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## CONSTITUTIONAL OBJECTION: Proposed Digital Payment Mandate (Privacy Violation)

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Thu, Feb 12, 2026 at 2:13 PM

To the City Council and the City Attorney,

FILING ON BEHALF OF: Old Republic of America Constitutional Audit Unit

Reporter: Robert Pitts

I. POSITION: STRONG OPPOSITION We formally oppose any ordinance requiring businesses to accept digital payments as a condition of licensure.

### II. CONSTITUTIONAL & STATUTORY DEFECTS

1. Privacy Violation (4th Amendment): Cash is the only form of payment that allows for a private transaction without generating a third-party data record. By mandating digital acceptance, the City is forcing consumers into a surveillance grid where every purchase is tracked, stored, and accessible to the government.
2. Warrantless Search: The proposal's provision allowing the City to audit digital transaction logs in "real-time" constitutes a warrantless search of private business records. The government cannot compel a business to create a digital paper trail solely for the purpose of easier tax enforcement.
3. Federal Preemption: Under 31 U.S.C. s 5103, United States coins and currency are legal tender for all debts, public charges, taxes, and dues. While private businesses may voluntarily choose their payment methods, a government mandate that effectively marginalizes cash users (the unbanked and privacy-conscious) is a violation of the spirit of federal coinage laws.

III. DEMAND FOR AMENDMENT We demand that any payment choice ordinance include a mandatory cash option protection, ensuring that no business is penalized for operating legally using U.S. currency, and that no digital transaction logs are accessed without a judicial warrant.

Please direct all correspondence to: [oroa1776@proton.me](mailto:oroa1776@proton.me)

Respectfully,

Robert Pitts

OROA Constitutional Audit Unit