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# RATIFICATION OF COMMENCEMENT

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## RATIFICATION OF COMMENCEMENT AND THE REAL PARTY IN INTEREST

### RULE 17 OF THE FEDERAL AND STATE RULES OF CIVIL PROCEDURE

By: Samuel Lynn: Davis, Accused on behalf of SAMUEL DAVIS

March 11, 2010

Back in January in Las Vegas, a meeting was held with about 75 people in attendance. This meeting was our typically scheduled bi-monthly meeting with an emphasis on using caution when attempting to do the 1099OID [tax] processes, to be sure in one's own mind that this method was proper and correct and one could defend it. On Sunday, we held a moot court session in which we looked at various ways to deal with court procedures. It was a very simple session, just dealing with different ways to handle arraignments. While I played the part of judge, another fellow played the prosecutor and we asked for volunteers in the audience to come forward and participate. We had a volunteer from Hawaii whom I believe has provided the missing link to our processes. As he was being arraigned by me, the judge, I asked him to enter a plea, to which he replied, "Your honor, I object, [as] there has been no ratification of commencement in the matter and I cannot enter a plea."

Now, you must know that I stopped immediately, looked at the audience and said, "I have no idea what he just said or did but it sounds very important." This man then took about 15 minutes to explain this. I don't mind telling you that not only was I absolutely fascinated, but stunned by the revelation of this Rule and its [potential] impact on EVERY CASE in this country.

For years, I have been an emphatic supporter of "accepted for value" and asking for claims. We have prepared and filed Affidavits of Specific Negative Averments from Rule 9(a) and (b) with varying degrees of success and failure. This man and his friend filed a one paragraph pleading in an IRS case involving six figures, entitled **OBJECTION FOR LACK OF RATIFICATION OF COMMENCEMENT**. Their friend had been arrested just days after our meeting in Las Vegas on a Federal warrant issued in December of 2008, he was incarcerated and awaiting the next moves of the government when this man filed the pleading. 2 hours after the pleading was filed, the judge in the case called a hearing, recalled the warrant, ordered the man released from jail whereupon he was released at a convenience store somewhere in Hawaii! As I have analyzed what has gone on here and looked at the rule, the definitions searched the internet for the phrase and just considered how it all fits together. It fits perfectly. I will explain in detail how I see this.

#### Rule 17(a) Real Parties in Interest:

**"Every action shall be prosecuted in the name of the real party in interest. An executor, administrator, guardian, bailee, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in that person's own name without joining the party for whose benefit the action is brought; and when a statute of the United States so provides, an action for the use or benefit of another shall be brought in the name of the United States. No action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest until a reasonable time has been allowed after objection for ratification of commencement of the action by, or joinder or substitution of, the real party in interest; and such ratification, joinder, or substitution shall have the same effect as if the action had been commenced in the name of the real party in interest."**

**Let's take a look at what this rule is saying: "No action shall be dismissed . . . after objection . . . for ratification of commencement of the action by the real party in interest."**

What is **ratification of commencement? It is the CLAIM!!** No one has a claim in government, they have told us that every time. They can't have a claim; they are neither injured nor trespassed. I believe that it this **"ratification"** is the piece that comes **before** the question of

**claim, and if someone alleges they have a claim, then they have to produce the ratification of commencement.**

**Now, the real test in an alleged criminal matter is that this is a civil rule. According to the Federal Rules of Civil Procedure (F.R.C.P.), Rule 1**, there is only one form of action, a civil action. This is important because 1) all crimes are commercial, (27 CFR 72.11) and 2) Every alleged crime has to have "**nature and cause**", **AND** be prosecuted in the name of the people of the state as a [the] REAL PARTY IN INTEREST -- NOT the "PEOPLE OF THE STATE OF \_\_\_\_\_" or the People of the State of \_\_\_\_\_, as that is the corporation and is an impossibility. This is where [personal / self] study and understanding is so important. If one goes on-line and types in "ratification of commencement" one will find case after case that will explain the basics further on this, but I believe it to be a critical piece. I put it out there for further study and comment.

**The last 10 years I have taught the 3 questions:**

1. May I have your name please?
2. Do you have a claim against me? And
3. Do you know anyone who has a claim against me?

Now, we have another very important piece in this process in my humble opinion. As I did, **in my own case in Federal court in Las Vegas the other day, I encourage each person reading this to consider this and the ramifications. When the judge began to tell me about my situation and asked if I had an understanding of the situation, I said, and I quote: "Your honor, I object, there has been no ratification of commencement in this matter." The judge looked at me and said that he did not know what that was to which I explained as briefly as possible that it was Rule 17, real parties in interest. He told me that was a civil rule and this was a criminal matter, nature and cause, to which I replied and pointed out that there is only one form of action and that is a civil action, please see your Rule 1.**

**He noted my objection for the record, which is what I wanted, and then in a few moments entered a plea of not guilty on behalf of the straw-man to which I replied," your honor, I accept for value this entire matter and proceeding."** The judge then informed me that he had no idea what that meant and I told him that [he was presumed to know the law] I was not there to tell him the law. He then held a detention hearing and eventually ordered me released.

Now, much more happened and I will produce another report on all of that episode and what precipitated the event, this is about you and how you can potentially help yourself, or others, in ANY MATTER.

**The point is this: the objection for lack of ratification of commencement, which is basically the "proof of claim" made under oath and pain and penalty of perjury and without it, you and "they" cannot move forward. If someone produces or alleges that they do indeed have "ratification of commencement" then the person purporting to have the same needs to be asked immediately: may I have your name please; and 2) do you have a claim against me? I believe you will find that the person does NOT HAVE A CLAIM against you and therefore, the alleged ratification of commencement is no such thing. These most important things cannot be separated or ignored. They both go right to the heart of every matter in court.**

Now, you also must understand that if you have actually injured another living, breathing man or woman, or their property, they can provide such ratification. This is very simple and it is also very easy, no more than a couple of paragraphs usually and I will be providing live broadcast teachings on this in the next couple of weeks when I get back up on top of things here.

Ladies and Gentlemen, the Federal government has chosen to entrap me in an attempt to silence me. They have accused me of being a domestic terrorist and a "national leader" of the anti-government movement. The real truth is simply this: nothing can be further from the truth. Today in America, if you support Ron Paul, former congressman Bob Barr, Chuck Baldwin or anyone like them, (see Secret Missouri [State Police Report](#)) you are on a terrorist watch list. I know personally a young man who was held at the Canadian border for over an hour because his car displayed a Ron Paul for president bumper sticker. Our views of our country, our constitution, Bill of Rights, and especially a belief in a Creator or Sovereign Being other than the accepted government, Democrats or Republicans, (a shirts and skins basketball practice of and on the same team as my son gives the analogy), you are considered a threat to the government and a domestic terrorist. If you file a paper

or document in your own defense because you can't afford an attorney or don't want an attorney you are a paper terrorist. When does it end? When do you and I, our friends and family, say finally, enough is enough? When do we wake up from this financial insanity and realize that we only borrow our own money and pay interest for the privilege? The calls to action is now, either study and learn what is going on, or as I replied in a recent email, bow down and kiss the ring of the "authority" in your life. I have never, ever advocated any action against anyone in government for any reason. I have had people asked me to assist them in suing the government for some action that really does deem a lawsuit or other action, always declining to assist. The real question is this," what is so terrifying about these three words: "accept for value"?" Now we have added three more words, "ratification of commencement".

Good luck America, may God bless us all.

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### Discover the words:

**Ratification:** [wikipedia](#) / [reference.com](#)

**Commencement:** [reference.com](#)

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### For more information see:

Howard Freeman: [The UCC Connection](#)

Jim Rivers and Obie-One: Kanobi -- [The Nature of a Remedy](#)

Also, consider that you may need to be a [Belligerent Claimant](#)

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