

THE FREEMAN ON THE LAND MOVEMENT: GRASS ROOTS LIBERTARIANISM IN ACTION

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Introduction

Those of us who hold that libertarianism is a process that rests upon a series of logical and connected principles would hold that these principles are capable of discovery by any who choose to look for them. The developments in English law during the post-1997 era have placed an increasing regulatory burden upon the citizen which has been perceived by a number of people as unjust, petty and politically motivated. In that situation, it is unsurprising that some people have sought to exercise a degree of independence from the state, and that in the course of establishing the means by which such independence may be brought about, they have re-examined the relationship between the state and the individual in law. Their resulting movement is of profound interest to all concerned with the future development of libertarian ideas in England.

The Freeman on the Land Movement

Although we refer to the Freeman on the Land movement, in as much as this is a single movement, it is by nature amorphous and decentralized. As an outsider looks upon this movement, its co-ordination is primarily online through websites, forums and online radio, although there have also been public meetings, talks and the formation of local groups. One of the principal websites that acts as a rallying-point is The Peoples United Community¹ which features the work of John Harris, a pioneer in the movement. The website Lawful Rebellion² takes as its motto “Stand for What is Right”. Other activity has taken place on the website forums of David Icke,³ where it has attracted those who are less interested in Icke’s esoteric teachings and more concerned with his strong anti-government and anti-authoritarian position. Activist and commentator Raymond St Clair⁴ is also a vocal and prominent proponent of the Freeman philosophy whilst Ben Lowrey⁵ used his website to document his own “sovereignty and freedom education adventure”.

Some trace the origins of this movement to the American Freedom School⁶ website and the work of Robert Arthur Menard,⁷ which provides evidence that these ideas have some degree of international applicability at least so far as common law jurisdictions such as the United States and Canada are concerned. A World Freeman Society⁸ exists and invites its members to “claim their rights as a Freeman on the Land”. There are many other examples of groups and individuals involved in the movement who maintain a presence on the internet.

If it is possible to generalize about such a group so far as our own country is concerned, we might say that it appears to consist primarily of working-class people who feel themselves disenfranchised from the political establishment as a

whole. A summary would be “ordinary people who have had enough.” Specifically, they have had enough of what they perceive as the abuse of authority; common complaints concern council tax contributions, the faceless and legally aggressive behaviour of large corporations, the perceived use of civil penalties such as parking fines to raise revenue for councils and private operators, and other issues ranging from civil debt recovery to television licensing. It follows that many have found themselves at the sharp end of such matters, and that just as there are individuals who believe themselves to be genuinely wronged, there are also those who are seeking to subvert the legal system for a variety of other, sometimes morally dubious, purposes.

Discussion is practical in nature, resting principally on problems, solutions and strategy, without moving into the meta-political or philosophical arenas. The word “libertarian” does not feature in these discussions, nor is there any present connexion with libertarian organizations.

The online nature of the movement makes it difficult to give an estimate of its size. However, it would appear on a rough estimate to consist of many hundreds if not a few thousand people who have at some point or other expressed an active interest in its activities. There is a strong impression that the movement is growing in numbers and strength as more people become aware of it.

Principles of the Freeman on the Land movement

There is some debate within the movement on exactly how its principles are established and operate, and to a certain extent they are constantly evolving both on the basis of research into the law and in the light of the practical application of these maxims. However, there seems to be general agreement on the following:

1. The common law of England and Wales is universally applicable to those people (natural persons) within that jurisdiction. A natural person is endowed with a number of inalienable, God-given rights. That natural person is referred to as a Freeman on the Land.
2. By contrast, civil or statute law, the majority of which is considerably more recent in origin, is not universally applicable but instead, because of its commercial basis (in the law of the sea), rests upon a contract between two parties, the first party being the state, and the second party being the legal fiction representing a given individual.
3. The instrument that is held to represent a given individual entering into such a contract with the state is a birth certificate.
4. The validity of such a contract is questionable because the contract as represented by a birth certificate is entered into between a minor (who cannot validly contract) and

the state, and because consent is therefore assumed rather than established.

5. It follows that if the contract is deemed void, it may be possible to separate the natural person (common law) from the legal fiction (civil law). As a result, whereas the birth certificate (as a piece of paper) is evidence of the legal fiction contracting with the state, that birth certificate is not the same as the natural person represented by the living individual.

Freemen make a distinction between the name of their legal fiction (John Smith) and their natural name (which may take many forms, but is usually expressed as “John: as commonly called of the family Smith”, “John: Smith” or similar.) They refer to the legal fiction as a “straw man”⁹ and maintain that it is possible for the natural person to control the straw man as a legal fiction for the purposes of contracting with third parties, without at any point entering into liability on behalf of the natural person.

In addition, it is proposed by some that it is possible to obtain documentary evidence of this separation between natural person and legal fiction by completing and serving a series of sworn affidavits upon the Queen. The first of these provides, *inter alia*, that the Queen¹⁰ has been unlawfully and falsely induced to give unlawful effect to legislation that has violated and continues to violate the Common Law, with the implication that the security and safety of the individual under the laws that are his or her inalienable birthright (under Common Law) are now threatened without prospect of redress, and that unless the Queen should dismiss the House of Commons and provide redress, then he or she will withhold all allegiance and obedience to the Crown and its representatives. A forty day period is provided for the Queen to act in the manner proposed. On the assumption that she does not, a second affidavit to be delivered after the forty days confirms the statements of the first and declares the person concerned to be subject solely to the Common Law.

An alternative proposal on similar lines involves serving a sworn affidavit to the Prime Minister¹¹ that establishes the position of the individual as a Freeman and invites the Prime Minister to respond in rebuttal of the points made. On this not being done, a notarized Notice of Fault and Opportunity to Cure is sent, followed in the event of further non-response by a notarized Notice of Default. This last default statement is held to be a “bona fide lawfully binding agreement/contract” between the individual and the government that can then be produced to other public authorities in evidence of the same.

A number of legal sources are cited by Freemen in support of their position, including such documents as the *Charter of Liberties* of 1100, *Magna Carta* (1215, 1297), the *Treason Act 1351*, the *Declaration of Rights and Bill of Rights 1689*, the *Parliament Act 1911*, the *National Insurance Act 1922* and the *Gold Standard Act 1925*.

Further, some claim that their position is strengthened by the decision of a number of divisions of government and the public services to incorporate as companies (for example, most police forces are thus incorporated). This makes the contractual relationship involved considerably clearer.

There is even some evidence to suggest that the government itself has in the past been incorporated and has functioned as a corporation.¹²

Applications of principle

The principles outlined above have provided the basis for a variety of activities. They have provided the basis for at least some successful challenges to civil proceedings, and in some cases the Freemen involved have responded in an undeniably assertive manner by serving commercial liens¹³ on those concerned.

There is some fascinating video footage of what has happened when Freemen have tested these principles in the magistrates’ courts and before police officers. A selection of these videos includes Raymond StClair being interviewed by a police officer¹⁴ and Freemen in the magistrates’ court for non-payment of council tax.¹⁵

In the videos, the police officer is confronted with a frank refusal on St Clair’s part to identify his natural person with his legal fiction.

The videoed court proceedings in each case fail at the point where the magistrates are asked to produce evidence of their authority in the form of their oath of office. Being unable to do so, the proceedings cannot continue. Attempts to remove the lay adviser who is requesting this evidence from the court likewise fail when the lay adviser explains to police officers the basis of his request and its lawfulness. The conclusion is that the magistrates leave the court and the lay adviser declares the court to have been abandoned by them.

There are several possibilities in analysing these responses. One is that the reason for success on these occasions is because the principles behind the actions concerned are deemed to be valid. The other is that these actions create such a level of confusion and disruption among the authorities that, regardless of the validity of their underlying principles, they effectively prevent the court process from taking place, or place it under an intolerable strain in respect of time and resources. Both possibilities achieve the desired end of those concerned in these actions, which is to nullify or substantially constrain the action against them, and indeed to make the cost of recovering any monies concerned prohibitive when compared to the expense involved.

Reactions

The nature of reaction to the propounding of these principles has been interesting. There has been a number of flat denials that these principles have any applicability, and that the Freeman on the Land concept is mere wishful thinking based on archaic legal precedents that have been in some way superseded, and indeed there are detailed matters concerning the primacy of statute law over common law that merit a deeper consideration than this essay can offer. However, in a move guaranteed to inflame the conspiracy theorists among the movement, these denials tend to take the form of a sweeping statement rather than a detailed exegesis.

It is clear that a number of those opposed to the Freeman philosophy have attempted to put it into action and have met with no success in doing so. They have become prominent detractors of the movement. Other detractors appear to have infiltrated Freeman forums with the intent to disrupt them on the grounds that these ideas are perceived as a threat to the state, whose interests they in some manner seek to protect. The attentions of this latter group are taken as evidence that the authorities are starting to take this matter seriously and recognize that it has the potential to cause them widespread difficulty.

Those promoting the Freeman philosophy are not so far as can be ascertained legally trained or qualified, and at the present time there is an interesting absence of commentary from solicitors or barristers for whom this subject should be of interest at least on a purely academic level. There are further reports that notaries public are becoming reluctant to co-operate in the affidavit processes referred to above. This may suggest that the raising of these issues has implications for the relationship between the state and the legal profession, which has become explicitly closer in recent years.¹⁶

One aspect which is central to all of this is that seeking to use the courts, which are instruments of the state, to act against the interests of the state in any challenge to statute law is in essence to misunderstand the nature of state power. The law is not a neutral entity, but the means of maintaining the balance of the relationship between the state and the people in favour of the state. As such, it is more than likely that the state will act swiftly to close any perceived legal loophole that is being exploited against its interests, and that future attempts to establish common law jurisdiction in a magistrates' court will simply be refused outright and judgement given in default, as if the defendant had not been present.

The real impact of the Freeman movement is likely to come not from any arcane legal discovery but from a systematic peaceful protest by the public against what is perceived as the unjust abuse of the civil law. Were the disruption to the courts already engendered by this movement to be repeated on a larger and more widespread scale, it would likely cause the breakdown of civil law on the basis that the consent underlying that jurisdiction had in effect been withdrawn by a significant proportion of those involved, and that obtaining a judgement against a defendant could no longer be regarded as generally enforceable or affordable. Without a single unlawful act being committed, those people concerned would have had a potentially far-reaching effect on our nation's legal development whose consequences cannot at present be foreseen.

Conclusion

Although the issue of whether these principles have a firm basis in law is of considerable interest, it is, as we have said, not the sole or even the most important aspect of the Freeman movement. The key to the importance of that movement lies in the assertion of the sovereignty of the individual, the opposition to the bureaucratic state, and the willingness through lawful and peaceful means to disrupt the operations of that state where they are perceived to transgress upon the inalienable rights of the individual. That disruption to the

system of civil law has the potential to effect fundamental change in the basis of the relationship between the state and the individual.

All of these aspects are likely to be welcomed by many declared libertarians, just as they have been by the many people interested in the Freeman movement who have discovered the principles of liberty for themselves.

Disclaimer

Nothing in this paper is intended as legal advice for any person or situation, nor is it intended as an endorsement of any of the individuals featured therein.

Notes

- (1) The Peoples United Community website, 2010, retrieved 28th November 2010, www.tpuc.org.
- (2) Lawful Rebellion website, 2010, retrieved 28th November 2010, www.lawfulrebellion.org.
- (3) David Icke website forum, 2010, retrieved 28th November 2010, <http://www.davidicke.com/forum/forumdisplay.php?f=60>.
- (4) Raymond StClair website, 2010, retrieved 28th November 2010, www.raymondstclair.com.
- (5) Ben Lowrey website, 2010, retrieved 28th November 2010, www.benlowrey.com.
- (6) Freedom School website, 2010, retrieved 28th November 2010, www.freedom-school.com.
- (7) Think Free website, 2010, retrieved 28th November 2010, <http://thinkfree.ca>.
- (8) World Freeman Society website, 2010, retrieved 30th November 2010, <http://worldfreemansociety.org>.
- (9) Your Strawman website, 2010, retrieved 28th November 2010, www.yourstrawman.com.
- (10) 'Steps for sending off your Affidavit', The Peoples United Community website, 2010, retrieved 28th November 2010, www.tpuc.org/node/257.
- (11) 'Get 'government' to lawfully agree you're not a person subject to Acts', Lawful Rebellion website, 2010, retrieved 28th November 2010, <http://tinyurl.com/37u4m3r>.
- (12) See <http://tinyurl.com/2edn2a3> (retrieved 28th November 2010) at The Peoples United Community website in which, in response to a Freedom of Information Act request, HM Treasury states (18th March 2010) that "The United Kingdom is not a corporation. There was a United Kingdom corporation during the second world war, but it is no longer operational." See also 'Birth tracking bond', What Do They Know website, February 2010, retrieved 28th November 2010, <http://tinyurl.com/26qdht6>.
- (13) 'Commercial Liens', Ben Lowrey website, 22nd July 2010, retrieved 28th November 2010, <http://www.benlowrey.com/drupal/node/94>. See also 'Winston Shrout's Lien Process', Ben Lowrey website, 23rd September 2010, retrieved 28th November 2010, <http://www.benlowrey.com/drupal/node/185>.
- (14) Part 1: <http://www.youtube.com/watch?v=KwWEK3eAgO0>; Part 2: <http://www.youtube.com/watch?v=aqS790FIF3U> and Part 3: <http://www.youtube.com/watch?v=0SAgofVHbd4>; all retrieved 30th November 2010.
- (15) Video 1: <http://www.youtube.com/watch?v=uU7G6XIMt2Q>; and Video 2, Part 1: http://www.youtube.com/watch?v=SWb_89i6vmk and Video 2, Part 2: http://www.youtube.com/watch?v=PGK_Lb84WhA; all retrieved 30th November 2010.
- (16) See in particular Sections 9 and 10 at 'Solicitors' Code of Conduct 2007: Rule 4: Confidentiality and disclosure', Solicitors Regulation Authority website, 2010, retrieved 30th November 2010, <http://www.sra.org.uk/rule4>.