

## **PRESUMPTION**

### **It's the Name of the Game**

Presumption is a word that we must understand in today's world. In fact, it is imperative that we understand it and how the "government" and its "courts" use the principle of presumption against the people.

Presumption, as used in law, is a conclusion derived from a particular set of facts based on law, rather than probable reasoning. It is a rule of law which permits a court to assume a fact is true until such time as there is a preponderance (greater weight) of evidence, which disproves or outweighs (rebut) the presumption.

Each presumption is based upon a particular set of apparent facts paired with established laws, logic or reasoning.

A presumption is rebuttable in that it can be refuted by factual evidence. One can present facts to persuade the judge that the presumption is not true. Examples: a child born of a husband and wife living together is presumed to be the natural child of the husband unless there is conclusive proof it is not: a person who has disappeared and not been heard from for seven years is presumed to be dead but the presumption could be rebutted if he/she is found alive: an accused person is presumed innocent until proven guilty [at least that's the way it used to be], These are sometimes called rebuttable presumptions to distinguish them from, absolute, conclusive or irrebuttable presumptions in which rules of law and logic dictate that there is no possible way the presumption can be disproved. However, if a fact is absolute it is not truly a presumption at all - but a certainty.

Once a presumption is relied on by one party, however, the other party is normally allowed to offer evidence to disprove (rebut) the presumption. The presumption is known as a rebuttable presumption. In essence, then, what a presumption really does is place the obligation of presenting evidence concerning a particular fact OR a particular part). [Emphasis added: comments in brackets.]

The above statements regarding presumption are taken from various law dictionaries and show us how presumption is defined in the law and understood by the courts. To continue this discussion we must look at the nature of the "government" and the courts today and then look at the actual presumptions they rely upon regarding the people.

In 1861 the legislators from the southern states walked out of congress and congress adjourned sine die. i.e.; with no time being set to re-convene. This effectively ended the Congress of the United States as established by the Constitution. The government of that day continued to operate, without a lawful congress in session, and literally POSED as the government rather than continuing as the lawful government of the United States. This problem has never been lawfully resolved; they still pose as the "government. This is a radical statement... but read on.

The "United States", after it evaporated in 1861, was put back together by force of arms. We are constantly told that the U.S. was established as a country where the people are free. How does that square with the fact that the people have been FORCED into a political union by a war? The fact is it doesn't square up at all.

In 1871, after the Civil War, Congress passed the first act to allow the government to operate as a corporation. This was done under the guise of forming a government for the District of Columbia. The process was completed in 1878 by the final act allowing the "U.S. Government" to act as a corporation, operating in commerce for a profit. (From Statutes at Large)

The people, as a whole, have never objected to the "government" operating as a corporation in commerce. This, according to their legal definitions, validates the presumption that we accept the corporation of the UNITED STATES as the government of the united States.

Since the "government" is a corporate entity operating in commerce, the courts which have been formed by the corporation and are a part of the corporation must, by operation of commercial law, be operating in commerce also. They are COMMERCIAL COURTS and not Courts of Law. Their jurisdiction and authority have been conferred upon them by a corporation that poses as the government.

Corporations and commercial entities are legal fictions. They are created by man through man-made law and are the direct opposite of the natural creation of God - the people. The two cannot mix. A legal fiction can never become a natural living soul and a living soul can never become a legal fiction. The corporate government, therefore, had to create a "bridge" to bring the people under subjection to the corporation. So a legal fiction had to be created to represent each natural living soul in commerce.

This legal fiction, by operation of commercial law becomes a Straw Man for the living soul, represents him in commerce and the living soul becomes the surety for the Straw Man.

Straw man as found defined in Black's Law Dictionary. Sixth Edition: A "**front**": **a third party who is put up in name only to take part in a transaction.** Nominal party to a transaction: **one who acts as an agent for another** for the purpose of taking title to real property and executing whatever documents and instruments the principal may direct respecting the property. Person who purchases property for another to **conceal identity of real purchaser, or to accomplish some purpose otherwise not allowed.** [Emphasis added]

Today the "government" operates on the presumption that all of us accept our role as surety for a legal fiction straw man because we validate their presumption on a daily basis by engaging in commerce (using Federal Reserve Notes) with the straw man as our representative.

One point that needs to be made for the understanding of those new to this entire concept, is that the Straw Man has a name that is different than yours but looks like it. Example: John Doe is presumed to be the surety for the legal fiction (straw man] JOHN DOE which represents John in commercial transactions (every transaction involving the use of Federal Reserve Notes.) Now, when you went to school were you ever taught to write a proper persons name in all capital letters? No? Then you are just like the rest of us. The proper English way to write the name of a proper person (living soul) is to capitalize the first letter and use lowercase letters for the rest of the name (John Doe). We were never taught to write names in ALL CAPITAL LETTERS. Did the people in the courts go to a different school than we did? Are they uneducated? Their computers not functioning correctly? Are they all just making the same mistake? Or is this aberration intentional? Lacking anything to the contrary, believe this is the case.

Anytime you see "your name" in all capital letters IT IS NOT YOUR NAME - it is not you! It is the name of the legal fiction, which acts as a Straw Man representing you in commercial transactions and for which you are presumed to be the SURETY. By the way, the surety is the one who pays. For emphasis - let's say it one more time: Anytime you see "your name" in all capital letters IT IS NOT YOUR NAME! it is not you! It is the name of a separate entity, a legal fiction, the Straw Man.

There are many educated people who believe that this argument is a lot of baloney. All that can be said is they might need further learning. They might need to actually study the LAW and the EVIDENCE and not rely on presumption and the daily operation of the "government" and our society in general.

This whole scheme starts when a natural person is born. A "Birth Certificate" is generated and sent to the State to be registered. It is then registered with the Department of Commerce, United States of America. Now why would a birth certificate be registered with the Department of Commerce if not to begin the presumption that there is a new entity operating in commerce?

Consider this: What is the difference between "birth" and "berth"? Sounds the same - yes? Answer: a natural person experiences birth while a vessel is berthed.

At the same time the "Birth Certificate" is generated, the new born child is also enumerated: assigned a number for the corporate government's accounting, tracking and control system. It's called a Social Security Number. These two acts are the beginning of the creation of the legal fiction and provide evidence to validate the corporate government's presumption that we are acting as a surety for the legal fiction. Hereafter we'll refer to this legal fiction as the Straw Man because that's how the fiction operates in representing us in commerce.

There is further evidence that the corporate government uses to validate this presumption:

- Application for Driver License.
- Application for Marriage Certificate.
- Mortgage papers and a Deed of Trust on property.
- Licenses or permits that are applied for.
- Voters Registration.
- Filing a Form 1040 with the IRS.
- Responding to documents addressed to the Straw Man (in all capital letters).
- Registering your new automobile/car as a Motor Vehicle.
- Opening a bank account, etc., ad infinitum...

(Considering the above - your name goes in in upper and lower case lettering and it come out in all upper case letters.)

Now back to the courts. Remember they are commercial courts. Remember also that commercial entities and natural people (living souls) cannot mix because they are two totally different types of entities. Try mixing oil and water. You can pour them into the same container and stir vigorously and you still have pieces of oil interspersed in the water. They do not combine. Commercial courts have jurisdiction and authority over Commercial Entities (legal fictions) and not natural people. How do they bring us into these courts and take action against us? By coming against the Straw Man/Dummy Corporation.

Have you ever seen a court document with a heading [caption] that looks like "Bill Green v. John Doe"? No. It will be BILL GREEN v. JOHN DOE. When a person files a suit into a court - ANY court from a Justice of the Peace court all the way to the U.S. Supreme Court, this is the way it is done. And it AUTOMATICALLY creates the presumption that both parties are sureties for the named legal entities or Straw Men. Now, if you answer this suit by using the court heading and filing your answer into the court, you validate the presumption that you are the surety for the Straw Man that has been sued. This places you and the Straw Man under the authority and jurisdiction of the court and nothing you say or do after that point will invalidate their presumption of jurisdiction.

You can, however, respond in such an instance, with a Notice. This is not legal advice, but merely an example for understanding.

### **Notice of Refusal and Return of Erroneously Served Papers**

John Henry Doe hereby returns papers erroneously and fraudulently served relating to cause number CC-98-111111-A, the papers including a PLAINTIFF'S ORIGINAL PETITION, which were served on the 12th day of August in the year 1998, the action issuing against an unknown and unidentified legal fiction. JOHN H. DOE.

My proper Christian and surname are John Henry Doe: I was born live to Robert Doe and Mary Doe in the community of Dallas, county of Dallas on the land known as Texas: I am commonly known as and conduct most private affairs merely as John Doe.

I do not know who or what the legal fiction JOHN D. DOE is, nor do I serve in the capacity of trustee, administrator, fiscal agent, surety, representative or in any other fiduciary capacity for the said JOHN H. DOE.

**[End of Notice]**

The above notice contains statements of fact to rebut the presumption created by the Plaintiff who filed the suit that you are the surety for the "Straw Man. This notice would be sent to the Plaintiff or his attorney, with a copy being sent to the court in which the case was filed.

Now how does the corporate government use the principle of presumption in cases of commercial crime? By the way, have you ever heard the term "Commercial Crime" before? Did you know that almost all crimes have been defined by the corporate government as Commercial Crimes? That is, in fact, the case. The method of operation, especially in the case of the corporate federal government, is this: They many times start with the seizure of some kind of property, cash, automobile, computers or something else. They do this with a warrant based on a belief that the property is being used in a criminal activity. This action is usually followed by an indictment and arrest. The "defendant" (Straw Man with you as surety) is then arraigned and a trial date is set.

This whole procedure is based on a legal presumption that you are a criminal and were in possession of property being used in criminal activity. This presumption MUST BE DEFEATED if you are to avoid conviction. There is only one way to defeat the primary presumption. Remember, the presumption was created when the property was seized. Therefore you MUST file a claim in civil court for the return of the property that was lawfully

owned by you and was lawfully in your possession. If you are successful in this action, you will permanently defeat their presumption of criminal activity and they cannot proceed.

But you might say. "Wait a minute. I've always been told that you are presumed to be innocent until proven guilty"." Yes. That IS what we are told. In fact, it used to be that way. But the presumption of innocence went out the window in 1933 when the Trading With The Enemy Act of 1917 was amended to INCLUDE the people of America as ENEMIES of the corporate U.S. Government. From that time until now, the presumption is that you are guilty until proven innocent. That is precisely the reason that the United States is now the WORLD LEADER IN NUMBER OF PEOPLE INCARCERATED! Over TWO MILLION people are now in jail in the United States and Texas. The United States has more political prisoners than any other country in the world - including China!

There are many people who are now struggling against the "jurisdiction" of corporate courts. Many methods have been tried and are being tried. We must remember that the administrative judges of the commercial courts have a lot of experience at validating their presumptions. The first thing they want to do is validate their presumption that they have jurisdiction because you are the surety for the defendant - the Straw Man. Of course, they allow you to think that you ARE the defendant, but that is not possible because a legal fiction court can only have legal fictions as defendants.

They know evenly trick in or out of the book to trap you into becoming the "defendant" and validating their presumption. I heard of one case where the man was successfully challenging jurisdiction until the judge said. "Will the Defendant please take the toothpick out of his mouth?" When the man removed the toothpick from his mouth he placed himself squarely into the jurisdiction of the court because his action validated the presumption that he was the defendant.

**THE PRESUMPTION THAT YOU ARE THE SURETY FOR THE STRAW MAN MUST BE DEFEATED** if you are to have any semblance of the freedom God created you to enjoy and the forefathers of the United States and the forefathers of Texas [or your state] intended for you to have.

How can we defeat/rebut this presumption that we accept a position as surety for a Commercial Straw Man? First we must understand all the ramifications of the artificial commercial society in which we live. We need to learn and understand how deeply our [current] society is permeated with commercial and legal presumptions and what evidence they use to validate these presumptions.

The nexus they have created for us to operate in is complex and complete. The list above shows just nine of the "contracts" or agreements that all of us unknowingly enter into that create and validate the Straw Man presumption. Now, in reality, by true Law, these contracts and agreements are null and void from the beginning due to lack of full disclosure. This lack of full disclosure equates to fraud, and fraud vitiates (eliminates) any contract ab initio (from the beginning).

One way to begin to rebut and defeat the presumption is by the use of a NOTICE. One example of such a notice is shown above, one can look around, now that eyes have been opened, and notice others.

These notices present declarations and facts to rebut the corporate governments presumption of one's status. There are other ways to rebut and defeat the presumption.

The method that many are using today is the process called Commercial Redemption. This process utilizes the Uniform Commercial Code (UCC) and its provisions for filing a security interest with the Secretary of State. When a living soul files a UCC-1 on the "Straw Man for which he is presumed to be the surety, he moves from being the surety to the position of Creditor.

When one accepts his/her "Birth Certificate" for Value (learn about the Acceptance for Value process) he/she begins the removal of him/herself as the surety for the Straw Man and redeems the title to him/herself by becoming the "Holder in Due Course" of the title (Birth Certificate). One then needs to go on to record/file a Security Agreement / Indemnification Bond / Financing Statement.

This process moves one towards Legal Freedom. It uses the commercial code that the bankers promoted so that they could control all commerce and thus, all people to change one's position from presumed "surety" to that of Creditor and Holder in Due Course. Thus, when this process is correctly completed one has the natural freedom given by his Creator and Legal Freedom within the artificial commercial society in which we live.

To use the Commercial Redemption process - one must become learned in the process. There is much material available on this process all over the Internet and all over the United States. Seminars and workshops are being held to teach people about this process. One is cautioned to thoroughly research and study this process before using it and be advised that there is conflicting information being disseminated. As with any information, it is up to the one learning to become learned and confident in the proper use of the information.

There are many who debunk the Commercial Redemption process with all kinds of erroneous arguments. Don't act on something until you are completely and totally convinced of the truth and veracity of the information presented - such as the information presented in this narrative regarding the Straw Man and the presumptions of the corporate government based on the Straw Man.

There are some who'll seek to use the Commercial Redemption process as a "Commercial Get-Revenge-and-Get Rich" process. The author personally believes that if we can use this process to stop unlawful processes of corporate government against us and truly REDEEM ourselves from the commercial world of international bankers and their control of our lives we'll have accomplished the biggest part of the struggle for freedom.

There is probably more we will learn as we continue in our struggle for the freedom we are so glibly told that we already have, and we must continue to be open-minded and learn all we can.

The author does heartily encourage each and evenly one to learn all about the artificial commercial society we live in - how it impacts and affects us - how we can work to be free as we desire to be - and how to work towards defeating the presumptions that are enslaving us all. May all the people of the States of the American Union learn the truth about the presumptions of the corporate government, learn that there is no lawful Constitutional government in existence today and learn to regain our freedom and liberty under God our Creator.

"...the Federal Judiciary; an irresponsible body, working like gravity by night and by day, gaining a little to-day and a little to-morrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one. ... when all government ... in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another and will become as venal and oppressive as the government from which we separated." --Thomas Jefferson 1761

The ultimate tragedy is that his words apply to the entire so-called "federal government" and all of its outside-the-constitution agencies and bureaucracies, not just the judiciary.

By Jesse Enloe

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**For more information see:**

[www.freedom-school.com/aware/your-straw-man-is-an-artificial-person.html](http://www.freedom-school.com/aware/your-straw-man-is-an-artificial-person.html)

[www.freedom-school.com/aware/what-is-the-straw-man.html](http://www.freedom-school.com/aware/what-is-the-straw-man.html)

[www.freedom-school.com/notes-on-person.html](http://www.freedom-school.com/notes-on-person.html)

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