Memorandum of Law on the Name

[Anonymous]

Many people are involved in diligent research concerning the use of all capital letters for proper names, e.g., JOHN PAUL JONES as a substitute for John Paul Jones in all court documents, driver's licenses, bank accounts, birth certificates, etc.. Is the use of all capital letters to designate a name some special English grammar rule or style? Is it a contemporary American style of English? Is the use of this form of capitalization recognized by educational authorities? Is this an official judicial or U.S. government rule and/or style of grammar? Why do attorneys, court clerks, prosecutors judges, insurance companies, banks, credit card companies, utility companies, etc. always use all capital letters when writing a proper name?

What English grammar experts say

One of the foremost authorities on American English grammar, style, composition, and rules is The Chicago Manual of Style. The latest (14th) Edition, published by the University of Chicago Press, is internationally known and respected as a major contribution to maintaining and improving the standards of written or printed text. Since we can find no reference in their manual concerning the use of all capitalized letters with a proper name or any other usage, we wrote to the editors and asked this question:

> "Is it acceptable, or is there any rule of English grammar, to allow a proper name to be written in all capital letters? For example, if my name was John Paul Jones, can it be written as JOHN PAUL JONES? Is there any rule covering this?"

The Editorial Staff of the University of Chicago answered:

> "Writing names in all caps is not conventional; it is not Chicago style to put anything in all caps. For instance, even if 'GONE WITH THE WIND' appears on the title page all in caps, we would properly render it 'Gone with the Wind' in a bibliography. The only reason we can think of to do so is if you are quoting some material where it is important to the narrative to preserve the casing of the letters.
>
> "We're not sure in what context you would like your proper name to appear in all caps, but it is likely to be seen as a bit odd."

Law is extremely precise. Every letter, capitalization, punctuation mark, etc., in a legal document is utilized for a specific reason and has legal (i.e. deadly force) consequences. If, for instance, one attempts to file articles of incorporation in the office of a Secretary of State of a State, if the exact title of the corporation — down to every jot and tittle — is not exactly the same each and every time the corporation is referenced in the documents to be filed, the Secretary of State will refuse to file the papers. This is because each time the name of the corporation is referenced it must be set forth identically in order to express the same legal entity. The tiniest difference in the name of the corporation identifies an entirely different legal person.

It is therefore an eminently valid, and possibly crucial, question as to why governments, governmental courts, and agencies purporting to exist (in some undefined, unproved manner) within the jurisdiction of “this state” insist on always capitalizing every letter in a proper name.

Mary Newton Bruder, Ph.D., also known as The Grammar Lady, who established the Grammar Hotline in the late 1980's for the "Coalition of Adult Literacy," was asked the following question:

> "Why do federal and state government agencies and departments, judicial and administrative courts, insurance companies, etc., spell a person's proper name in all capital letters? For example, if my name is John Paul Jones, is it proper at any time to write my name as JOHN PAUL JONES?"

Dr. Bruder's reply was short and to the point:

> "It must be some kind of internal style. There is no grammar rule about it."

It seemed that these particular grammatical experts had no idea why proper names were written in all caps, so we began to assemble an extensive collection of reference books authored by various publishers, governments, and legal authorities to find the answer.

What English grammar reference books say

Manual on Usage & Style

One of the reference books obtained was the "Manual on Usage & Style," Eighth Edition, ISBN I-878674-51-X, published by the Texas Law Review in 1995. Section D, CAPITALIZATION, paragraph D: 1:1 states:

> "Always capitalize proper nouns... [Proper nouns], independent of the context in which they are used, refer to specific persons, places, or things (e.g., Dan, Austin, Rolls Royce)."

Paragraph D: 3:2 of Section D states:

> "Capitalize People, State, and any other terms used to refer to the government as a litigant (e.g., the People's case, the State's argument), but do not capitalize other words used to refer to litigants (e.g., the plaintiff, defendant Manson)."

Either no attorney, judge, or law clerk in Texas has ever read the recognized law style manual that purports to pertain to them, or the act is a deliberate violation of the rules for undisclosed reasons. In either ignorance (“ignorance of the law is no excuse”) or violation (one violating the law he enforces on others is acting under title of nobility and abrogating the principle of equality under the law) of law, they continue to write

"Plaintiff," "Defendant," "THE STATE OF TEXAS" and proper names of parties in all capital letters on every court document.

The Elements of Style

Another well-recognized reference book is "The Elements of Style," Fourth Edition, ISBN 0-205-30902-X, written by William Strunk, Jr. and E.B. White, published by Allyn & Bacon in 1999. Within this renowned English grammar and style reference book, is found only one reference to capitalization, located within the Glossary at "proper noun," page 94, where it states:

> "The name of a particular person (Frank Sinatra), place (Boston), or thing (Moby Dick). Proper nouns are capitalized."

There's an obvious and legally evident difference between capitalizing the first letter of a proper name as compared to capitalizing every letter used to portray the name.

The American Heritage Book of English Usage

The American Heritage Book of English Usage, A Practical and Authoritative Guide to Contemporary English, published in 1996, at Chapter 9, E-Mail, Conventions and Quirks, Informality, states:

> "To give a message special emphasis, an E-mailer may write entirely in capital letters, a device E-mailers refer to as screaming. Some of these visual conventions have emerged as away of getting around the constraints on data transmission that now limit many networks".

Here is a reference source, within contemporary — modern — English, that states it is of an informal manner to write every word of — specifically — an electronic message, a.k.a. e-mail, in capital letters. They say it's "screaming" to do so. By standard definition, we presume that is the same as shouting or yelling. Are all judges, as well as their court clerks and attorneys, shouting at us when they corrupt our proper names in this manner? (If so, what happened to the decorum of a court if everyone is yelling?) Is the insurance company screaming at us for paying the increased premium on our Policy? This is doubtful as to any standard generalization, even though specific individual instances may indicate this to be true. It is safe to conclude, however, that it would also be informal to write a proper name in the same way.

Does this also imply that those in the legal profession are writing our Christian names informally on court documents? Are not attorneys and the courts supposed to be specific, formally writing all legal documents to the "letter of the law?" If the law is at once both precise and not precise, what is its significance, credibility, and force and effect?

New Oxford Dictionary of English

"The New Oxford Dictionary of English" is published by the Oxford University Press. Besides being considered the foremost authority on the British English language, this dictionary is also designed to reflect the way language is used today through example sentences and phrases. We submit the following definitions from the 1998 edition:

> **Proper noun** (also proper name). Noun. A name used for an individual person, place, ororganization, spelled with an initial capital letter, e.g. Jane, London, and Oxfam.
>
> **Name**. Noun 1 A word or set of words by which a person, animal, place, or thing is known,addressed, or referred to: my name is Parsons, John Parsons. Kalkwasser is the German name for limewater. Verb 2 Identify by name; give the correct name for: the dead man has been named as John Mackintosh. Phrases. 3 In the name of. Bearing or using the name of aspecified person or organization: a driving license in the name of William Sanders.

From the "Newbury House Dictionary of American English," published by Monroe Allen Publishers, Inc., (1999):

> **name** n. I [C] a word by which a person, place, or thing is known: Her name is Diane Daniel.

We can find absolutely no example in any recognized reference book that specifies or allows the use of all capitalized names, proper or common. There is no doubt that a proper name, to be grammatically correct, must be written with only the first letter capitalized, with the remainder of the word in a name spelled with lower case letters.

US Government Style Manual

Is the spelling and usage of a proper name defined officially by US Government? Yes. The United States Government Printing Office in their "Style Manual," March 1984 edition (the most recent edition published as of March 2000), provides comprehensive grammar, style and usage for all government publications, including court and legal writing.

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."

At Chapter 17, "Courtwork, the rules of capitalization," as mentioned in Chapter 3, are further reiterated:

> "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."

After reading §17 in entirety, I found no other references that would change the grammatical rules and styles specified in Chapter 3 pertaining to capitalization.

At § 17.9, this same official US Government manual states:

> "In the titles of cases the first letter of all principal words are capitalized, but not such terms as defendant and appellee."

This wholly agrees with Texas Law Review's Manual on "Usage & Style" as referenced above.

Examples shown in § 17.12 are also consistent with the aforementioned §17.9 specification: that is, all proper names are to be spelled with capital first letters; the balance of each spelled with lower case letters.

Grammar, Punctuation, and Capitalization

"The National Aeronautics and Space Administration" (NASA) has publish one of the most concise US Government resources on capitalization. NASA publication SP-7084, "Grammar, Punctuation, and Capitalization." A Handbook for Technical Writers and Editors, was compiled and written by the NASA Langley Research Center in Hampton, Virginia. At Chapter 4, "Capitalization," they state in 4.1 "Introduction:"

> "First we should define terms used when discussing capitalization:
>
> - All caps means that every letter in an expression is capital, LIKE THIS.
> - Caps & lc means that the principal words of an expression are capitalized, Like This.
> - Caps and small caps refer to a particular font of type containing small capital letters instead of lowercase letters.
>
> Elements in a document such as headings, titles, and captions may be capitalized in either sentence style or headline style:
>
> - Sentence style calls for capitalization of the first letter, and proper nouns of course.
> - Headline style calls for capitalization of all principal words (also called caps & lc).
>
> Modern publishers tend toward a down style of capitalization, that is, toward use of fewer capitals, rather than an up style."

Here we see that in headlines, titles, captions, and in sentences, there is no authorized usage of all caps. At 4.4.1. "Capitalization With Acronyms," we find the first authoritative use for all caps:

> "Acronyms are always formed with capital letters. Acronyms are often coined for a particular program or study and therefore require definition. The letters of the acronym

are not capitalized in the definition unless the acronym stands for a proper name:

> Wrong - The best electronic publishing systems combine What You See Is What You Get (WYSIWYG) features...
>
> Correct - The best electronic publishing systems combine what you see is what you get (WYSIWYG) features...

But Langley is involved with the National Aero-Space Plane (NASP) Program."

This cites, by example, that using all caps is allowable in an acronym. "Acronyms" are words formed from the initial letters of successive parts of a term. They never contain periods and are often not standard, so that definition is required. Could this apply to lawful proper Christian names? If that were true, then JOHN SMITH would have to follow a definition of some sort, which it does not. For example, only if JOHN SMITH were defined as 'John Orley Holistic Nutrition of the Smith Medical Institute To Holistics (JOHN SMITH)' would this apply.

The most significant section appears at 4.5., "Administrative Names":

"Official designations of political divisions and of other organized bodies are capitalized:

- Names of political divisions;
- Canada, New York State;
- United States Northwest Territories;
- Virgin Islands, Ontario Province;
- Names of governmental units, US Government Executive Department, US Congress, US Army;
- US Navy."

According to this official US Government publication, the States are never to be spelled in all caps such as “NEW YORK STATE.” The proper English grammar — and legal — style is “New York State.” This agrees, once again, with Texas Law.

Review's Manual on Usage & Style.

The Use of a Legal Fiction

The Real Life Dictionary of the Law

The authors of "The Real Life Dictionary of the Law," Gerald and Kathleen Hill, are accomplished scholars and writers. Gerald Hill is an experienced attorney, judge, and law instructor. Here is how the term legal fiction is described:

> "**Legal fiction**. n. A presumption of fact assumed by a court for convenience, consistency orto achieve justice. There is an old adage: Fictions arise from the law, and not law from fictions."

Oran's Dictionary of the Law

From Oran's "Dictionary of the Law," published by the West Group 1999, within the definition of "Fiction" is found:

> "A legal fiction is an assumption that something that is (or may be) false or nonexistent is true or real. Legal fictions are assumed or invented to help do justice. For example, bringing a lawsuit to throw a nonexistent 'John Doe' off your property used to be the only way to establish a clear right to the property when legal title was uncertain."

Merriam-Webster's Dictionary of Law

"Merriam-Webster's Dictionary of Law" 1996 states:

> "legal fiction: something assumed in law to be fact irrespective of the truth or accuracy of that assumption. Example: the legal fiction that a day has no fractions — Fields V. Fairbanks North Star Borough, 818 P.2d 658 (1991)."

This is the reason behind the use of all caps when writing a proper name. The US and State Governments are deliberately using a legal fiction to "address" the lawful, real, flesh-and-blood man or woman. We say this is deliberate because their own official publications state that proper names are not to be written in all caps. They are deliberately not following their own recognized authorities.

In the same respect, by identifying their own government entity in all caps, they are legally stating that it is also intended to be a legal fiction. As stated by Dr. Mary Newton Bruder in the beginning of this memorandum, the use of all caps for writing a proper name is an "internal style" for what is apparently a pre-determined usage and, at this point, unknown jurisdiction.

The main key to a legal fiction is assumption as noted in each definition above.

Conclusion: There are no official or unofficial English grammar style manuals or reference publications that recognize the use of all caps when writing a proper name. To do so is by fiat, within and out of an undisclosed jurisdiction by unknown people for unrevealed reasons, by juristic license of arbitrary presumption not based on fact. The authors of the process unilaterally create legal fictions for their own reasons and set about to get us to take the bait, fall for the deceit.

Assumption of a Legal Fiction

An important issue concerning this entire matter is whether or not a proper name, perverted into an all caps assemblage of letters, can be substituted for a lawful Christian name or any proper name, such as the State of Florida. Is the assertion of all-capital-letter names "legal?" If so, from where does this practice originate and what enforces it?

A legal fiction may be employed when the name of a “person” is not known, and therefore using the fictitious name “John Doe” as a tentative, or interim artifice to surmount the absence of true knowledge until the true name is known. Upon discovering the identity of the fictitious name, the true name replaces it.

In all cases, a legal fiction is an assumption of purported fact without having shown the fact to be true or valid. It is an acceptance with no proof. Simply, to assume is to pretend. Oran's "Dictionary of the Law" says that the word “assume” means:

> 1. To take up or take responsibility for; to receive; to undertake. See "assumption."
> 2. To pretend.
> 3. To accept without proof.

These same basic definitions are used by nearly all of the modern law dictionaries. It should be noted that there is a difference between the meanings of the second and third definitions with that of the first. Pretending and accepting without proof are of the same understanding and meaning. However, to take responsibility for and receive, or assumption, does not have the same meaning. Oran's defines “assumption” as:

> "Formally transforming someone else's debt into your own debt. Compare with guaranty. The assumption of a mortgage usually involves taking over the seller's 'mortgage debt' when buying a property (often a house)."

Now, what happens if all the meanings for the word "assume" are combined? In a literal and definitive sense, the meaning of assume would be: The pretended acceptance, without proof, that someone has taken responsibility for, has guaranteed, or has received a debt.

Therefore, if we apply all this in defining a legal fiction, the use of a legal fiction is an assumption or pretension that the legal fiction named has received and is responsible for a debt of some sort.

Use of the legal fiction “JOHN P JONES” in place of the proper name “John Paul Jones” implies an assumed debt guarantee without any offer of proof. The danger behind this is that if such an unproven assumption is made, unless the assumption is proven wrong it is considered valid.

An assumed debt is valid unless proven otherwise. (“An unrebutted affidavit, claim, or charge stands as the truth in commerce.”) This is in accord with the Uniform Commercial Code, valid in every State and made a part of the Statutes of each State. A name written in all caps — resembling a proper name but grammatically not a proper name — is being held as a debtor for an assumed debt. Did the parties to the Complaint incur that debt? If so, how and when?

Where is the contract of indebtedness that was signed and the proof of default thereon? What happens if the proper name, i.e. “John Paul Jones,” answers for or assumes the fabricated name, i.e. “JOHN P JONES?” The two become one and the same. This is the

crux for the use of the all caps names by the US Government and the States. It is the way that they can bring someone into the "de facto" venue and jurisdiction that they have created. By implication of definition, this also is for the purpose of some manner of assumed debt.

Why won't they use "The State of Texas" or "John Doe" in their courts or on Driver's Licenses? What stops them from doing this? Obviously, there is a reason for using the all-caps names since they are very capable of writing proper names just as their own official style manual states. The reason behind "legal fictions" is found within the definitions as cited above.

The Legalities of All-Capital-Letters Names

We could go on for hundreds of pages citing the legal basis behind the creation and use of all-capital-letters names. In a nutshell, fabricated legal persons such as “STATE OF TEXAS” can be used to fabricate additional legal persons. "Fictions" arise from the law, not the law from fictions. Bastard legal persons originate from any judicial/governmental actor that wishes to create them, regardless of whether he/she/it is empowered by law to do so. However, a law can never originate from a fictional foundation that doesn't exist.

The generic and original US Constitution was validated by treaty between individual nation states (all of which are artificial, corporate entities since they exist in abstract idea and construct). Contained within it is the required due process of law for all the participating nation states of that treaty. Representatives of the people in each nation state agreed upon and signed it. The federal government is not only created by it, but is also bound to operate within the guidelines of Constitutional due process. Any purported law that does not originate from Constitutional due process is a fictional law without validity. Thus, the true test of any American law is its basis of due process according to the organic US Constitution. Was it created according to the lawful process or created outside of lawful process?

Executive Orders and Directives

For years many have researched the lawful basis for creating all-caps juristic persons and have concluded that there is no such foundation according to valid laws and due process. But what about those purported "laws" that are not valid and have not originated from constitutional due process? There's a very simple answer to the creation of such purported laws that are really not laws at all: "Executive Orders" and "Directives." They are "color of law" without being valid laws of due process. These "Executive Orders" and "Directives" have the appearance of law and look as if they are laws, but according to due process, they are not laws. Rather, they are "laws" based on fictional beginnings and are the inherently defective basis for additional fictional "laws" and other legal fictions. They are "regulated" and "promulgated" by Administrative Code, rules and procedures, not due process. Currently, Executive Orders are enforced through the charade known as

the Federal Administrative Procedures Act. Each State has also adopted the same fatally flawed administrative "laws."

Lincoln Establishes Executive Orders

Eighty-five years after the Independence of the united States, seven southern nation States of America walked out of the Second Session of the thirty-sixth Congress on March 27, 1861. In so doing, the Constitutional due process quorum necessary for Congress to vote was lost and Congress was adjourned sine die, or "without day." This meant that there was no lawful quorum to set a specific day and time to reconvene which, according to Robert's Rules of Order, dissolved Congress. This dissolution automatically took place because there are no provisions within the Constitution allowing the passage of any Congressional vote without a quorum of the States.

Lincoln's second Executive Order of April 1861 called Congress back into session days later, but not under the lawful authority, or lawful due process, of the Constitution. Solely in his capacity as Commander-in-Chief of the US Military, Lincoln called Congress into session under authority of Martial Law. Since April of 1861, "Congress" has not met based on lawful due process. The current "Congress" is a legal fiction based on nothing more meritorious than “Yeah, so what are you going to do about it?” Having a monopoly on the currency, “law,” and what passes for “government,” and most of the world’s firepower, the motto of the Powers That Be is: “We’ve got what it takes to take what you’ve got.”

Legal-fiction "laws," such as the Reconstruction Acts and the implementation of the Lieber Code, were instituted by Lincoln soon thereafter and became the basis for the current "laws" in the US. Every purported "Act" in effect today is "de facto," based on colorable fictitious entities created arbitrarily, out of nothing, without verification, lawful foundation, or lawful due process. All of such “laws” are not law, but rules of rulership by force/conquest, originating from and existing in military, martial law jurisdiction. Military, martial law jurisdiction

= jurisdiction of war
= win/lose interactions consisting of eating or being eaten, living or dying
= food chain
= law of necessity
= suspension of all law other than complete freedom to act in any manner to eat, kill, or destroy or avoid being eaten, killed, or destroyed
= no law
= lawlessness
= complete absence of all lawful basis to create any valid law.

Contractually, being a victim of those acting on the alleged authority granted by the law of necessity,

= no lawful object, valuable consideration, free consent of all involved parties, absence offraud, duress, malice, and undue influence

= no bona fide, enforceable contract
= no valid, enforceable nexus
= absolute right to engage in any action of any kind in self-defense
= complete and total right to disregard any alleged jurisdiction and demands from self-admitted outlaws committing naked criminal aggression without any credibility and right to demand allegiance and compliance from anyone.

Every President of the United States since Lincoln has functioned by Executive Orders issued from a military, martial law jurisdiction with the only "law" being the "law of necessity," i.e. the War Powers. The War Powers are nothing new. Indeed, they have been operational from the instant the first man thought he would "hide from God," try to cheat ethical and natural law by over reaching, invade the space and territory of others, covet other people's land or property, steal the fruits of their labors, and attempt to succeed in life by win/lose games. All existing "authority" in the United States today derives exclusively from the War Powers. Truman's re-affirmation of operational authority under the War Powers begins: "NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by section 5(b) of the Trading with the Enemy Act of October 6, 1917, 40 Stat. 415, as amended (section 5(b) of Appendix to Title 50), and section 4 of the act of March 9, 1933, 48 Stat. 2. ..." Sic transit rights, substance, truth, justice, peace, and freedom in America, "the land of the free and the home of the brave."

The Abolition of the English & American Common Law

Here's an interesting quote from the 1973 session of the US Supreme Court:

> "The American law. In this country, the law in effect in all but a few States until mid-l9th century was the pre-existing English common law... It was not until after the War Between the States that legislation began generally to replace the common law." – Roe vs. Wade, 410 US 113.

In effect, Lincoln's second Executive Order abolished the recognized English common law in America and replaced it with "laws" based on a fictional legal foundation, i.e., Executive Orders and Directives executed under "authority" of the War Powers. Most States still have a reference to the common laws within their present day statutes. For example, in the Florida Statutes (1999), Title I. Chapter 2, at § 2.01 "Common law and certain statutes declared in force," it states:

> "The common and statute laws of England which are of a general and not a local nature, with the exception hereinafter mentioned, down to the 4th day of July, 1776, are declared to be of force in this state; provided, the said statutes and common law be not inconsistent with the Constitution and laws of the United States and the acts of the Legislature of this state. History. -- s. l, Nov. 6, 1829; RS 59; GS 59; RGS 71; CGL 87."

Note that the basis of the common law is an approved Act of the people of Florida by Resolution on November 6, 1829, prior to Lincoln's Civil War. Also note that the subsequent "laws," as a result of Acts of the Florida Legislature and the United States, now take priority over the common law in Florida. In April 1861, the American and

English common law was abolished and replaced with legal fiction "laws," a.k.a. Statutes, Rules, and Codes based on Executive Order and not the due process specified within the organic Constitution. Existing and functioning under the law of necessity ab initio, they are all non-law and cannot validly assert jurisdiction, authority, or demand for compliance from anyone. They are entirely “rules of rulership,” i.e. organized piracy, privilege, plunder, and enslavement, invented and enforced by those who would rule over others by legalized violence in the complete absence of moral authority, adequate knowledge, and natural-law mechanics to accomplish any results other than disruption, conflict, damage, and devastation. The established maxim of law applies:

> ***Extra territorium just dicenti non paretur impune.*** One who exercises jurisdiction out of his territory cannot be obeyed with impunity.
>
> 10 Co. 77; Dig. 2. 1. 20;
> Story, Confl. Laws § 539;
> Broom, Max. 100, 101.

Applying it all to Current "laws"

An established maxim of law states the importance of the name:

> ***Ad recte docendum oportet, primum inquirere nomina, quia rerum cognitio a nominibusrerum dependet.*** In order rightly to comprehend a thing, inquire first into the names, for a right knowledge of things depends upon their names.
>
> Co. Litt. 68.

Title III, "Pleadings and Motions," Rule 9(a) "Capacity," Federal Rules of Civil Procedure, states, in pertinent part:

> "When an issue is raised as to the legal existence of a named party, or the party's capacity to be sued, or the authority of a party to be sued, the party desiring to raise the issue shall do so by specific negative averment, which shall include supporting particulars."

At this juncture, it is clear that the existence of a name written with all caps is a necessity-created legal fiction. This is surely an issue to be raised and the supporting particulars are outlined within this memorandum. Use of the proper name must be insisted upon as a matter of abatement — correction — for all parties of an action of purported "law." However, the current "courts" cannot correct this since they are all based on presumed/assumed fictional law and must use artificial, juristic names. Instead, they expect the lawful Christian man or woman to accept the all-caps name and agree by silence to be treated as if he or she were a fictional entity invented and governed by mortal enemies. They must go to unlimited lengths to deceive and coerce this compliance or the underlying criminal farce would be exposed and a world-wide plunder/enslavement racket that has held all of life on this planet in a vice grip for

millennia would crumble and liberate every living thing. At this point the would-be rulers of the world would be required to succeed in life by honest, productive labors the way those upon whom they parasitically feed are forced to conduct their lives.

Oklahoma Statutes

Since the entire game functions on the basis of people's failure to properly rebut a rebuttable presumption, the issue then becomes how to properly rebut their presumption that you are knowingly, intentionally, and voluntarily agreeing to be treated as if you were the all-caps name. One angle of approach is found in the requirement for proper names to be identified in any legal dispute. This includes a mandate to correct the legal paperwork involved when proper names are provided. In regard to criminal prosecution this is clearly set forth in the Oklahoma Statutes, Chapter 22, § 403:

> "When a defendant is indicted or prosecuted by a fictitious or erroneous name, and in any stage of the proceedings his true name is discovered, it must be inserted in the subsequent proceedings, referring to the fact of his being charged by the name mentioned in the indictment or information."

American Jurisprudence

In general, it is essential to identify parties to court actions properly. If the alleged parties to an action are not precisely identified, then who is involved with whom or what, and how? If not properly identified, all corresponding judgments are void, as outlined in Volume 46, American Jurisprudence 2d, at "Judgments:"

> "§ 100 Parties — 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 and cites are omitted.]

The present situation in America

A legal person = a legal fiction

One of the terms used predominantly by the present civil governments and courts in America is "legal person." Just what is a legal person? Some definitions are:

> [A] **legal person**: a body of persons or an entity (as a corporation) considered as having many of the rights and responsibilities of a natural person and especially the capacity to sue and be sued. Merriam-Webster's Dictionary of Law (1996).
>
> **Person**. I. A human being (a "natural" person). 2. A corporation (an "artificial" person). Corporations are treated as persons in many legal situations. Also, the word "person" includes corporations in most definitions in this dictionary. 3. Any other "being" entitled to sue as a legal entity (a government, an association, a group of Trustees, etc.). 4. The plural of person is persons, not people (see that word). — Oran's "Dictionary of the Law," West Group (1999).
>
> **Person**. An entity with legal rights and existence including the ability to sue and be sued, to sign contracts, to receive gifts, to appear in court either by themselves or by lawyer and, generally, other powers incidental to the full expression of the entity in law. Individuals are "persons" in law unless they are minors or under some kind of other incapacity such as acourt finding of mental incapacity. Many laws give certain powers to "persons" which, in almost all instances, includes business organizations that have been formally registered such as partnerships, corporations or associations. -- Duhaime's Law Dictionary.
>
> **PERSON**, noun. per'sn. [Latin persona; said to be compounded of per, through or by, and sonus, sound; a Latin word signifying primarily a mask used by actors on the stage.] -- Webster's 1828 Dictionary.

A corporation incorporated under de jure law, i.e. by bona fide express contract between real beings capable of contracting, is a legal fact. Using the juristic artifice of "presumption," or "assumption" (a device known as a "legal fiction"), implied contract, constructive trusts, another entirely separate entity can be created using the name of the bona fide corporate legal fact (the name of the corporation) by altering the name of the corporation into some other corrupted format, such as ALL-CAPITAL LETTERS or abbreviated words in the name. The corporation exists in law, but has arbitrarily been assigned another NAME. No such corporation (legal fact), nor any valid law, nor even a valid legal fiction, can be created under the "law of necessity," i.e. under "no law." Likewise, the arbitrary use of the legal-fiction artifice of "right of presumption" (over unwary, uninformed, and usually blindly trusting people) can be legitimately exercised under "no law." Anything whatsoever done under alleged authority of naked criminal aggression, i.e. law of necessity, can be rendered legitimate. Maxims of law describing "necessity" include:

- "Necessity has no law." Plowd. 18, and 15 Vin. Abr. 534; 22 id. 540.
- "In time of war, laws are silent." Cicero.

Non-existent law, the legal condition that universally prevails in the official systems of the world today, means that no lawful basis exists upon which anything can be created, or be made to transpire, upon which basis allegiance and obedience can be legitimately demanded. Acting under the law of necessity, i.e. lawlessness, allows complete and total right of everyone to disregard any and all alleged assertions of any lawful, verifiable, and legitimate jurisdiction over anything or anyone. Anyone acting against anyone under such non-law is self-confessing to be a naked criminal aggressor, and con man who has forfeited all credibility and right to demand allegiance, obedience, or compliance with any jurisdiction he might assert. If you, as a real being, are in real law and it is

impossible for an attorney or judge to recognize or access it, you are not (and cannot be made subject to by them) in their jurisdiction. The crucial issue is then how to notice them of your position and standing.

A person created under de jure law, with the person's identifying name appearing as prescribed by law and according to the rules of English grammar, is a legal fact. A corrupted "alter ego" version of that name, manufactured under the legal fiction of "right of presumption" will have "credibility" only so long as the presumption remains unchallenged. The rule of the world is that anything and everything skates unless you bust it.

Legal or Lawful?

It is crucial to define the difference between "legal" and "lawful." The generic Constitution references genuine law. The present civil authorities and their courts use the word "legal." Is there a difference in the meanings? The following is quoted from A Dictionary of Law (1893):

> **Lawful**. In accordance with the law of the land; according to the law; permitted, sanctioned, or justified by law. "Lawful" properly implies a thing conformable to or enjoined by law; "Legal," a thing in the form or after the manner of law or binding by law. A writ or warrant issuing from any court, under color of law, is a "legal" process however defective. See "legal." [Bold emphasis added]
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> **Legal**. Latin legalis. Pertaining to the understanding, the exposition, the administration, the science and the practice of law: as, the legal profession, legal advice; legal blanks, newspaper. Implied or imputed in law. Opposed to actual "Legal" looks more to the letter [form/appearance], and "Lawful" to the spirit [substance/content], of the law. "Legal" is more appropriate for conformity to positive rules of law; "Lawful" for accord with ethical principle. "Legal" imports rather that the forms [appearances] of law are observed, that the proceeding is correct in method, that rules prescribed have been obeyed; "Lawful" that the right is act full in substance, that moral quality is secured. "Legal" is the antithesis of equitable, and the equivalent of constructive. 2 Abbott's Law Dic. 24. [Bold emphasis added]

Legal matters administrate, conform to, and follow rules. They are equitable in nature and are implied (presumed) rather than actual (express). A legal process can be defective in law. This accords with the previous discussions of legal fictions and color of law. To be legal, a matter does not have to follow the law. Instead, it conforms to and follows the rules or form of law. This is why the Federal and State Rules of Civil and Criminal Procedure are cited in every court Petition so as to conform to legal requirements of the specific juristic persons named, e.g., "STATE OF GEORGIA" or the "U.S. FEDERAL GOVERNMENT" that rule the courts.

Lawful matters are ethically enjoined in the law of the land — the law of the people — and are actual in nature, not implied. This is why whatever true law was upheld by the organic Constitution has no bearing or authority in the present day legal courts. It is

impossible for anyone in “authority” today to access, or even take cognizance of, true law since “authority” is the “law of necessity,” 12 USC 95.

Therefore, it would appear that the meaning of the word “legal” is “color of law,” a term which Black’s Law Dictionary, Fifth Edition, defines as:

> **Color of law**. The appearance or semblance, without the substance, of legal right. Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under “color of law.”

Black’s Law Dictionary, Fifth Edition, page 241.

Executive Orders rule the land

The current situation is that legalism has usurped and engulfed the law. The administration of legal rules, codes, and statutes now prevail instead of actual law. This takes place on a Federal as well as State level. Government administrates what it has created through its own purported "laws," which are not lawful, but merely “legal.” They are arbitrary constructs existing only because of the actions of people acting on fictitious (self-created) authority, i.e. no authority; they are authorized and enforced by legal Executive Orders. Executive Orders are not lawful and never have been. As you read the following, be aware of the words "code" and "administration."

Looking at the United States Census 2000 reveals that the legal authority for this census comes from "Office of Management and Budget" (OMB) Approval No. 0607-0856. The 0MB is a part of the Executive Office of the President of the United States. The U.S. Census Bureau is responsible for implementing the national census, which is a division of the "Economics and Statistics Administration" of the U.S. Department of Commerce (USDOC). The USDOC is a department of the Executive Branch. Obviously, Census 2000 is authorized, carried out, controlled, enforced and implemented by the President — the Executive Branch of the Federal Government — functioning as it has been since 1861, in the lawless realm of necessity (which is now even more degenerate than when it commenced under Lincoln).

In fact, the Executive Office of the President controls the entire nation through various departments and agencies effecting justice, communications, health, energy, transportation, education, defense, treasury, labor, agriculture, mails, and much more, through a myriad of Executive Orders, Proclamations, Policies, and Decisions.

Every US President since Lincoln has claimed his 'authority' for these Executive Orders on Article II, Section 2 of the U.S. Constitution:

> "The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; … He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other

> public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."

In reality, the Congress is completely by-passed. Since the Senate was convened in April, 1861 by Presidential Executive Order No. 2, (not by lawful constitutional due process), there is no United States Congress. The current "Senate" and "House" are, like everything, "colorable" ("color of Senate") under the direct authority of the Executive Office of the President. The President legally needs neither the consent nor a vote from the Senate simply because the Senate's legal authority to meet exists only by Executive Order. Ambassadors, public ministers, consuls, Federal judges, and all officers of the UNITED STATES are appointed by, and under authority of, the Executive Office of the President.

The Federal Registry is an Executive function

The first official act of every incoming President is to re-affirm the War Powers. He must do so, or he is devoid of power to function in office. The War Powers are set forth in the Trading With The Enemy Act of October 6, 1917, and the Amendatory Act of March 9, 1933 (The Banking Relief Act). In the Amendatory Act, every citizen of the United States was made an enemy of the Government, i.e. the Federal Reserve/IMF, et al, Creditors in bankruptcy who have conquered the country by their great paper-money banking swindle.

For the past 65 years, every Presidential Executive Order has become purported "law" simply by its publication in the Federal Register, which is operated by the Office of the Federal Register (OFR). In 1935, the OFR was established by the Federal Register Act. The purported authority for the OFR is found within the United States Code, Title 44, at Chapter 15:

> "§ 1506. Administrative Committee of the Federal Register; establishment and composition; powers and duties
>
> The Administrative Committee of the Federal Register shall consist of the Archivist of the United States or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Federal Register shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out this chapter."

Notice that the entire Administrative Committee of the Federal Register is comprised of officers of the Federal Government. Who appoints all Federal officers? The President does. This "act" also gives the President the authority to decree all the regulations to carry out the act. By this monopoly the Executive establishes, controls, regulates, and enforces the Federal Government without need for any approval from the Senate or

anyone else (other than his undisclosed superiors). He operates without any accountability to the people at all. How can this be considered lawful?

In 1917, President Woodrow Wilson couldn't persuade Congress to agree with his desire to arm United States vessels traversing hostile German waters before the United States entered World War I, so Wilson simply invoked the "policy" through a Presidential Executive Order. President Franklin D. Roosevelt issued Executive Order No. 9066 in December 1941 forcing 100,000 Americans of Japanese descent to be rounded up and placed in concentration camps while all their property was confiscated. Is it any wonder that the Congress, which the President "legally" controls, did not impeach President William Jefferson Clinton when the evidence for impeachment was overwhelming? On that note, why is it that Attorney-Presidents have used Executive Orders the most? Who, but an attorney, would know and understand legal rules the best. Sadly, they enforce what's "legal" and ignore what's lawful. In fact, they have no access to what is lawful since the entirety of their "authority," which is ethically and existentially specious, derives from the War Powers.

How debt is assumed by legal fictions

We now refer back to the matter of assumption, as already discussed, with its relationship to arbitrarily created juristic persons, e.g. "STATE OF CALIFORNIA" or "JOHN P JONES." Since an assumption, by definition, implies debt, what debt does a legal fiction assume? Now that we have explored the legal — executive — basis of the current Federal and State governments, it's time to put all this together.

The government use of all caps in place of proper names is absolutely no mistake. It signifies an internal ("legal") rule and authority. Its foundation is pure artifice and the results have compounded into more deceit in the form of created, promulgated, instituted, administered, and enforced rules, codes, statutes, and policy — i.e. "the laws that appear to be but are not, never were, and never can be."

> **Qui sentit commodum, sentire debet et onus**. He who enjoys the benefit, ought also to bear the burden. He who enjoys the advantage of a right takes the accompanying disadvantage — a privilege is subject to its condition or conditions. -- Bouvier's Maxims of Law (1856).

The Birth Certificate

Since the early 1960's, State governments — themselves specially created, juristic, corporate persons signified by all caps — have issued Birth Certificates to "persons" with legal fiction all-caps names. This is not a lawful record of your physical birth, but rather the birth of the juristic, all-caps name. It may appear to be your true name, but since no proper name is ever written in all caps (either lawfully or grammatically) it does not identify who you are. The Birth Certificate is the government's self-created document of title for its new "property," i.e. the deed to the juristic-name artificial person whose all-

caps name “mirrors” your true name. The Birth Certificate brings the new all-caps name into colorable admiralty/maritime law, the same way a ship (and ship of state) is berthed.

One important area to address, before going any further, is the governmental use of older data storage from the late 1950's until the early 1980's. As a "left over" from various teletype-oriented systems, many government data storage methods used all caps for proper names. The IRS was supposedly still complaining about some of their antiquated storage systems as recent as the early 1980's. At first, this may have been a necessity of the technology at the time, not a deliberate act. Perhaps, when this technology was first being used and implemented into the mainstream of communications, some legal experts saw it as a perfect tool for their perfidious intentions. What better excuse could there be?

However, since local, State, and Federal offices primarily used typewriters during that same time period, and Birth Certificates and other important documents, such as driver's licenses, were produced with typewriters, it's very doubtful that this poses much of an excuse to explain all-caps usage for proper names. The only reasonable usage of the older databank all-caps storage systems would have been for addressing envelopes or certain forms in bulk, including payment checks, which the governments did frequently.

Automated computer systems, with daisy-wheel and pin printers used prevalently in the early 1980's, emulated the IBM electric typewriter Courier or Helvetica fonts in both upper and lower case letters. Shortly thereafter, the introduction of laser and ink-jet printers with multiple fonts became the standard. For the past fifteen years, there is no excuse that the government computers will not accommodate the use of lower case letters unless the older data is still stored in its original form, i.e. all caps, and has not been translated due to the costs of re-entry. But this does not excuse the entry of new data, only "legacy" data. In fact, on many government forms today, proper names are in all caps while other areas of the same computer produced document are in both upper and lower case. One can only conclude that now, more than ever, the use of all caps in substitution the writing a proper name is no mistake.

When a child is born, the hospital sends the original, not a copy, of the record of live birth to the "State Bureau of Vital Statistics," sometimes called the "Department of Health and Rehabilitative Services" (HRS). Each STATE is required to supply the UNITED STATES with birth, death, and health statistics. The STATE agency that receives the original record of live birth keeps it and then issues a Birth Certificate in the corrupted, all-caps version of the baby’s true name, i.e. JAMES WILBER SMITH.

> **cer-tif-i-cate**, noun. Middle English certificat, from Middle French, from Medieval Latinceruficatum. from Late Latin, neuter of certificatus, past participle of certificare, to certify, 15th century. 3: a document evidencing ownership or debt.-- Merriam Webster Dictionary (1998).

The Birth Certificate issued by the State is then registered with the U.S. Department of Commerce -- the Executive Office -- specifically through their own sub-agency, the U.S. Census Bureau, which is responsible to register vital statistics from all the States. The word "registered," as it is used within commercial or legal based equity law, does not

mean that the all-caps name was merely noted in a book for reference purposes. When a Birth Certificate is registered with the U.S. Department of Commerce, it means that the all-caps legal person named thereon has become a surety or guarantor, a condition and obligation that is automatically and unwittingly assumed unless you rebut the presumption by effectively noticing them: "It ain't me."

> **registered**. Security, bond. -- Merriam-Webster Dictionary of Law (1996).
>
> **Security**. I a: Something (as a mortgage or collateral) that is provided to make certain the fulfillment of anobligation. Example: used his property as security for a loan. Ib: "surety." 2: Evidence of indebtedness, ownership, or the right to ownership. -- Ibid.
>
> **Bond**. I a: A usually formal written agreement by which a person undertakes to perform a certain act (as fulfill the obligations of a contract) ... with the condition that failure to perform or abstain will obligate the person ... to pay a sum of money or will result in the forfeiture of money put up by the person or surety. Ib: One who acts as a surety. 2: An interest-bearing document giving evidence of a debt issued by a government body or corporation that is sometimes secured by a lien on property and is often designed to take care of a particular financial need. -- Ibid.
>
> **Surety**. The person who has pledged him or herself to pay back money or perform a certain action if the principal to a contract fails, as collateral, and as part of the original contract. -- Duhaime'sLaw Dictionary.
>
> > 1: a formal engagement (as a pledge) given for the fulfillment of an undertaking.
> > 2: one who promises to answer for the debt or default of another.
>
> Under the Uniform Commercial Code, however, a surety includes a guarantor, and the two terms are generally interchangeable.
>
> Merriam Webster's "Dictionary of Law" (1996).
>
> **Guarantor**. A person who pledges collateral for the contract of another, but separately, as part of an independently contract with the obligee of the original contract.
>
> Duhaime's Law Dictionary.

It is not difficult to see that a state-created Birth Certificate, with an all-caps, name is a document evidencing debt the moment it is issued. Once a state has registered a birth document with the U.S. Department of Commerce, the Department notifies the Treasury Department, which takes out a loan from the Federal Reserve. The Treasury uses the loan to purchase a bond (the Fed holds a "purchase money security interest" in the bond) from the Department of Commerce, which invests the sale proceeds in the stock or bond market. The Treasury Department then issues Treasury securities in the form of Treasury Bonds, Notes, and Bills using the bonds as surety for the new "securities." This cycle is based on the future tax revenues of the legal person whose name appears on the Birth Certificate. This also means that the bankrupt, corporate U.S. can guarantee to the purchasers of their securities the lifetime labor and tax revenues of every "citizen of the United States"/American with a Birth Certificate as collateral for payment. This device is initiated simply by converting the lawful, true name of the child into a legal, juristic name of a person.

> ***Dubuque rei potissinia pars prineipium est*** — The principal part of everything is in the beginning. ("Well begun is half done.")

Legally, you are considered to be a slave or indentured servant to the various Federal, State and local governments via your STATE-issued and STATE-created Birth Certificate in the name of your all-caps person. Birth Certificates are issued so that the issuer can claim "exclusive" title to the legal person created thereby. This is further compounded when one voluntarily obtains a Driver's License or a Social Security Account Number. The state even owns your personal and private life through your STATE-issued marriage license/certificate issued in the all-caps names. You have no rights in birth, marriage, or even death. The state holds title to all legal persons the state creates via Birth Certificates until the rightful owner, i.e. you, reclaims/redeems it by becoming the holder in due course of the instrument.

The main problem is that the mother and father, and then the eighteen-year-old man or woman, voluntarily agreed to this contrived system of plunder and slavery by remaining silent — a legal default, latches, and failing to claim one's own Rights. The maxim of law becomes crucially operative: "He who fails to assert his rights has none."

The legal rules and codes enforce themselves. There is no court hearing to determine if those rules are correct. Government rules are self-regulating and self-supporting. Once set into motion, such "laws" automatically come into effect provided the legal process has been followed.

The various bankruptcies

The legal person known as the UNITED STATES is bankrupt and holds no lawful Constitutionally mandated silver or gold — gold coin or bullion — with which to back any currency. All private held and federally held gold coins and bullion in America was seized via Executive Order of April 5, 1933 and paid to the creditor, the private Federal Reserve Corporation under the terms of the bankruptcy.

Congress — still convening strictly under Executive Order authority — confirmed the bankruptcy through the Joint Resolution to Suspend the Gold Standard and Abrogate the Gold Clause, June 5, 1933, House Joint Resolution (HJR) 192, June 5, 1933, 73rd Congress, 1st Session, Public Law 73-10. This 1933 public law states, in part:

> "... every provision contained in or made with respect to any obligation which purports to give the oblige a right to require payment in gold or a particular kind of coin or currency, or in an amount in money of the United States measured thereby, is declared to be against public policy."

The corporate U.S. declared bankruptcy a second time, whereby the Secretary of Treasury was appointed "Receiver" for the bankrupt U.S. in Reorganization Plan No. 26, Title 5 USC 903, Public Law 94-564, "Legislative History," page 5967.

Since 1933, the only "assets" used by the UNITED STATES to "pay its debt" to the Fed have been the blood, sweat, and tears of every American unfortunate to be saddled with a Birth Certificate and a Social Security Account Number (the U.S. Government must conceal this fact from the American people at all cost). Their future labor and tax revenues have been "legally" pledged via the new all-caps, juristic-person names appearing on the Birth Certificates, i.e. the securities used as collateral for loans of credit (thin-air belief) to pay daily operational costs, re-organization expenses in bankruptcy, insurance policy premiums required to float the bankrupt government, and interest on the ever-increasing, wholly fraudulent, debt.

All Caps Legal Person vs. The Lawful Being

Just who or what is the all-caps person, i.e. "JOHN PAUL JONES," "JOHN P JONES," or some other all capital letter corruption thereof? It is the entity the government created to take the place of the real being, i.e. John Paul Jones. The lawful Christian name of birthright has been replaced with a legal corporate name of deceit and fraud. If the lawful Christian name answers as the legal person, the two are recognized as being one and the same. However, if the lawful being distinguishes himself/herself as a party other than the legal fiction, the two are separated.

A result of the federal bankruptcy was the creation of the "UNITED STATES," which was made a part of the legal reorganization. The name of each STATE was also converted to its respective, all-caps legal person, e.g. STATE OF DELAWARE. These new legal persons were then used to create more legal persons, such as corporations, with all-capital letters names, as well. Once this was accomplished, the con began to pick up speed. All areas of government and all alleged "courts of law," are de facto, "color of law and right" institutions. The "CIRCUIT COURT OF WAYNE COUNTY" and the "U.S. DISTRICT COURT" can recognize and deal only with other legal persons. This is why a lawful name is never entered in their records. The all-caps legal person is used instead. Jurisdiction in such sham courts covers only other artificial persons. The proper jurisdiction for a lawful being is a Constitutionally sanctioned, common-law-venue court. Unfortunately, such jurisdiction was "shelved" in 1938 and is no longer available. The only courts today are statutory commercial tribunals collecting tribute (plunder) from the alleged Creditors who think they have conquered the country on their way to ruling the world.