

PRESUMPTION: *It's the Name of the Game*

By Jesse Enloe

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 on a particular party.** [*Emphasis added; my comments in brackets.*]

The above statements regarding presumption are taken from various law dictionaries and show us how presumption is defined in 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 reconvene. 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, I know, but read on.

The "**United States**", after it evaporated in 1861, was put back together by **force of arms**. We are constantly told that America 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 defined in Black's Law Dictionary, 6th 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.

For the understanding of those that may be new to this entire concept: the **Straw Man** has a name that is different from yours, but still **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 person's 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 (e.g., John Doe). We were never taught to write people's names in ALL CAPITAL LETTERS. Did the people in the courts go to a different school than we did? Are they uneducated? Are they all just making the same mistake? Or is this aberration intentional? I think this is the case.

Anytime you see "your name" in all capital letters, IT IS NOT YOUR NAME!! 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 me say it one more time: **Anytime you see "your name" in all capital letters IT IS NOT YOUR NAME!!** 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 I can say is, they might need further education. They might need to actually study the LAW and the EVIDENCE and not rely on **presumption** in 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 initiate the presumption that there is a new entity operating in commerce?

At the same time the "Birth Certificate" is generated, the newborn 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, I will 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:

1. Application for Driver's License,
2. Application for Marriage Certificate,
3. Mortgage papers and Deeds of Trust on property,
4. Other licenses or permits that are applied for,
5. Voters Registration
6. Filing a 1040 form with the IRS
7. Responding to documents addressed to the Straw Man (in all capital letters),
8. Registering your new Automobile as a Motor Vehicle,
9. Opening a bank account, etc. *ad infinitum*.

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 and 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.

Have you ever seen a court document with a heading 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 J.P 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 Daniel 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 D. DOE.

My proper Christian and surname are John Daniel Doe; I was born live to Robert Doe and Mary Doe in the community of Dallas, county of Dallas, 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 D. 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. 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!!

There are many people who are now struggling against the "jurisdiction" of the 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 every trick in or out of the book to trap you into becoming the "defendant," thereby 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 intended for you to have.

The nexus they have created for us to operate in is complex and complete. The third paragraph of page 3 lists 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 attached to this narrative for your review. ([Attachment "A"](#))

This notice presents declarations and facts to **rebut** the corporate government's **presumption** of your 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** and its provisions for filing a security interest with the Secretary of State. When a living soul files a **UCC-1** [financial statement] 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 Birth Certificate for Value (Acceptance for Value Process), he completes the removal of himself as the surety for the Straw Man, and redeems the title to himself by becoming the "**Holder in Due Course**" of the title (Birth Certificate).

This process causes [Legal Freedom](#). It uses the commercial code that the bankers promoted with the intention of controlling 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 regains the natural freedom given by his Creator and Legal Freedom within the artificial commercial society in which we live.

In order to use the Commercial Redemption process, one must become educated in the process. There is much material available on this process all over Texas and all over the United States. Many seminars and workshop are being held to educate people about this process. **I would urge people 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 educated and confident in the proper use of such information.

There are many who try to debunk the Commercial Redemption process with all kinds of arguments which I consider to be erroneous. I, for one, am completely and totally convinced of the truth and veracity of 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 seek to use the Commercial Redemption process as a "**Commercial Get-Revenge-and-Get-Rich**" process. I don't believe this is the proper application of the process. I personally believe 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 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.

I heartily encourage each and every one of you to learn all you can 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. It is my desire that **all the people of Texas**, and those of the States of the American Union, will 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 their freedom and liberty under God, our Creator.

In parting, I wish to include some words from that great patriot, Thomas Jefferson: "*...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 it's 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

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.

Respectfully Submitted,

Jesse Enloe, President
Republic of Texas Provisional Government

P.S. I mentioned that there is material available for study of the Commercial Redemption process. We have a "**Commercial Redemption Information Kit**" that includes **150** pages of information on this process, a **5 hour video** tape on how to do the paperwork, a **computer disk** with approximately **100 files** and a **transparency** for use in the acceptance process. You may request it by sending a postal money order for \$100.00 to:

SORRY - NO LONGER AVAILABLE

[Or contact the President via email for more information:
president@republic-of-texas.org]

NOTICE OF STATUS

I, **Jesse Doyle Enloe**, (herein after "**Jesse**") a living soul and inhabitant of the land in Texas, by the exercise of substantive and inherent rights, does hereby NOTICE the General Public and All Governmental, Administrative and Corporate Entities operating upon the Soil of Texas that Jesse is not a representative, in any manner, of a Legal Fiction.

STATEMENT OF LAWFUL STATUS

Jesse's proper Christian and surname are Jesse Doyle Enloe; Jesse was born live to Jesse and Irene in the community of Pampa, county of Gray County, Republic of Texas.

Jesse is a man and a **living soul**, a lawful man under God's Law, and an inhabitant of the land in Tarrant County, Republic of Texas.

Jesse is a free man, free to exercise the substantive and inherent rights God gave to His creation. Jesse does not waive or give up any God given, substantive, inherent rights at any time under any circumstance.

Jesse has taken an oath to God, to God's Law, and to Common Law and Self-Responsibility; Jesse, by operation of religious conscience, cannot be subjected to man's law where it does not coincide with God's Law.

PRESUMPTION OF STATUS

There is a deception that is being perpetrated upon the public in general by certain entities. Said entities are operating in Texas as the UNITED STATES, STATE OF TEXAS, Administrative Agencies thereof, Political Subdivisions thereof, and other Corporate Entities (herein after "Entities") serving the goals thereof.

The deception is being perpetrated through lack of full disclosure of the true nature of the Entities and the lack of full disclosure regarding contracts or agreements with the Entities.

The Entities are legal fictions and as such can only deal with other legal fictions. The Entities are operating on the presumption that Jesse is a surety, representative or serves in some fiduciary capacity for a legal fiction.

This deception has been perpetrated to transfer or convert the natural people, of which Jesse is one, from operating under private, substantive, inherent rights to representing a Legal Fiction operating in commerce.

The deception is a fraud upon Jesse and all of the People. Bouvier's Law Dictionary, as a definition of fraud, states: "2. *Fraud voids a contract [agreement], ab initio, both at law and in equity, whether the object be to deceive the public, or third persons, or one party endeavor thereby to cheat the other.*"

DOCUMENTS CONSTITUTE FRAUD

All agreements, contracts, or instruments of any kind (documents) between Jesse and Entities which may have led to the presumption that Jesse is a fiduciary, surety, or representative of a legal fiction, constitute fraud to wit:

Documents constitute fraud as there can be no lawful agreement or contract between a legal fiction and one of the natural, living people.

Documents constitute fraud as they do not contain the signatures of all parties to the contract.

Documents constitute fraud as there was no full disclosure made regarding the fact that by entering the agreements or contracts Jesse would be trading substantive, inherent rights for governmental, administrative or corporate issued privileges.

Documents constitute fraud as there was no full disclosure that by entering into said agreements or contracts Jesse would be signing as a representative or surety for a Legal Fiction, by which Jesse would be bound to compelled performance under the private statutes, rules, regulations, codes, procedures, bylaws, resolutions, ordinances and so forth of Entities.

Documents constitute fraud as there was no full disclosure that Entities are operating as commercial entities engaged in commercial enterprise for the purpose of generating a profit and regulating all phases of life of the private people, of which Jesse is one.

Documents constitute fraud as they were not entered into willfully or intentionally by Jesse, with knowledge of the facts, due to the lack of full disclosure on the part of Entities.

Documents which constitute fraud due to the lack of full disclosure include, but are not limited to, birth certificate, social security application, drivers license application, voter registration card, bank account, mortgage, other types of

"loans", or other documents which may contribute to the presumption that a natural person is a fiduciary, surety or representative of a legal fiction.

DOCUMENTS VOID AB INITIO

Jesse hereby gives notice of rescission of Jesse's signature from any and all Documents which have previously been used to create a presumption of Jesse being a surety or representative in any way for any legal fiction. Rescission is retroactive *ab initio*.

Aforementioned Documents are hereby declared **null and void ab initio** for fraud and lack of bona fide signature. Said Documents have no legal or lawful effect for Jesse nor do they create a legal encumbrance or obligation for Jesse in any capacity.

SUMMARY

Jesse is not a [citizen*](#), resident, person or subject as defined in the laws of the UNITED STATES, the STATE OF TEXAS or any other corporate, governmental, or religious entity.

Jesse is not a party to the Constitution for the United States of America or any other Constitution; Therefore Jesse is not a citizen under the terms of the 14th amendment to the Constitution for the United States of America.

Jesse IS NOT a fiction at law, legal fiction, legally created person, legally created entity, corporation, trust or artificial entity of any kind, and is not a *res* of any constructive public trust or other trust created by any governmental, corporate or religious entity.

Jesse DOES NOT serve in the capacity of trustee, administrator, fiscal agent, surety, representative or in any other fiduciary capacity for any legal fiction.

Jesse, takes exception to, does not consent to, and is not subject to "*in rem*" proceedings or actions in administrative commercial courts of governmental, corporate, or religious entities.

The use of any and all Bills of Credit in any form is done *indebitatus non assumpsit* and without recourse, by the Law of Necessity, and does not validate the presumption that Jesse is a representative of a legal fiction.

Operating in this artificial, counterfeit, commercial society by subscribing to the services of utilities or any other action done to provide the basic necessities of life is done *indebitatus non assumpsit* and without recourse, by the Law of Necessity, and does not validate the presumption that Jesse is a representative of a legal fiction.

A federally assigned zip code, if used, is without Jesse's permission and will in no way establish a presumption that Jesse is located in a federal zone, accepts a legal fiction designation, or accepts being a representative of a legal fiction. The use of such a number is done expressly at the decision of the sender and Jesse accepts no responsibility, obligation, or encumbrance for the sender's use of such a number.

Notice to the Agent is Notice to the Principal and Notice to the Principal is Notice to the Agent.

Any response to this Notice, to repudiate or refute, is required before the expiration of 30 days from the date of this notice. Silence, lack of response, or non-responsive answer will establish the veracity of declarations made in this notice, and will be taken as affirmation without dispute establishing the declarations made in this notice as fact and law.

Jesse Enloe, a man and a living soul Date: April 10, 1999

*** NOTE: Please see General Council's [Resolution](#) concerning what it means to be a "citizen" in Texas.**

Also see [Jesse's note](#) on the word "of."