

| Nonsense or loophole?

The Occupy London protests saw prominent roles being played by self-styled 'Freemen on the land' – a set of beliefs described, depending on the source, as a credible method of opting out of being governed, or "pseudolegal woo".

'Freemen on the land' believe they can declare themselves independent of government jurisdiction on the grounds that all statute law is contractual, and only applicable if an individual consents to be governed by it. They believe the only "true" law is their own definition of common law.

History

The "Freeman on the land" movement can be traced back to various US-based groups in the 1970s and 1980s onwards. It reached the UK some time around the start of the new Millennium, with the actual term "Freeman on the land" first appearing around 2008.

Common law and the 'legal person'

Freemen believe that individuals can choose to opt out of statutory law on the basis that it is a contract, living instead under 'common' (case) and 'natural' laws. Natural laws, in this sense, require only that individuals do not harm other human beings, damage the property of others, or use "fraud or mischief" in contracts.

They maintain that everyone has two strands to their existence: their flesh and blood body, and their legal 'person', represented by (and to some freeman, actually limited to) their birth certificate.

The 'strawman' is created when a birth certificate is filed, and is the entity which is subject to statutory law. Their physical self is referred to by a slightly different name, for example "John of the family Smith".

The law of the sea

Many FOTL beliefs centre on Admiralty or Maritime law – which they claim governs the world of commerce. The reasons are baffling, but may stem from misunderstanding nautical-sounding words in common usage – for example, ownership and citizenship, dock, or birth (berth) certificate.



*The Occupy London protest at St Paul's Cathedral
Source: Neil Cummings via Flickr*

Freemen will take this further by using further nautical terms, referring to the court as a "ship", its occupants as "passengers" and claiming that anyone leaving are "men overboard".

Freemen will try to claim common law (rather than admiralty law) jurisdiction by asking "do you have a claim against me?", which supposedly removes their consent to be governed by admiralty law and turns the court into a common law court, forcing the court to proceed according to their version of common law. (NB: This has never worked.)

Freemen do not accept legal representation, as to do so might entail contracting with the state.

Freemen believe that the UK and Canada are now operating in bankruptcy and are therefore under admiralty law. Since the abolition of the gold standard in 1917, UK currency is now backed not by gold but rather by the people, or rather the legal fiction of their persons. →

→ They describe persons as creditors of the UK corporation.

Courts are thus seen as being a place of business, making a summons an invitation to discuss the matter at hand, without any powers to compel attendance or compliance.

Contracts and statutes

Freemen believe that the government has to establish what they refer to as joinder to link yourself and your legal person. If you are asked whether you are “John Smith” and you confirm that you are, then you are establishing joinder. You have connected your physical and human persons.

The next step is to obtain consent. Statutes are seen as invitations to enter a contract, which are only legally enforceable if one enters into the contract consensually. If one does not enter in to a contract then statute laws are not applicable. Freemen believe that the government is therefore constantly trying to trick people into entering into a contract with them. They often return bills, notices, summons and so on with the message “No contract — return to sender”.

Notice of understanding and intent and claim of right

A notice of understanding and intent and claim of right is a document freemen use in an attempt to declare sovereignty. They will sign such a document, sometimes with a notary, and then send it to the Queen and sometimes various other figures such as the Prime Minister and police chiefs.

It usually consists of a series of lines beginning “Whereas it is my understanding” followed by a series of lines giving their (highly individual) interpretation of the law and their

understanding that they do not consent to it.

FOTL in court: not a success story

Given that FOTL beliefs are based largely on misunderstandings or wishful thinking, they do not stand up well to legal scrutiny.

Gavin Kaylhem, of Grimsby, received a 30-day sentence for willfully refusing to pay his council tax. He had claimed he had no contractual obligation to pay under Common Law because he was a “freeman”.

He also refused to co-operate with magistrates' questions.

Elizabeth Watson, self-styled ‘legal adviser’ in the 2011 Vicky Haigh child custody case, received a nine-month suspended sentence for contempt of court. She had used FOTL techniques including writing ‘no contract’ on court documents, denying the lawful authority of the proceedings, and using the ‘of the ... family’ style when referring to Ms Haigh and herself.

Norfolk odd-job man Mark Bond, AKA Mark of the Family Bond, was arrested for non-payment of council tax in 2010 – despite handing police a notice of intent stating that he was no longer a UK citizen. He told police that the notice had already been handed to the Queen and prime minister David Cameron.

He told his local paper: “Today I asked the judge to walk into the court under common law and not commercial law. If I had entered under commercial law it would prove that I accepted its law. I was denied my rights to go in there.”

He was handed a suspended three-month jail sentence on condition that he pay £20 a week off the debt.

Further information

General information/opinions on the Freemen on the Land movement:

http://rationalwiki.org/wiki/Freeman_on_the_land

<http://www.legalweek.com/legal-week/blog-post/2125364/freemen-dangerous-nonsense>

News stories on attempted use of the beliefs:

<http://www.wexfordpeople.ie/news/bobby-of-the-family-sludds-may-be-jailed-2878029.html>

http://www.eveningnews24.co.uk/news/norfolk_tax_dodger_arrested_after_writing_to_queen_1_745681