

Public Reply to Biased Reporting and Propaganda

A response to the Concord Monitor Nov. 7, 2004 articles on Gus Breton.

(Articles attached below)

A short history ---

Prior to any bogus legal system attacks on Gus Breton, a land developer who owned substantial acreage behind Mr. Breton's property expressed an interest in buying Mr. Breton's property, which had substantial frontage on a main road, Route 3A. Mr. Breton, family man with a wife and four daughters, a professional carpenter who had invested extensive money and sweat equity into his house and property, said he was not interested in selling. Mr. Breton's property included a right of way, that if sold to the land developer, would have given the developer direct access (that he lacked to Route 3A) to his many undeveloped acres behind Mr. Breton's property. A pawn shop operator and partner of the land developer moved into the only house that existed on the large tract of undeveloped land, behind and in close proximity to the Breton house. A period of time went by, and Mrs. Breton was successful in obtaining from the court a completely bogus restraining order against Mr. Breton, that was full of fabrications and lacked any scintilla of factual evidence to back up the fabrications, no medical reports no police complaints, just false accusations. Mr. Breton was required to leave his house and his daughters, and turn in his lawfully owned firearms to the local police department. Mrs. Breton then initiated divorce proceedings. During the divorce proceedings, Mr. Breton learned that his wife had developed a relationship with the pawn shop operator that lived behind the Bretons.

The court system in its' entirety, the Guardian Ad Litem (supposedly representing the daughters), the Marital Master, the Judge, etc. all acted on Mrs. Breton's bogus restraining order and total fabricated testimony as if they were fact, and they refused to interview several people with intimate knowledge of Mr. Breton. The system refused to recognize Mr. Breton's arguments, and ultimately, a judge signed the divorce decree in December 2003 awarding Mrs. Breton all family assets and full custody of the four daughters. During the divorce proceedings Mr. Breton had embarked on a crash-course self-education in the law. Before the final decree, he was no longer represented by an unproductive bar attorney, and was *in propria persona*. The total lack of substantive evidence against Mr. Breton completely unjustifies the taking and transferring of his assets and his daughters. This is a matter of public record.

Starting that same month of December, Mr. Breton published Notice of his common law trademarked tradename, which ran for four weeks in a general circulation newspaper. He also later published Notice of common law trademarked tradenames of his four daughters. The newspaper published Notices included reference to the HOLD HARMLESS AND INDEMNITY AGREEMENTS between the Secured Party and the trademarked tradename entity(s). When Mr. Breton received the Affidavits of Publication from the publisher, he then put together separate UCC-1 Financing Statements on his and his daughters' tradenames, which referenced the Security Agreements between the Creditor-Secured Party and the Debtor-tradename. Along with and backed by the attached Affidavits of Publication and published Notices, he filed the UCC-1 Financing Statement packages at the Secretary of State's office, and recorded the same UCC-1 Financing Statements with back-up documentation at the Registry of Deeds. He then obtained certified copies of these state filings and county recordings, and later entered them into court records. These filings and recordings are in place today, are not terminated with UCC-3 Financing Statement Amendments, and have not been officially specifically challenged as illegal/unlawful. To some of the major players organized against him during the divorce, Mr. Breton then sent notices titled NOTICE OF WRITTEN COMMUNICATION / SECURITY AGREEMENT. This NOTICE also references the HOLD HARMLESS AND INDEMNITY AGREEMENT.

These Notices were 100% lawful according to Mr. Breton's biblical and constitutional right to privately contract, and 100% legal/lawful under contract law and the Uniform Commercial Code. The substance of these notices has not been officially specifically challenged as illegal/unlawful. The notices were response to parties attempting to/conducting unauthorized commerce for profit/gain through Mr. Breton's trademarked tradename. The parties were identified as "User" in the notices. The Notices notified the Users of the consequences of unauthorized use for profit/gain, and contained the Security Agreement that the User could be party to including the standard User Fees. The Notices also contained an Opt-Out Clause to exercise if the party chose not to be contractually bound to the Security Agreement. None of the parties that have received these notices/security agreements from Mr. Breton chose to opt out, none; therefore, all said parties/Users willfully agreed to, became and are now contractually indebted to Mr. Breton, the Secured Party. Before the New Hampshire justice system locked up Mr. Breton in March 2004 on trumped up charges, he had followed through with his lawful contractual claims, he had lawfully invoiced the parties/Users, and he had legally/lawfully filed and recorded the appropriate UCC-1 Financing Statements at the Secretary of State and county Registries of Deeds, including referencing each consensual Security Agreement with the User-Debtor(s) per the Notices. This is all a matter of public record.

At the same time, Mr. Breton was entering other documents into the court case files. For example, he entered CONSTRUCTIVE LEGAL NOTICES and AFFIDAVITS establishing his status and the record. None of these have been refuted. After the justice system locked him up on trumped up charges, Mr. Breton entered a very detailed approximately 50-page document into his case files called a COMMERCIAL AFFIDAVIT OF TRUTH, which included orders for responsible officials to, in their capacity, execute summary judgment of defaults based on facts of crimes going back many years and established in county records across the country since 1999. Several more COMMERCIAL AFFIDAVITS OF TRUTH were county-recorded and then entered into the case files. All the parties organized against Mr. Breton received copies of the COMMERCIAL AFFIDAVITS OF TRUTH and several ORDERS OF COLLATERAL ESTOPPEL signed by a Justice of the Peace, and these documents included numerous witness signatures and thumbprint seals. Included in these recorded filed documents were copies of N.H.R.S.A. Tradename Act and Trademark Act, verifying protected common law rights. These officials were informed that failure to execute summary judgment per their responsibility in their official capacity would result in them becoming party to crimes established in the numerous recorded COMMERCIAL AFFIDAVITS OF TRUTH. None of the responsible officials notified and involved in Mr. Breton's cases have executed summary judgment of defaults as required. NOTICES OF FAILURE TO EXECUTE SUMMARY JUDGMENT OF DEFAULTS are also recorded in New Hampshire county records and filed by Mr. Breton into his court case files.

Over time, as Mr. Breton was filing documents into the court case files, a pattern emerged showing failure by the Court Clerk's office to record Mr. Breton's filings on the Index Sheet (otherwise known as Docket Sheet) in the case files. Numerous certified copies of the case file 04-S-313-320 Index Sheet acquired over time show this clear pattern of the lack of a record of many of Mr. Breton's filings. Certified copies of these certified Index Sheets have been recorded in county records, together with Breton documents that failed to be recorded in the Clerk's court files. Public physical inspection of the 04-S-313-320 case file shows that these said documents filed by Mr. Breton are missing from the file and not recorded on the Index Sheet. At arraignment of this same case in March, the Asst. A.G. prosecutor cited *Feist Publications, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340 (1991) as their allegation reasoning that Mr. Breton broke the law and should be prosecuted. Upon reading that U.S. Supreme Court case, it is easily discovered that it has no bearing on and is completely irrelevant to Mr. Breton's activities, evidence of bogus prosecution. Yet, the judge went along with the prosecutor's bogus argument, and ordered the *N.H. v. Breton* case move forward.

The prosecutor also declared Mr. Breton's activities to be "paper terrorism", yet failed to cite any law backing up his descriptive phrase. At pre-trial of this particular case, the judge said we're going to try you, convict you, and lock you up for years. This is the case number of which the court convicted Mr. Breton of trumped up criminal charges, because they didn't like him asserting his rights, exercising his right to defend himself and his property against organized attack, or exercising his right to private contract. In that bogus case 04-S-313-320 trial, a New Hampshire Supreme Court Justice was brought down to the Superior Court to conduct the trial. The chief investigator at the Attorney General's office said we are going to get Gus Breton even if we have to put a dozen attorneys on it. In separate case file 04-E-089 organized attack on Mr. Breton also back in March, a judge ordered Mr. Breton locked up and held until he paid an alleged debt (debtor's prison?), when in fact, Mr. Breton had county recorded, state filed, and court filed documents evidencing that Mr. Breton was the Creditor-Secured Party and the person that the judge ordered paid was in fact the consented Debtor. While Mr. Breton was held per that case, a PETITION FOR WRIT OF HABEAS CORPUS was filed on Mr. Breton's behalf. The PETITION was denied by the same judge that had ordered Mr. Breton locked up! In April during an attempted visit with Mr. Breton at the House of Correction, a high ranking correction officer upon being shown a pocket Constitution pointing out the Sixth Amendment right to assistance of counsel, the officer said we don't pay any attention to that; and the incident was entered into the case file in AFFIDAVIT form. The court has recently issued orders that the Secretary of State and all New Hampshire county Registries of Deeds are no longer to accept, file, or record documents from Mr. Breton. Mr. Breton has been and is a victim of theft, collusion, deprivation of rights, denial of due process, fraud, perjury, and false accusation and prosecution. The evidence shows that the New Hampshire justice system has retaliated against rights-asserting law-abiding Mr. Breton many many times.

Annemarie Timmons, reporter for the Concord Monitor newspaper, recently contacted several people familiar with the organized attacks on Gus Breton. She said that she wanted to tell both sides of the story and she wanted to be fair. Journalistic ethics require and the people are entitled to objective, unbiased, impartial news reporting. Never the less, the words the paper put in print on the top of the front page of the Sunday Monitor read more like a public relations press release from the Attorney General's office, and contain numerous inaccuracies. (For comparison, see attached below the N. H. Attorney General press release of March 23, 2004 on Gus Breton.)

Numerous times Ms. Timmons's articles contain the phrase "copyrighted name" and the word "lien". None of Mr. Breton documents use the phrase "copyrighted name". The legal/lawful terminology used throughout Mr. Breton's documents is "common law tradename/trademark". Among Mr. Breton's updated documents is his county recorded and court case filed NOTICE OF COMMON LAW TRADEMARK. "Copyrighted name" is a phrase originating out of the A.G.'s office, according to the state prosecutor's documented comments at the 04-S-313-320 case arraignment. None of Mr. Breton's documents use the word "lien". The legal/lawful terminology used throughout Mr. Breton's documents is "UCC-1 Financing Statement", used correctly per the Uniform Commercial Code, Secretaries of State, and Registries of Deeds. The state prosecutor is quoted as saying Mr. Breton "lashed out at innocent people doing their job." Instead, the record shows a pattern of concocted collusive attacks on Mr. Breton, who can be correctly described as the real innocent victim.

Dan McGonigle never called the documents "liens" as alleged in the article. The article calls McGonigle Breton's "sometimes adviser". Mr. McGonigle never made such a statement. Mr. Breton is a very intelligent self-taught man fully capable of making his own decisions. Part of self-education includes the sharing of information. The article says "neither Olson nor McGonigle could more clearly explain it themselves, other than to recite jargon from *Cracking the Code*."

In fact, as evidenced below in the email record, Ms. Timmons was provided with extensive contacts and reliable resource material to research and answer her questions, as generous back-up to the brief conversations. Ms. Timmons was provided with a private voice mail number, and the publisher of Cracking the Code generously donated his time to speak with her, yet she failed to quote this expert resource. In fact, she is reported to have hung up the phone on the publisher. Rather, Ms. Timmons chose to quote the baseless “feelings” of Mr. Breton’s former bar attorney. The articles sidetrack off into unrelated people, locations, and events, at a bogus attempt to present an image of guilt by association; totally irrelevant to the attacks on Mr. Breton, a pathetic attempt rather than factual reporting. There is no known evidence of “Breton’s friends” arguing that Mr. Breton’s legal/lawful NOTICES OF WRITTEN COMMUNICATION / SECURITY AGREEMENT “were in retaliation to his sentence.” Mr. Breton’s Notices were sent before the bogus sentencing on Oct. 4, and therefore cannot violate anything in the sentence, as the justice system is attempting to claim, which would be equivalent to time travel.

With regard to the first paragraph in the second article on page A9: the UCC-1 Financing Statement is a public notice of a claim based on a binding Creditor-Debtor contract. The aforementioned Notices contain the Security Agreement, and the UCC-1 Financing Statement references the same Security Agreement. Because Mr. Breton’s documents were properly and correctly recorded and filed, “perfected” claims were created and Mr. Breton the Secured Party by definition became the “Holder in Due Course”.

The second article also mentions “anti-government activists”. The proper term Ms. Timmons should have used is “anti-corruption”. Any good patriotic American with good conscience would gladly participate in improving the American way of life. Finally, on the one hand the articles have the state prosecutor claiming Mr. Breton’s documents were “unlawful”; while on the other hand, they have the Register of Deeds claiming they are legal.

The Many Friends of Gus Breton

“The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights.”
[Hale v. Henkel, 201 U.S. 43 at 74, (1906)]

RELEASED BY: Peter W. Heed, Attorney General
SUBJECT: State v. Ghislain Breton
Grand Jury Returns Indictments
DATE: March 23, 2004
RELEASE TIME: Immediate

Attorney General Peter W. Heed announces that the Merrimack County Grand Jury, sitting in Concord, has returned 8 indictments against Ghislain L. Breton (d/o/b 9/18/64), charging him with improper influence, obstructing governmental administration, and witness tampering. The charges stem from Mr. Breton's conduct toward three public servants: a guardian ad litem, a child support officer, and a superior court judge.

The indictments allege that Mr. Breton tried to influence, interfere with, or retaliate against these public servants. In the context of ongoing court proceedings, Mr. Breton sent each of them a notice, claiming that his name was a common law copyright and that they would be charged \$500,000 for each time they had used his name without his permission. With the guardian ad litem and the child support officer, Mr. Breton filed financing statements with the Secretary of State's Office and the Registry of Deeds, claiming to have a security interest in their homes.

Five of the eight indictments are Class B Felonies for which Mr. Breton, if convicted, faces a potential prison sentence of 3½ to 7 years for each charge.

Please direct inquiries to:

Robert S. Carey
Assistant Attorney General
(603) 271-3671

25995

<http://doj.nh.gov/publications/nreleases/032304ghislain.html>

New Hampshire Revised Statutes Annotated

**TITLE XXXI
TRADE AND COMMERCE**

**CHAPTER 349
TRADE NAMES**

Section 349:11

349:11 Prior Rights. – Nothing herein shall adversely affect the rights or the enforcement of rights in trade names acquired in good faith at any time at common law.

Source. 1955, 284:1 par. 10-a, eff. July 1, 1955.

**CHAPTER 350-A
MODEL STATE TRADEMARK ACT**

Section 350-A:14

350-A:14 Common Law Rights. – Nothing herein shall adversely affect the rights or the enforcement of rights in marks acquired in good faith at any time at common law.

Source. 1969, 448:1, eff. Sept. 1, 1969.

Date: Thu, 4 Nov 2004 22:21:32 -0500 (EST)
From: "Daniel V McGonigle" <mcgonigle.d@neu.edu>
To: news@cmonitor.com
Subject: Annemarie Timmons re Gus Breton

Ms. Annemarie Timmons:

There's an awful lot to digest here in a short time---

Re "adversarial" meaning as I ment in our discussion: a person is only put on Notice...., such as that correctly done by Gus, when that person attempts without authorization to enter into commerce with someone for a profit or gain (ex-spouse and court related claims against Gus fit the definition), where the Notice.... informs the user of the applicable user's fee associated with conducting commerce through the trademarked tradename-strawman, and/or that use is not authorized minus the fee.

Using my name (**TRADEMARK**) in the paper is not an attempt by you to do business/conduct commerce through my trademarked tradename-strawman for a profit/gain, to clarify, so that is of no concern as an issue you raised.

Notice of Common Law Trademark is the document that people are now moving into publishing rather than the earlier Copyright Notice, even though the Copyright Notice had all the appropriate trademark language in it, so this is in the interest of avoiding confusion (copyright name -- not!) and to better declare the subject matter.

I hope you take the time to research the truth.

Good luck, I hope the info below also helps, it takes most people a long time get this stuff.

Dan M.

Vic Bedian: Expert in the subject matter

Gus, Dan, + Joe, among many many others across this great country educated themselves including using Vic's published materials

Vic's cell # 818-943-0230

Vic's website: www.jhdassociates.com

the BEST source of information on the subject matter

Among Vic's associates are attorneys working with him

Strawman

latin: stramineous homo, ens legis, nom de guerre

other sources:

Black's Law Dictionary hard copy

see definition: "trademark, common law"

EXCELLENT online Dictionary/Glossary:

www.commonlawvenue.com/Glossary/Glossary.htm

includes extensive detailed description of "strawman"

commentary:

www.freedomdomain.com/redemption/strawman_rr.html

"Straw Man" (New Zealand)

www.marklaw.com/trademark-glossary/T-Z.htm

Trade name

Also known as an assumed name or corporate name, it is the name under which a company conducts its business. Whereas a trade name identifies the business itself, trademarks identify goods or services. A trade name can also serve as a trademark if it meets the requirements of a trademark. If so, the trade name also merits protection under state and federal trademark and dilution laws. However, a trade name has no exclusive trademark rights unless it is used as a trademark. This is so, even if the name is registered with the appropriate state body regulating business names, usually the Secretary of State.

Trademark

A trademark can be a word, name, symbol, device or any combination thereof which is used to identify and distinguish the goods or services of one company from goods or services of another. In order to qualify as a trademark, the mark must be used in federally regulated commerce, and the mark must be distinctive. In a nutshell, the distinctiveness requirement means that a mark cannot describe the underlying product, or if it does describe the product, the mark must have been used extensively enough in commerce to acquire a certain level of market recognition (i.e. secondary meaning). Moreover, some marks will not be protected as trademarks, even if they are well recognized by consumers as trademarks (forbidden marks).

Trademark Act (Lanham Act)

The Trademark Act of 1946 is a federal statute governing registration and maintenance of trademarks and provides a cause of action for dilution and unfair competition. 15 U.S.C. §§ 1051 et seq.

Trademark Causes of Action

When there is a conflict between marks, there are several types of lawsuits which could be brought including: Trademark infringement in violation of section 32 of the Lanham Act, 15 U.S.C. § 1114; False designation or description in violation of section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); Trademark dilution in violation of section 43(c) of the Lanham Act, 15 U.S.C. §1125(c); Violation of state trademark infringement statutes; Common law trademark infringement; Violation of state unfair competition and deceptive practices statutes; Common law unfair competition; and Common law or state statutory violations of the right of publicity.

www.mycorporation.com/trademark/common-law-trademark.htm

Trademarks

What is a "common law trademark right?"

Once a trademark is successfully registered with the USPTO, certain statutory rights are created protecting the trademark owner. However, the general rule often referred to as "first-in-time"-- The first person or entity to use a trademark in commerce receives common law protection for the use of that trademark. Thus, this "first person" can prevent others from using that same trademark...even if this "first person" never registered the mark.

Therefore, conducting a Comprehensive Trademark Search is vital in helping you make the determination of whether to proceed forward with your trademark registration...even if the mark is NOT registered with the USPTO by another person or company.

www.law.cornell.edu/topics/trademark.html

"Under state common law, trademarks are protected....."

See N.H.R.S.A Ch. 350 + 349

TRADENAME ACT + TRADEMARK ACT

(copies entered into Gus's court case file records)

Date: Thu, 4 Nov 2004 23:05:40 -0500 (EST)

From: "Daniel V McGonigle" <mcgonigle.d@neu.edu>

To: news@cmonitor.com

Subject: Annemarie Timmons, postscript re Gus Breton

The most recent bogus lawsuit filed by the A.G.'s office against Gus (and against me case 04-E-383, for delivering?!?! Gus's items to be mailed and served, see Affidavit of Delivery: "...not a party to the within action.") is response to Notices Gus addressed to various AG and Court personnel who were moving forward, without authorization and over Gus's objections, with conducting commerce through Gus's trademarked tradename-strawman for profit/gain, their claims and charges again as before pursuant to nothing. Remember, court is not common law any more, it is commercial law governed by the Uniform Commercial Code and statutory law that only applies to the strawman, not the flesh and blood sentient being who's declared their status, unless the flesh and blood agrees to be responsible for the strawman. Gus has never agreed to this since after the divorce decree, he has maintained his sovereign flesh and blood status from then to this day, which the court's and AG's offices continues to ignore, violate, attempt to trap, and continue against with bogus charges and fraudulent behavior.

Again, good luck digesting and expressing the subject matter.

If you talk to Joe Olson and Vic Bedian, you'll find them both very knowledgeable.

Dan M.

Date: Sat, 6 Nov 2004 14:27:06 -0500 (EST)

From: "Daniel V McGonigle" <mcgonigle.d@neu.edu>

To: news@cmonitor.com

Subject: To News Editor re Gus Breton

Cc: iamme1@verizon.net, thechancellor@comcast.net, keeprepublic@aspi.net, VeritasRadio@aol.com, ufo-nh@excite.com

Sat 6 Nov 2004

Dear Mr./Ms. Editor:

Below is a copy of the fax forwarded to you by a Justice of the Peace on my behalf. At the beginning of Annemarie Timmon's interview with me she promised that her intention was to objectively present two (2) sides to a story re Gus Breton.

I accepted that intention as fair, and in line with the journalistic ethics required of a professional in the constitutionally protected American free press. I therefore spoke freely and honestly to her re the subject matter.

I later took the time to email refer her to numerous people and sources of on-point information re her questions to me. Yet, I understand Annemarie Timmons has told someone she interviewed, that she is working with the Attorney General's office re Gus Breton. Is she and the Concord Monitor merely acting as the AG's public relations department?

Annemarie Timmons could and can print material that would be of great benefit to the people of New Hampshire, who all have a right to know the true nature and activities of state employees that work for them, and to whom the people have entrusted to work for New Hampshire in the peoples' interest, in an ethical and professional manner, to best of their ability. You informed that your story will go in tomorrow's paper.

Will Annemarie Timmons exercise her duty as a journalist, and objectively present the recorded and filed facts in the case and expose the numerous travesties inflicted on Gus Breton by the New Hampshire justice system?

Gus Breton has never committed a crime his entire life, he's a clean as a whistle Christian man always of good intention, who loves his four (4) daughters. His property and his daughters were stolen from him; the fraud and corruption is in the record. He's a victim of theft, conspiracy, collusion, deprivation of rights, fraud, false accusation and prosecution. He had and even still has the courage to stand up and assert on his own behalf, his indisputeable biblical and constitutional rights to defend his family, to defend his property, and to privately contract. He did this entirely lawfully through the legal system spectrum, yet, he was and is punished for doing, as he sees it, his duty as a father, a Christian, and an American, who loves his family, his God, and his country. It's all there in the county records and in the court case files including the separate secret files kept in the back of the Clerk's office. THAT is the story to print, if Ms. Timmons and the newspaper care about your/their readers and about New Hampshire. The people shall see.

Respectfully,

Daniel-Vincent-III:McGonigle
Boston
Massachusetts Republic

Date: Sat, 06 Nov 2004 00:20:39 -0800
From: "Ben Franklin" <keeprepublic@aspi.net> Block Address
Subject: FAX TO CONCORD MONITOR'S ANN MARIE TIMMONS
To: "Dan McGonigle" <mcgonigle.d@neu.edu>
Cc: "Joe Haas" <ufo-nh@excite.com>, "Joe Olson" <iamme1@verizon.net>, "11Harvey Wharfield" <VeritasRadio@aol.com>

This is the fax that was sent to AMT (Ann Marie Timmons) at the Concord Monitor.

5 November 2004 4:45PM

Dear Mrs. Timmons

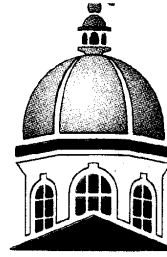
As you know several people are following this issue with Ghislain Breton™ et al. who has not broken any laws. Ghislain Breton™ et al. has only followed lawful procedures allowed by all Federal, International, and State Uniform Commercial Codes (U.C.C.) [which as you know are not liens] which are completely condoned by the Federal Securities and Exchange Commission (S.E.C.) which the New Hampshire Attorney General for some reason(s) has chosen to discredit in this Ghislain Breton™ et al. matter and this is why the Federal Courts

and other Federal agencies have chosen to get proactively involved in turning this Breton matter around... Therefore, for the good name of the Concord Monitor©, you et al., might be well advised to not publish ANYTHING negative to the Ghislain Breton™ et al.

We know that you, Mrs. Timmons et al., and the Concord Monitor© et al., currently are working with The NH AG's office in the person of Michael Bahan to write an article that may be negative to Ghislain Breton™ et al. Let it be known if you et al., and the Concord Monitor© et al., publish anything negative toward Ghislain Breton™ et al. you will be party to collusion and you will be going against Federal Statutes and Trademark Infringements protected by all Federal Trademark Laws (Commercial Laws) of this land.

Respectfully,
Daniel McGonigle, III™ et al.

SUNDAY



November 7, 2004

MONITOR

Concord, New Hampshire

\$1.75

Bitter divorce case ensnares state judges, lawyers

“He lashed out at innocent people doing their job. And how he lashed out was bizarre. . . . But while these things were bizarre, they were effective, they were harmful and they were unlawful.”

— Robert Carey, state prosecutor

Bow man files property liens, lands in jail

► Ghislain Breton argued that his copyrighted name had been used illegally. His liens created a legal headache for those involved.

By **ANNMARIE TIMMINS**
Monitor staff

For all the messy divorces hashed out in New Hampshire courts, the legal community has never seen one like Ghislain Breton's. Unhappy with the outcome, Breton, of Bow, filed liens against two women who worked on

the divorce and his attorney and threatened the same against judges, prosecutors and the attorney general.

Breton's complaint? They had used his copyrighted name without permission every time they wrote him about legal costs, criminal charges or child support payments. The strategy - dubbed "paper terrorism" - didn't hold up in court, and Breton is in jail on charges of obstructing justice, improper influence and witness tampering.

But prosecutors say the liens temporarily prevented one woman from selling her home and dissuaded another from getting a loan for her child's college tuition. Also, a local

How a lien works. ■ Page A-9.

anti-judicial group has seized on Breton's case as a way to advance its own agenda.

"He lashed out at innocent people doing their job," said Robert Carey, who prosecuted the case for the attorney general's office. "And how he lashed out was bizarre: common-law copyrights on his name, signatures in blood red ink. . . . But while these things were bizarre, they were effective, they were harmful and they were unlawful."

Maneuverings like Breton's were previously unheard of in New Hampshire but increasingly common elsewhere, according

to Mark Pitcavage, who writes a militia watchdog bulletin for the Anti-Defamation League. Anti-government activists, including the Montana Freemen, have routinely used these "bogus liens" to intimidate, harass or retaliate against legal and state officials, according to Pitcavage's research.

In Maryland, a group filed liens against nearly 200 judges after the police told members the group could not enforce laws. In Wisconsin, a similar group filed liens totaling millions of dollars against local officials when its members were prohibited from becoming an independent township.

The liens Breton and others use are easy and inexpensive to file because they can be

■ See **BRETON** - Page A-9

■ BRETON *Continued from Page A-1*

placed without a judge's approval or the property owner's signature. Books, Internet sites and seminars lay out the process. Removing them, however, can cost up to \$1,000 in legal fees because that process does need a judge's order.

On the Defamation League Web site, Pitcavage quoted an activist who encourages using liens: "Faced with corrupt lawyers and judges, no litigant can expect to win in court by simply playing defense," wrote Alfred Adask of Texas. "To beat 'em, you must be able to scare 'em, you must be able to make them respect you, and that means you must be able to attack them personally."

Protection from 'adversarial attack'

Breton, 40, and facing 21 years in prison, could not be reached because he is being held at the Merrimack County Jail on charges that he used the liens to intimidate or retaliate against the court staff who handled his divorce. (Jurors convicted him in six minutes.)

Breton's friend and sometimes adviser Daniel McGonigle of Massachusetts said Breton's only purpose in filing liens was to respond to a "corrupt judicial system."

"This (process) protects him from any adversary, corrupt agency or adversarial attack," McGonigle said. "Gus did not do this to avoid payment (of child support and legal bills). Gus did this to protect himself after the court awarded his wife all his property and his four daughters."

According to Breton's parents, who live in Manchester, and his friends, Breton was never in trouble until his divorce, which became final in late 2003. During that case, Breton's legal expenses put him in debt, and he lost custody of the couple's children.

Soon, Breton fell behind on his child support payments and the \$3,200 he owed the lawyer who had represented the children's interests at trial, according to court records. He moved in with his parents in Manchester.

Breton took the advice of McGonigle and Joe Olson, another friend, and bought *Cracking the Code*, a book that explains how to copyright one's name to avoid debts, among other legal obligations.

"I showed him the book, and he started applying it to his situation," said Olson, who lives in Massachusetts.

The process, called "redemption," is complicated and based on an unusual theory.

According to these Redemptionists, the country went bankrupt in 1933 when it abandoned gold as its

standard and needed a way to pay off the country's debts to overseas investors. As collateral, the United States offered up the potential taxes on its citizens' future earnings. In this scenario, American's birth certificates became securities.

To redeem - or regain - their freedom and the rights to their own selves, these followers copyright their names believing the process will put them out of reach of the government - unless the government wants to pay them to use their names.

The Redemptionists themselves quibble with that explanation as being simplified and technically inaccurate. But neither Olson nor McGonigle could more clearly explain it themselves, other than to recite the jargon from *Cracking the Code*.

"You are redeeming your straw man," Olson offered, referring to the portion of a person he believes the government offered as collateral 70 years ago. "And they now need authorization to use that entity whenever they engage in commerce with us."

\$500,000 charges

In Breton's case, he interpreted that to mean that no one could collect legal fees or child support or charge him criminally without his permission.

So, when attorney Judith Roman, who had been appointed to represent Breton's kids during the divorce, tried to collect her fees, Breton sent her a letter telling her that she had used his name without permission, according to court records. Breton gave her five days to excuse his debt or he would file a lien on her home and personal assets.

Breton also billed Roman \$10.5 million for using his name. (He charges \$500,000 each time he believes his name is improperly used.)

Around the same time, Breton sent a similar letter to Rafila Stoi, a state employee assigned to arrange Breton's child support during the divorce. Within several days, Breton had filed liens on both women's homes, according to court records.

Breton repeated the process with his divorce attorney, Cindy Clark of Manchester, according to court records. When she sent him


bills for overdue legal fees, he sent one back for \$13 million because she had used his name without permission.

In a recent interview, Clark expressed only sympathy for Breton, who she believes is being used by people who want to muck up the court system with bogus liens. In addition to the redemptionists' interest in Breton's case, a local group that opposes the judicial system is using it to lobby for laws more favorable to inmates.

"I feel very badly that the court process didn't work for him," said Clark, who regrets that she didn't continue to represent Breton even when he couldn't pay. "But I don't think he's capable of this. I feel very badly that Gus is being misused."

(McGonigle and Olson, who have been Breton's closest advisers during his legal case, said they are following Breton's wishes, not their own agendas.)

In response to his letters to Roman and Stoi, the attorney general's office charged Breton in March with several criminal offenses, including improper influence, witness tampering and obstruction

 I feel very badly that the court process didn't work for him. . . . I feel very badly that Gus is being misused."

- Cindy Clark

Manchester divorce attorney

Some liens are easy to get

By ANNMARIE TIMMINS
Monitor staff

of government. Breton refused the state's offer of a plea deal and legal representation. During his trial in July, Breton did not speak or offer a defense.

On Oct. 4, Judge James Duggan sentenced Breton to 18 months in jail and suspended his three other sentences that totaled 10½ to 21 years in return for good behavior. With good time in jail, Breton was looking at 12 months of incarceration.

Now he's facing all 21 years.

When Duggan, Carey, his co-prosecutor and others connected with the case returned to their offices the afternoon of the sentencing, each had a letter from Breton threatening a lien on their properties.

McGonigle had taken care of the mailings for Breton.

Breton's friends argue that the letters had been sent before the court hearing and were in retaliation to his sentence. But the next day, Carey of the attorney general's office asked that Breton be given the full sentence. Carey also won a restraining order to keep Breton from filing the liens he had threatened.

A judge is expected to rule on Breton's sentence Nov. 19.

Breton has said he's fighting this case in order to have custody of his daughters. When asked whether the fight is jeopardizing that dream, Olson and McGonigle said no.

It was easy for Ghislain Breton to file troublesome liens against the women he believed had treated him unfairly in his divorce settlement: He only had to fill out the forms correctly, and the liens immediately took effect.

Breton, of Bow, didn't need a judge's permission or proof that the women owed him money. (They didn't.)

Breton, 40, is facing up to 21 years in prison on charges he used the liens and threats of liens against other state officials to obstruct government and interfere with witnesses.

Cases of this "paper terrorism" were previously unknown in New Hampshire but are so common among anti-government activists elsewhere that several states have changed their laws to make it harder to file bogus liens.

A lien is a claim of unpaid bills against a person's property or business, and they come in many varieties.

They can hurt your credit and keep you from selling your property.

Most often, the lien is not a surprise. In some cases, liens require a judge's order.

When someone brings a lawsuit, they may ask for an attachment against the defendant's house until the case is decided and damages are

paid. In this situation, if the judge grants an attachment, the defendant cannot sell their property until the case is finished.

With other liens, including mortgages and home equity loans, property owners agree to the lien when they buy the home or sign the loan.

Breton was able to place his liens without either a judge or the women's permission by filing what is called Uniform Commercial Code financing statement.

Kathi Guay, the registrar of deeds for Merrimack County said her office cannot legally reject these liens as long as the person placing it has filled in the paperwork correctly.

(A county recorder who did try to reject a bogus lien in California was badly beaten and stabbed by the man filing the paperwork, according to the Information Service, a national group that monitors this activity. A judge in Ohio keep a gun at the bench when he decides a case involving such liens.)

The women eventually got the liens removed, but it required more work and expense than Breton endured filing them. It takes a judge's order to remove even a bogus lien, and that process requires an attorney's help.

Several states have responded to these bogus liens by making them illegal to file or easier to remove. There hasn't been a push here to do the same because the practice was unheard of prior to Breton's filings.