

It's all in the NAME

At the Christian Law Fellowship and Assembly, we've been repeatedly requested to publish our accumulated research concerning the use of all or full capitalized letters for proper names; *i.e.*, **JOHN JAMES SMITH** as commonly substituted for **John James Smith** in all court documents, Driver's Licenses, bank accounts, Birth Certificates, etc.

Is this 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 lawyers, court clerks, prosecutors, judges, insurance companies, banks, and credit card companies 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*](#). Their 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. We could 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 Robert Jones, can it be written as JOHN ROBERT JONES? Is there any rule covering this?"

We received the following reply from the Chicago Editorial Staff:

"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."

Yes, it does appear "a bit odd" for governments, their judicial courts, and other legal entities incorporated within their legal jurisdiction to use this method of capitalizing every letter in a proper name.

We then contacted 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. We asked her the following:

"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 Joseph Smith, is it proper at any time to write it as JOHN JOSEPH SMITH?"

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."

Another fellow researcher, whose report on this subject can be found at [AllCapName.html](#), queried the same question from Cambridge University about capitalization. The reply from them was signed by Colin T. Clarkson:

"I have checked A comprehensive grammar of the English language, by Randolph Quirk... [et al.] (London: Longman, 1985), The Oxford English grammar, by Sidney Greenbaum (Oxford: Oxford University Press, 1996) and Hart's rules for compositors and readers at the University Press, Oxford, by Horace Hart, 39th edition (Oxford: Oxford University Press, 1983). I find no grammatical rule which defines a situation in which all the letters of a name or, indeed, of any word should appear as capitals. Rather the use of capitals or small capitals in this way is simply a typographical device used for emphasis, for example of headings or keywords."

So, in addition to there being no American English rule of grammar to spell names in all capitals, there is neither - for those who still believe that Britain rules this country - a British English rule of grammar. The rule which spells our names in all capital letters is outside the rules of grammar.

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 in order to find the answer.

What English grammar reference books say

Manual on Usage & Style

One of the reference books we obtained was the *Manual on Usage & Style*, Eighth Edition, ISBN 1-878674-51-X, published by the Texas Law Review in 1995. In **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)."

It appears that not a single lawyer, judge, or law clerk in Texas has ever read their own recognized law style manual as 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 we obtained was *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, we 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 formal name as compared to capitalizing the entire name.

The American Heritage Book of English Usage

In *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**, they state:

"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 a way 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's 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's the same as shouting or yelling. Are all judges, their court clerks and lawyers shouting at us when they print our proper names in this manner? 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 prove this to be true. We can, however, safely conclude 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? Aren't attorneys and the courts supposed to be specific, whereas they formally write their legal documents within the "letter of the law"?

New Oxford Dictionary of English

The *New Oxford Dictionary of English* is published by the Oxford University Press, 1998. 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:

Proper noun (also **proper name**). Noun. A name used for an individual person, place, or

organization, 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 3** Identify by name; give the correct name for: *the dead man has been named as John Mackintosh.* **Phrases. 2 In the name of.** Bearing or using the name of a specified person or organization: *a driving licence in the name of William Sanders.*

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

name n. 1 [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. Is there any doubt that a proper name is written with the first letter capitalized, followed by lower case letters?

U.S. Government Style Manual

Is the spelling and usage of a proper name defined officially by U.S. 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" [bold emphasis added].

After entirely reading § 17, we 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 U.S. 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 published one of the most concise U.S. 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:

Full 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 refers to a particular font of type containing small capital letters instead of lowercase letter.

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 full caps. At **4.4.1. Capitalization With Acronyms**, we find the first authoritative use for full 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 (WYSIWIG) features...

Correct The best electronic publishing systems combine what you see is what you get (WYSIWIG) features...

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

This cites, by example, that using *full 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 **4.5.3. Administrative Names:**

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

Names of political divisions	Names of governmental units
Canada	U.S. Government
New York State	Executive Department
United States	U.S. Congress
Northwest Territories	U.S. Army
Virgin Islands	U.S. Navy
Ontario Province	

According to this official U.S. Government publication, the States are *never* to be spelled in full caps such as NEW YORK STATE. The proper English grammar 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

We refer to [*The Real Life Dictionary of the Law*](#). The authors, 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 or to 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 *full caps* when writing a proper name. The U.S. and State Governments are deliberately using a legal fiction to "address" the Lawful Christian. We say this is deliberate because their own official publications state that proper names are not to be written in *full caps*. They are deliberately not following their own recognized authorities.

In the same respect, by identifying their own government entity in *full caps*, they are legally stating that they are also a legal fiction. As stated by Dr. Mary Newton Bruder in the beginning of this report, the use of *full 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 *full caps* when writing a proper name. To do so is considered a legal fiction.

The Assumption of a Legal Fiction

An important issue concerning this entire matter is whether or not a legal fiction, such as a proper name written in *full caps*, can be substituted for a lawful Christian name or any proper name, such as the State of Florida. Is the use of a legal fiction "legal"? If so, from where does this legal fiction originate and what enforces it?

A legal fiction can be used when the name of a "person" is not known by using the fictional name "John Doe". This is understood by all and needs little explanation. If you have no way to identify someone, then the legal fiction John Doe or Jane Doe is used to describe an unknown name until the proper name can be identified.

In all cases, a legal fiction is an *assumption* of purported fact without having shown the fact to be true or valid. It's 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 SMITH in place of the proper name John Smith implies an assumed debt guarantee without any offer of proof. The danger behind this is that if such an unproven assumption is made, then unless the assumption is proven wrong, it is considered valid.

Please go no further until you understand and comprehend exactly what the above paragraphs have stated. If necessary, re-read the above until you have a full understanding of what is involved in the meaning of a legal fiction.

An assumed debt is valid unless proven otherwise. This is in accord with the Uniform Commercial Code valid in every State and made a part of the Statutes in each State. A legal fiction written with full caps - resembling a proper name but grammatically *not* a proper name - is being held as a debtor for an assumed debt.

What happens if the proper name, *i.e.* John Doe, answers for or assumes the legal fiction, *i.e.* JOHN DOE? They become one and the same. This is the crux for the use of the full caps legal fictions by the U.S. Government and the States. It is the way that they can bring someone into their fictional 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 legal fictions 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. At this point, this should be very clear to every reader.

The Legalities Behind Legal Fictions

We could go on for hundreds of pages citing the legal basis behind the creation of legal fictions. In a nutshell, a legal fiction in and of itself, such as the STATE OF TEXAS, can create additional legal fictions. Fictions arise from the law, not the law from fictions. Take a moment to understand what that means. Legal fictions originate from any law that is used to create them, regardless of the fact that the purported foundational law is valid or not. However, a law can never originate from a fictional foundation that doesn't exist.

The generic and original U.S. Constitution is a valid foundation document of treaty law having been created between the individual state nations. Contained within it is the required due process of law for all the participating nation states of that treaty. Proper representatives of the people in each nation state agreed upon it and signed it with their lawful seals. The federal government is not only created by it, but is also bound to operate within the guidelines of Constitutional due process. Any law that originates from the Constitutional due process is valid law. Any purported law that does *not* originate from it is a fictional law without validity. Thus, the true test of any American law is its basis of due process according to the generic U.S. Constitution. Was it created according to the lawful process or outside of lawful process based on that constitutional treaty?

Executive Orders and Directives

For years we have researched the *lawful* basis for creating full caps legal fictions 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 the "color of law" without being valid laws of due process. They have the appearance of law and look as if they're laws, but according to due process, they are *not* laws. Rather, they are "laws" based on fictional beginnings and are the basis for further 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 legal fiction known as the federal Administrative Procedures Act. Each State has also adopted the same fictional administrative "laws".

Lincoln Establishes E.O.'s

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 were 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 U.S. Military, Lincoln called Congress into session under authority of Martial Law. Since April of 1861, "Congress" has not met based on lawful due process. Our current "Congress" is based on legal fiction no different than a proper name written in full caps is.

Legal fiction "laws", such as the Reconstruction Acts and the implementation of the [Lieber Code](#), were soon instituted by Lincoln and thus became the basis for our current "laws". Every purported "Act" in effect today is based on legal fiction, not lawful due process. Lincoln has been called the greatest American Lawyer and his ingenious legal rule of America enforces such

a title.

The abolition of the English & American common law

Here's an interesting quote from the 1973 session of the U.S. Supreme Court:

"The American law. In this country, the law in effect in all but a few States until mid-19th 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 v. Wade*, 410 U.S. 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. 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. 1, 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. Since 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, *not* the due process specified within the generic Constitution.

Applying it all to Current "laws"

Title III, Pleadings and Motions, Rule 9(a) Capacity, *Federal Rules of Civil Procedure*, states:

"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." [Bold emphasis added].

At this juncture, it's clear that the existence of a name written with *full caps* is a legal fiction. This is surely an issue to be raised and the supporting particulars are outlined within this article. 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 based on fictional law and must use fictional names. Instead, they expect the lawful Christian man or woman to accept their full caps name and become a fictional entity, just as they are.

Oklahoma Statutes

Do the individual States within the United States follow suit? The requirement of proper names, including a mandate for correction when proper names are provided, is clearly set forth when relating to criminal prosecution 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." [Bold emphasis added].

American Jurisprudence

In general, it's necessary to properly identify parties to court actions. If not properly identified, then 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 are omitted; cites have not been reproduced; bold emphasis added]

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*. According to them, just what is a legal person? We offer some definitions for your review:

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 esp. the capacity to sue and be sued. -- *Merriam-Webster's Dictionary of Law 1996*.

Person. 1. 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 a court 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 person is basically an entity - legal fiction - of some kind that has been *legally* created and has the *legal* capacity to be sued. Isn't it odd that the word *lawful* is not used within these definitions?

Legal or Lawful?

We feel that it's quite necessary to also define what is *legal* as opposed with what is *lawful*. The generic Constitution is lawful. That fact has already been established. The present civil authorities and their courts prefer to 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]

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, and "Lawful" to the spirit, 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 of law are observed, that the proceeding is correct in method, that rules prescribed have been obeyed; "Lawful" that the right is actful in substance, that moral quality is secured. "Legal" is the antithesis of "equitable", and the equivalent of "constructive".** 2 *Abbott's Law Dict.* 24. [Bold emphasis added]

Legal matters administrate, conform to, and follow *rules*. They are equitable in nature and are implied rather than actual. A legal process can be defective in law. This falls in line with our previous discussions of *legal fictions* and the *color of law*. To be legal, a matter does not follow the law. Instead, it conforms to and follows the *rules* of law. This may help your understanding as to why the Federal and State Rules of Civil & Criminal Procedure are cited in every court petition so as to conform to *legal* requirements of the legal fictions, *i.e.*, the 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 the lawful generic Constitution has little bearing or authority in the present day legal courts.

Executive Orders rule the land

The current situation is now this: Legalism has taken over the law. The administration of legal rules, codes, and statutes are now being substituted for 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 purely legal. They are legal fictions based on legally - fictionally - created 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*.

For example, let's take a quick look at the United States Census 2000. The legal authority for this census comes from [Office of Management and Budget](#) (OMB) Approval No. 0607-0856. The OMB 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, a.k.a. the Executive Branch of the Federal Government.

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.

All the U.S. Presidents since Lincoln have claimed their "authority" for these Executive Orders is generally based 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, the current Senate is also 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

For the past 65 years, every Presidential Executive Order has become purported "law" simply by its publication in the Federal Registry, 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. This is quite a monopoly we're seeing here whereby the Executive establishes, controls, regulates and enforces the Federal Government without need for any approval from the Senate. How could anyone possibly call this lawful?

In 1917, President Woodrow Wilson couldn't persuade Congress to agree with his desire to arm United States vessels utilizing 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. His order forced 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 he legally controls did not impeach President William Jefferson Clinton when the evidence for impeachment was overwhelming? On that note, why is it that the lawyer-Presidents have used Executive Orders the most? Who but a lawyer would know and understand legal rules the best. Sadly, they enforce what's legal and ignore what's lawful.

How debt is assumed by legal fictions

We now refer back to the matter of *assumption*, as already discussed, with its relationship to legal fictions, *i.e.* THE STATE OF CALIFORNIA or JOHN SMITH. Since an assumption, by definition, implies debt, what debt does a *legal fiction* assume? Now that we've explored the legal - executive - basis of the current Federal and State governments, it's time to put all of this together.

The government use of *full caps* in place of proper names is absolutely no mistake. It signifies an internal - legal - rule and authority. Its foundation is legal fiction and the result is further legal fiction that is created, promulgated, instituted, administrated, and enforced via legal rule, code, statute and policy. Let's just call them 'the laws that *are* but never *were*.'

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 - created legal fictions signified by *full caps* - have issued birth certificates to "*persons*" with legal fiction *full caps* names. This is not a lawful record of your physical birth, but a legal fiction as signified by the use of the full caps. It may look as if it's your proper name, but that's impossible since no proper name is ever written in full caps. The Birth Certificate is the government's created legal instrument for its legal title of ownership, or deed, to the personal legal fiction they have created just for you.

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 "leftover" from various Teletype oriented systems, many government data storage methods used full 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 legal fictions. 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 full caps usage for proper names. The only reasonable usage of the older databank full 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 won't allow the use of lower case letters unless the older data is still stored in its original form, *i.e.* full 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 full 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 full 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 name of the child's *fictional person, as signified in full caps, i.e. JAMES SMITH.*

cer·tif·i·cate, *noun*. Middle English *certificat*, from Middle French, from Medieval Latin

certificatum, 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, who 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 full 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 *legal person* named on it in full caps has become a surety or guarantor.

registered. Security, bond. -- *Merriam-Webster's Dictionary of Law 1996.*

Security. 1a: Something (as a mortgage or collateral) that is provided to make certain the fulfillment of an obligation. Example: used his property as security for a loan. 1b: "surety". 2: Evidence of indebtedness, ownership, or the right to ownership. -- *Ibid.*

Bond. 1a: 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. 1b: 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's Law 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's not difficult to see that a State created birth certificate, written with full caps in the name of a *legal person*, is a document evidencing debt the moment it's issued. This is how it works: Once each State has *registered* the Birth Certificates with the U.S. Department of Commerce, the U.S. Department of the Treasury - also a part of the Executive Office - then issues Treasury Securities in the form of Treasury Bonds, Notes, and Bills using the birth certificates as sureties or guarantors for these purported Securities. This is based on the future tax revenues of the *legal person*. This means that the bankrupt corporate U.S. can guarantee to the purchasers of their securities the lifetime labor and tax revenues of all Americans as collateral for payment. They simply do this by converting the *lawful name* into a *legal person*.

Legally, you are considered a slave or indentured servant to the various Federal, State and local

governments via your STATE issued and created Birth Certificate in the name of your full caps *person*. The reason this Birth Certificate was issued is so that - exclusively - they hold the title of birth to your *legal person*. This is compounded further when one voluntarily obtains a driver's license or a Social Security Identification number. They own even your personal and private life through your STATE issued marriage certificate issued in the names of legal persons. You have no Rights in birth, marriage, or even death. They hold the sovereign right to all legal fiction titles they have created.

Our current problem is that we have voluntarily agreed to their system of legal fiction law by simply remaining silent - a legal default - and not taking claim to our own Rights. The legal rules and codes enforce themselves. There is no court hearing to determine if those rules are correct. Their "law" is self-regulating and self-supporting. Once set into motion, their "laws" automatically come into effect provided the legal process has been followed.

Cujusque rei potissima pars principium est-- The principal part of everything is in the beginning.

The various bankruptcies

The legally created fiction called the UNITED STATES is bankrupt and holds no lawful Constitutionally mandated silver or gold - coin and bullion - to back up or pay their debts. For example: all privately held and federally held gold coins and bullion in America was seized by Executive Order of April 5, 1933 and paid to the creditor, the private Federal Reserve Bank Corporation (FRB) under the terms of bankruptcy.

Congress - still meeting under Executive Order authority - confirmed this bankruptcy through the Joint Resolution to Suspend The Gold Standard And Abrogate The Gold Clause, June 5, 1933 in H.J. Res. 192, 73rd Congress, 1st session, Public Law 73-10. Within this 1933 Public Law, it states in part:

"...every provision contained in or made with respect to any obligation which purports to give the obligee 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".

In 1950, the corporate U.S. declared bankruptcy a second time, whereby the Secretary of Treasury was appointed as "Receiver" of the bankruptcy in Reorganization Plan No. 26, Title 5 USC 903, Public Law 94-564, Legislative History, page 5967.

The only asset the UNITED STATES has, in order to pay their bankruptcy debt since 1933, is the people themselves. But, if the UNITED STATES openly declared this, the people would never allow their labors and future to be collateral to this bankruptcy debt. Consequently, they legally pledge the future labor and tax revenues of Americans, by and through the full caps fictional *legal persons* they have created, as collateral for credit - loans - to pay daily operational costs and the ever increasing debt.

Full caps legal person v. the lawful being

Just who is the full caps person, *i.e.* JOHN JAMES SMITH? He's the legal fiction the government created to take the place of the real being, *i.e.* John James Smith. The *lawful* Christian name of birthright has been substituted by a legal fiction created by the government. 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 refuses acceptance of the legal fiction, the two are separated. Therein lies the simple solution to the entire matter: refusal by the lawful Christian to accept or answer for the legal person.

How did this happen? A result of the federal government bankruptcies was their creation of a legal fiction known as THE UNITED STATES as a part of their legal reorganization. Each STATE was also converted to their respective fictional legal person, *i.e.* THE STATE OF TEXAS. Legal fictions can create further legal fictions, such as corporations or any other fictional *persons* easily identified by being written with full caps. Once this was accomplished, the entire process was set into motion.

All areas of government, including the purported courts of law, are currently authorized by, and operating as, legally created fictions. For example, the CIRCUIT COURT OF WAYNE COUNTY or the U.S. DISTRICT COURT can only recognize other *legal persons*. This is why your lawful name is never entered in their records. It has been substituted with the legal person written with full caps. Jurisdiction in such legal fiction courts is only with other legal fictions – persons. The only jurisdiction a lawful being can enter into is a *lawful* constitutional court – a common law venue. The "catch 22" is that lawful courts no longer exist. Only *legal* courts are available to Americans.

The purpose and reason for the government use of proper names written in full caps is now revealed. The only way to counter this is for lawful Americans to stop accepting the use of the substituted legal fiction the State has given them. Every document now issued by any government addresses the person written in full caps. Lawful Americans must insist that they are not that legal fiction and refuse to accept it. By joining together and doing so from the local level, each community will begin to upset the legal order. Lawful Americans must begin to demand lawful government and lawful courts. The legal fictions can only come to an end when the people refuse to use or recognize them.

The only way to restore lawful government in America is for the people to refuse the privileges of the legal government now unlawfully in place. We've all been duped and the billboard was right before our own eyes. The use of full caps to write a proper name is absolutely no mistake.