reputational, not economic.

THE IRONY

13. This Court will define "persons" under the Fourteenth Amendment. Rule 37.1 ensures that only credentialed professionals—not natural persons—may address the Court on this question.

14. The definition of "persons" has been substantively interpreted exactly twice: once to *include* corporations (1886), and now potentially to *exclude* human children (2026). Movant's brief raises the a fortiori argument: if "persons" can exclude human children, it cannot include corporations.

15. This argument has never been raised in 140 years. It cannot reach the Court because Rule 37.1 excludes "persons" from a case defining "personhood."

RELIEF REQUESTED

16. Movant respectfully requests that this Court:

- (a) Recognize Movant's statutory right under 28 U.S.C. § 1654 to file pro se, and construe Rule 37.1 consistently with that statute;
- (b) In the alternative, find Rule 37.1 inapplicable under 28 U.S.C. § 2071;
- (c) In the further alternative, exercise Article III discretion to grant leave;
- (d) In the further alternative, appoint counsel if the Court finds merit but declines to receive from a non-attorney.

TIMELINESS

17. This Motion is filed after the amicus deadline. Cause exists under Rule 37.5: the a fortiori argument emerged through recent litigation research and has never been raised in 140 years of Fourteenth Amendment jurisprudence. Novel arguments cannot be timely under deadlines set before their discovery. Upon conceiving the argument, Movant acted promptly—contacting over 125 attorneys within days. The Court's interest in fully informed adjudication is not served by excluding novel arguments based on timing.

CONCLUSION

18. Congress provided in § 1654 that persons may plead their own cases "in all courts of the United States." Congress provided in § 2071 that Supreme Court rules "shall be consistent with Acts of Congress." Rule 37.1 is not consistent. The statute must prevail.

19. Movant is prepared to comply with all other requirements—the proposed brief meets Rule 33.1 booklet specifications. Professional express printing services have been retained to produce the 40 bound booklet copies required by Rules 33.1 and 37.5, scheduled to be mailed via overnight delivery no later than March 22, 2026. This Motion and a copy of the proposed brief are filed via USPS Priority Mail Express on March 19, 2026, with the required booklet copies to follow within days—reflecting both respect for the Court's time constraints and good-faith compliance. The only requirement Movant cannot satisfy is Rule 37.1's demand for an attorney.

20. Movant respectfully requests that the Court grant this Motion and accept the attached amicus brief for filing.

Respectfully submitted,

Joseph D. Kirchner
Amicus Curiae
4440 Parklawn Avenue, #203
Edina, MN 55435
(612) 552-2122
legal@lawsofexistence.com
Dated: March 19, 2026

ATTACHMENTS

1. Memorandum in Support of Motion
 2. Proposed Amicus Curiae Brief of Joseph Kirchner
 3. Outreach Documentation (summary of 125+ contacts and responses)
-

CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the word limits of Supreme Court Rule 33.1(g). This motion contains 839 words, excluding the parts exempted by Rule 33.1(d).

CERTIFICATE OF SERVICE

I certify that on this date, copies of this Motion, Memorandum in Support, and the attached Amicus Brief were served by first-class mail and electronic transmission upon:

Counsel for Petitioners:

Solicitor General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
SupremeCtBriefs@usdoj.gov

Counsel for Respondents:

Cody Wofsy
ACLU Foundation
125 Broad Street
New York, NY 10004
cwofsy@aclu.org

Dated: March 19, 2026

Joseph D. Kirchner, Amicus Curiae

No. 25-364
No. 25-365

IN THE
Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL.,
Petitioners,

v.

JASON BARBARA, ET AL.,
Respondents.

On Writ of Certiorari to the
United States Court of Appeals

**MOTION OF [MOVE TO AMEND / FULL ORGANIZATIONAL NAME] FOR
LEAVE TO FILE BRIEF AS AMICUS CURIAE OUT OF TIME IN SUPPORT OF
JOSEPH D. KIRCHNER'S AMICUS BRIEF**

[Attorney Name]

Counsel of Record

[Bar Number / SCOTUS Bar Admission]

[Address]

[Phone]

[Email]

On behalf of [Move to Amend / Full Organizational Name]

I. INTEREST OF MOVANT

[Move to Amend] is a national organization dedicated to [brief description of mission — e.g., "ending corporate personhood and securing constitutional rights for natural persons"]. Since [year of founding], [Move to Amend] has [brief description of relevant organizational history and activities — e.g., "advocated for a constitutional amendment to establish that constitutional rights belong to natural persons, not artificial entities, and that money is not speech"].

This case directly implicates movant's core mission. The meaning of "persons" under the Fourteenth Amendment — the question presented — determines whether constitutional personhood extends to corporations. Any ruling on the scope of "persons" will necessarily affect the doctrine of corporate constitutional rights that movant has spent [number] years working to reform.

II. THE BRIEF MOVANT SUPPORTS

On March 19, 2026, Joseph D. Kirchner filed a Motion for Leave to File Amicus Curiae Brief in these consolidated cases. His accompanying brief raises an argument of extraordinary consequence that no party and no existing amicus has addressed:

Any narrow construction of "persons" in the Fourteenth Amendment that excludes human children born in the United States necessarily destroys corporate personhood.

The brief demonstrates that:

1. The definition of "persons" under the Fourteenth Amendment has been substantively broadened only once — to include corporations, based entirely on a headnote in *Santa Clara County v. Southern Pacific Railroad Co.*, 118 U.S. 394 (1886), that was never a holding of this Court.

2. If this Court holds that "persons" can be narrowly construed based on original intent and primary purpose to exclude human children born on United States soil, the same analytical framework necessarily excludes corporations — which are not born, have no physical existence, are never mentioned in the Constitution, and were not contemplated by the framers of the Fourteenth Amendment.

3. The *a fortiori* principle compels this result: if the stronger candidate for personhood (living human children) can be excluded, the weaker candidate (artificial legal entities) cannot be included.

This argument has never been raised in 140 years of corporate personhood doctrine. Movant is not aware of any party, amicus, or scholar who has identified a flaw in the *a fortiori* logic.

III. REASONS FOR GRANTING LEAVE

A. The Argument Is Novel and Unaddressed

Movant has reviewed the briefs of the parties and all amicus briefs filed in these cases. None addresses the necessary consequence of a narrow construction for corporate personhood. This gap is remarkable given the stakes. [Move to Amend]'s

[number] years of work on corporate personhood reform confirm that the *a fortiori* argument Mr. Kirchner has identified has never been raised in any federal proceeding.

B. Movant Brings Unique Expertise

[Move to Amend] has [specific relevant expertise — e.g., "studied the history of corporate personhood doctrine for over a decade, including the Santa Clara headnote and its conversion into precedent"]. Movant's organizational knowledge confirms the accuracy of Mr. Kirchner's historical analysis and the novelty of his legal argument. No other amicus in this case has addressed corporate personhood from this perspective.

C. The Delay Is Justified

Movant became aware of Mr. Kirchner's brief on [date]. Upon reviewing the argument, movant determined that it raises an issue of sufficient importance to warrant this motion. The brief period between learning of the argument and filing this motion reflects the urgency of the April 1, 2026 oral argument date, not any lack of diligence.

D. No Prejudice to Any Party

Mr. Kirchner's brief supports neither party. This motion merely asks the Court to consider that brief — which raises a consequence both parties and the Court should weigh before ruling. Accepting this motion prejudices no party; it ensures the Court has complete information.

Oral argument is scheduled for April 1, 2026. This motion is filed with sufficient time for the Court and parties to consider the argument.

E. The Court's Interest in Complete Information

This Court is about to define "persons" in the Fourteenth Amendment. That definition will govern not only birthright citizenship but also corporate constitutional rights — *Citizens United v. FEC*, *Burwell v. Hobby Lobby Stores*, and 140 years of doctrine. The Court should not adopt any construction of "persons" without considering all consequences.

IV. COMPLIANCE WITH RULE 37

A. Consent

Pursuant to Supreme Court Rule 37.2(a), consent of the parties is not required when the United States is a party. The United States, through the President and other federal officials, is a petitioner in this case.

B. Authorship and Funding

No counsel for any party authored this motion in whole or in part. No person or entity other than movant made a monetary contribution to the preparation or submission of this motion. [Move to Amend] has no financial interest in the outcome of this case beyond its organizational mission.

V. CONCLUSION

For the foregoing reasons, movant respectfully requests that this Court grant leave to file the amicus curiae brief of Joseph D. Kirchner out of time.

The brief raises an issue of extraordinary importance — the necessary collapse of corporate personhood under any narrow construction of "persons" — that no party or amicus has addressed. This argument has never been raised in 140 years. The Court should consider it before ruling.

Respectfully submitted,

[Attorney Name]

Counsel of Record

[Bar Number / SCOTUS Bar Admission]

[Address]

[Phone]

[Email]

On behalf of [Move to Amend / Full Organizational Name]

Dated: _____, 2026

CERTIFICATE OF COMPLIANCE

I certify that this motion complies with the word limits of Supreme Court Rule 33.1(g). This motion contains [] words, excluding the parts exempted by Rule 33.1(d).

CERTIFICATE OF SERVICE

I certify that on this date, copies of this Motion were served by [first-class mail / electronic transmission / both] upon:

Counsel for Petitioners:

Solicitor General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
SupremeCtBriefs@usdoj.gov

Counsel for Respondents:

Cody Wofsy
ACLU Foundation
125 Broad Street
New York, NY 10004
cwofsy@aclu.org

Dated: _____, 2026

[Attorney Name], Counsel of Record

Wednesday, March 25, 2026 at 4:21:33 PM Central Daylight Time

Subject: Notice of Service — Booklet Copies of Amicus Curiae Brief, Trump v. Washington, No. 25-364; Trump v. Barbara, No. 25-365
Date: Monday, March 23, 2026 at 2:44:18 PM Central Daylight Time
From: legal@lawsofexistence.com
To: cwofsy@aclu.org
Attachments: MEMORANDUM_IN_SUPPORT_RULE_37.1_8.5x11.pdf, MOTION_RULE_37.1_SHORT_8.5x11.pdf, TRUMP_V_BARBARA_AMICUS_BRIEF_Pro_Se.pdf

Dear Mr. Wofsy,

Pursuant to Supreme Court Rules 37.5 and 29.5, please be advised that on March 23, 2026, the undersigned served upon your office by USPS Certified Mail, return receipt requested, the following documents in the above-captioned consolidated cases:

1. **Proposed Amicus Curiae Brief of Joseph D. Kirchner** (3 booklet copies, Rule 33.1 format)
2. **Motion for Leave to File Amicus Curiae Brief by Pro Se Natural Person** (1 copy)
3. **Memorandum in Support of Motion for Leave to File Amicus Curiae Brief** (1 copy)

USPS Certified Mail Tracking Number: 9589 0710 5270 3072 2219 05

These booklet copies accompany the forty (40) copies submitted to the Clerk of the Court under separate cover on the same date. The substantive filing — including the Motion, Memorandum in Support, and one copy of the proposed brief in 8.5 x 11 format — was filed with the Clerk via USPS Priority Mail Express on March 19, 2026.

This email serves as concurrent electronic notification of service. Delivery may be tracked at usps.com using the tracking number above.

Best regards,

Joseph Kirchner
4440 Parklawn Avenue #203
Edina, MN 55435
(612) 552-2122
legal@lawsofexistence.com
www.lawsofexistence.com

Monday, March 23, 2026 at 2:45:31 PM Central Daylight Time

Subject: Notice of Service — Booklet Copies of Amicus Curiae Brief, Trump v. Washington, No. 25-364; Trump v. Barbara, No. 25-365
Date: Monday, March 23, 2026 at 2:45:22 PM Central Daylight Time
From: legal@lawsofexistence.com
To: SupremeCtBriefs@usdoj.gov
Attachments: MEMORANDUM_IN_SUPPORT_RULE_37.1_8.5x11.pdf, MOTION_RULE_37.1_SHORT_8.5x11.pdf, TRUMP_V_BARBARA_AMICUS_BRIEF_Pro_Se.pdf

Dear Office of the Solicitor General,

Pursuant to Supreme Court Rules 37.5 and 29.5, please be advised that on March 23, 2026, the undersigned served upon your office by USPS Certified Mail, return receipt requested, the following documents in the above-captioned consolidated cases:

1. **Proposed Amicus Curiae Brief of Joseph D. Kirchner** (3 booklet copies, Rule 33.1 format)
2. **Motion for Leave to File Amicus Curiae Brief by Pro Se Natural Person** (1 copy)
3. **Memorandum in Support of Motion for Leave to File Amicus Curiae Brief** (1 copy)

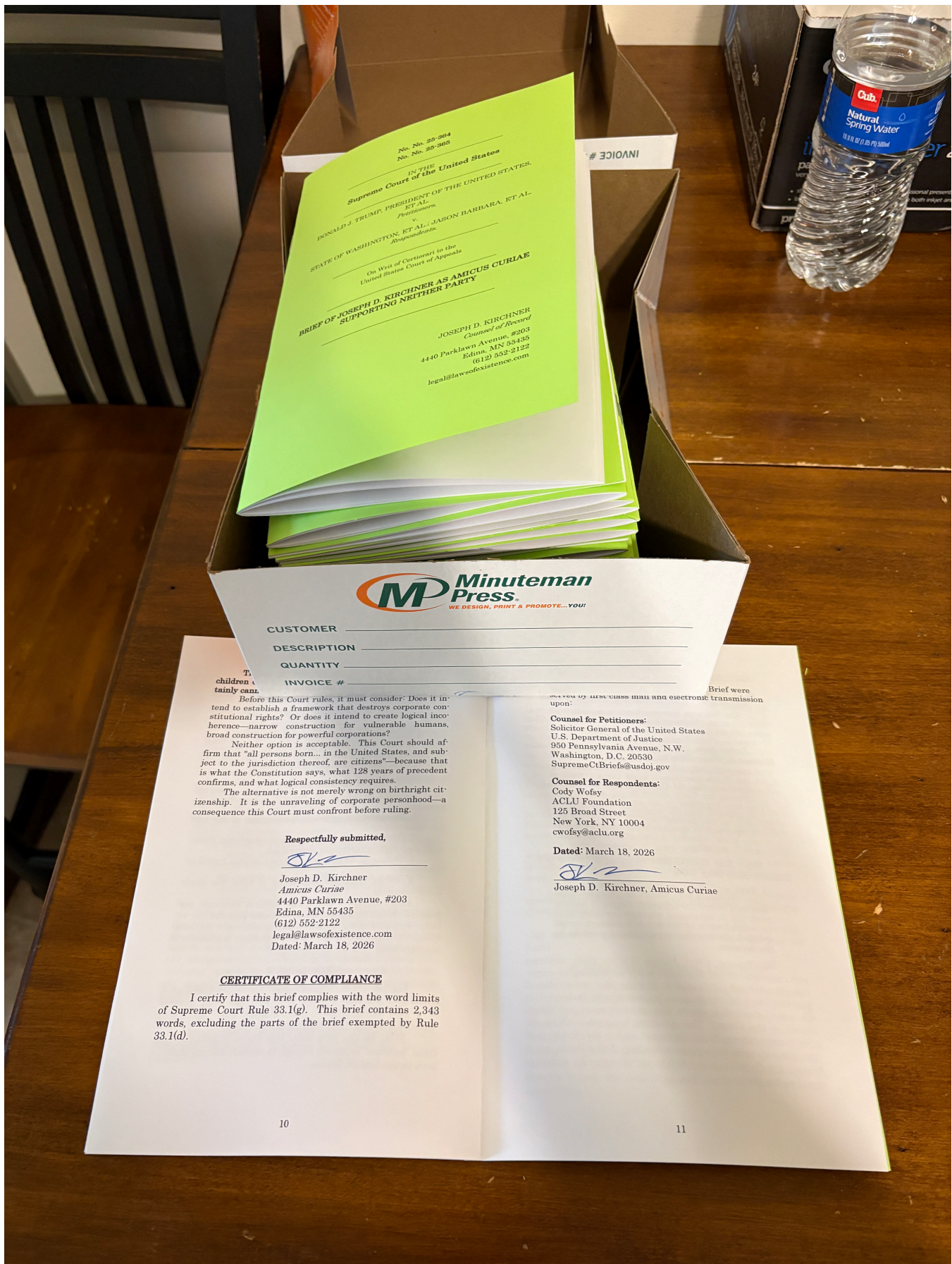
USPS Certified Mail Tracking Number: 9589 0710 5270 3072 2216 46

These booklet copies accompany the forty (40) copies submitted to the Clerk of the Court under separate cover on the same date. The substantive filing — including the Motion, Memorandum in Support, and one copy of the proposed brief in 8.5 x 11 format — was filed with the Clerk via USPS Priority Mail Express on March 19, 2026.

This email serves as concurrent electronic notification of service. Delivery may be tracked at usps.com using the tracking number above.

Best regards,

Joseph Kirchner
4440 Parklawn Avenue #203
Edina, MN 55435
(612) 552-2122
legal@lawsofexistence.com
www.lawsofexistence.com



To
children
tainly can.

Before this Court rules, it must consider: Does it intend to establish a framework that destroys corporate constitutional rights? Or does it intend to create logical incoherence—narrow construction for vulnerable humans, broad construction for powerful corporations?

Neither option is acceptable. This Court should affirm that "all persons born... in the United States, and subject to the jurisdiction thereof, are citizens"—because that is what the Constitution says, what 128 years of precedent confirms, and what logical consistency requires.

The alternative is not merely wrong on birthright citizenship. It is the unraveling of corporate personhood—a consequence this Court must confront before ruling.

Respectfully submitted,

[Signature]
Joseph D. Kirchner
Amicus Curiae
4440 Parklawn Avenue, #203
Edina, MN 55435
(612) 552-2122
legal@lawsofexistence.com
Dated: March 18, 2026

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the word limits of Supreme Court Rule 33.1(g). This brief contains 2,343 words, excluding the parts of the brief exempted by Rule 33.1(d).

10

11

Brief were
upon:

Counsel for Petitioners:
Solicitor General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
SupremeCtBriefs@usdoj.gov

Counsel for Respondents:
Cody Wofsy
ACLU Foundation
125 Broad Street
New York, NY 10004
cwofsy@aclu.org

Dated: March 18, 2026

[Signature]
Joseph D. Kirchner, Amicus Curiae

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Total			\$9.44
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9589 0710 5270 3072 2219 05			
Return Receipt			\$4.40
Tracking #:			
9590 9402 9884 5335 8956 16			
Total			\$13.84
Grand Total:			\$114.52
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☐ Adult Signature Restricted Delivery	\$0.00

Postage \$4.14

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**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

March 27, 2026

Joseph D. Kirchner
4440 Parklawn Avenue, #203
Edina, MN 55435

RE: Trump, et al. v. Washington, et al.; Trump, et al. v. Barbara, et al. (Nos. 25-364, 25-365)

Pro Se Amicus Brief in Support of Neither Party

Dear Mr. Kirchner:

The *amicus* brief in the above-entitled case was postmarked March 23, 2026 and received March 27, 2026 and is herewith returned for the following reason(s):

An *amicus curiae* brief may only be filed by an attorney admitted to practice before this Court as provided by Rule 5. See Rule 37.1 of the Rules of this Court. Only parties to a case may file *pro se* therefore motions for leave to file an *amicus curiae* brief *pro se* will not be filed. See Rule 9 of the Rules of this Court.

Sincerely,
Scott S. Harris, Clerk

By:



Kyle R. Ratliff
(202) 479-3029

Enclosures

No. No. 25-364

No. No. 25-365

IN THE
Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES,
ET AL.
Petitioners,

v.

STATE OF WASHINGTON, ET AL.; JASON BARBARA, ET AL.
Respondents.

On Writ of Certiorari to the
United States Court of Appeals

**BRIEF OF JOSEPH D. KIRCHNER AS AMICUS CURIAE
SUPPORTING NEITHER PARTY**

JOSEPH D. KIRCHNER
Counsel of Record

4440 Parklawn Avenue, #203
Edina, MN 55435
(612) 552-2122
legal@lawsofexistence.com

RECEIVED

MAR 27 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

The screenshot displays an email client interface with a dark theme. The left sidebar shows a list of accounts and folders. The main pane shows the inbox with several emails. The right pane shows the details of a selected email.

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- joseph@lawsofexistence.com**
 - Inbox: 71
 - Archive
 - Drafts: 11
 - Sent
 - Deleted Items: 1
 - Filling Docs
 - Law
 - Newsletter: 97
 - Notification
 - Receipts
 - Snoozed
 - Junk Email
 - Templates
 - Whistleblower
- legal@lawsofexistence.com**
 - Inbox**: 22
 - Archive
 - Drafts
 - Sent
 - Deleted Items: 5
 - canaries
 - Newsletter: 1
 - Notification
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Inbox:

- Perigold** (Ad)
 - Charging Station Base Color: Silver
 - Compatible with 6700-0002 Currey &...
- ecf-notice@mnd.uscourts.gov**
 - Activity in Case 0:26-cv-... Yesterday
 - This is an automatic e-mail message...
- ecf-notice@mnd.uscourts.gov**
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 - This is an automatic e-mail message...
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- No-Reply@Supremecourt.gov**
 - Correspondence from Th... Yesterday
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 - Draft** Reply y Move to A... Yesterday
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- legal@lawsofexistence.com**
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- This Week**
 - ecf-notice@mnd.uscourts.gov**
 - Activity in Case 0:26-cv-0... 3/26/26
 - This is an automatic e-mail message...
 - DCD_ECFNotice@dcd.uscour...**
 - Activity in Case 1:25-cv-02... 3/25/26
 - This is an automatic e-mail message...
 - DCD_ECFNotice@dcd.uscour...**
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 - This is an automatic e-mail message...
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 - Activity in Case 1:25-cv-02... 3/25/26
 - This is an automatic e-mail message...
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 - Kirchner v. Johnson, et al.,... 3/25/26
 - Dear Mr. Krichner, I am following up r...
 - DCD_ECFNotice@dcd.uscour...**
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 - Hoffman, Jason F.** (HJ)
 - Kirchner v. Johnson, et al.,... 3/23/26
 - Dear Mr. Kirchner, Please find enclos...
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From: legal@lawsofexistence.com

To: John Fioretta

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Importance: ...

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ÊW...('çilmw^Y)ÿëwZ+âö...çnyà(h^Æf)Ûh^ÆÊZËçèx...rDëozh
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Re: Reply y Move to Amend

🔍 ⏪ ⏩ ↺



legal@lawsofexistence.com <legal@lawsofexistence.com>

Tuesday, March 31, 2026 at 5:01 PM

To: [REDACTED]; Cc: "legal@lawsofexistence.com" ✓

Dear Mr. [REDACTED]

Thank you for taking the time to engage with the brief on the merits. I appreciate the candor.

You raise the strongest counterargument available: Kennedy's characterization of corporations as "associations of citizens." I want to engage honestly — if the reasoning holds, I should acknowledge that.

I don't believe it holds.

The phrase "associations of citizens" appears once in the majority opinion, in a dependent clause: "If the First Amendment has any force, it prohibits Congress from fining or jailing citizens, or associations of citizens, for simply engaging in political speech." 558 U.S. at 349. Kennedy does not define corporations as "associations of citizens." He makes a speech argument, not a personhood argument. He avoids saying corporations *are* persons; he says their speech *is* protected.

The passage you referenced — corporations contributing to "discussion, debate, and the dissemination of information and ideas" — is Kennedy quoting *Bellotti*, 435 U.S. at 783. But *Bellotti*'s holding is that treating speech with prejudice based on its source infringes upon freedom of speech shared by all. It does not grant the corporate speaker any right it didn't already have. It restrains the government from detracting from rights inherent to all. A rock band's speech is protected not because the rock band is a constitutional person, but because government cannot discriminate against speech based on who is speaking. The band gains no personhood. The speech retains its protection regardless of source. Kennedy converted this shield — don't penalize speech by source — into a sword: corporations possess First Amendment rights. *Bellotti* supports only the shield.

But even accepting Kennedy's framework on its own terms: a rock band is an association of citizens. So is a family. Neither has constitutional personhood. The personhood attaches at one specific moment — when a document is filed with the state. Same humans, same association, same speech activity. The only variable is the paperwork. Under Kennedy's reasoning, the Fourteenth Amendment — written to prevent states from determining who qualifies as a person — now grants personhood through state clerical action.

This creates an impossible choice: *either* contributing to discussion and debate triggers personhood for all associations — in which case every book club and neighborhood watch is a constitutional person — *or* something beyond speech activity distinguishes incorporated from unincorporated associations, and Kennedy never identified what that something is. The only candidate is the state charter, which inverts the Amendment.

I would note, with respect, that Move to Amend is itself an association of citizens — likely a nonprofit corporation. Under Kennedy's reasoning, MTA is a "person" whose speech rights are constitutionally protected. The framework MTA exists to dismantle is the framework under which MTA operates. This suggests the characterization is wrong, not settled.

You are right that the current Court would likely dodge this reasoning. That is a prediction about judicial behavior and probably correct. But the logic survives the dodge — it becomes another instance of the Court applying "persons" expansively for corporations while narrowly for humans, which is precisely what the brief documents.

The brief was filed March 19th with the booklets mailed March 22nd. Friday, March 27th, I received electronic notification of denial from the Supreme Court referencing my pro se status and Rule 37. I always understood that these efforts were an uphill battle. However, the cause was worth the effort no matter the outcome. Your engagement and "association of citizens" perspective provides invaluable insight that may lend to the next battle.

Thank you for your thoughtful response and decades of work on this issue.

Best regards,

Joseph Kirchner
legal@lawsofexistence.com
www.lawsofexistence.com

From: [REDACTED] >
Date: Friday, March 27, 2026 at 9:33 AM
To: legal@lawsofexistence.com <legal@lawsofexistence.com>
Subject: Reply y Move to Amend

Dear Joseph,

Thank you for providing Move to Amend with your brief and other filings. I'm a retired prosecutor and long-time member of MTA and its Law and Research Committee. Though I was not an appellate attorney and am not a constitutional law expert I have written a few briefs and dealt with corporate personhood issues for some years. I'm responding on behalf of the LRC.

Your writing is admirable as is the amount of work you did. We agree with some of your conclusions: the Supreme Court has never directly or fully addressed why corporations have rights, and that the headnote in the Santa Clara case was probably fraudulent, but even if not it never should have been cited as precedent especially for such an important change in the law.

However, we do not share your confidence that, per your brief, "If 'persons' can exclude human children, the same analytical framework necessarily applies to corporations."

In the *Citizens United* case Justice Kennedy's majority opinion described corporations as "associations of citizens." Section B1. (The online version I'm using didn't provide page numbers.) We disagree with this characterization as a blatant misstatement of black letter corporate law but we're stuck with it for now. So the present Court would likely respond to your argument by reasoning that a narrow construction of "person" in the 14th Amendment that excludes children born to illegal immigrants is not logically incompatible with finding corporations to be persons because corporations are really just "association of citizens."

Your argument highlights the hypocrisy in the Trump administration's position. However, elsewhere in the majority opinion the Court noted it wasn't deciding the foreign corporation issue. Section B4.

We appreciate your concern for the children who will be affected by the Barbara case. But MTA declines to sign your brief.

Sincerely,

[REDACTED]