

**Clifford F. William, J.D.**

8915 Sangamon  
Houston, Texas 77074

**May 28, 2002**

Geoffrey Neale, Chairman  
The Libertarian Party of Texas  
12903 Grubstake Gulch  
Austin, Texas 78738

**Re: Response to a number of E-mail communications and your letter of May 19, 2002 & also a Formal Request for the Production of Documents**

Dear Geoffrey Neale:

**1.**

I have reviewed your letter of May 19, 2002 and a number of E-mail communications you have made since. I do request that you do not declare me ineligible based on the following; I am left feeling like I am out of the loop in your communications. Your "document of public record" appears to be faxed directly to your residence from "Clyne & Associates" on May 7, 2002. (Clyne & Associates is the law firm allegedly representing the Texas Supreme Court/UPL Committee/State Bar of Texas in a State Court action against me that is overflowing with Ex Parte Communication and other due process violations.)

Your letter to me about this situation was sent on May 20, 2002 and received in hand on May 24, 2002, 5:40 p.m. As your E-mail admits, this is about 2 weeks after you received this alleged "public record that a candidate does not meet the qualifications of office as outlined in the election code." You have found time in those two weeks to determine that "to NOT disqualify Cliff at this point would be a violation of LP rules."

Your E-mail goes on to say that "Members have brought this to my attention." Am I to understand that Mr. Timothy J. Clyne of the State Bar of Texas is a libertarian, or that you found time in those two weeks to discuss this issue with other LP members, but not with me, Clifford William? You know, the main issue in your letter is about me. Perhaps if you would have contacted me sooner, I could have informed you of my opinions before you deemed the evidence from the State Bar of Texas' agent to be sufficient for my removal.

Now, I find myself having to address an issue two weeks after you've made up your mind about it and two weeks closer to the state convention. It kind of reminds me of the Mr. Clyne's "fair and impartial hearing" being held in secret two weeks before I was even served notice that the State Supreme Court was suing me. I realize that law is difficult for lay people to understand and I do appreciate your attempt to provide me some due process; but being that we are all Libertarians here, we should work to keep each other informed of impending problems.

2.

Your letter of May 19, 2002 brings forth several issues that must be resolved. First, you believe that you are mandated to “review any application for a place on the ballot when presented with a document of public record calling into a candidates [sic] eligibility to hold that office under the election code.”

What then is your mandate if you are presented a “document of public record” calling into question your presumptions outlined in your letter? What then is your mandate if you are presented a “document of public record” calling into question the Constitutionality of the qualifications you perceive to be required of all Supreme Court candidates? What then is your mandate if you are presented a “document of public record” calling into question the applicability of your perceived mandate from the election code due to the existence of a single “document of public record”, when you were informed almost a year ago about my not being a member of the bar and shown numerous “documents of public record” as evidence to support my position?

What then is your mandate if you are presented a “document of public record” demonstrating that the new opinion you have is in direct conflict with the stated National and State LP Platform? Does the LP platform play a role on whether or not the LP stands behind its candidates or not? What process is mandated by the LP to interpret the laws and to the weigh the evidence presented by all sides within the LP? And by what process is a candidate supposed to address issues that you have already decided?

Finally, is it appropriate to remove my candidacy before the state convention even if there were a problem with my qualifications? The LPT always runs NOTA as a candidate at the state convention, even though there are no provisions in the Texas Election Code to actually place None of the Above on the Texas Ballot. Clearly, if you feel that a single “document of public record” were enough to remove my candidacy before the state convention, then many LPT traditions like running NOTA could be in jeopardy as well for the same reasoning.

3.

Specifically, you have already determined as stated in your letter of May 19, 2002 that if I am not a member of the bar, then I have not “practiced law in Texas for the requisite time period as mandated by the election code, that being ten years. A copy of this document is attached.” There are numerous flaws in your reasoning and I will address them separately:

4.

First of all, you presume that practicing law is a defined term. Please see the attached “documents of public record” from the Supreme Court of Texas Unauthorized

Practice of Law Committee (UPLC). The UPLC claims to be not subject to the Texas Open Records Act and/or the Federal Freedom of Information Act 5 U.S.C. § 552(a); However, the UPLC believes that it is subject to Rule 12 of the Texas Rules of Judicial Administration entitled “Public Access to Judicial Records.”

Under Rule 12, (Question 1.0) located on page one of the letter from the Supreme Court of Texas, dated September 9, 1999, I asked for documents demonstrating themselves to be a current “law license” for Jeffrey A. Lehmann, (Jeffrey A. Lehmann of LEHMANN & ASSOCIATES, State Bar Number: 12173500, who is Chair Person of the Houston Unauthorized Practice of Law Committee District 4 Subcommittee). The UPLC claims that said requested documents are “Not a Judicial record. See Tex. R. Jud. Admin. 12.2(d).” Later in question # 3.0, of the same letter, I requested documents defining the difference between, or relationship between the terms “**admission to practice**” and “**law license**” and “**license to practice law**” and again received the same answer: “Not a Judicial record. See Tex. R. Jud. Admin. 12.2(d).” See attached “documents of public record” from the Supreme Court of Texas UPLC.

**RULES OF JUDICIAL ADMINISTRATION**  
**Rule 12. Public Access to Judicial Records**

*12.1 Policy. The purpose of this rule is to provide public access to information in the judiciary consistent with the mandates of the Texas Constitution that the public interests are best served by open courts and by an independent judiciary. The rule should be liberally construed to achieve its purpose.*

*12.2 Definitions. In this rule:*

*(d) Judicial record means a record made or maintained by or for a court or judicial agency in its regular course of business but not pertaining to its adjudicative function, regardless of whether that function relates to a specific case. A record of any nature created, produced, or filed in connection with any matter that is or has been before a court is not a judicial record. A record is a document, paper, letter, map, book, tape, photograph, film, recording, or other material, regardless of electronic or physical form, characteristics, or means of transmission.*

Did you ever think that State Bar member lawyers could complicate the meaning of the word not? Our platform says that we should call for all laws to be written in plain language. Do you believe that tossing out a candidate running on this issue is consistent with the LPT platform?

*Platform adopted by the Libertarian Party of Texas in convention at Corpus Christi, Texas, June, 2000*

*PLAIN LANGUAGE*

*We call for all laws, regulations, and ordinances to be written in plain language that could be understood by any person of average intelligence and education.*

Moreover, see the State Bar's own definitions found in the Texas Disciplinary Rules of Professional Conduct:

*Texas Disciplinary Rules of Professional Conduct*  
(*Tex. Disciplinary R. Prof. Conduct*, (1989) reprinted in *Tex. Govt Code Ann.*, tit. 2, subtit. G, app. (Vernon Supp. 1995) (State Bar Rules art X [section] (9)

### **Section: 5.05 Unauthorized Practice of Law**

*2. Neither statutory nor judicial definitions offer clear guidelines as to what constitutes the practice of law or the unauthorized practice of law. All too frequently, the definitions are so broad as to be meaningless and amount to little more than the statement that the practice of law is merely whatever lawyers do or are traditionally understood to do. ...*

## **5.**

Second, you have already determined that the election code is Constitutional as it applies to me in this instance. You have made this decision without including me. These are some of the parts of the Texas and U.S. Constitutions that relate to your perceived mandate to “review any application for a place on the ballot when presented with a document of public record calling into a candidates [sic] eligibility to hold that office under the election code.”:

### **The Texas Constitution**

#### **Article 1 - BILL OF RIGHTS**

##### **Section 3 - EQUAL RIGHTS**

*All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services. (This would include the Bar)*

##### **Section 4 - RELIGIOUS TESTS**

*No religious test shall ever be required as a qualification to any office, or public trust, in this State; nor shall any one be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being. (The Bar violates the Ordained Law of the Constitution; I will not be a member.)*

##### **Section 26 - PERPETUITIES AND MONOPOLIES; PRIMOGENITURE OR ENTAILMENTS**

*Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailments ever be in force in this State. ( The Bar is a monopoly.)*

**Section 29 - PROVISIONS OF BILL OF RIGHTS EXCEPTED FROM POWERS OF GOVERNMENT; TO FOREVER REMAIN INVIOLETE**

*To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.* ( Texans could hold office as Supreme Court Justices before 1939, and the last time I checked, the Constitution was written before 1939, when the Bar was first enacted.)

**Article 5 - JUDICIAL DEPARTMENT**

**Section 2 - SUPREME COURT; JUSTICES; SECTIONS; ELIGIBILITY; ELECTION; VACANCIES**

*(b) No person shall be eligible to serve in the office of Chief Justice or Justice of the Supreme Court unless the person is licensed [Verb] to practice law in this state and is, at the time of election, a citizen of the United States and of this state, and has attained the age of thirty-five years, and has been a practicing lawyer, or a lawyer and judge of a court of record together at least ten years.* ( This does not say “license” a “Noun”.)

*(c) Said Justices shall be elected (three of them each two years) by the qualified voters of the state at a general election; shall hold their offices six years; and shall each receive such compensation as shall be provided by law. (Amended Aug. 11, 1891, Aug. 25, 1945, Nov. 4, 1980, and Nov. 6, 2001.)*

**TEMPORARY TRANSITION PROVISION**

*H.J.R. No. 75, Section 9.01, 77th Legislature, Regular Session, 2001.*

**TEMPORARY TRANSITION PROVISION.** *(a) This section applies to the amendments to this constitution proposed by H.J.R. No. 75, 77th Legislature, Regular Session, 2001. (b) The reenactment of any provision of this constitution for purposes of amendment does not revive a provision that may have been impliedly repealed by the adoption of a later amendment. (c) The amendment of any provision of this constitution does not affect vested rights. ( Like the “vested Rights” in our Bill of Rights.)*

**The Constitution of the United States of America**

**Article I**

**Section 9.....**

***No bill of attainder or ex post facto Law shall be passed. ....***

*No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state. ( Like attorneys that used the **Esq.** at the end of their names.)*

#### *Article IV*

*Section 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states. (You and I are not required to be a member of the Bar on or in any of the Federal Courts of the United States this includes but is not limited to the United States Supreme Court. In other words if the U.S. Constitution gives us all a Right, then the State must meet or exceed the minimum standard of the same. Therefore, If one can be a U.S. Supreme Court Justice and not be a member of the Bar under the U.S. Constitution then Texas can not deny Texans the same standards.)*

*Section 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence. ( The Bar has it's own President and only they can vote for him or her, this is not our form of Government, all Texans have a Right to vote for "public officials" if they are true public officials.)*

#### *Article VI*

*[2] This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.*

#### **6.**

Third, you have already determined that it is possible to be "licensed to practice" (a verb) without the existence of a "license" (a noun). I demonstrated this issue over the LP forum's E-mail communications when I asked Mr. Eugene Flynn, Esq. of the LP to post a copy of his "license" (a noun). I pointed out that the word "License" did not appear on his Bar card, only the word "Licensed" and a date that event allegedly took place. "Licensed" is a verb as in "He was licensed on 10/22/98," while "License" is a noun that signifies a real object; i.e., the physical license itself.

Therefore, Mr. Flynn's Bar card was and is no more his "license" than it was when he made the announcement back in his home town newspaper celebrating his

admission to the Bar. This is why Mr. Flynn for example, did not scan his Bar card into the computer and put it onto the LP Texas forum as he was requested to do so by me.

I was hoping that this issue would have been revealing to all the lawyers of this State and those in our Party who truly believe their Bar card is their license. Mr. Neale, in other words those lawyers didn't know what document, if any, really constitute a "license." However, on the other hand how could they not know? This sort of presumption, assumption, and/or mistake is as improbable as one of us supposing that for all of these years our Social Security Card and its number is also our Texas Drivers License. You can see here how ignorance proves nothing on the part of our lawyers, however, it does suggest that lawyers are as confused about the mystery surrounding the phrases: "license to practice law", "admission to practice law", and "law license" as are laymen.

## 7.

Fourth, you had previous knowledge that I was not a member of the bar since I announced it at the LP State Convention in Houston in June of 2001. I even showed you documents for over an hour highlighting the reasons for my position. Are you willing to re-review any of the opinions you have already decided if you are presented with "documents of public record" questioning the definitions of terms "**admission to practice**" and "**law license**" and "**license to practice law**", questioning the constitutionality of your interpretation of the election code, and questioning your current understanding of the terms "**licensed**" and "license" as they apply in this matter? After knowing about my status with the state bar for almost a year and having been shown "documents of public record" supporting my position, you now have a new opinion that is inconsistent with:

### *The Libertarian Party's Statement of Principles*

*We, the members of the Libertarian Party, challenge the cult of the omnipotent state and defend the rights of the individual.*

### *Platform adopted by the Libertarian Party of Texas in convention at Corpus Christi, Texas, June, 2000*

#### **PREAMBLE**

*As Libertarians, we seek a world of liberty; a world in which all individuals are sovereign over their lives, and no individuals are forced to sacrifice their values for the benefit of others.*

*We believe that respect for individual rights is the essential precondition for a free and prosperous world, that force and fraud must be eliminated from human relationships, and **that only through freedom can peace and prosperity be realized. Consequently, we defend each person's right to engage in any activity that is peaceful and honest.***

*The following pages set forth our basic principles and some of the policies derived from them. **Our goal, however, is nothing more nor less than a world set free in our lifetime, and it is to this end that we take these stands.***

### **STATEMENT OF PRINCIPLES**

*We, the members of the Libertarian Party, **defend the rights of the individual, and challenge the myth that the state should be omnipotent.***

### **UNIVERSAL IDENTIFICATION**

*We oppose creation of any government-administered identification system including issuance of Universal Identification numbers, internal passports, **work permits**, or identity cards to individuals, **or any other means of monitoring the activities of individuals**, including the requirement to produce proof of citizenship to obtain employment. We oppose the use of the Social Security number as an identification number.*

### **ELECTIONS**

*We support legislation to include **None of the Above** as an option on the ballot for all elective offices. Should **None of the Above** win a plurality of votes for any office, none of the candidates on the ballot for that office would be eligible to serve for the duration of the term for which the election is being held. Either the office can stand vacant, or another election may be held, in which none of the previous candidates is allowed to run.....*

### **OCCUPATIONAL LICENSING**

*We support an immediate end to all government occupational licensing and recognition of the right of each individual to contract freely with any other individual or group to perform any non-coercive services they may mutually agree upon. **We call for the abolition of all state and local agencies, boards, bureaus, and commissions which license, regulate, or restrict in any way the practice of any occupation or profession by anyone.***

*While government occupational licensing still exists, we call for the prohibition of discrimination against any person in the granting or revoking of occupational licenses for reasons of race, creed, sex, age, sexual preference, financial condition, or **political beliefs.***

### **UTILITIES AND MONOPOLIES**

*We condemn all coercive monopolies. We recognize that government is the source of monopoly, through its grants of legal privilege to special interests in the economy. In order to abolish monopolies, we advocate a strict separation of*

*business and state. "Anti-trust" laws do not prevent monopoly, but foster it by limiting competition. We therefore call for the repeal of all "anti-trust" laws.*

*We defend the right of individuals to form corporations, cooperatives, and other types of companies based on voluntary association, but laws of incorporation should not include grants of monopoly privilege. In particular, we oppose special limits on the liability of corporations for damages caused in non-contractual transactions. We also oppose state of federal limits on the size of private companies and on the right of companies to merge.*

### **EPILOG**

*This Platform is intended as an outline for the great, long-term project of bringing Texas government back within its proper bounds. **The job is not an easy one, and it will not be finished overnight. But it MUST be done, if Texans are to live in freedom.***

Based on your E-mail, you have already decided not to side with me in my challenge to the state-government-supported monopoly, the State Bar of Texas, and do not intend to help defend my rights in any legal challenges that likely may occur. Will you be willing to reconsider the decisions that you have already made if I again provide “documents of public record” to question the presumptions you may have made in error? Or will you keep your new found opinions, even if your new opinions are inconsistent with *The (National) Libertarian Party's Statement of Principles and the Platform adopted by the Libertarian Party of Texas*?

Moreover, because I have discovered many hidden issues about myself over the past two weeks, and because I doubt that a “document of public record” just showed up on your desk without explanation, I feel compelled to utilize the Texas Open Records Act and other laws to correct any other possible misunderstandings looming in the dark corridors of the LPT.

### **Formal Request for the Production of Documents**

This is a request under the authority of the Texas Open Meetings Act, and the Texas Open Records Act, chapter 552 of the Government Code (formerly V.T.C.S. article Art. 6252 REV. CIV. STAT. Repealed by Acts 1967, 60th Leg., vol. 2, p. 2619, ch. 785, § 4. Eff. Sept. 1, 1967) as well as Article I, Sec. 8 of the Texas Constitution, the First Amendment to the United States Constitution, the common law of the State of Texas and any statute providing for public access to government information:

The following records are being requested pursuant to the Texas Open Records Act.

As we are unaware of any point in law which makes “opinions” by the Attorney General relieve an official of further responsibility for their legal obligations, we wish you to know that our opinion is: you are responsible to those you serve by oath to answer our questions. Opinions contrary to this opinion are of little consequence to anyone determined to bring back our administrative quasi-judicial executive officers as well as our judicial and legislative officers back within the restraints of the law. “The people in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know” *Texas Legislature, 1973*.

If some of our request is exempt from release, please send me those portions reasonably segregable, and provide me with an indexing, itemization, and detailed justification concerning information which you are not releasing.

#### DOCUMENTS BEING REQUESTED:

1.0 COPIES OF ALL DOCUMENTS that are in your possession, under your control, or within your system of records, such documents demonstrating themselves to be related to your LPT letter of May 19, 2002 or its attached faxed “document of public record” from The Supreme Court of Texas.

1.1 IF THERE ARE NO DOCUMENTS that are responsive to the document request 1.0, THEN PLEASE SO INDICATE IN YOUR WRITTEN RESPONSE.

2.0 COPIES OF ALL DOCUMENTS that are in your possession, under your control, or within your system of records, such documents demonstrating themselves to be related to any complaint or concern filed with your office regarding Clifford F. William.

2.1 IF THERE ARE NO DOCUMENTS that are responsive to the document request 2.0, THEN PLEASE SO INDICATE IN YOUR WRITTEN RESPONSE.

These documents should be delivered to the above stated address.

This request includes, but is not limited to each designated document in your possession or within your control. For the purposes of this request the term “document” includes any means of storing information including, but not limited to, written documents, photographs, tape recordings, films, video tapes, microfiche, and data electronically stored in a computer or otherwise. This request specifically includes copies of all court orders and correspondence to or from and between any person or party or entity, to include Barristers, Attorneys, Advocates, counselors, lawyers, judges, elected or appointed governmental officials, and law enforcement officials and LPT members.

If records or documents regarding this request have been removed from your possession or control, so indicate: identifying the document and its disposition.

We will remind you that the records under your direct control are your direct fiduciary responsibility. As a fiduciary, you have a direct obligation to me personally to furnish this information.

If you should fail in any respect to honor this request, please identify the items you wish to deny, and the reason for the denial, if you are refusing under any statutory authority, name the statute that you rely on, or if you have been instructed to refuse this request. If you have been instructed to refuse this request, please state all such persons so instructing you, and furnish all memo's or correspondence between you and such person. Please note that Attorney general "opinions" are nothing more than "opinions", are not statutory authority, and do not relieve an individual of a fiduciary duty.

## EXPECTATIONS

The undersigned expects those requested documents and/or records to be organized in an intelligible manner, and referenced or indexed to aforementioned paragraphs (1) thru (2.1), such that they are capable of being read and understood by one possessing average skills, intellect, and training.

If for some reason those requested documents and/or records are in any manner codified such that they cannot be readily understood, the undersigned expects to receive, additionally, all required decoding documents necessary to provide a clear and intelligible understanding of the contents and the meaning of the aforementioned requested documents and/or records.

## APPROPRIATE RECIPIENT

If this request for documents and/or records is improperly addressed to you in your official capacity, please forward this request to the *appropriate person*, thereafter immediately informing the undersigned of such forwarding, inclusive of such appropriate person's name, title, mailing address with the correct postal zone, and with the date of origin and location of such forwarding action.

## ACKNOWLEDGEMENT

The above requests per Texas Government Code § 552 constitute a contractual agreement/obligation on you to respond within ten (10) calendar days, per V.T.C.A. *Texas Business and Commerce Code* 1-105.1 (UCC § 1-105.1); else you will be deemed to have acquiesced that the requested documents do not exist.

Please provide a copy of the requested documents to me at the address listed above. The First Century Christian Church is willing to pay a reasonable fee up to \$100.00 for the cost of copying and mailing the documents. If the cost of copying and

postage will exceed \$100.00, please contact me before proceeding to have the documents copied and mailed.

If you have any questions about the nature or scope of this request, please call me at the phone number listed above. If you determine that all or some portion of the information requested is excepted from required disclosure, I request that you provide me with the portions of the requested information that are public and reasonably segregable from that which you believe is excepted. If any records are in active use or in storage, please certify this fact in writing and set a date and hour within a reasonable time when the records will be available, as required by section 552.221 of the Act.

If you determine that all or some portion of the information requested is excepted from required public disclosure under a particular exception, I request that you advise me as to which exceptions you believe apply. If you rely on previous determination, please advise me of the applicable court decision or Attorney General's opinion. If there is no such determination, please advise me of the request for such an opinion, as required under section 552.301 of the Act, and a dated copy of your letter to the Attorney General. I call your attention to section 552.353 of the Act, which provides penalties for a failure to release public records.

I am prepared to pay reasonable costs for copying, within the guidelines set by sections 552.261, 552.262, 552.263, 552.267, 552.268, 552.269.

I appreciate your attention to this and expect to hear from your office within the ten (10) day time period.

Yours Sincerely,

Clifford F.

William

Clifford F. William, J.D.  
Candidate for Chief Justice,  
Supreme Court of Texas

Cc: Supreme Court of Texas  
Letter dated September 9, 1999

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