

## **FACTS (DOCUMENTARY / PROCEDURAL)**

- 1. Attorney admission is a court act and a recorded status**, not a flexible label. The Appellate Division maintains a permanent record of the attorney's name as admitted.
- 2. The admitted name on the NY attorney roll is "JOHN LUMAN SMITH."** That is the name tied to the court's grant of the title "Attorney and Counselor at Law."
- 3. Government-issued identity must match the attorney registration name** (NY Unified Court System rule). This includes passport-level identification.
- 4. U.S. passports are issued only in the holder's legal name**, supported by a birth certificate or court-ordered name change. Nicknames and diminutives are not used.
- 5. REAL ID implementation required convergence of identity records** across federal and state systems, eliminating tolerance for name variance.
- 6. Federal appointment and oath instruments must unambiguously identify the same natural person** reflected in the government's identity systems.
- 7. An SF-61 / oath instrument that uses a materially different name creates identity ambiguity** unless the record affirmatively establishes continuity.
- 8. An oath of office is a jurisdictional prerequisite** to the lawful exercise of authority; authority does not vest by announcement or intent.

9. **The SF-61 dated 9/14/2023 shows a ~10-month gap** from the stated appointment date of 11/18/2022.
10. **The SF-61 does not identify the administering officer by name or title**, preventing verification of authority under 5 U.S.C. § 2903.
11. **Repeated omission of the administering officer's identity across instruments is a recurring documentation defect**, not a one-off clerical slip.
12. **Name correction after authority has already been exercised does not retroactively establish lawful qualification** absent explicit ratification.
13. **An attorney has a professional duty to correct material identity errors on official instruments** when discovered, especially where authority and public accountability depend on the record.
14. **Failure to correct a known identity defect while continuing to act under color of office is a material fact**, regardless of intent.
15. **Courts require jurisdiction and authority to affirmatively appear on the face of the record** in administrative and quasi-judicial proceedings.
16. **Identity ambiguity defeats proof of lawful qualification**; the burden shifts to the government to cure with extrinsic evidence.
17. **Operating under an abbreviated or alternate name where the governing title was granted under a specific recorded name breaks identity continuity** unless formally reconciled.

18. **Federal acts taken before lawful qualification are ultra vires** (voidable for lack of authority), regardless of later paperwork cleanup.
19. **Public fiduciary status presupposes lawful office**, which presupposes a valid oath taken under the correct legal identity.
20. **None of these facts require motive, intent, or conspiracy to be established**; they are structural and record-based.

## REAL ID Act – Implementation and Identity Standards

- REAL ID Act enacted by Congress on May 11, 2005, establishing federal minimum security requirements for state-issued identification cards and driver's licenses. Original compliance deadline was May 11, 2008. :contentReference[oaicite:12]{index=12}
- Implementation of REAL ID was repeatedly delayed due to state resistance and administrative challenges. After COVID-19 pandemic disruptions, enforcement deadlines were extended multiple times. :contentReference[oaicite:13]{index=13}
- The most recent enforcement schedule requires U.S. travelers and individuals accessing certain federal facilities to present a REAL ID-compliant ID or another accepted form (such as a U.S. passport) beginning May 7, 2025. :contentReference[oaicite:14]{index=14}

- REAL ID compliance hinges on strict identity verification tied to foundational identity documents (e.g., birth certificate and passport). :contentReference[oaicite:15]{index=15}

- Federal agencies historically adjust internal procedures and guidance before public enforcement. DHS published implementing regulations in 2008 and extended deadline guidance during the pandemic. :contentReference[oaicite:16]{index=16}