

AFFIDAVIT  
ESTABLISHING  
MALADMINISTRATION  
3/12/2024

**“Furthermore, a court must accept an affidavit as truth if it is uncontradicted by counter affidavit or other evidentiary material.”**  
**Fields v. Schaumburg Firefighters’ Pension,**  
**383 Ill. app. 3d 209, (Ill. App. Ct. 2008)**

Affidavit Establishing  
Maladministration

To:

Sherman Packard  
Speaker of the House  
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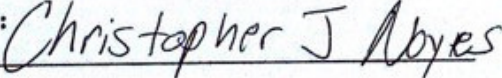
Cc:

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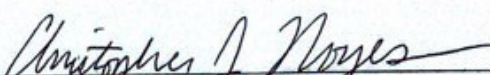
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**From:** 

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

Affiant,  , one of The People as seen in the 50 State Constitutions, which are Republican in Form, Sui Juris, in this Court of Record, makes the following claims that you and your agents may provide due care and regard:

Claim 1: On March 11, 2024, NH Speaker of the House Sherman Packard issued an email to the New Hampshire House of Representatives with the subject heading: "Background on House Use of Oaths." See exhibit (a).

Claim 2: In the body of said email, reference is made to Mason's Manual of Legislative Procedure with the following comment: "Mason's Manual of Legislative Procedure (Sec. 800) states that, 'Witnesses before a legislative body or its committee need not be sworn unless there is some rule or provision of law requiring it.'"

Claim 3: The above quote seen in Claim 2 is not a direct quote. The quote as seen in Sherman Packard's letter to the House shows the sentence ending with a period after the phrase "requiring it". However, in Mason's Manual, the phrase is followed by a comma, and then the sentence continues. The rest of the sentence says: ", but give their testimony under the penalty of being adjudged guilty of contempt, and punished, if they testify falsely." This is a clear act of maladministration.

Claim 5. Sherman Packard has not provided full disclosure to the members of the House that we have entrusted to his faithful and professional care. He has failed to properly disclose the correct quote from Section 800 Paragraph 4 of Mason's Manual of Legislative Procedure on witnesses before committees.

Claim 6: Due to the clear language seen in Mason's Manual Section 800 Paragraph 4 that all witnesses are already presumed to be liable to a penalty for falsifying statements before a committee, there was no just cause for removing Leah Cushman as Chair of said committee for having offered voluntary use of oaths to witnesses before her committee; It is presumed that they are already under oath.

Claim 7: Leah Cushman was removed from her position as Chair of the Committee of DCYF, based upon the false premise that there is an option for witnesses not to be presumed liable for legal penalties if they are found to have falsified testimony.

Claim 9. *Fields v. Schaumburg Firefighters' Pension* from the First District Court of Illinois, states:  
“Furthermore, a court must accept an affidavit as true if it is uncontradicted by counter affidavit or other evidentiary material.” *Fields v. Schaumburg Firefighters' Pension*, 383 Ill. App. 3d 209, 224 (Ill. App. Ct. 2008).

Claim 10. “[11] The charge of bad faith against Berry is overborne by his affidavit of merits. That affidavit stands unchallenged and must be accepted as true.” *Woods v. Berry*, 111 Cal. App. 675, 296 P. 332 (Cal. Ct. App. 1931)

It is Affiant’s wish and demand that you, Sherman Packard, Speaker of the New Hampshire House of Representatives, provide a rebuttal to each claim made in this affidavit, point-by-point by sworn affidavit within 3 days, or you agree by acquiescence that all claims are true and that you are moving forward with full malice and intent to misrepresent the truth. If you believe that I, as One of The People, do not possess this authority to require these responses of you, then show where you find authority inside the New Hampshire Constitution to refuse my lawful orders. Any agent other than Sherman Packard who wishes to respond on his behalf must show constitutional authority that proves they are authorized to interfere with The People and their sworn agents and officers. Any response not constitutionally authorized will be considered tortious interference of contract. Any man or woman who decides to suppress this affidavit or fails to respond showing constitutional authority above agrees to pay \$1,500.00 per infraction.

If any public officials or private actors who are bound by oath to the New Hampshire Constitution wish to dispute this affidavit, then they agree to have these matters heard before an arbitrator of Affiant’s choice. If Sherman Packard fails to respond to this affidavit rebutting point-by-point by way of a sworn affidavit, then he agrees that this matter shall not be reheard by any court; it will be considered adjudged and final.

Remedy may be had by making public admission that you made a mistake in your rendition of Mason’s Manual Section 800 Paragraph 4 and by reinstating Leah Cushman as Chair of the Special Committee on Due Process related to NH DCYF. Alternatively, we will accept your resignation if you cannot rectify these matters in good faith. This affidavit is given in the peace and love of Christ to establish the facts and provide an opportunity for you to rectify this matter and come back into compliance with the Trust Indenture you swore an oath to.

Rebuttal Affidavits must be mailed via certified mail, and sent to the following address:

Chris Noyes \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## FAQ: Background on House Use of Oaths



**Sherman Packard**

To Sherman Packard

4:15 PM

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Members of the House,

The topic of administration of oaths in legislative proceedings has come up over the last week. We have received questions about the statute and how it has been utilized in the past. Here are some frequently asked questions that we hope will provide the information you need.

### **Under what authority is the legislature enabled to administer oaths?**

RSA [14:14](#) enables the legislature to administer an oath to any person who may be examined before a committee. There is no provision of the constitution, law, or rule that requires an oath.

The source notes to RSA [14:14](#) indicate that this statute was included in the first codification of the Revised Statutes of 1842.

### **What is the custom, usage or precedent for administering an oath for testimony?**

Administering oaths is not a common practice. The only known instance of oaths being administered in recent history was during a disciplinary hearing in 2017. The oaths were only administered to the legislators who were facing accusations and possible reprimand (and not members of the public who were testifying).

It is unclear if oaths were ever a regular practice of the legislature and under what circumstances.

### **Are there other considerations that may supersede RSA [14:14](#)?**

Under House Rule 65, our sources of authority appear in the following order:

- a. *Constitutional provisions.*
- b. *Rules of the New Hampshire House.*
- c. *Custom, usage and precedent.*
- d. *Adopted parliamentary manual (Mason's Manual of Legislative Procedure, 2020 edition).*
- e. *Statutory provisions*

In our State Constitution, Part 1, Article 22 establishes free speech as fundamental to security and freedom in our State. Part 1, Article 30 also establishes free speech in the legislature as essential to the rights of the people.

There is no custom, usage or precedent for administering an oath for testimony before a House committee.

Mason's Manual of Legislative Procedure (Sec. 800, 4) states that, "Witnesses before a legislative body or its committee need not be sworn unless there is some rule or provision of law requiring it." There is no provision of the constitution, law, or rule that requires an oath.

### **If someone were to have taken an oath and was accused of lying, how would that play out?**

Although legislative proceedings are included in the statute covering perjury, there is no prosecutorial history to draw from. The General Court is not a law enforcement entity, and therefore does not enforce the criminal code.

In addition to Part 1, Article 22 and Part 1, Article 30's considerations of freedom of speech, Mason's Manual of Legislative Procedure (Sec 631) provides that, "Citizen participation in legislative proceedings is vital to ensure a fully informed and representative legislature. When acting in the narrow role of a participant in a legislative committee hearing, a witness is not limited in the scope of testimony offered, that testimony being presented in accord with the rules and practices of the legislature and its committees. Speaking to a legislature is privileged, insulating the witness from legal action."

If an opt-out procedure was in place, it would place any witness who declined at an unfair disadvantage. Their testimony could be discounted or not taken seriously simply because they chose to decline.

The New Hampshire House has a strong and sacred tradition of enabling free speech and open access to appear before our committees. It is up to us as legislators to decide what testimony we believe is credible or not.

Having to opt-out of or submit to an oath can be viewed as a hurdle that could potentially intimidate citizens and may affect their desire and right to interact with and appear before their government.

**There have been other committees with investigative duties in the House. Did they administer oaths?**

No. Most recently, the Special Committee on the Family Division of the Circuit Court was able to work with aggrieved citizens and representatives from the judicial branch without use of oaths. In 2011-2012, the Committee on Redress of Grievances conducted their business without the use of oaths.

**What are some other possible negative outcomes if oaths were administered?**

We rely on analysis from executive branch agencies on a regular basis. It is likely that these agencies would limit their appearances before the legislature to avoid any potential of being accused of perjury. This would result in delays in getting information, and/or having to correspond with agencies in writing only, which would present issues.

Advocates, both professional and volunteer, as well as ordinary citizens may think twice about exercising their right to appear before the legislature if they have to consider taking an oath / or potentially be accused of perjury. This would result in a less informed legislature.





Verification

I hereby declare, certify, and state, pursuant to the penalties of perjury under the laws of the United States of America, and by the provisions of 28 USC § 1746 that all of the above and foregoing representations are true and correct to the best of my knowledge, information, and belief.

Executed in Litchfield, New Hampshire on this 12<sup>th</sup> day of MARCH (month) in the Year of Our Lord Two Thousand and Twenty-Four.

Christopher J. Noyes  
Autograph of Affiant

Notary as JURAT CERTIFICATE

New Hampshire State }  
Grafton County }

On this 12 day of March, 2024 (date) before me,

[Redacted], a Notary Public, personally appeared

Christopher Noyes, (name of Affiant) who proved to me on the basis of satisfactory evidence to be the man whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his autograph(s) on the instrument the man executed, the instrument. I certify under PENALTY OF PERJURY under the lawful laws of New Hampshire State that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature of Notary / Jurat



Seal:

