

**TO:** The Honourable Solicitor General of the United States

**CC:** The Senate Committee on the Judiciary (Subcommittee on the Constitution) and as indicated

**FROM:** Gordon Wayne Watts

**SUBJECT:** NOTICE OF CONSTITUTIONAL DEFECT: 11 U.S.C. § 523(a)(8) & The "Uniformity Clause" (Art. I, § 8, cl. 4) — Citing *Siegel v. Fitzgerald* (2022)

Thursday, 04 February 2026

**Honourable Solicitors and Senators:**

I write to formally notice your offices of a structural constitutional defect in **11 U.S.C. § 523(a)(8)**. Under the Supreme Court's unanimous ruling in *Siegel v. Fitzgerald*, **596 U.S. 464 (2022)**, the current non-dischargeability of student loans violates the **Uniformity Clause (Art. I, § 8, cl. 4)**.

**1. The "Siegel" Standard: No Artificial Distinctions** – The Supreme Court has now held that the Uniformity Clause prohibits Congress from treating identical debtors differently based on **"artificial distinctions Congress itself created."** Currently, the Bankruptcy Code allows gamblers, credit card users, and corporations to discharge debt while denying the same "Fresh Start" to students. This distinction is not based on the nature of the debt (as credit card debt is also unsecured), but on an artificial *political* distinction designed to shield a specific creditor (the Department of Education). This is an arbitrary, non-uniform bifurcation that fails under *Siegel*.

**2. The Moral Hazard & Rational Basis Failure** – The purported "rational basis" for § 523(a)(8)—protecting the taxpayer—has failed. By removing the bankruptcy "check," Congress created **nearly \$1.8 trillion** in toxic, non-performing assets (that cannot be repaid), fueled tuition hyper-inflation (because loans are "risk-free" to lenders), and destabilized the U.S. dollar. A law that destroys fiscal stability—and may crash the U.S. Dollar—cannot be "uniform" or "rational": Ignoring this "Moral Hazard" poses a systemic risk to the National Power Grid and civil order due to fiscal insolvency from preventable overspending excesses. A statute that destroys the very economic stability the Bankruptcy Clause was intended to preserve cannot be "Uniform" or survive "Rational Basis" review.

**3. Necessary Remedy** – We demand the **Department of Justice** concede this unconstitutionality in pending litigation, or that **Congress** immediately pass corrective legislation to restore market discipline.

**Good bills include the following:**

H.R. 5899 (116th), Reps. Glenn Grothman (R-WI-06) and Ralph Norman's (R-SC-05) bill or S. 2598 (117th), Sens. John Cornyn (R-TX) and Josh Hawley's (R-MO) bill to restore the Uniformity required by the Constitution. Current session legislation, H.R. 423 (119th), Rep. Steve Cohen's bill, addresses private student debt; a weaker, but possibly effective bill, H.R. 4444 (119th), Rep. Lou Correa's bill is pending, too; all 4 bills should be considered.

The first 2 bills have more GOP sponsors than Democratic sponsors, and thus should be viewed as "safe" for Republican lawmakers to file, as they help discipline lenders and thereby **FORCE DOWN** irresponsible lending; Democrats have bankruptcy reinstatement in their platform, and thus should

support this legislation too. Lastly, BOTH parties should support THE CONSTITUTION'S **Art. I** uniformity clause to obey the law and return Constitutional sanity and Order.

<https://Congress.gov/bill/117th-congress/senate-bill/2598/cosponsors>

<https://Congress.gov/bill/116th-congress/house-bill/5899/cosponsors>

<https://Congress.gov/bill/119th-congress/house-bill/423> (Private loans, also, are affected should not be denied **Art. I, § 8, cl. 4** CONSTITUTIONAL bankruptcy uniformity)

<https://Congress.gov/bill/119th-congress/house-bill/4444> (Public loans addressed; not perfect solution, but is a good start)

The 3-step "Middleman Elimination Act by 'Gordon' in Florida" proposal (Google it), to restore market discipline and stop the fiscal bleeding, uses **Art. I** Uniformity as its ***Sine Qua Non*** first step. For further details, this proposal is posted at <https://GordonWatts.com> or <https://GordonWayneWatts.com> and background information is available at <https://ContractWithamerica2.com>

Restoring the "Uniformity" of the Bankruptcy Code is not merely a policy preference; it is a **Constitutional** mandate required to return market discipline to higher education (i.e., "discipline lenders"), make lobbyists back off lawmakers, and stop the fiscal "bleeding" of the American taxpayer—and potentially a crash of America's dollar, our fragile power grid, and our civil order versus civil chaos from an economic and grid collapse.

Failure to restore **Art. I** Uniformity to student debt will perpetuate the fiscal insolvency threatening our national power grid and civil order. **Time is of the essence; the structural instability of this nearly \$1.8 Trillion bubble represents a clear and present danger to our national security and the long-term integrity of the U.S. Dollar.**

***Note on Professional Standing & Credibility:*** This notice is not issued lightly. My constitutional advocacy has been recognized in high-stakes litigation, notably in the Terri Schiavo matter: *In Re: Gordon Wayne Watts (as next friend of Theresa Marie 'Terri' Schiavo), Fla. Sup. Ct. No. SC03-2420 (2005)*. In that instance, my petition performed as a lone pro se litigant with more procedural success than the then-Governor of Florida. I bring that same constitutional rigor and persistence to this notice of structural defect in the Bankruptcy Code. Additionally, I was the only pro se amicus litigant granted leave by the U.S. 11th Circuit Court of Appeals to file in the consolidated Florida gay marriage cases (*Brenner v. Armstrong*, Nos. 14-14061 & 14-14066), demonstrating a mastery of federal appellate procedure recognized by the Court.

**PROOF:** All other attempts to fulfill spending cuts (including excessive and bloated taxpayer-funded student loan originations spending), elimination of middlemen (both the higher education lending middleman and healthcare insurance middlemen), or abolition of Dept of Ed, and also affordable care/college—or needed expenditures to upgrade/secure America's fragile power, Internet, and Telecommunications Grid—have **FAILED** thus far, so try this to avert disaster.

***Please find attached/linked an instructive Press Release on a selected piece of student loan bankruptcy legislation that outlines the ability of Art. I Bankruptcy Uniformity to discipline lenders and restore constitutional order to the economy. LINKS:***

**\*\* <https://Grothman.House.gov/news/documentsingle.aspx?DocumentID=2398>**

**\*\* <https://Archive.ph/qSnfc>**

\*[https://Web.Archive.org/web/20230320041556/https://ContractWithAmerica2.com/GrothmanPressRelease-HR4563\\_117th.pdf](https://Web.Archive.org/web/20230320041556/https://ContractWithAmerica2.com/GrothmanPressRelease-HR4563_117th.pdf)

\*\* [https://ContractWithAmerica2.com/GrothmanPressRelease-HR4563\\_117th.pdf](https://ContractWithAmerica2.com/GrothmanPressRelease-HR4563_117th.pdf)

\*<https://Web.Archive.org/web/20221208195226/https://grothman.house.gov/news/documentsingle.aspx?DocumentID=2398>

—as well as a 'clean' PDF print of the Notice of Constitutional Defect regarding the non-uniformity of 11 U.S.C. § 523(a)(8), served upon the Solicitor General and relevant Committee.

Respectfully,

Gordon Wayne Watts

Editor-in-Chief, *The Register*

[www.GordonWayneWatts.com](http://www.GordonWayneWatts.com) / [www.GordonWatts.com](http://www.GordonWatts.com)

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### Legal Credentials:

- **Lead pro se litigant** in *In Re: Gordon Wayne Watts (as next friend of Theresa Marie 'Terri' Schiavo)*, Fla. Sup. Ct. No. SC03-2420 (2005), securing 4-3 denial on rehearing—outperforming Gov. Jeb Bush (7-0 loss in SC04-925) in the 3rd-largest pro-life case since *Roe v. Wade*. My petition was one of a select few 'Next Friend' filings accepted for full review during the crisis.
- **Amicus Curiae** in *Brenner v. Armstrong*, 2015, 11th U.S. Circuit Court of Appeals, consolidated appeal, Nos. 14-14061 & 14-14066, challenging Florida's same-sex marriage bans. I was the **only pro se litigant granted leave** by the Court to file an amended *amicus* brief (Order dated 01/06/2015), demonstrating a recognized mastery of Federal Appellate Procedure.
- Full docket: <https://gordonwatts.com/DOCKET-GayMarriageCase.html> or <https://gordonwaynewatts.com/DOCKET-GayMarriageCase.html>

### Citations:

[1] *In Re: GORDON WAYNE WATTS (as next friend of THERESA MARIE 'TERRI' SCHIAVO)*, No. SC03-2420 (Fla. Feb.23, 2005), denied 4-3 on rehearing. (Watts got 42.7% of his panel)

<https://Web.Archive.org/web/20190207185410/https://www.floridasupremecourt.org/content/download/362481/3162079/03-2420reh.pdf>

\*\* <https://Archive.ph/ZKZUY>

<https://Web.Archive.org/web/20100910111551/http://www.floridasupremecourt.org:80/clerk/dispositions/2005/2/03-2420reh.pdf>

\*\* <https://ContractWithAmerica2.com/03-2420reh.pdf>

\*\* <https://Archive.ph/WjIsY>

\*\* <https://Web.Archive.org/web/20260204092845/https://ContractWithAmerica2.com/03-2420reh.pdf>

[2] *In Re: JEB BUSH, GOVERNOR OF FLORIDA, ET AL. v. MICHAEL SCHIAVO, GUARDIAN: THERESA SCHIAVO*, No. SC04-925 (Fla. Oct.21, 2004), denied 7-0 on rehearing. (Bush got 0.0% of his panel before the same court)

\*\* <https://FLCourts-media.flcourts.gov/content/download/362481/3162079/04-925reh.pdf>

<https://Web.Archive.org/web/20100910110835/http://www.floridasupremecourt.org:80/clerk/dispositions/2004/10/04-925reh.pdf>

\*\* <https://Archive.vn/p8ggf>

<https://Web.Archive.org/web/20100910110835/http://www.floridasupremecourt.org:80/clerk/dispositions/2004/10/04-925reh.pdf>

\*\* <https://ContractWithAmerica2.com/04-925reh.pdf>  
\*\* <https://Archive.ph/hG6qg>  
\*\* <https://Web.Archive.org/web/20260204094025/https://contractwithamerica2.com/04-925reh.pdf>

[3] *Schiavo ex rel. Schindler v. Schiavo ex rel. Schiavo*, 403 F.3d 1223, 2005 WL 648897 (11th Cir. Mar.23, 2005), denied 2-1 on appeal. (Terri Schiavo's own blood family only got 33.3% of their panel on the Federal Appeals level)

\*\* <https://Media.CA11.uscourts.gov/opinions/pub/files/200511556.pdf>  
<https://Web.Archive.org/web/20141219133738/https://Media.CA11.uscourts.gov/opinions/pub/files/200511556.pdf>  
\*\* <https://ContractWithAmerica2.com/200511556.pdf>  
<https://Web.Archive.org/web/20260103095621/https://Media.CA11.uscourts.gov/opinions/pub/files/200511556.pdf>

**[4] Consolidated Appeals Docket: 11th U.S. Circuit Court of Appeals:**

\*\* Case #: 14-14061 (James Brenner, et al v. John Armstrong, et al) Appeal From: N.D. of Fla. before Robert L. Hinkle, U.S. Dist. Judge: 4:14-cv-00107-RH-CAS

\*\* Case #: 14-14066 (Sloan Grimsley, et al v. John Armstrong, et al) Appeal From: N.D. of Fla. before Robert L. Hinkle, U.S. Dist. Judge: 4:14-cv-00138-RH-CAS

((1)) "ORDER: Motion for Leave to File Out of Time filed by Not Party Anthony Citro is DENIED. [7355890-2]; Motion for leave to file amicus brief filed by Not Party Anthony Citro is DENIED. [7343975-2]; Motion for Leave to File Out of Time amended amicus brief filed by Amicus Curiae Gordon Wayne Watts is GRANTED. [7348496-2] BBM [14-14061, 14-14066]," by Hon. Beverly B. Martin, UNITED STATES CIRCUIT JUDGE, Entered 01/06/2015:

\*\* Amicus Curiae, GORDON WAYNE WATTS

\*\* Represented By: Gordon Wayne Watts

\*\* Brenner v. Armstrong, No. 14-14061 and 14-14066

\*\* (U.S. Eleventh Circuit, Sep. 19, 2014)

\*\* [https://www.PacerMonitor.com/public/case/10403199/Sloan\\_Grimsley\\_et\\_al\\_v\\_John\\_Armstrong\\_et\\_al](https://www.PacerMonitor.com/public/case/10403199/Sloan_Grimsley_et_al_v_John_Armstrong_et_al)  
[https://Web.Archive.org/web/20260204103227/https://www.pacermonitor.com/public/case/10403199/Sloan\\_Grimsley%2C\\_et\\_al\\_v\\_John\\_Armstrong%2C\\_et\\_al](https://Web.Archive.org/web/20260204103227/https://www.pacermonitor.com/public/case/10403199/Sloan_Grimsley%2C_et_al_v_John_Armstrong%2C_et_al)

\*\* <https://Archive.ph/txmnY> AND: <https://Archive.vn/TKnsW> AND: <https://Archive.vn/5YKAc>

Full Docket:

\*\* <https://GordonWatts.com/DOCKET-GayMarriageCase.html>

or

\*\* <https://GordonWayneWatts.com/DOCKET-GayMarriageCase.html>

\*\* <https://Web.Archive.org/web/20181121192659/https://GordonWatts.com/DOCKET-GayMarriageCase.html>

**[5] Key point:** The undersigned has legal credentials as proven by fire to ensure the reader that his/her time will not be wasted in reading the analyses herein.

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF CONSTITUTIONAL DEFECT was furnished via U.S. Mail and/or Electronic Correspondence on this **4th day of February, 2026**, to the following officers of the United States:

THE OFFICE OF THE SOLICITOR GENERAL

**Hon. D. John Sauer, Solicitor General**

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**U.S. SENATE COMMITTEE ON THE JUDICIARY**

**Hon. Chuck Grassley, Chairman (R-IA)**

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**U.S. SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, & PENSIONS (HELP)**

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