

(Honoring 1787 Framers of Constitution laboring in sun's heat) 8-1-84
Tal.

IN THE SUPREME COURT OF FLORIDA

JIM FAIR, aka J.S. FARRIOR, Lt. Comdr,
USN, ret, ind. & of like class, Petitioner,
vs.
JAMES ANTISTA, Senior Attorney with, &
CAROLE BARICE, General Counsel for, &
GEORGE FIRESTONE, Secretary of State, &
DOT GLISSON, his Elections Div. Deputy, &
STATE OF FLORIDA, & each individually &
of like class & successors, Respondents.

FILED
SID J. WHITE
AUG 2 1984
CLERK, SUPREME COURT
By _____
Chief Deputy Clerk

PETITION FOR PEREMPTORY WRIT OF MANDAMUS &/OR DECREE

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Pro se, petitioner sues respondents as above & shows:
1. JURISDICTION here by Fla. Con. V, 3(b)(8), Fla. Rules of Appellate Procedure 9.030(a)(3), or other.

2. FACTS. A. Fair is one of a ^{rare} class embracing Constitutionalism as meaningful religion and seeking to import into this State the United States Constitution as controlling law. For so doing he is the victim of 'legal' harassments by attorneys including a 1973 County Judge Merkle who, in Hillsborough County with State Attorney Salcines, put Fair twice involuntarily in Fla. State Hospital by using one psychiatrist and determining him incompetent - all without basis in fact, law or Constitution. Thus, he is stripped of his right to vote by respondents' recognitions of a county judge's '73 commitment orders issued contrary to Fla. Con. V, sec. 20 (c)(3).

B. Not having been incompetent Fair refuses to get adjudicated competent; and he refuses to pay-off a lawyer to get the right to vote, this being in violation of United States Constitution guarantees of due process and equal protection of laws and of prohibitions against paying any "poll tax or other tax" to vote. He is sworn to support said Constitution.

C. As each of respondents is also so sworn, they being as one (attorney-client, agent-principal), they have clear-cut, irrevocable duties to be constitutionally aligned to uniformly and equally apply laws regardless of influences of wealth.

(1) With a deputy, Gilson, functioning for her co-respondent, Firestone, then each has duties sworn to as:

The Secretary of State is the chief election officer of the state, and it is his responsibility to.. obtain and maintain uniformity in the application, operation, and interpretation of the election laws. F.S. 97.012.

(2) With qualification and registration of electors pursuant to law being mandated, then disqualification and removal from registration is to be pursuant to law, and controlling law is:

"Circuit courts shall have jurisdiction of.. involuntary hospitalization (and) the determination of incompetency". Fla. Con. V, Sec. 20(c)(3).

(3) With Fair twice committed in '73 not by a circuit court but by a county court, and with this fact being well known by respondents, as in Exhibit 'A', 'B', & 'C', the concerned county judge's three '73 orders, then they have a sworn duty to recognize that Fair never lost voting rights.

(4) With Antista, the senior attorney under Firestone's general counsel Barice, having used these orders in "Defendant Firestone's Memorandum", Exhibit 'D', a pleading here in '82 in federal court, and with Antista having deliberately lied on 'D's page 6 (to cover for the recognized crooks, County Judge Merckle and State Attorney Salcines who collaborated with Merckle to put a way Fair), for Antista ~~wrote~~ ^{lied} that Fair "need only look to the Thirteenth Judicial Circuit Court which adjudicated him incompetent", when it was a county court, then all respondents lie or let

a lie live to eliminate petitioner as a political threat to Firestone and a corrupt system. (3)

(5) With said orders certified by Hillsborough County Court Clerk in Exhibit 'E', and with said Memorandum certified by U.S. Court Clerk in Exhibit 'F', then for over a decade Fair's suffered from respondents' ruthless shaftings, they being ^{as} of a class of lying lawyers or ^{unprincipled,} spineless officials ignoring sworn duty to support constitutions.

D. By constitutions, petitioner, thus, is qualified to be a registered voter without challenge as to the ^{three} ~~two~~ incompetency orders issued in '73 by a county judge usurping circuit court power to please the powerful. By law Fair likewise is qualified, as said county judge used but one psychiatrist and that one made no valid examination. By facts Fair likewise is qualified, as at Florida State Hospital dozens of doctors and countless staff observed him for months, and a half dozen psychiatrists certified him sane while state's Hearing Examiner found incredible his case.

E. After destructive ordeals suffered for over a decade, Fair feels ^{that} the 'compliments' paid him by Tampa's powerful should suffice to gratify their fascist mentalities. While clinging in limbo in Tallahassee, this 66 year old combat veteran seeks vindication to return to Tampa or to reside where desired as a registered voter clear of corrupt practices of respondents.

3. RELIEF. To overcome their corruption of constitutions, penalizing him for working in wealth's system religiously for constitutionalism to maintain,

(4)

to help him be "equal before the law and have inalienable rights", to help him "not be deprived of any right because of... religion", to help him be secure against unreasonable seizures of his rights to vote, drive, do business, etc., petitioner respectfully requests this court to issue a peremptory writ of mandamus to the respondents where each has a legal duty to support constitutions, as herein above, but has failed or refused to so do.

B. The writ, as to Secretary of State and his agents-attorneys, should compel them finally & timely:

(1) As Chief election officer to shoulder "responsibility to... maintain uniformity in the application of election laws" by insuring that all incompetency adjudications are "pursuant to law" before declining any citizen, tainted by such, his suffrage, and particularly to not let petitioner be refused registration by any elections supervisor recognizing a county judge's order issued since 1972 thereon.

(2) As attorney for, or as deputy for, or as the ^{correct at top of page 6} Chief elections officer, to "Defendant Firestone's Memorandum", Exhibit 'D', so that in federal court it aligns with truth and constitutions to make it obvious that in '73 a county court, not circuit court, framed and railroaded Fair twice into the nutcase, so that no incompetency order thereby is to abridge his rights to vote in Sept. '84, etc.

4. REASONS FOR WRIT. A. With Fla. Con. V-20 (c)(3) self-executing in January of '73 to take from county courts determination of incompetency, writ should issue to finally force respondents to correct a fraction of the horrors suffered by Fair from the corrupt court of Arden May Merkle, a recognized crook, ^{AB} where "Constitutional provisions are intended

(4)

to be self-operating. The will of the people expressed in their Constitution (is) the most sacrosanct of all expressions of the people" - Gray v. State, 125 So. 2d 846 (Fla. 1961)

C. And where county judge Merckle's '73 action to destroy petitioner, so as to please the important, is a gross usurpation of higher court's power, this highest court should issue its peremptory writ of mandamus directed to respondents to correct their official stand, as in "Defendant Fire-stone's Memorandum", Exhibit 'D', to force them to uphold "uniformity in the application of election laws" and to insure disfranchisement's "pursuant to law" - so that "all political power is inherent in the people" and not in a created judge.

D. With countless people 'out-of-their-minds' but voting, with more involuntarily hospitalized and mentally incompetent but with voting rights, with the wealthy voluntarily hospitalized and mentally ill, but with voting rights, clearly, unless this court issue this writ the petitioner will go on being grossly discriminated against to denials to him of due process and equal protection of laws. And he will go on being denied more than the fundamental right of voting, he'll be denied even asking for work where hirings by the electorate. Conclusively, he'll go on being held under an "arbitrary and unreasonable restraint" for the pleasure of powers, unless writ issue in the public's interest and his.

5. CONCLUSION. This police state's unreasonable seizures of petitioner's license to drive, license to do business, registration as a voter, qualification to buy a gun, even this police state's unreasonable seizures of his property interests - and all with widespread publicity and all by use of unconstitutional orders of a crooked judge - had to be by approval &/or for pleasures of Tampa's most powerful. These Hitler-like, Stalin-style unconstitutional actions which eliminated petitioner, a political activist called the "city's conscience", had to be for profits not in the public interest, and to destroy this dissident against corruption in unconstitutional elections and against corruption per se.

Such corruptions, stamped 'legal' by courts and respondents aiding and abetting those above-the-law, can stand - or by this Court's peremptory writ can help in petitioner's greater release from jails-labor camp-institution (Florida's Gulag Archipelago for its political prisoner, a 'non-person').

THEREFORE, by facts, authorities and reasons set out herein, and by wisdom from its insights, petitioner prays this Court to issue to respondents its peremptory writ of mandamus, and to issue its decree or other relief merited.

Respectfully submitted, Jim Fair
JIM FAIR, pro se, 1611 1/2 N. Blvd., Tallahassee, FL 32303
ph. 904 \ 224-4883