COMMERCIAL LIEN STRATEGY: A "P R E S I D E N T I A L " O P I N I O N
by Alfred Adask

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In the last issue of the AntiShyster, we began to explore a new Commercial Lien Strategy
(CLS) whereby common citizens, without the aid of lawyers or Courts, can induce
government officials to actually~llv obey the law they have sworn to uphold.

In brief, the CLS works like this:

1. Most people know that liens can be filed on other person's property based on a financial
debt (if I owe you $10,000 and refuse to pay, you can file a lien on my property for the
amount of that debt). However, few people realize that Commercial Liens can also be filed
based on a CONTRACTUAL DUTY OR OBLIGATION. For example - suppose I contract to
put a roof on your house, but fail to do so. Although I don't owe you any money, I do owe you
a contractual duty to build the roof. Based on that duty, you could theoretically file a
Commercial Lien on my property as a device to compel me to complete my contractual
duty/obligation to build your roof.

2. When government officials take an Oath of Office to "uphold and defend the Constitution
for the United States" (and/or Texas, New York, Utah, etc.), they enter into a specific
performance contract with "We the People." By virtue of their Oath of Office, government
officials assume a contractual duty or obligation to obey the law!

3. If a government official who has sworn (i.e. contracted) to obey the law, breaks or ignores
any law he's sworn to "uphold", common Citizens can file a Commercial Lien on his property
that will paralyze his ability to buy, sell, or lease any property and ruin his credit rating until
he corrects his breach of contract and once again obeys the law. For example, suppose a judge
arbitrarily denies you some Rights guaranteed in the Constitution he's sworn to uphold - if he
does, you can file a Commercial Lien on his property to compel his compliance with the
contractual Oath.

Because the Commercial Lien is a NON - JUDICIAL INSTRUMENT, there is no judge or
court involved in the filing procedure who could dismiss the lien and thereby protect
government officials who have broken the law. Although we are still unable to sue city hall
(and the crooks that reside therein), it looks like we can nevertheless "lien on 'em."

The CLS appears to be simple, inexpensive and nearly perfect for common people and pro
se's. All they have to do is properly prepare a Commercial Lien against the offending
government official, have it notarized, by a modest filing fee and file it with one or more
County Clerks. With just a little time, a little research, and a little money, the average person
is capable of compelling government officials to actually obey the law! It's almost unheard of.
The last time the People successfully compelled corrupt government officials to actually obey
the law was during the American Revolution - - and that was done at the point of a sword. The
CLS may be similarly powerful, but it's done at the point of a pen.
THE $64 QUESTION

Clearly, if the Commercial Lien Strategy is lawful, its ability to drive corruption and lawlessness from our government may be limitless. But that's the critical question: Is the Commercial Lien strategy truly lawful? The question is important because if the CLS is unlawful, any pro se who tries this strategy could wind up being sanctioned, fined, or even jailed.

The CLS certainly sounds lawful, and I know of several examples where the CLS has been used on government officials with apparent success. Still, it's a new strategy, and despite the optimistic opinions of some very knowledgeable pro se's, it's too early to tell for sure if the CLS is really lawful. Part of the problem is that no matter how brilliant some pro se's may be, their legal theories are often flawed, incomplete, or absolutely wrong.

If only we could get a competent licensed lawyer to give us a positive opinion on the lawfulness of the CLS -- Then we might feel more confident about applying the strategy. But how could we get a truly competent lawyer to analyze the CLS on our behalf? Even if we could afford the cost, how could we trust a lawyer to give us an honest opinion concerning a strategy that might ultimately shake the whole government?

The answer, of course, is that we (pro se's etc.) can't trust a lawyer's opinion on the CLS. But just because the lawyers might not be honest with us doesn't mean that skilled lawyers might not offer honest opinions on the CLS to someone else like, oh, maybe some judges and government officials who've been slapped with the CLS. And guess what? That's just what's happened.

SWORN and SUBSCRIBED

How'd you like to see a sworn opinion on the CLS from the president of the Florida bar?

Sound unlikely? Sound impossible? Well, we got it.

I haven't seen all the background documents, but it appears that Mr. Nelson E. Starr (a pro se litigant in Case No. 92-8051-CIV-RYSKAMP, U.S. District Court of the Southern District of Florida) filed Commercial Liens on several top government officials and federal judges.

Apparently, the defendants (government officials and judges) then asked Mr. T. Diamond, president of the Florida Bar, to examine Mr. Starr's Commercial Lien and express his opinion of the lien's legality in a sworn affidavit. Some one sent me a photocopy.

In the first five paragraphs of his affidavit, Mr. Dimond outlines his considerable background as a lawyer. Then, in the last two paragraphs, he swears under oath that:

"6. I have received a document entitled "A Security (15 U.S.C.) claim of Commercial Lien and Affidavit," recorded at Official Record Book 7358 (the last digit in this number wasn't quite clear in the photocopy, it might be "7355" at pages 703 - 705, in the Official Records of Palm Beach County, Florida, on August 13, 1992. I note that the document names a number of public figures including the Attorney General of the United States, the United States Attorney for the Southern District of Florida, the Commissioner of the Internal Revenue Service, . . . . ., the Chief United States District Court Judge for the Southern District of Florida, . . . . .,}
7. I have been told by counsel for the United States that the Security Claim of Commercial Lien and Affidavit has no basis in fact or law and is a creation of one of the litigants herein. In my 24 years of experience, I have never seen or heard of any Lien such as those that were filed relative to this matter. Assuming the truth of this representation, and based on my experience in civil and bar activities and as a practicing lawyer and as the president of The Florida Bar, it is my opinion that the document causes irreparable harm to the system of the administration of justice. While some of the harm may be compensable at law, no degree of compensation will adequately remedy the damage to the appearance of integrity of those named and of the system of the administration of justice. In my opinion, the filing of this type of lien is a direct attack in the justice system and on the general reputation of those named in the 'lien'. It may negatively impact on the financial credit rating of those individuals. It will probably have a negative impact on their willingness to continue to serve as representatives of the United States. And, is constitutes an abuse of civil process that cannot be adequately remedied by an action at law.

(signed) Alan T. Dimond, sworn to and subscribed before me this 7th day of October, 1992. He is personally known to me and did take an oath. Notary: H. Valdes

Damn.

Dimond's affidavit was apparently intended to help defend the government officials, but if you stop to reread it, line by line, you'll see that one of the nation's premier lawyers (president of the Florida bar) pretty much says the Commercial Lien's got the defendants by the short hairs.

But before you reread Dimond's sworn statement, consider some of the background information. First, Mr. Dimond is a lawyer. His stock in trade are words. Linguistic precision is everything in law. Second, he was asked to provide an opinion in defense of several very powerful government officials and federal judges. Third, he was asked to present his opinion under oath.

Conclusion:
1.) Mr. Dimond's purpose was to prove the CLS was unlawful;
2.) he should have done some considerable research into the CLS to prove its unlawful;
3.) he must have chosen the words used in his affidavit very carefully.

Point:
If Mr. Dimond writes very carefully, we must read very carefully.

For example, Dimond opens paragraph 7 with, "I have been told by counsel for the United States that the Security Claim of Commercial Lien and Affidavit has no basis of law . . ."

Analysis:
Very strange. The defendant judge and government officials presumably sought attorney
Dimond's personal affidavit because either 1.) he's recognized as a legal genius whose opinions carry great technical weight, or 2.) he's recognized as a legal whore who'll say anything for anyone (if the price is right) but whose opinion still carries great political weight by virtue of his status as Florida bar president.

Curiously, lawyer Dimond does not say the Commercial Lien is unlawful -- he merely says he's "been told it has no basis in fact or law" by someone else. Hell, any first year law student can tell you his second hand opinion is essentially hearsay and, as such, almost meaningless in court.

Dimond continues, saying "Assuming the truth of this representation (that the lien "has no basis in fact or law") . . . . "Assuming? Are we to "assume" lawyer Dimond didn't bother to research the issue himself and prefers to base his sworn testimony, on behalf of some of the most powerful government officials in the country, on nothing but hearsay?

By attributing the opinion of the Commercial Lien's lawfulness to an unnamed "counsel of the United States" and "assuming" that opinion is valid, attorney Dimond is ducking personal responsibility for a statement that implies (but never declares) that the CLS is unlawful. Under oath, Dimond sounds strangely unconvinced that the CLS is truly "without basis in fact or law".

Dimond's evasiveness is telling. The powerful defendants must have sought Dimond's opinion because they expected him to rescue them with a brilliant denial of the lien's lawfulness. If Dimond didn't take time to analyze the lien's lawfulness and merely dashed out an affidavit on a moment's notice as a sort of "political favor" to the powerful defendants, why didn't he "go the distance" and swear that, based on his years of experience, he knew the CLS was absolutely worthless? The only reason I can imagine is that something in the CLS scares him more than the government officials who sought his help. (Could it be that he was scared that if he lied under oath, that someone would file a Commercial Lien on him?)

On the other hand, if Dimond thoroughly analyzed the lien (as we can expect from a bar president handling a very hot issue for several very powerful government officials), why didn't he "go the distance" and swear under oath that he knew the lien was worthless? I can imagine only one explanation -- Dimond suspects the Commercial Lien strategy is lawful.

Why else would Dimond base his affidavit on inadmissible hearsay and unprofessional "personal experience", rather than hard, professional research in a law library? Are we to believe that the president of the Florida bar, a member of a substantial law firm, a recognized professional in his field, didn't bother to crack a single law book to find evidence that the CLS is unlawful? Six important federal officials (people who can play a serious role in Dimond's financial and political future) asked for his help, and the best he can do is vaguely recollect that "I ain't nevah seen nuthin' lahk it, nevah befo"?

Pretty hard to believe.

A more plausible scenario would be that Dimond did his level best to please the powerful defendants by digging through the law library for statutes and case law that proved the CLS invalid, but failed to find anything. If Dimond researched the CLS, but couldn't prove it unlawful, he'd have to concede it was lawful. Perhaps, he couldn't reference his own opinion under oath since, based on his legal research, he knew the CLS was valid. Therefore, Dimond
could only support the defendants by skating around the issue with an affidavit based on hearsay and "assumptions" rather than facts and law.

Next, Dimond notes that the CLS "is a creation of one of the litigants herein. In my 24 Years of experience, I have never seen or heard of any (such) 'lien' . . ."

Analysis: Roughly correct, but irrelevant. The CLS is a recent innovation previously unknown to the lawyers and legal system. But labeling the CLS as a "creation" hints that it's been spawned out of some twisted pro se litigant's delusions rather than the law, that the CLS is without legal and lawful foundation, and is therefore unlawful.

But that's just Dimond's words. If I were spinning those words, I wouldn't say lien's a new "creation." I'd say it's a new "application" and thereby imply the Commercial Lien has a lawful foundation, and as such, is probably lawful itself.

Further, just because Mr. Dimond has never seen such a lien in his "24 years of experience doesn't prove a thing. How many lawyers had seen a law that blacks could ride in the front of an Alabama bus prior to the 1964 Civil Rights Act? How many lawyers had seen a Constitutional "right to privacy" before the U.S. Supreme Court found it in ROE vs. WADE? The law, as lawyers like to remind us, is constantly changing, growing evolving. Well, on behalf of "We, the Mammals", I'd like to welcome "You, the Dinosaur Lawyers" to a brand new Wrinkle in the "theory of evolution": the CLS is about to render government corruption almost extinct.

It's irrelevant whether Dimond's ever seen the CLS before. He hasn't seen the dark side of the moon, either, but it's there. The real point to Dimond's statement is that in all his experience, he's never seen one bit of evidence, precedent, statute, case law, or Constitutional prohibition to say the Commercial Lien is illegal. If he'd seen or found any evidence that the lien was illegal - anything at all - - it would certainly have been cited in his affidavit. Instead, the sworn affidavit of the president of the Florida bar offers not one single citation to support his apparent hope that the CLS is illegal.

OPEN SEASON

According to the U.S. Constitution, all powers not specifically granted to government are reserved to the People. Which means that if the law don't specific ally say you can't do something, you can do it until the Congress legislates other wise or the Court rules to the contrary. Which means, the "new creation" of the Commercial Lien is legal and lawful until law can be found or made to the contrary. Since Mr. Dimond didn't produce any previous law to prohibit the CLS, it appears there's no previous prohibition and the CLS should be lawful until some future date when Congress or the U.S. Supreme Court says otherwise. And that means, at least for now. it's open season on corrupt government officials.

Lawyer Dimond seems to agree. He points out that the CLS " irreparable harm to the system of the administration of justice.

Oh dear me, NO! NOT "irreparable harm" to the "system of administration of justice" (not justice, itself). Oh, pulleeese! ANYTHING but that!! Why . . . why, the very thought of it is enough to jus' make me swoooon.
Well, better stock up on smelling salts, scarlet, cuz if lawyer Dimond's right about the paucity of defense and remedies against the CLS the entire government's about to pass out cold.

Faced with the CLS's "direct attack on . . . the general reputations of those named in the 'lien'', and even though the CLS "may negatively impact on their financial credit rating," Dimond will only concede that "some of the damage may be compensable at law."

"Some"? "May"? Hardly the optimistic prognosis the defendants had hoped for.

He's equivocating. Mr. Dimond's limp assessment of their chances to sue to recover damages caused by the CLS should scare every corrupt government official in the USA into packing his bags for BRAZIL. And it gets worse (or better, depending on your point of view).

Even though Dimond claims the CLS is "an abuse of civil process", he never nonetheless concludes that the Lien "cannot be adequately remedied by an action at law." Although Dimond does not absolutely say there's nothing government officials can do to protect themselves against the Commercial Lien Strategy he comes pretty close. At minimum, he's warning the government defendants that they're in a losing proposition, and even if some kind of later litigation "may" generate compensation for "some" of their damages, that compensation will be, at best, inadequate. In short, they're going to lose more than they can ever hope to recover, which means they're gonna lose. Which means the Commercial Lien Strategy is solid.

If fact, it appears so solid that Dimond predicts the CLS "will probably have a negative impact on (corrupt government officials') willingness to continue to serve (steal) as representatives of the United States!"

Reader, do you understand what you just read? The president of the Florida bar has stopped just a few words short of saying the Commercial Lien Strategy is so powerful it will probably chase corrupt officials right out of government!

It's one thing to read the theories and notions of paralegals, pro se's, and would-be writers like myself that fill the AntiShyster. We've shared some good ideas on the CLS but, still, it's hard to trust our judgment. But when the president of the Florida state bar implicitly agrees that the CLS is so strong that his best advice to government officials is "RUN, YOU MUTHA'S! RUN!!", well, you gotta agree the Commercial Lien Strategy looks a whole lot more reliable.

A word of caution: Although I interpret Mr. Dimond's remarks as a general commentary on the overall Commercial Lien Strategy, he was only talking about a specific Commercial Lien which I have not seen or published in the AntiShyster. Just because he was impressed by one Commercial Lien does not mean all liens (including those published here) are similarly formidable. No matter what I say, no matter what Mr. Dimond says, you must do your own research, and personally confirm the CLS before you start "liening on" government officials.

A word of celebration: It's impossible to read Mr. Dimond's sworn opinion on the CLS without wanting to pass out the party hats and horns. One of America's premier is unable to declare that the Commercial Lien Strategy is illegal or unlawful, can't offer much hope that those who are "liened on" will be able to sue to recover for damages, and implicitly concedes that those who properly file Commercial Liens aren't likely to be sued for damages.
It's too early to break out the champagne, but it looks like we've got a chance to take back our government.

Cheers

END OF ARTICLE. The following offers legal case cites John G. Lambros, discovered during his research on 'LIENS'.

LEGAL CASES RECOMMENDED FOR REVIEW:

1. U.S. vs. REEVES, 752 F.2d 995 (5th Cir. 1985). The U.S. Court of Appeals for the Fifth Circuit APPROVED AND ALLOWED THE USE OF THE "COMMON LAW LIEN" that was filed in the deed records office in Denton, Texas against a criminal investigator with the Criminal Investigation Division of the Internal Revenue Service.

2. LAKE RIVER CORP. vs. CARBORUNDUM CO., 769 F.2d 1284 (1985). The Court stated that "When, as a practical matter, legal remedy may be inadequate because it operates too slowly, SELF-HELP REMEDY PROVIDED BY LIEN IS ALLOWED UNDER ILLINOIS LAW."

DOCUMENTS ATTACHED:


4. Copy of "STARR LIEN" Commercial Lien article on pages 5 and 6 of the AntiShyster, Volume 3, No. 3. (I have purchased the Commercial Lien book by Alfred Adask and would not recommend it if you already have a jailhouse background in law)

5. Copy of the CONSTRUCTIVE LEGAL NOTICE that can be used if the County Recorders Office refuses to file your Commercial Lien. The form was taken from JOHNNY LIBERTY'S book SOVEREIGN AMERICAN'S HANDBOOK that may be purchased from Cascadian Resource Center, c/o P.O. Box 5290, Eugene, Oregon 97405. (I would recommend the purchase of the SOVEREIGN AMERICAN'S HANDBOOK)

6. Cascadian Resource Center, catalog order form. I have ordered the book COMMON LAW & COMMERCIAL LIEN PROCESS and expecting receipt within two weeks. Past orders have taken approximately 4 weeks.

7. Sections on COMMERCIAL AFFIDAVIT and COMMERCIAL & COMMON LAW LIENS that appear on pages 81 and 82 of Johnny Liberty's book SOVEREIGN AMERICAN'S HANDBOOK.

Hopefully the above information has been helpful to you. If anyone has access to West Law Computer Search, please request a printout of cases with the words "COMMERCIAL LIEN" and "COMMON LAW LIEN" for State and Federal.

Please request your family and friends to SUPPORT the BOYCOTT OF BRAZIL for the illegal extradition, torture and forced implantation of John Gregory Lambros.
GOOD LUCK

JOHN GREGORY LAMBROS,
U.S.P. LEAVENWORTH, REG. NO. 00436-124,
P.O. BOX 1000
LEAVENWORTH, KANSAS 66048-1000.