

Subject: THE FORM OF THE CONSTITUTIONAL MAVERICK – IOWA OPEN RECORDS REQUEST – IOWA STATE GOVERNMENT BODIES – CONSOLIDATED – CM-X2 – ELIMINATION OF THE FOG OF WAR – SECTION 02 OF 05

From: cipher.hunter@phoenixharbor.net

Date: 1/12/2024, 9:38 PM

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**MEMORANDUM**

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State Auditor Rob Sand, State of Iowa
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All Iowa State Government Bodies (Consolidated)
(Electronic Service - See: Enclosure: (16.)

Info: President Joe Biden, United States of America
The White House

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Subj: THE FORM OF THE CONSTITUTIONAL MAVERICK - IOWA OPEN RECORDS REQUEST - IOWA STATE GOVERNMENT BODIES - CONSOLIDATED - CM-X2 - ELIMINATION OF THE FOG OF WAR - SECTION 02 OF 05

Ref: 1. [Iowa Code Title I State Sovereignty and Management, Chapter 22 Examination of Public Records \(Open Records\)](#)
2. [Iowa Code Title I State Sovereignty and Management, Chapter 22 Examination of Public Records \(Open Records\) - Section 22.3 - Supervision—fees](#)
3. [Iowa Code Title I State Sovereignty and Management, Chapter 22 Examination of Public Records \(Open Records\) - Section 22.8\(4.\)\(d.\) - Injunction to restrain examination](#)

4. Iowa Code Title I State Sovereignty and Management, Chapter 22 Examination of Public Records (Open Records) - Section 22.10 - Civil enforcement
5. Iowa Code Title I State Sovereignty and Management, Chapter 23 Public Access to Government Information (Iowa Public Information Board Act) - Section 23.7 - Filing of complaints with the board
6. Iowa Code Title I State Sovereignty and Management, Chapter 23 Public Access to Government Information (Iowa Public Information Board Act) - Section 23.3(1.) - Filing of complaints with the board
7. Iowa Code Title I State Sovereignty and Management, Chapter 23 Public Access to Government Information (Iowa Public Information Board Act) - Section 23.3(6.) - Filing of complaints with the board
8. Iowa Code Title XV Judicial Branch and Judicial Procedures, Chapter 659 Libel and Slander - Section 659.1 Pleading
9. Iowa Code Title XV Judicial Branch and Judicial Procedures, Chapter 659 Libel and Slander - Section 659.2 Libel — retraction — actual damages.
10. Iowa Code Title XV Judicial Branch and Judicial Procedures, Chapter 659 Libel and Slander - Section 659.3 Retraction — actual, special, and exemplary damages.
11. Title XVI – Criminal Law and Procedure – Iowa Code Chapter 708 – Assault – Iowa Code Section 708.7 – Harassment
12. Iowa Rules of the Court Chapter 32:8.4
13. “About the Iowa Public Information Board.” *Iowa Public Information Board*, 25 July 2023, ipib.iowa.gov/about-ipib. Accessed 12 Jan. 2024.
14. “Legislative Committee September 15, 2023.” *Iowa Public Information Board*, 21 Sept. 2023, ipib.iowa.gov/legislative-committee-september-15-2023. Accessed 13 Jan. 2024.

Enc: 1. Neumeister, Larry, et al. “Jury Finds Trump Liable for Sexual Abuse, Awards E. Jean Carroll \$5M.” *AP News*, AP News, 10 May 2023, [apnews.com/article/trump-rape-carroll-trial-fe68259a4b98bb3947d42af9ec83d7db](https://www.apnews.com/article/trump-rape-carroll-trial-fe68259a4b98bb3947d42af9ec83d7db). Accessed 12 Jan. 2024.

2. Katarina Sostaric. “Reynolds Settles Three Lawsuits Accusing Her of Violating Iowa’s Public Records Law.” *Iowa Public Radio*, Iowa Public Radio, 21 June 2023, www.iowapublicradio.org/state-government-news/2023-06-21/reynolds-settles-three-lawsuits-accusing-her-of-violating-iowas-public-records-law. Accessed 12 Jan. 2024.

3. Blake, Aaron. “Judge Clarifies: Yes, Trump Was Found to Have Raped E. Jean Carroll.” *Washington Post*, The Washington Post, 19 July 2023, www.washingtonpost.com/politics/2023/07/19/trump-carroll-judge-rape/. Accessed 12 Jan. 2024.

4. Clark Kauffman, Iowa Capital Dispatch September 15. “Proposed Bill Would Block ‘vexatious’ Citizens from Accessing Public Records.” Iowa Capital Dispatch, 15 Sept. 2023, iowacapitaldispatch.com/2023/09/15/proposed-bill-would-block-vexatious-citizens-from-accessing-public-records/

5. Clark Kauffman, Iowa Capital Dispatch September 22. “How One Man’s Actions Led to Proposed New Limits on Public-Records Access.” Iowa Capital Dispatch, 23 Sept. 2023, iowacapitaldispatch.com/2023/09/22/how-one-mans-actions-led-to-proposed-new-limits-on-public-records-access/

6. Kauffman, Clark. “Persistent Newton Requester Inspires Proposal That Could Limit Iowa Public Records Access.” *The Des Moines Register*, Iowa Capital Dispatch, 25 Sept. 2023, www.desmoinesregister.com/story/news/2023/09/25/iowa-public-records-access-could-be-restricted-in-reaction-to-one-man/70936174007/.

7. SISAK, MICHAEL R. "Judge Rules Donald Trump Defrauded Banks and Insurers While Building Real Estate Empire." *AP News*, AP News, 26 Sept. 2023, apnews.com/article/donald-trump-letitia-james-fraud-lawsuit-1569245a9284427117b8d3ba5da74249. Accessed 12 Jan. 2024.
8. [The Form of the Iowa Class Battleship and the Sea of Tyranny Manifested By Iowa's Alleged Information Concealment Board](#), 29 SEP 2023
9. [The Form of the Iowa Class Veteran](#), 07 OCT 2023
10. Pfannenstiel, Brianne. "Donald Trump Nabs High-Profile Caucus Endorsement from Iowa Attorney General Brenna Bird." *The Des Moines Register*, Des Moines Register, 16 Oct. 2023, www.desmoinesregister.com/story/news/elections/presidential/caucus/2023/10/16/donald-trump-high-profile-iowa-caucus-endorsement-brenna-bird-iowa-attorney-general-2024-election/71204913007/. Accessed 12 Jan. 2024.
11. [The Final Deployment, The Race Between Good and Evil](#), 21 NOV 2023
12. [Lions, Tigers, Vexatious Records Requesters Oh My!](#), 06 DEC 2023
13. [Declaration and Response to Iowa Civil Rights Commission Correspondence](#), 13 DEC 2023
14. Durkee, Alison. "Trump's 2024 Legal Cases: Here's When the Ex-President Will Go to Trial This Year." *Forbes*, 2 Jan. 2024, www.forbes.com/sites/alisondurkee/2024/01/02/trumps-2024-legal-cases-heres-when-the-ex-president-will-go-to-trial-this-year/. Accessed 12 Jan. 2024.
15. [The Form of the Constitutional Maverick – Iowa Open Records Request – Iowa Public Information Board – 1797 – CM-X2 – Elimination of the Fog of War – Section 01 of 05](#)
16. [12 JAN 2023 - Iowa State Government Body Public Record Request Inventory](#)

1. Navigating the Strait of Hormuz

Iowa Public Information Board Executive Director Eckley is documented in reference (4.) communicating the following:

"We've had some issues with individuals filing hundreds of requests and engaging in abuse – what many would consider abusive and harassing conduct related to those," Eckley told the committee. "And so looking at it there's not a lot that individuals can do if they're in that situation. There's very little that they can do other than to continue to just take the harassment and continue to have to review the information from that individual to make sure they are complying with their (Open Records Law) requirements."

Clark Kauffman, Iowa Capital Dispatch September 15. "Proposed Bill Would Block 'vexatious' Citizens from Accessing Public Records." Iowa Capital Dispatch, 15 Sept. 2023, iowacapitaldispatch.com/2023/09/15/proposed-bill-would-block-vexatious-citizens-from-accessing-public-records/.

"She added that she has "become aware of an individual basically automating across all counties, all school boards, all cities, and such, seeking extensive records and then the communications after that can be quite abusive and harassing."

Clark Kauffman, Iowa Capital Dispatch September 15. "Proposed Bill Would Block 'vexatious' Citizens from Accessing Public Records." Iowa Capital Dispatch, 15 Sept. 2023, iowacapitaldispatch.com/2023/09/15/proposed-bill-would-block-vexatious-citizens-from-accessing-public-records/.

2. Records Requested

(a.) Any public records showing a criminal complaint against the originator of this correspondence

regarding the allegations of criminal conduct the Iowa Public Information Board Executive Director Erica Eckley communicated to the Iowa Press leading to the publishing of Enclosures (4.), (5.) and (6.)

(b.) Electronic mail, including attachments stored and preserved by the State of Iowa, including the name "Merritt," not including public records produced or transmitted by the originator of this request.

(c.) Electronic mail, including attachments stored and preserved by the State of Iowa, including the word "[vexatious](#)," not including public records produced or transmitted by the originator of this request.

(d.) Electronic mail, including attachments stored and preserved by the State of Iowa, including the electronic mail address erika.eckley@iowa.gov as the originator or recipient of an electronic mail public record during the calendar year 2023, not including public records produced or transmitted by the originator of this request.

(e.) Electronic mail, including attachments stored and preserved by the State of Iowa, including the electronic mail address brett.toresdahl@iowa.gov as the originator or recipient of an electronic mail public record during the calendar year 2023, not including public records produced or transmitted by the originator of this request.

(f.) Electronic mail, including attachments stored and preserved by the State of Iowa, including the electronic mail address daniel.strawhun@iowa.gov as the originator or recipient of an electronic mail public record during the calendar year 2023, not including public records produced or transmitted by the originator of this request.

3. Request Guidance

(a.) The originator requests to be informed of any estimated fees in accordance with Iowa Code Section 22.3 before performing the requested search.

(b.) The desired format of requested data: Thumb drive (at the government body published rate) or electronically submitted portable document formatted (PDF) files.

(c.) Distribution of Requested Records: Priority United States Postal Service (USPS) mail or electronic mail sent to the originator of this request.

4. The Form of the Iowa Public Information Board

The form of the Iowa Public Information Board is displayed by the evidence that shows that upon receipt of evidence showing Iowa government body behavior against an Iowa public records requester consistent with the requirements of [Iowa Code Section 708.7\(1\)\(a\)\(4\)](#) the Iowa Public Information Board did nothing to protect the rights of citizens. On the contrary, the Iowa Public Information Board utilized tax dollars to produce a proposed addition to Iowa Code Chapter 23, allowing it to terminate citizens' rights to request public records "*for a specified period of time, but not to exceed one year,*" ([See: Reference \(14.\) Proposed Iowa Code Section 23.8A\(f\)](#)) At the same time, the Iowa Public Information Board spread a false criminal allegation supported by zero evidence against that public records requester ([See: Enclosures \(4.\), \(5.\) and \(6.\)](#)) to fuel and justify this proposed legislation while protecting government bodies from accountability regarding evidence of their abuse of power and

hostility toward an Iowa public records requester regarding requested public records evidence indicates these government bodies desired not to release (**Note:** [Section 9 of Article 1 of the Constitution of the State of Iowa](#) states: "*Right of trial by jury—due process of law. The right of trial by jury shall remain inviolate; but the general assembly may authorize trial by a jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.*")

Ultimately, this behavior manifested by the Iowa Public Information Board is the responsibility of Iowa Governor Kim Reynolds and the Iowa Legislature as articulated in [Iowa Code Sections 23.3\(1.\)](#).

"An Iowa public information board is created consisting of nine members appointed by the governor, subject to confirmation by the senate. No more than three members appointed shall be representatives from the media including newspapers and no more than three members appointed shall be representatives of cities, counties, and other political subdivisions of the state."

Iowa Code Title I State Sovereignty and Management, Chapter 23 Public Access to Government Information (Iowa Public Information Board Act) - Section 23.3(1.) - Board appointed —executive director.

Evidence showing that Iowa Public Information Board Executive Director Erika Eckley's actions, selection, and continued appointment are the responsibility of the Iowa Public Information Board is shown in [Iowa Code Section 23.3\(6.\)](#).

"The board shall select one of its members to serve as chairperson and shall employ a person who shall be an attorney admitted to practice law before the courts of this state to serve as the executive director of the board."

Iowa Code Title I State Sovereignty and Management, Chapter 23 Public Access to Government Information (Iowa Public Information Board Act) - Section 23.3(6.) - Board appointed —executive director.

Ultimately, as evidence indicates, this behavior is to be expected in a state whose governor has faced civil court action regarding failure to provide public records and an attorney general who has endorsed a candidate for President of the United States of America who is currently involved in multiple criminal and civil court cases across various states (**See:** [Enclosure \(2.\)](#) and [\(10.\)](#)).

Tyranny and corruption will reign in a state whose leadership manifests evidence of or endorses lawlessness. At the same time, under this form of leadership, citizens will be abandoned in a fog of deceit, with every concealed public record and every banned book.



20 JUL 2023 Iowa Public Information Board Meeting

Michael J. Merritt: *“How can we trust the copied and pasted words of attorneys that your Executive Director puts on her dismissals when the evidence shows that those people, including City Attorney Brick on the intercom, are documented liars? If I harassed or threatened the City of Newton, I know that is aggressive language, and I apologize, but I have been pretty brutally attacked, and I have done nothing wrong to anybody, and I don’t appreciate it.”*

Iowa Public Information Board Chairman: *“The only cases that we can discuss are ones that involve Chapter 21 and Chapter 22.”*

Michael J. Merritt: *“I understand that Ma’am, I understand that, but the problem here is, is that you are basing a dismissal off of testimony that the evidence shows is people that are not speaking testimony that is supported by evidence. You are documenting your dismissal based on the words of people that evidence shows use manipulative and evolving language to produce a dialog and sum that will correlate to produce the sum that they are after, and it does not matter to me what this board does dismissal or otherwise the truth always perpetuates itself and as I have no children anymore to invest my life in I have plenty of time to investigate this board’s failure to properly protect citizens rights in accordance with Iowa Code Chapter 22, and I respectfully submit that is what my intention is to do.”*

Note: Chest cam device watermarked incorrect date/time.

Iowa Public Information Board

[Dan Breitbarth, Des Moines - Government Representative](#)

[Joan Corbin, Pella - Government Representative](#)

[E. J. Giovannetti, Urbandale - Public Representative](#)

[Barry Lindahl, Dubuque - Government Representative](#)

Joel McCrea, Pleasant Hill - Media Representative
Monica McHugh, Zwingle - Public Representative
Julie Pottorff, Des Moines - Public Representative
Jackie Schmillen, Urbandale - Media Representative
vacant - Public Representative

Iowa Public Information Board Executive Director Erika Eckley, J.D., M.P.A.
Iowa Public Information Board Deputy Director Brett J. Toresdahl
Iowa Public Information Board Legal Counsel Daniel Strawhun, J.D.

<https://phoenixharbor.net/iw/blog/2023/04/16/the-form-of-the-fascist-star/>

5. Conclusion

The originator of this record request directs the State of Iowa to either file a criminal complaint against the originator of this request with the respective law enforcement agency or bring a notarized apology and a corrected press release to the February 2024 Iowa Public Information Board Meeting.

The State of Iowa is respectfully requested to present its handcuffs or clear a flight path in accordance with the US and Iowa Codes.

6. The Form of the Constitutional Maverick

An independent force fueled by theological beliefs, philosophical ethics, and inner pain that can only exist while pushing the envelope and raising the bar in accordance with our laws. A force that cannot rest and is only satisfied once the people have been provided a view of the truth and what is possible when we work together.

Leadership is a paradigm that fearlessly paves a path only to the truth and a world that provides freedom and equality for all, regardless of adversity or calculated personal loss that stands in its path.

The closer this watch brings me to this world's nails, the more my soul is filled with passion for raising my ship's sail.

Shipmate: *"Merritt, the State of Iowa will file criminal charges against you if you don't halt your state-wide public records work. You know what will happen to you if you continue this work."*

Cipher Hunter: *"I know what happens to everyone else if I don't."*

<https://youtu.be/ql2oHbGsG1Y?si=ZwmFoEQRqK7PEfQI>

"Then one of them, named Caiaphas, who was high priest that year, spoke up, "You know nothing at all! You do not realize that it is better for you that one man die for the people than that the whole nation perish."

John 11:49-50, Holy Bible New International Version

Respectfully,

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"Lies and misrepresentations pay for the Iowa Legislature's bills in Erika's mErika."

Cipher Hunter

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