# What's in the Use of the Name in America's Justice System

By Kevin…Hart

NOTICE: Kevin will buy lunch for the first person that can find an "error" in the following interpretations of the law...

THE FOLLOWING IS AN EXCERPT FROM A LETTER THAT KEVIN RECENTLY WROTE TO ONE OF HIS FRIENDS -- ABOUT THE LAW -- AND ABOUT FREEDOM...

> "In your note, you asked me if there were any "tips" or "suggestions" that I could give you regarding the purchase of your property.
>
> Yes... in my opinion, there are a few VERY IMPORTANT things that you might want to keep in mind. Unfortunately, these things are sort of difficult to explain.
>
> In fact, they might sound bizarre until you confirm them via your own research.
>
> If you promise to be patient with me, I will try to give you the essence of the primary concepts -- as follows:

#1) USING YOUR "true and proper name"

It might be extremely advantageous for you to purchase and register your property in your "true and proper name."

It appears that your government will always try to register your property through the use of your name written in "all upper-case letters" -- in the following way: "ALBERT J. JOHNSON" [which creates a "legal fiction"] instead of using your "true and Proper" name [which must be written in both "upper and lower case" letters] -- as follows: "Albert J. Johnson".

I will buy lunch for the first person that can register the purchase of his property (at either the County or State level) using his "true and proper" name -- instead of in the "legal fiction" [look it up in "Black's Law Dictionary"] name that is written using only "upper case" letters.

In fact, I will buy lunch for the first person who can get the American government (at any level) to enter into ANY contract with him through the use of his "true and Proper name."

For example, the following documents that you accepted from your government are all "contracts" (Driver's License, Social Security Card, Voter's Registration Card, Credit Cards, motor vehicle title, motor vehicle registration, Summons and Complaints, the registration of your real estate for taxation, etc.).

Not surprisingly, your name on all of the above-mentioned contracts has been "converted" into a "legal fiction."

Even your bank account is not in your "true and proper" name. Instead, it is in the name of a "legal fiction" that is created when your name is written using all upper-case letters. This is shown by an experiment that you can do regarding your own personal checking account -- as follows:

> Use a powerful magnifying glass (at least 8 power, as per a jeweler's loop) to examine the "signature line" on one of your personal checks. You will find that it is not a solid line at all. Instead, it consists of "words" that are deceptively written so small that you can't read them with your naked eye. The words that you will find "intentionally hidden" in this signature line involves the fact that your bank account is not in your "true and Proper name" at all.
>
> Instead, your bank account is in the name of the "legal fiction" -- and therefore, "authorization" becomes an important issue as far as the bank is concerned.

Do you know what it means when you accept the "misuse" (it is not a mere "miss-spelling") of your name written in all capital letters???

Because the above-described "legal fiction" is a "creation of government," it appears that the following "Maxim of Law" applies:

> "<u>The government has the right to 'absolutely control' [e.g. disregarding the Constitution] anything that it creates</u>."

Have you ever wondered how the bureaucrats obtained jurisdiction over you regarding such things as how big the front door of your home must be -- if the door opens "in" or "out" -- the color and/or height of your fence – where your children go to school -- how often you must mow your lawn (in some areas this is an important bureaucratic issue) -- etc.??

In my opinion, if you read the paragraphs contained below, you will be "<u>on the way</u>" to knowing how they did it...

I have a lot more information on these topics if you are interested in knowing more about the "law" – or if you are interested in using the law to obtain a greater amount of freedom from the bureaucrats.

If you are concerned about protecting your freedom in America, then I strongly recommend that you purchase an unabridged copy of "Black's Law Dictionary."

I would begin by looking up such things as:

1. Color of Authority
2. Color of Law
3. Color of Office
4. Legal fiction -- fiction of law -- etc.
5. Straw-man (in fact, I would do a lot of research this one)
6. Good faith/bad faith
7. Legal (e.g. in accordance with a legal "system")
8. Lawful (e.g. in accordance with our "Constitution"

**#3) USING THE LAW TO PROTECT YOUR FREEDOM**

**Suppose that the following statements are true:**

**1. That your "true and proper" name MUST always be written in accordance with the normal rules of English grammar -- using upper and lower case letters, as follows: John Henry Doe.**

Note: Genealogists have stated that it is also acceptable for a "colon" to be used between the given names and the family name, as follows; John Henry: Doe.

**Note: Genealogists have also stated that "common usage" allows for a name to be correctly (but not nearly as definitively) written as follows: John H. Doe – J. H. Doe – J. Doe -- Doe, John Henry – Doe, John H. – Doe, J. H. – Doe, J – etc.**

**2. That the legal meaning of your name changes when it is written using all upper-case (capital) letters, as follows: JOHN HENRY DOE.**

3. That when your name is written in all upper-case (capital) letters, it means that you are either "civilly dead" -- and/or a "corporation" – and/or a "fiction" – and/or a "legal fiction" -- and/or a "fiction of law" – and/or a "fictitious entity" – and/or an "artificial entity" -- and/or a "creation of government," etc. [If you are not familiar with these terms, it is highly recommended that you do some research about them -- perhaps starting with "Black's Law Dictionary."]

4. That on every "contract" the government has with you, it always intentionally writes your name using all upper-case letters -- as follows; JOHN HENRY DOE -- JOHN H. DOE -- J. H. DOE -- DOE, JOHN HENRY -- DOE, JOHN H. – DOE, J. H.; AND therefore the government intentionally changes the nature (and therefore the meaning) of your name.

**5. That in America it is not possible for you to purchase "real" property (i.e. a home) and then "record" said purchase with any county, and/or state, using your "true and proper" name; AND that the government will always insist upon writing your name using all "upper-case" letters; AND that this misuse of your name converts your name (and "you") into a "fiction" that the government created; AND this gives the government absolute "control" and/or "jurisdiction" over <u>you</u> and your <u>property</u> (without the benefit of Constitutional rights).**

**6. That in America it is not possible for you to purchase a motor vehicle and register it in your true and Proper name.**

**7. That it is <u>NOT</u> possible for you to open a bank account, or obtain a credit card in your true and Proper name.**

**8. That it is not possible for you to get <u>ANY</u> government contract (license, permit, etc.) that bears your true and Proper name.**

**9. That you will never be presented with an Arrest Warrant, or a Search Warrant, that bears your true and Proper name.**

**10. That you will never be served with a Notice, or a Summons and Complaint, or any other "offer to contract" [all such documents are "offers to contract"], that bears your "true and Proper name."**

**11. That it is not possible for you to give birth to a child in America and "register it" via a so-called Birth Certificate that bears your child's true and Proper name; AND therefore all children born in America are considered to be "wards of the state." [If you do not believe this, then please prove it to your own satisfaction by asking any attorney that specializes in "divorce law."]**

**12. That the government (including the courts), does not have "standing at law" to use your true and Proper name (as defined in paragraph #1, above) on any document that constitutes a "contract" with you.**

**13. That an attorney can NOT represent you in court by using your true and Proper name; AND that attorneys (including prosecutors, judges, etc.) therefore always intentionally "misuse" your name on legal documents (i.e. Summons and Complaints, Search Warrants, lawsuits, etc.) by writing your name using all upper-case letters; AND that they intentionally misuse your name without advising you of their reasons for doing so; AND that they do this without first obtaining your consent; AND that their systematic failure to make a full disclosure regarding said misuse of your name appears to constitute "constructive fraud."**

**14. That the government intentionally "defrauds" you (see "Constructive Fraud" in <u>Black's Law Dictionary</u>) whenever it writes your name using all capital letters; AND**

**that if you question the government's fraudulent misuse of your name, the government will respond by using "threats, duress, and coercion" to make you accept the fraud (i.e. try registering a motor vehicle in your true and Proper name, and see what happens); AND that if you accept the government's misuse of your name (by failing to object), then the misuse "converts" you (via your "all capital letter name") into being a mere "*creation of government*".**

15. That the government has the authority to "own," and/or "control," and/or "have jurisdiction over" *anything it creates* – including the fictitious identity that it creates by writing your name using all capital letters.

**16. That unless you "object in a proper manner" to the government's intentional "misuse" (it would be a tactical mistake to refer to it as a mere "misspelling") of your name, then the government assumes that you "accept" such a misuse; AND your "acceptance" (via your failure to object) thereby grants the government jurisdiction over you. [A maxim of law is; "Failure to object is fatal to your cause at law."]**

**17. That your government did not make a "full disclosure of the facts" when it asked (threatened? demanded? coerced?) you into becoming a party to any of the above-mentioned contracts; AND that the government therefore committed "constructive fraud" by purposefully and systematically failing to make a full disclosure regarding such contracts; AND that the government "conspired" to commit such constructive fraud (a "conspiracy" of this kind might constitute a "felony" under the R.I.C.O. Act); AND that the government may have used the U.S. Mail System to mail such documents to you (which might involve "mail fraud"); AND that there might have been "second" conspiracy" (involving the mail fraud) which might involve a "second" felony under the R.I.C.O. Act. [How many "felonies" might we be talking about here???]**

18. That your government [including the judges that are on its payroll, and that are beneficiaries of the special "retirement program" for judges -- you would be amazed if you did some research on this], intentionally and systematically uses the above-mentioned deception as a "tool" to obtain jurisdiction over you – to control you -- and to convert your "rights" into "privileges."

19. That your government (backed by judges that are on the government's payroll) converts your "rights" into "privileges" primarily in order to generate income for itself -- as a "*for- profit* " business which is allegedly incorporated.

> **NOTE: Please see the questions listed at the end of this memo regarding the fact that our government is not lawfully incorporated.**

**20. That because there is no statute of limitations regarding constructive fraud, it would mean that all of the contracts that the government "alleges" to have with you (including "adhesion contracts) are not valid; AND that this would mean the**

**government failed in its attempt to contractually control you and/or convert your "rights" to "privileges.".**

21. That to clarify the point made directly above, the government does not have any valid contracts with you (including "adhesion contracts") – because your "true and Proper name" does not appear anywhere on such contracts.

**22, That any government employee who breaks the law in conjunction with his employment does so in his own private capacity and therefore he loses his immunity from suits at law.**

**23. That regarding the paragraph directly above, the following factors (which you should immediately look up on Black's Law Dictionary) might be involved:**

**#1) Color of Authority**
**#2) Color of Law**
**#3) Color of Office**

**24. That it is against the law for us to accept any mail that is not addressed to us using out true and Proper names, and our true and proper mailing location; AND that any mail that is delivered to us using "other" names and/or mailing locations must be "returned for cause, without dishonor" with an Affidavit: such as the following:**

Affidavit to be added later...

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#4) QUESTIONS REGARDING THE ABOVE ISSUES:

**1. What would happen if we refused to accept [using the legal phrase, "*refused for cause without dishonor*"] any of our government's offers to contract with us, based upon the fact that our "true and Proper name does not appear on the contract?**

**2. What would happen if we took the position that all previous contracts that we entered into with our government are null and void because our true and Proper names do not appear on them – and because the government was guilty of committing constructive fraud against us regarding such contracts?**

**4. What would happen if we put the government "on notice" (with a supporting Affidavit) that it must stop misusing our names?**

**5. What would happen if we put the government on notice (with a supporting Affidavit) that it must correct all of its records regarding its previous misuse of our names?**

**6. What would happen if we were prevented by law from accepting any mail that was sent to us in "other" than our true and Proper names?**

**Regarding the "mail" issue, please note the following:**

> United States Code Title 18 Sec. 1342 (quoted in part): Anyone who, "for the purpose of conducting, promoting or carrying on by means of the Postal Service, any scheme or device mentioned in section 1341 of this title or any other unlawful business, uses or assumes, or requests to be addressed by any fictitious false or assumed title, name or address, or name other than his own Proper name or takes or receives from any post office or authorized depository of mail matter, any letter, postal card, package or other mail matter addressed to any such fictitious, false or assumed title, name or address or name other than his own Proper name shall be fined under this title or imprisoned not more than five years, or both."

**7. What would happen if we were to immediately return (unopened) any and all mail that does not bear our true and Proper name; AND if we were to send a cover letter (with "their" letter that we return) explaining that their letter is being returned "for cause, and without dishonor" because of the above-mentioned United States Code Title 18 Sec 1342?**

**9. What would happen if a so-called "official" (corporate officer???) of our government attempted to make a "claim" against you by improperly writing your name in all capital letters on said claim, Summons and Complaint, etc. -- and if you therefore returned said claim "for cause and without dishonor" based upon the fact that your true and Proper name does not appear on it?**

10. What would happen if the government made a claim against you "for which relief could not be granted" (look up the phrase) because any such "relief" (look it up) would wrongfully force you into the untenable position of having to "misuse" your true and Proper name?

**11. What would happen if the above-mentioned issues would eliminate the government's, and/or the court's, alleged "jurisdiction" over you except under Common Law (as guaranteed by the Constitution)???**

**12. What would happen if we responded to any of the government's "offer to contract" by putting the government on Notice – accompanied by the following Affidavit:**

Affidavit to be added later...

#5) HOW YOU LOST YOUR CONSTITUTIONAL RIGHTS

[Remember... Kevin will buy lunch for the first person that can find a mistake in the following interpretations of the law.]

**The "Common Law" system that was guaranteed to us by the Constitution has been replaced by a "Commercial Law" system, wherein we have no Constitutional rights.**

**Our government forced this new system upon us by unlawfully changing our monetary system, thereby making us use unlawful (unconstitutional) Negotiable Instruments called "Federal Reserve Notes" to discharge our debts with limited liability instead of paying our debts at Common Law, with Constitutionally mandated gold or silver coin.**

**In other words, the "Common Law" system upon which our nation was founded has been replaced and/or changed by the present "Commercial Law" system.**

**The following paragraphs will explain how our government used Federal Reserve Notes to convert us from being sovereigns "over" government, to being subjects "under" government.**

**Our government's change from using "Public Law" (Common Law) to using "Private Commercial Law" was recognized by the Supreme Court of the United States in the Erie Railroad vs. Thompkins case of 1938, after which case, in the same year, the procedures of Law were officially blended with the procedures of Equity.**

> **Prior to 1938, all U.S. Supreme Court decisions were based upon public law (which is controlled by Constitutional limitations).**
>
> However, since 1938 all U.S. Supreme Court decisions are based upon what is termed public policy (where no Constitutional protection is afforded).

**Public policy concerns commercial transactions made under the Negotiable Instruments Law, which is a branch of the international Law Merchant. This has been codified into what is now known as the Uniform Commercial Code, which system of law was made uniform throughout the fifty States through the cunning deception of the Congress of the united States (which "united States" has its origin in Article I, Section 8, Clause 17 of the constitution as distinguished from the "United States", which is the Union of the fifty States).**

**When Congress gave grants of negotiable paper (Federal Reserve Notes) to the fifty States of the Union -- for education, highways, health and other purposes -- Congress bound all the States of the Union into a commercial agreement with the Federal United States (as distinguished from the continental United States).**

**When the fifty corporate States accepted the "benefits" offered by the Federal United States, their acceptance became the "consideration" of a commercial agreement between said States and the Federal United States.**

**Through the above-mentioned acceptance of benefits, the corporate States became obligated to obey the Congress of the Federal United States; AND the corporate States also became obligated to assume their portion of the equitable debts of the Federal United States to the international banking houses, for the credit loaned.**

**The credit, which each State received, in the form of federal grants, was predicated upon equitable paper.**

**This system of negotiable paper binds all corporate entities of government together in a vast system of commercial agreements, which is what has altered our court system from being under the Common Law to being under a Legislative Article I court, or Tribunal system of Commercial Law.**

**Any person who is brought before this "new" type of court is held to the letter of every statute of government on the federal, state, county, or municipal levels unless they have exercised the REMEDY provided for them within the system of Commercial Law.**

> **The remedy is as follows: When a person is forced to use a so-called "benefit" from government, they may reserve their former right (under the Common Law Guarantee of said right), not to be bound by any contract, or commercial agreement, that they did not enter into knowingly, voluntarily, and intentionally.**

**This is exactly how the corporate entities of state, county, and municipal governments got entangled with the Legislative Democracy, created by Article I, Section 8, Clause 17 of the Constitution, and called here The Federal United States, to distinguish it from the Continental united States, whose origin was in the Union of the Sovereign States.**

> Our national Congress now rules the continental united States (pursuant to Constitutional limits upon its authority), while it ALSO enjoys exclusive rule (with no Constitutional limitation), as it legislates for the Federal United States (in spite of the fact that most of us do not reside, work, or have income from any territory that is subject to the direct jurisdiction of the Federal United States (e.g. Washington D.C., federal forts, etc.

**With the above information we may ask:**

> **1) "How did we, the free Preamble citizenry of the Sovereign States, lose our guaranteed unalienable rights and be forced into acceptance of the equitable debt obligations of the Federal United States, and thereby become subject to that entity of government?"**

**2) "How did we become divorced from our own respective sovereign State (e.g. California, etc.) in the Republic -- which we will call here the Continental United States?"**

**These above questions have troubled sincere, patriotic Americans for many years. Our lack of knowledge concerning the cunning of our politicians (and the legal profession) is the cause of that divorce.**

**However, when we learn the truth concerning this web of deceit, we can restore our former status as free Preamble citizen of the Republic.**

**The answer is as follows:**

Our national Congress works for two nations that are foreign to each other. Through the use of legal cunning (with the obvious intent to deceive) both of these nations are called The United States.

**1) One is the Union of Sovereign states, under the Constitution, termed in this article the Continental United States.**

**2) The other is a Legislative Democracy which has its origin in Article I, section 8, Clause 17 of the Constitution here termed Federal United States.**

**Very few people ask themselves "Which nation was congress working for when it passed this or that so-called law?"**

**Almost no one asks, "Does this particular law apply to the Continental citizenry of the Republic, or does this particular law apply only to residents of the District of Columbia and other named enclaves, or territories, of the Democracy called the Federal United States?"**

**Since the uninformed citizenry of the Republic seldom asks these questions, it was an open invitation for our political leadership to seek more power and authority over the entire citizenry of the Republic through the medium of "legalese" -- and by failing to make a "full disclosure." [Failure to make a "full disclosure" in contractual matters constitutes "constructive fraud":]**

**For example, Congress deliberately failed in its duty to provide a "lawful" (Constitutional) medium of exchange for the citizenry of the Republic. Instead, it created an abundance of commercial credit money (Federal Reserve Notes – which are unconstitutional) for the Legislative Democracy, where it was not bound by constitutional limitations.**

**Using the excuse of "an emergency situation," and a "depression" in the Republic, Congress used its emergency authority to remove the remaining substance (gold and silver) from the medium of exchange belonging to the Republic, and made the negotiable instrument paper (Federal Reserve Notes) of the Legislative Democracy (Federal United States) a legal tender for continental United States citizenry to use in the discharge of debts.**

**In other words, Congress granted the entire citizenry of the two nations the "benefit" of limited liability in the discharge of all debts by telling the citizenry that the gold and silver coins of the Republic were no longer needed to pay their debts, that they were now "privileged" to discharge debt with this more "convenient" currency, issued by the Federal United States.**

**Americans were all forced to turn in their gold. The entire news media complex (through lack of understanding and perception) went along with the scam and declared it to be a forward step for our democracy -- no longer referring to America as a Republic.**

**From that time on, it was a falling light for the Republic of 1776, and a rising light for Franklin Roosevelt's New Deal Democracy. The New Deal created an abundance of so-called "paper money" in the form of interest bearing negotiable instrument paper called Federal Reserve Notes, and other forms of credit instruments.**

All contracts since Roosevelt's time have the colorable [look up this word in Black's Law Dictionary] consideration of Federal Reserve Notes, instead of genuine consideration of silver and gold coin. Therefore, all contracts are now colorable contracts, and not genuine contacts.

> **According to Black's Law Dictionary (1990), colorable means: "That which is in appearance only, and not in reality, what it purports to be, hence counterfeit, feigned, having the appearance of truth."]**

**Consequently, a new colorable jurisdiction, called a statutory jurisdiction, had to be created to enforce the contracts.**

**Soon the term colorable contract was changed to the term commercial agreement to fit circumstances of the new statutory jurisdiction, which is legislative, rather than judicial, in nature.**

> This jurisdiction enforces commercial agreements is based upon implied consent to the enforcement -- rather than being based upon full knowledge (as per enforcement of contracts under the Common Law).

NOTICE: All of our courts today sit as legislative Tribunals, and the so-called "statutes" of legislative bodies being enforced in these legislative Tribunals are not "statutes" passed by the legislatives branch of our three-branch Republic, but as "commercial

obligations" to the Federal United States for anyone in the Federal United States or in the Continental United States who has used the equitable currency of the Federal United states and who has accepted the "benefit", "privilege", of discharging his debts with the limited liability "benefit" offered to him by the Federal United States... EXCEPT those who availed themselves of the remedy within the commercial system of law, which remedy is today found in Book 1 of the Uniform Commercial Code at Section 207.

When written above one's signature, the words "WITHOUT PREJUDICE U.C.C. 1-207" are sufficient to indicate to the magistrate of any of our present Legislative Tribunals (called "courts") that the signer of the document has reserved his Common Law right to not be bound to the statute, or commercial obligation, of any commercial agreement that he did not enter knowingly, voluntarily, and intentionally.

**Furthermore, pursuant to U.C.C. 1-103, the statute, being enforced as a commercial obligation of a commercial agreement, must now be construed in harmony with the Common Law of America, where the tribunal/court must rule that the statute does not apply to the individual who is wise enough and informed enough to exercise the remedy.**

**Thus, an individual can retain his former status in the Republic and fully enjoy the unalienable rights that are guaranteed to him by the Constitution of the Republic -- while those about him "curse the darkness" of the Commercial Law government, and lack the knowledge that is needed to free themselves from their slave status under the Federal United States.**

#6) NOTES REGARDING THE UNIFORM COMMERCIAL CODE (UCC)

**U.C.C. 1-207:3 Sufficiency of reservation. Any expression indicating any intention to preserve rights is sufficient, such as "without prejudice", "under protest", "under reservation", or "with reservation of all our rights."**

**The Code states an "explicit" reservation must be made. "Explicit" undoubtedly is used in place of "express" to indicate that the reservation must not only be "express" but it must also be "clear" that such a reservation was intended.**

**The term "explicit" as used in U.C.C. 1-207 means "that which is so clearly stated or distinctly set forth that there is no doubt as to its meaning."**

U.C.C. 1-207:7 Effect of reservation of rights. The making of a valid reservation of rights preserves whatever rights the person then possesses and prevents the loss of such right by application of concepts of waiver or estoppel...

U.C.C. 1-207:9 Failure to make reservation. When a waivable right or claim is involved, the failure to make a reservation thereof causes a loss of the right and bars its assertion at a later date...

[Does the failure to make reservation "really" cause a loss of the right (and bar its assertion at a later date) if "Constructive Fraud" was involved; AND if the fraud was just now discovered; AND if the fraud was committed by the government when it failed to make a full disclosure to you regarding its use of a legal fiction; AND if the government failed to disclose the importance is said use ??? Personally, I do not think so. Isn't it true that there is no "statute of limitations" regarding Constructive Fraud ???]

**U.C.C. 1-203:6 Common law. The Code is "Complimentary" to the common law, which remains in force except where displaced by the code...**

A statute should be construed in harmony with the common law unless there is a clear legislative intent to abrogate the common law..."The Code cannot be read to preclude a Common law action."

**Example:**

**"My use of 'Without Prejudice UCC 1-207' above my signature on this document indicates that I have exercised the 'Remedy' provided for me in the Uniform Commercial Code in Book 1 at Section 207, whereby I may reserve my Common law right not to be compelled to perform under any contract, or agreement, that I have not entered into knowingly, voluntarily, and intentionally; And, that my reservation serves notice upon all administrative agencies of government - national, state and local - that I do not, and will not, accept the liability associated with the 'compelled' benefit of any unrevealed commercial agreement."**

#7) NAMES IN ALL UPPER-CASE LETTERS (CONTINUED)

**Juristic Names Presume Government Employment-Agency**

**In the instant case, and in all litigation observed by the defendant in this and other cases, cases have been originally styled, or attorneys, the court clerk, and judicial officers have converted originals to, juristic, trade, or commercial names rather than using proper names of the parties. For example, the living moral being John Doe will be identified as the juristic JOHN DOE. In the instant case, John Doe has consistently been misidentified as JOHN DOE or some variation thereof. The requirement of proper names, and the mandate for correction when proper names are provided, is set out clearly and simply relating to civil (sic) and criminal prosecution at Virginia Code § 8.01-6:**

**- --cite--**

**§ 8.01-6 Amending pleading; relation back to original pleading A misnomer in any pleading may, on the motion of any party, and on affidavit of the right name, be amended by inserting the right name. An amendment changing the party against**

**whom a claim is asserted, whether to correct a misnomer or otherwise, relates back to the date of the original pleading if (i) the claim asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth in the original pleading and (ii) within the limitations period for commencing the action against the party to be brought in by the amendment, that party received such notice of the institution of the action that he will not be prejudiced in maintaining a defense on the merits and he knew or should have known that but for a mistake concerning the identity of the proper party, the action would have been brought against him.**
**- --end--**

**In general, it is necessary to properly identify parties to actions or judgments are void, as treated in Volume 46, American Jurisprudence 2d, "Judgments":**

**- --cite--**
**§ 100 Parties [46 Am Jur 2d JUDGMENTS]**
**A judgment should identify the parties for and against whom it is rendered, with such certainty that it may be readily enforced, and a judgment which does not do so may be regarded as void for uncertainty. Such identification may be achieved by naming the persons for and against whom the judgment is rendered. Technical deficiencies in the naming of the persons for and against whom judgment is rendered can be corrected if the parties are not prejudiced. A reference in a judgment to a party plainly liable, followed by an omission of that party's name from the language of the decree, at least gives rise to an ambiguity and calling for an inquiry into the court's real intention as reflected in the entire record and surrounding circumstances. [Footnote numbers omitted; cites not reproduced]**
**- --end--**

**The matter of proper names, spelled with capital first letters only, has repeatedly been addressed to counsel for the defendant named in this action. However, the court clerk, judicial officers, and attorneys have consistently ignored the matter, or when it has been pressed in hearings, have skirted the issue by alleging that use of all capital letters in case headings is simply a matter of style. However, this excuse is indicted by consistent refusal to correct names in case headings in spite of proper name spelling, i.e., John Doe instead of JOHN DOE, being provided to those responsible. If style were the only issue, those responsible would correct form when given notice, or would cite law-authorizing use of all capital letters for names.**

The United States Government Printing Office Style Manual, March 1984 edition, provides comprehensive standard grammar and usage for government publications, including casework. Chapter 3 , "Capitalization", at § 3.2, prescribes rules for proper names: "Proper names are capitalized." Examples given are, "Rome, Brussels, John Macadam, Macadam family, Italy, Anglo-Saxon." Chapter 17, "Courtwork", preserves rules of capitalization prescribed in Chapter 3: 17.1. Courtwork differs in style from other work only as set forth in this section; otherwise the style prescribed in the preceding sections will be followed.

**At § 17.9, the Style Manual specifies, "In the titles of cases the first letter of all principal words are capitalized, but not such terms as defendant and appellee." Examples in § 17.12 are consistent with the § 17.9 specification, all proper names being spelled with capital first letters only, the balance of each spelled with lowercase letters.**

**By reviewing definitions and comments in The Oxford English Dictionary (1971 ed.), which is possibly the most authoritative dictionary of the English language in the world, proper capitalization and usage is made clear. In this dictionary, under the term "Christian", the term "Christian name" is defined as follows:**

**"6. Christian name: the name given at christening; the personal name, as distinguished from the family name or surname." All examples given are consistent with standard rules of capitalization, the first letter only capitalized. Likewise, the term "Surname" follows this same pattern; all are spelled with capital first letters only, the surname generally being the family or last name. Together, the Christian and surnames are the proper name or names of people. Under the term "Proper" The Oxford English Dictionary prescribes capitalization rules: b. Gram. Applied to a name or noun which is used to designate a particular individual object (e.g. a person, a tame animal, a star, planet, country, town, river, house, ship, etc.). Opposed to Common a. 17 a. A proper name is written with an initial capital letter. The same proper name may be borne by many persons in different families or generations, or by several places in different counties or localities; but it does not connote any qualities common to and distinctive of the persons or things which it denotes. A proper name may however receive a connotation from the qualities of an individual so named, and be used as a common noun, as a Hercules...**

**Elements of Style by Strunk and White, an authoritative, concise book on English grammar, and the Associated Press Style Manual, recognized as the grammar and style bible for publishing writers, concur with and endorse capitalization of first letters only for proper names.**

**Yet without authority of law or any other viable excuse, the court clerk, judicial officers, and attorneys who practice in the Sixteenth Judicial District consistently, habitually, and willfully displace proper names with juristic or trade names in case headings, i.e., JOHN DOE instead of John Doe. Because the practice is consistent and seemingly universal, it cannot be without purpose. Which is to say, there is some reason for name perversion. The reason is explained by definitions found at 15 USC § 1127, reproduced below in relative part from the U.S. Code Online via GPO Access [Laws in effect as of January 27, 1998]:**

**- --cite--**
**Sec. 1127. Construction and definitions; intent of chapter In the construction of this chapter, unless the contrary is plainly apparent from the context**

**The United States includes and embraces all territory which is under its jurisdiction and control.**

**The word ''commerce'' means all commerce which may lawfully be regulated by Congress.**

**The term ''person'' and any other word or term used to designate the applicant or other entitled to a benefit or privilege or rendered liable under the provisions of this chapter includes a juristic person as well as a natural person.**

**The term ''juristic person'' includes a firm, corporation, union, association, or other organization capable of suing and being sued in a court of law.**

**The term "person'' also includes any State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in his or her official capacity. Any State, and any such instrumentality, officer, or employee, shall be subject to the provisions of this chapter in the same manner and to the same extent as any non governmental entity.**

**The terms ''applicant'' and ''registrant'' embrace the legal representatives, predecessors, successors and assigns of such applicant or registrant.**

**The terms ''trade name'' and ''commercial name'' mean any name used by a person to identify his or her business or vocation.**

**The term ''trademark'' includes any word, name, symbol, or device, or any combination thereof (1) used by a person, or (2) which a person has a bona fide intention to use in commerce and applies to register on the principal register established by this chapter, to identify and distinguish his or her goods, including a unique product, from those manufactured or sold by others and to indicate the source of the goods, even if that source is unknown.**

**The term "service mark'' means any word, name, symbol, or device, or any combination thereof (1) used by a person, or (2) which a person has a bona fide intention to use in commerce and applies to register on the principal register established by this chapter, to identify and distinguish the services of one person, including a unique service, from the services of others and to indicate the source of the services, even if that source is unknown. Titles, character names, and other distinctive features of radio or television programs may be registered as service marks notwithstanding that they, or the programs, may advertise the goods of the sponsor.**

**The term "use in commerce'' means the bona fide use of a mark in the ordinary course of trade, and not made merely to reserve a right in a mark. For purposes of this chapter, a mark shall be deemed to be in use in commerce on goods when it is placed in any manner on the goods or their containers or the displays associated**

**therewith or on the tags or labels affixed thereto, or if the nature of the goods makes such placement impracticable, then on documents associated with the goods or their sale, and the goods are sold or transported in commerce, and on services when it is used or displayed in the sale or advertising of services and the services are rendered in commerce, or the services are rendered in more than one State or in the United States and a foreign country and the person rendering the services is engaged in commerce in connection with the services.**
**- --end--**

**This section is referred to in 19 USC § 1526 & 1595a, which primarily involve maritime drug trade. This is one of the primary purposes of the juristic or commercial name, i.e., JOHN DOE instead of John Doe. The juristic or commercial name, trade name, is predicated on maritime causes, i.e., private international law.**

There is a clear distinction between law that is national in scope and that, which is merely federal. One needs only to note that the definition of the term "United States", above, is limited in territorial jurisdiction to federal territory exclusive of the several states of the Union. The General Assembly of Virginia must cede the territory in question to the United States, there must be an Act of Congress accepting it, and notice from the Secretary of State of the United States to the Secretary of the Commonwealth before the federal government can assume that it is "territory which is under its jurisdiction and control".

Originally, the commonwealth of Virginia had no Maritime jurisdiction, as this was conferred to the federal government in the Constitution of 1787. Over the years, however, Virginia and other states of the Union retained "concurrent jurisdiction" over territory, which had otherwise been properly ceded to the United States. Where both the commonwealth and the federal government have enacted legislation over a particular subject matter, Virginia courts can take cognizance of the matter. This is done in a "vice-admiralty" capacity, and has given rise to the current "one form of action", which has abrogated the state Citizens' access to due process in the course of the common law.

The second link to these juristic entities is due to the various types of citizenship in the United States. There is a clear difference between federal (U.S.) citizens, and state Citizens (see U.S. v. Cruikshank --need cite--), and this difference lies mainly in their "privileges and immunities" (see Twining v. New Jersey --need cite--). State Citizens are guaranteed due process in the course of the common law (U.S. Const. Amendments IV, V, and VI, and Va. Const. Art. I, §§ 8, 11, &c.). Federal (U.S.) citizens are entitled only to the due process mentioned in the so-called 14th Amendment to the U.S. Constitution, which has come to mean due process in the course of the civil law.

**Even though no state Citizen is required to participate in the federal socialist welfare scheme known as Social Security, the vast majority of state Citizens have become enrolled, either through the "enumeration at birth" plan, or by application by their parents when they were a minor child. Making application to seek to obtain or retain a benefit in federal funds, creates a juristic person, which the Social**

**Security Act calls an "individual" [see 42 USC 405(c) (2) (B) (i) (II)]. By this conduct, state Citizens transform to a federal citizenship after making such an "oath of fealty" to Congress in exchange for benefits payable in federal funds. However, this exchange of citizenship has its commensurate costs. Whereas "natural persons" are generally not regulated, this "individual", has come to be regulated extensively in both the state and federal jurisdictions.**

**Also, we must take notice of 5 USC 5521(2)(a) which shows that people who were not required to but were unwittingly enrolled into the federal welfare scheme are government employees. This makes all people enrolled into the federal welfare scheme linked into commerce at 15 USC § 1127 as, "The term 'person' also includes any State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in his or her official capacity. Any State, and any such instrumentality, officer, or employee, shall be subject to the provisions of this chapter in the same manner and to the same extent as any non governmental entity."**

The third and probably most important link is "public money", all of which is hypothecated on credit of the United States. Only departments and agencies of United States Government and instrumentalities of the United States, including the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands, and officers and employees of these governments, are entitled to receive and use "public money". This is the key link with the banking system: The Federal Deposit Insurance Corporation insures only deposits of "public money". Specification of who is entitled to receive and use public money is clearly spelled out in regulations relating to Treasury tax and loan depositaries at 31 CFR § 202.1:

**- --cite--**
**The regulations in this part govern the designation of Depositaries and Financial Agents of the Government (hereinafter referred to as depositaries), and their authorization to accept deposits of public money and to perform other services Public money includes, without being limited to, revenue and funds of the United States, and any funds the deposit of which is subject to the control or regulation of the United States or any of its officers, agents, or employees [Underscore added for emphasis]**
**- --end--**

**People throughout the constitutionalist movement are concerned about the Federal Reserve Note, which amounts to private-issue scrip. In reality, the Federal Reserve Note is a minor issue compared to public money. Virtually all transaction accounts such as checking and passbook savings accounts are colorable hypothecated on credit of the United States even though financial institutions chartered and/or regulated by federal government, FDIC, and/or the Federal Reserve System employ deceptive, fraudulent, and unlawful means to issue private bills of credit. Credit of the United States is public money.**

**Current credit and monetary systems where "credit" is used to defer payment rather than actually pay debt are patently unconstitutional. Article I § 8 of the Constitution of the United States empowers Congress to mint coin and regulate its value, and to prescribe punishment for counterfeiting securities and current coin of the United States, then Article I § 10 prohibits the several States from emitting bills of credit, minting coin, or making anything but gold and silver coin a tender for payment of debt. Yet Congress has ceased fulfilling the constitutional mandate to provide gold and silver coin as the nation's lawful currency, and officers of the several States brazenly ignore Article I § 10 prohibitions.**

**Of course, Virginia is an accommodation party in this scheme of cooperative federalism, as the commonwealth receives federal funds in exchange for administering federal mandates. Virginia's link to the "public money" is at § 2.1-360 and § 2.1-195:**

**- --cite--**
**§ 2.1-360 Definitions**
As used in this chapter, unless the context otherwise requires: (a) The term "public deposit" shall mean moneys of the Commonwealth or of any county, city, town or other political subdivision thereof, including moneys of any commission, institution, committee, board or officer of the foregoing and any state, circuit, county or municipal court, which moneys are deposited in any qualified public depository in any of the following types of accounts: nonnegotiable or registered time deposits, demand deposits, savings deposits, and any other transaction accounts, and security for such deposit is required by other provisions of law, or is required due to an election of the public depositor. (b) The term "qualified public depository" shall mean any national banking association, federal savings and loan association or federal savings and located in Virginia and any bank, trust company or savings institution organized under Virginia law that receives or holds public deposits which are secured pursuant to this chapter.

**§ 2.1-195 General accounting and clearance through Comptroller In the Department of Accounts the Comptroller shall maintain a complete system of general accounting to comprehend the financial transactions of every state department, division, officer, board, commission, institution or other agency owned or controlled by the Commonwealth, whether at the seat of government or not. All transactions in public funds shall clear through the Comptroller's office.**
**- --end--**

**As shown above, the commonwealth is a prime trafficker in the hypothecated credit of the United States.**

**The "United States of America", treated separately, is a confederation or compact of insular possessions of the United States, the entity exclusive of and foreign to States of the Union. The section above confirms links to the foreign "United States of America" and "public funds", i.e., "public money", which is the object of the normal tax and the exclusive medium federally chartered and/or regulated financial**

**institutions are authorized by law to traffic in. Since the Constitution of the United States mandates that Congress mint gold and silver coin for a national currency, and prohibits the several States from emitting bills of credit or making anything but gold and silver coin a tender for payment of debt, the Federalism/Cooperative Federalism scheme rests on the notion that all people throughout the nation are government officers and employees engaged in "trade or business" entitled to use of "public money" as deferred compensation.**

Limits of application to the District of Columbia and insular possessions are clarified by the definition of "State" at 31 CFR § 215.2(m), which governs withholding by financial institutions authorized as Treasury tax and loan depositaries: "State means a State of the United States or the District of Columbia, unless otherwise specified."

**In and of itself, the juristic, trade or commercial name, i.e., JOHN DOE instead of John Doe, might be insignificant except that it provides a colorable means for holding real people accountable for the artificial entity that theoretically exists at the pleasure of the State. In original capacity, federally chartered, licensed, or regulated financial institutions are associations which can solicit and provide basic financial services such as checking accounts only for qualified association members, those being officers and employees of United States Government and instrumentalities of the United States. They traffic exclusively in public money. Both State and Federal income tax systems are privilege excise taxes where the "wage" is not the object, but the measure of the tax. The government officer or employee is construed to be engaged in "trade or business", and he functions in commerce under a juristic, trade or commercial name. All "credit" colorable extended via federally chartered and/or regulated financial institutions is hypothecated on credit of the United States, with said "credit" not paying, but deferring payment of debt (15 USC § 1602).**

Use of the fictional or juristic name, JOHN DOE, is fraud of the first order. It's simply one more device employed as a transparent, insulating barrier over lawful government to defeat and thereby render constitutions of the United States and the de jure commonwealth of Virginia ineffective. The Circuit Court in the city of Charlottesville accommodate the scheme via civil law process, thus depriving the people of due process in the course of the common law secured by Article I § 11 of the Constitution of the State of Virginia. Motive is self-enrichment and accommodation of entrenched de facto powers. Effect undermines sovereignty, solvency and basic liberties of the People of Charlottesville and the Sixteenth Judicial District of the commonwealth of Virginia. Object is reduction of the People to third-world economic status and general servitude.

**Although the Federalism scheme has not progressed to the same point Nazi law did after 1935, principles articulated in support and prosecution of the Nuremberg Trials following World War II are as much at issue: Judicial officers and other public servants are obligated to uphold principles that stand above arbitrary statutory mandate and executive whim. They can and should be held accountable when they suppress and abridge basic human dignities.**

**In the American system, usurpation of power not delegated by applicable constitutions, whether as a perpetrator or by accommodation, is betrayal of public trust. Depriving the people of constitutionally secured due process in the course of the common law abridges an indispensable constitutionally secured right.**

By proper notice and pleading, interested parties may rebut or correct any matter of law or fact set forth herein.

#8) PROPERTY RIGHTS ARE "STATE" RIGHTS

You should look for the requirement for "just weights and measures" in the state statutes.

Look at the history of how Congress defined a "dollar." Look for the statute that authorizes the Susan B Anthony dollar -- which only refers to it as being "$1."

I kid you not.

Your own research will show that the Executive Order by Franklin Delano Roosevelt "outlawing" gold, is effective only within the federal areas.

This is evidenced by the absence of a reference to his Executive Order in the parallel tables of authorities and rules in the index volume of the code of federal regulations.

Note that an Executive Order by Reagan "allowed" for the making of contracts in gold -- and I think we should start doing so.

This appears to be the only way that we can regain our access to a Common Law Court -- where we have Constitutional rights.

#10) PAYING WITH "LAWFUL" (CONSTITUTIONAL) MONEY

At this time, many people are including the following wording (approximately) in their real estate contracts:

> " As a down-payment, the purchaser has hereby paid the seller $_____ in Federal Reserve Notes; AND in addition to the Federal Reserve notes, the purchaser has also hereby paid the seller twenty American dollars in the form of one "twenty dollar American gold coin."
>
> [A twenty-dollar American gold piece is "lawful" money, according to the Constitution. It is reported that the same approach will work if one pays twenty American silver dollars that were minted prior to 1964 -- which also constitutes "lawful" money."]
>
> [In order to understand the importance of the above-mentioned wording, it is necessary to read what the Constitution says about the number of "dollars" that

must be involved in a transaction before one can gain access to a Common Law Court. Then it is necessary for you to determine if Federal Reserve Notes constitute "lawful dollars and/or lawful money."]

The theory is as follows: If you ever have a "legal controversy" with your government regarding your property (law suits -- seizures -- liens -- claims -- infringements -- encroachments -- eminent domain -- etc.), the above-mentioned wording might be necessary if you want to gain access to the Common Law Courts that are guaranteed to you by the Constitution (AND WHERE YOU STILL HAVE CONSTITUTIONAL RIGHTS), instead of the Admiralty/Equity Courts that are generally the only types that we now have access to -- as indicated by the gold fringe around the flags that hang in every courtroom.

#11) CAN YOUR ATTORNEY HELP YOU???

It appears that attorneys cannot use the above-mentioned arguments for the following reasons:

1. Under the present court system, every American attorney is an "officer of the court."
2. As an officer of the court, your attorney's primary obligation/responsibility is not to "you" -- but to the court he serves (as an officer).
3. When your attorney acts within the current legal system, he can only represent (as in "re-present") your "legal fiction" -- which grants jurisdiction to the court.
4. You will never see a Summons and Complaint (regarding a lawsuit, etc.) that is filed "for" or "against" anything but your "legal fiction" name -- which has nothing to do with the "real" you (unless you fail to properly object).
5. All suits that are filed in the current system of law will be filed "for" or "against" a name that is written ("spelled" would not be the correct word to use regarding this phenomenon) using all upper-case letters.
6. A maxim of law is as follows: "Your failure to properly object is fatal to your cause at law."
7. Etc.

#10) THE NON-CONSTITUTIONAL (NOT UN-CONSTITUTIONAL) ASPECTS OF OUR MONEY

The creation of the Federal Reserve was perfectly constitutional because it is only the central banking system of (for) the United States -- and therefore it is ONLY a system for the District of Columbia, and the territories, and possessions.

In those locations, under I:8:17 and IV:3:2, Congress can do ANYTHING IT WANTS TO DO -- and it has done so.

Go thru the Parallel Tables for Titles 12 and 31 again. Pull up the regulations cited

therein and understand that the VENUE in which the fed operates is outside of the states of the Union party to the Constitution.

In other words, the following statements are true:

1.) The banking system is perfectly constitutional, IF IT IS LIMITED to the territories outside of the states.

2.) Its presence in the states is not UN-constitutional, it is NON-constitutional.

3.) It is imposition of a law outside its legal venue.

Arguing anything else is not only incorrect, it is totally the wrong argument.

Can the state courts enforce a law that operates ONLY in the District and the territories here in the states of the Union?

If you make the wrong argument, yes it can -- and yes it will.

They do it all the time.

A judge is almost totally immune from prosecution. The black wall of the judiciary has made it impossible to attack a judge. The only way that anyone can successfully sue a judge is by seeking a declaratory judgment or to seek injunctive relief from what is perceived to be a judge acting outside of his authority. After the declaratory judgment shows that he is acting outside of this authority, then and only then does he become personally liable.

#11) AVOIDING JURISDICTION:

**We just found the following document in our file cabinet. I can't remember where it came from -- who sent it to us – or whatever...**

**It obviously pertains to how the courts, hearing examiners, etc. "attempt" to obtain jurisdiction over you.**

**Here is the document in its entirety:**

**BEGINNING OF DOCUMENT:**

STANDARD SCREENING QUESTIONS

**These questions were administered by Mr. Alberto Gutier, Deputy Administrator, Arizona Department of Transportation, at approximately two o'clock p.m. on August 24, 1989, after confirming that Mr. Cooper had met with Mr. Carl Davis, the Governor's Special Assistant Over State Agencies:**

**Mr. Gutier: "Before we go any further, I need to ask you our standard Screening Questions."**

**#1.) Mr. Guthier: "Are you a citizen of the United States ?"**
**Mr Cooper's answer: "No, I am not."**

**#2.) Mr. Gutier: "Are you a resident of Arizona ?"**
**Mr Cooper's answer: "No, I am not. I was born in Phoenix, and I have lived in Maricopa County, Arizona, all my life, but I am not a resident. I do not 'reside' in Arizona."**

**#3.) Mr. Gutier: "Are you registered to vote ?"**
**Mr. Cooper's answer: "No, I am not."**

**#4.) Mr. Gutier: "Do you have a driver's license ?"**
**Mr. Cooper's answer: No, I do not."**

**#5.) Mr. Gutier: "Do you have any motor vehicles registered in Arizona ?"**
**Mr. Cooper's answer: "No, I do not."**

**#6.) Mr. Gutier: "Are you employed ?"**
**Mr. Cooper's answer: "No, I am not. I am not employed. I am self-employed. I am not gainfully employed. In fact, I am not employable. But, I work. Besides, Arizona is a 'Right to Work' State."**

**#7.) Mr. Gutier: "Do you pay state and federal resident income taxes ?"**
**Mr. Cooper's answer: "No, I do not."**

**#8.) Mr. Gutier: "Do you pay property taxes in Arizona ?"**
**Mr Cooper's answer: "No, I do not."**

**#9.) Mr Gutier: "Do you have a marriage license ?"**
**Mr Cooper's answer: "No, I do not."**

**#10.) Mr. Gutier: "Do you have children enrolled in public school ?"**
**Mr. Cooper's answer: "No, I do not. My children are home taught."**

**Mr Gutier then said, "You've really done your homework."**

**END OF DOCUMENT ---------**

**Concerning the above-mentioned list of questions (and answers), I suggest that you reflect upon the following comments:**

**Regarding question #1: "Are you a citizen of the United States ?**

**In order for you to understand Mr. Cooper's answer to this question, it is first necessary for you to learn the definitions of the following terms:**

**citizen (with a small "c")**
**Citizen (with a capital "C")**

**the United States (with a capital "U")**
**the united States (with a lower-case "u")**

**the United States of America (capital "U")**
**the united States of America (lower case "u")**

**the U.S.**

**the continental united States**

**the District of Columbia (its territories, possessions, etc.)**

**etc.**

**Regarding question #2: In order for you to understand what Mr. Cooper meant by his answer to this question, you would first need to learn what it means if you "reside" somewhere. After you learn what this term means, you will probably always take the position that you "live" in various places – or "stay" in various places – but you do not "reside" anywhere.**

**Regarding question #3: In order for you to understand Mr. Cooper's answer to this question, you would first need to recognize that his true and Proper name does not appear on any Voter's Registration Card.**

> "The" only Voter's Registration Card [It would be a tactical mistake to call it "his" card.] that has ever come into Mr. Cooper's possession, contains only a "legal fiction" name that is written in all "upper-case" letters.

**Regarding question #4: Your so-called "driver's license" does not contain your true and Proper name. It only contains the name of a "legal fiction" that was created by government through the use of a name spelled in all upper-case letters.**

**Regarding questions #5 through #10: None of the records, and/or legal documents, and/or legal contracts, that pertain to any of these questions will ever bear Mr. Cooper's true and Proper name.**

#12) A "NOTICE" THAT MIGHT BE IMPORTANT TO YOU:

The following NOTICE should perhaps be posted next to the "Constitutional Keep Out" sign -- see appropriate page of this Website.

NOTICE

THIS "NOTICE" IS ADDRESSED TO ALL FEDERAL AGENTS AND EMPLOYEES OF THE I.R.S., H.E.W., H.U.D., O.E.O., E.P.A., E.A.A., C.I.A., REGIONAL COUNCILS, SIMILAR STATE EMPLOYEES, SIMILAR COUNTY EMPLOYEES, AND ALL OTHER UNCONSTITUTIONAL AGENCIES; AND THIS NOTICE PERTAINS TO THE FOLLOWING FEDERAL CRIMINAL LAW – U.S.C., TITLE 18, Sec. 241:

> If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of a right or privilege secured to him by the Constitution or the laws of the United States, or because of his having so exercised the same; or
>
> If two or more persons go in disguise on the highway, or on the premises of another, with the intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured –
>
> They shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life."

# 13) MOST IMPORTANT OF ALL (?)

Disclaimer:

The above comments about the law are included here only for your amusement; AND you should not use any of this information without first checking with your attorney -- your medical doctor -- your psychoanalyst -- your neighbors -- and your mother.

Remember: Do not try any of this stuff at home unless you are ready to accept total responsibility for your own actions -- and unless you first educate yourself regarding these issues.

Remember: When dealing with the "law" there are always two sides (e.g. "yours" and "theirs") to every issue -- which is why "courts" were invented.

Remember: The law is like chess. Any attorney can be taught how to play chess -- but no attorney can be taught how to "win" every time he plays the game. [e.g. In every court case, one attorney wins -- and the other one loses.]

Remember: It appears that the safest course of action is to use your "legal knowledge" to avoid the courts altogether -- by making bureaucrats obey the law.

Remember: Only the bravest and most patriotic American has courage enough to "make" the government's bureaucrats obey the law.

## Important Litigated Cases in the District Courts in the United States

In regards to my case in the Southern District of Ohio case number C2-03-1133, in July 2004, the clerk of court's office had no trace of the file on record with them. I have a time stamped copy of the case that was filed on February 9, 2004. There was no response or reply to the briefs I filed during the time the file was there and during the time the file disappeared. My case raises many of the same issues that the one filed below in the Northern District of California does with some differences.

First, the party in California uses an attorney to argue his case, in which he lost to the government and I didn't use an attorney and had the whole file jacket disappear into thin air.

Second, the California suit currently sits in the 9th Circuit Court of Appeals under a closed disclosure to the general public. This US Attorney's Motion to Close the Hearings to the General Public was granted by the judges on July 15, 2004. The URL for the web site is http://freetotravel.org/legal.html

I was not able to obtain copies of the opinion the District Court Judge. He gave his opinion for the government in some action the US Attorney filed as a Motion to Dismiss for Lack of Subject Matter Jurisdiction earlier this year.

Lastly, the Southern District of Ohio in my case I litigated earlier this year already settles the matter as a matter of law. The government has conciliated to issues I raised when they failed to answer me in the correct commerce, jurisdiction, and venue pursuant to FCRP 15©(3) and 15(d). Since I couldn't get a Declaratory Judgment in District Court, I would have to give a notice of remove the case from the Southern District of Ohio to the Cuyahoga County Common Pleas Court in Cleveland, Ohio pursuant to 28 USC 2201, FRCP 44 and 44.1. I would have to re-file the case under ORCP 8 a common law complaint in the crookest county in the State of Ohio. I was looking forward to having a little bit of fun in that courtroom setting. Even if I lost there, I would still have opinions available to me.

My prediction is that this lawsuit below isn't going anywhere if this party doesn't stop using attorney(s) in this process and the opinion will be for the government when the 9th Circuit makes their decision later this year or early next year.

With all there is on the internet and my web site expose on radio advertising in Cleveland, I can only wonder how people in the tax movement don't take more stock in what I tell people is the truth is in matters that address these issues

As always, have an income tax-free day and life,

/s/ Kevin Hart, All rights reserved
General Manager
Truth in Taxation Ministries
http://www.paynoohioincometax.com
(216) 253-5965

Friday, September 17, 2004



## EDITORIAL: A Blow Against the Secrecy State

### Federal government didn't even want to produce its photo ID law

Judges today are often former prosecutors, political creatures who got where they are by putting their finger to the wind, all too often more interested in enforcing the state's "prerogatives" than defending the inconvenient rights of the little guy.

In such an environment, heroes can be in short supply. So anyone who stands up for an individual's rights -- especially in the face the war on terror -- needs to be celebrated.

The 9th U.S. Circuit Court of Appeals has drawn its share of criticism over the years for its creative readings of the Constitution. But on Sept. 10, that court struck a solid first blow against the burgeoning secret police state.

John Gilmore is an Oakland resident who made millions as a founding employee of Sun Microsystems Inc.

On July 4, 2002, Southwest Airlines employees at Oakland International Airport barred Mr. Gilmore from boarding a flight to Baltimore after he refused to produce a government-issued photo ID. He also refused to allow security personnel -- who had no warrant based on probable cause -- to pat him down and search through his luggage.

Mr. Gilmore went through a similar experience with United Airlines employees at San Francisco International Airport later that same day. Both airlines said they were following federal directives.

Mr. Gilmore, who hasn't flown since, proceeded to sue the government and the airlines in federal court, alleging among other things that the identification requirement violates his right to freely assemble because he can't travel by air.

The U.S. Department of Justice has refused to even confirm or deny the existence of the rule the airline employees said they were following. The department has argued that national security requires directives dealing with transportation must be kept secret.

Though Mr. Gilmore's lawsuit was thrown out by a lower court judge, the 9th Circuit agreed to take up the matter on appeal. Thereupon the Department of Justice said it needed to file its reply -- detailing why the appeals court should throw out Mr. Gilmore's challenge -- under seal.

This nonsense is laughable.

On Sept. 10, the 9th Circuit ruled against the government in Mr. Gilmore's case, stating federal officials must argue their case in public.

Thank heavens.

Imagine if the other default setting should prevail. What could be a more basic premise and foundation of a free society than the public's ability to find out what laws are proposed, to debate them in the light of day, and -- at the very least -- promptly be told which laws have been enacted, and what they stipulate?

How is a law to be challenged if no one knows what it is? How could its provisions be tested for constitutionality in a court if those seeking to mount the challenge were not allowed to read its clear and concrete language?

Are we even to be arrested for violating "secret" laws, which we couldn't possibly know existed?

To assert that any government officials should be able to say, "I'm now going to arrest you but I don't have to tell you what law you broke, or how you can comply with it in future" takes us back not merely before the establishment of the U.S. Constitution, but back to the days before the Magna Carta, when a king could imprison or execute one of his subjects on nothing more than a passing whim.