

Who are you?

In Federal Crop Insurance v. Merrill, 332 U.S. 380 (1947), the supreme Court ruled: ***“Whatever the form in which the government functions, anyone entering into an arrangement with the government takes a risk of having accurately ascertained that he who purports to act for the government stays within the bounds of his authority, ... even though the agent himself ... may be unaware of the limitations upon his authority.”*** See Utah Power & Light Co. v. United States, 243 U.S. 389, 409; United States v. Stewart, 311 U.S. 60, 70, 108, and see, generally, In re Floyd Acceptances, 7 Wall. 666. (Emphasis added.)

Continental Casualty Co. v. United States, 113 F.2d 284, 286 (5th Cir. 1940):

“Public officers are merely the agents of the public, whose powers and authority are defined and limited by law. Any act without the scope of the authority so defined does not bind the principal, and all persons dealing with such agents are charged with knowledge of the extent of their authority,” 113 F.2d, at 286. (Emphasis added.)

“It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the government from falling into error.” American Communications Association v. Douds, 339 U.S. 382, 442. (1950) (Emphasis added.)

Therefore I do hereby respectfully demand that you fully and completely identify:

- who you are, and
- who is your principal, and
- who is the real party of interest, and
- who understands this matter, and
- by what authority you move in this matter; and
- what compels my performance?

“The law creates a presumption, where the burden is on a party to prove a material fact peculiarly within his knowledge and he fails without excuse to testify, that his testimony, if introduced, would be adverse to his interests.” citing Meier v CIR, 199 F 2d 392, 396 (8th Cir. 1952) (quoting 20 Am Jur, Evidence Sec 190, page 193. (Emphasis added.)

Silence is acquiescence. See: Connally v. General Construction Co., 269 U.S. 385,391. Notification of legal responsibility is "the first essential of due process of law". See also: U.S. V. Tweel, 550 F.2d.297. ***“Silence can only be equated with fraud where there is a legal or moral duty to speak or when an inquiry left unanswered would be intentionally misleading.”*** (Emphasis added.)

Immunity depends upon delegated authority.

When a Citizen challenges the acts of a federal or state official as being illegal, that official cannot just simply avoid liability based upon the fact that he is a public official. In United States v. Lee, 106 U.S. 196, 220, 221, 1 S.Ct. 240, 261 (1882), the United States claimed title to Arlington, Lee's estate, via a tax sale some years earlier, held to be void by the Court. In so voiding the title of the United States, the Court declared:

"No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives.

"Shall it be said... that the courts cannot give remedy when the citizen has been deprived of his property by force, his estate seized and converted to the use of the government without any lawful authority, without any process of law, and without any compensation, because the president has ordered it and his officers are in possession? If such be the law of this country, it sanctions a tyranny which has no existence in the monarchies of Europe, nor in any other government which has a just claim to well-regulated liberty and the protection of personal rights."

See also Pierce v. United States ("The Floyd Acceptances"), 7 Wall. (74 U.S.) 666, 677 (1869) ("*We have no officers in this government from the President down to the most subordinate agent, who does not hold office under the law, with prescribed duties and limited authority*"); Cunningham v. Macon, 109 U.S. 446, 452, 456, 3 S.Ct. 292, 297 (1883) ("*In these cases he is not sued as, or because he is, the officer of the government, but as an individual, and the court is not ousted of jurisdiction because he asserts authority as such officer. To make out his defense he must show that his authority was sufficient in law to protect him... It is no answer for the defendant to say I am an officer of the government and acted under its authority unless he shows the sufficiency of that authority*"); and Poindexter v. Greenhow, 114 U.S. 270, 287, 5 S.Ct. 903, 912 (1885).

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